

G 7461
S. E 93
975/5/27
75-8

S. C. STATE ARCHIVE
JUN 17 1976

May 27
Magistrates'
Courts
Guidelines

STATE DOCUMENTS

STATE OF SOUTH CAROLINA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER 75-8

WHEREAS, it has been made to appear to my satisfaction that the trial of criminal cases in the various Magistrates' courts of this State have been in some instances attended by delays inconsistent with the orderly administration of justice, and

WHEREAS, it further appears that other practices by some Magistrates in the sentencing and disposition of criminal cases are inconsistent with the Constitution and Laws of the State of South Carolina and also have a detrimental effect upon the orderly administration of justice, NOW, THEREFORE,

PURSUANT TO THE CONSTITUTION, STATUTES AND LAWS OF THE STATE OF SOUTH CAROLINA, and in order to provide to the Magistrates of the State of South Carolina guidelines for the speedy, orderly and efficient administration of criminal justice in their courts, I do hereby order and direct:

1. That each Magistrate of this State will try or otherwise dispose of all criminal cases within his jurisdiction within sixty (60) days of the date of arrest in each case, and will report to the Office of the South Carolina Court Administrator any case not tried or otherwise disposed of within sixty (60) days, together with the reasons for such delay;

2. Each Magistrate of the State of South Carolina will assign a high priority to the trial or other disposition of criminal cases in which

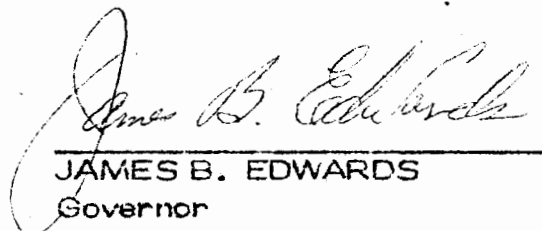
the offense charged is (a) driving under the influence of alcohol or narcotic drugs, (b) driving under suspension, (c) speeding, and (d) reckless driving:

3. Each Magistrate is reminded that the laws of this State do not permit Magistrates to suspend any portion of the fine imposed in a criminal case, and any practice to the contrary will forthwith cease:

4. Each Magistrate of the State is further reminded that, in many instances, the Statutes of South Carolina require minimum sentences to be imposed for certain offenses, and any practice of imposing sentences less than these minimums will forthwith cease:

5. Disregard of the directives and principles set forth in this Order by any Magistrate will be regarded as evidence of misconduct or neglect of duty and, as such, may be considered as grounds for removal or suspension.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE
STATE OF SOUTH CAROLINA, at Columbia, South Carolina, this
27th day of May, 1975.



JAMES B. EDWARDS
Governor

ATTEST:



C. FRANK THORNTON
Secretary of State