

1975 WL 29709 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
April 14, 1975

***1 In Re: Fraudulent Checks, Arrest Warrants, probable cause.**

Honorable Tom G. Mangum
Main Street
Lancaster, South Carolina

Dear Mr. Mangum:

With reference to your conversation of last week with Mr. McLeod, I am enclosing a sample arrest warrant for use in fraudulent check cases that sets forth the prerequisites of presentation of the check to the bank within ten days after receipt, and written notice to the defendant and the bank ten days before the initiation of criminal prosecution.

I believe that a warrant drawn substantially as this sample is drawn should furnish sufficient probable cause upon which to issue an arrest warrant.

Sincerely,

Joseph C. Coleman
Deputy Attorney General

ATTACHMENT

The State of South Carolina COUNTY OF LANCASTER} WARRANT

By Magistrate in and for Said County and the Said State.

To any Lawful Constable:

WHEREAS, Complaint upon oath has been made by _____ that at _____ in the County and State aforesaid, on _____ one

JOHN PAPERHANGER

did violate provisions of Section 8-176, 1962 Code of Laws of South Carolina, as amended, as is set forth in more detail in the attached affidavit;

THESE ARE THEREFORE to command you to apprehend the said Defendant and bring before me, to be dealt with according to law.

Given under my Hand and Seal, this ___ day of _____ one thousand nine hundred and _____

_____ (L.S.)

Magistrate.

The State of South Carolina COUNTY OF RICHLAND} AFFIDAVIT

PERSONALLY appeared before me, _____ a Magistrate of the said County and the said State who, being duly sworn, says

JOHN PAPERHANGER

did in this County on or about the 1st day of January, 1892, utter in his own name to the affiant a check in the amount of fifty (\$50.00) dollars, whereas the said John Paperhanger did not have sufficient funds on deposit with the bank on which such check was drawn to pay the same on presentation, which presentation was made within ten days after receipt by the affiant; and, further, that the affiant did give the said John Paperhanger written notice of the nonpayment of such check by mailing such notice to him at his last known address on the 10th day of January, 1892; more than ten days before the date of this affidavit, with a copy of such notice to the bank on which the check was drawn; and that the said Sworn to and Subscribed Before Me.

This ___ day of _____, _____.

_____ (L.S.)

Magistrate

John Paperhanger has failed to pay the amount of such check.

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