

1974 S.C. Op. Atty. Gen. 37 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3690, 1974 WL 21209

Office of the Attorney General

State of South Carolina

Opinion No. 3690

January 11, 1974

**\*1 uIn Re: Search and Seizure; Evidence Obtained by Voluntary Search**

Honorable Norman E. Fogle  
Solicitor  
First Judicial Circuit  
Post Office Box 1525  
Orangeburg, South Carolina 29115

Dear Mr. Fogle:

You have inquired as to the validity of searches of the persons of patrons of night clubs made by agents of the club owners as a condition of entry into the clubs. Such patrons submit voluntarily to such searches.

Any person capable of giving voluntary consent may agree to the search of his person, and, the search being lawful, any evidence obtained by the search [such as a pistol] may be used in court against that person.

When free and voluntary consent to the search has been obtained, it makes no difference whether the search is conducted by a law enforcement officer or a private individual.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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