

**South Carolina Bench Book
for
Magistrates and Municipal Court Judges**

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A.

The South Carolina Judicial System

1. Judiciary

The judicial system of South Carolina is composed of the courts, the prosecution, and the defense components. The court system is comprised of the Supreme Court, Court of Appeals, Circuit Courts, Family Courts, the Magisterial Courts, Municipal Courts, Probate Courts, and Master-in-Equity Courts. The prosecutorial system is made up of the circuit solicitors and the Attorney General's Office. The defense component includes public defender corporations, court appointed counsel, retained counsel, and the S.C. Commission of Appellate Defense.

2. The Courts

a. The Supreme Court

The State's highest tribunal is the Supreme Court. The court has both original and appellate jurisdiction, but generally acts only in its appellate capacity which includes cases on certiorari from the Court of Appeals and seven classes of appeals directly from the circuit and family courts. The seven classes are cases involving 1) the death penalty, 2) public utility rates, 3) significant constitutional issues, 4) public bond issues, 5) election laws, 6) an order limiting the investigation by a state grand jury, and 7) an order of a family court relating to an abortion of a minor. Other appeals from the circuit and family courts are apportioned between the Supreme Court and the Court of Appeals. The Supreme Court renders decisions based on lower court transcripts, briefs, and oral arguments. In addition to hearing and deciding cases, the court also has rulemaking authority for the unified judicial system, including ethics regulations for judges and controlling admissions to and disciplining of the S.C. Bar. The Supreme Court is composed of a Chief Justice and four Associate Justices who are elected by the S.C. General Assembly for a term of ten years. The terms are staggered and a justice may be re-elected to any number of terms. (See Art. V, S.C. Constitution).

b. The Court of Appeals

Most appeals from the Circuit Court and the Family Court will be heard by the Court of Appeals (S.C. Code Ann. § 14-8-200). Exceptions are when the appeal falls within any of the seven classes listed above, or when the appeal is certified for determination by the Supreme Court.

The Court of Appeals is the judicial system's newest court, having commenced operation on September 1, 1983. It consists of a Chief Judge and nine associate judges who are elected to staggered terms of six years each. The Court sits either as three panels of three judges each or as a whole, and it may hear oral arguments and motions in any county in the State.

c. The Circuit Courts

Directly under the Supreme Court and the Court of Appeals is the Circuit Court, the State's court of general jurisdiction. It has a civil court (the Court of Common Pleas) and a criminal court (the Court of General Sessions). In addition to its general trial jurisdiction, the Circuit Court has limited appellate jurisdiction over appeals from the Probate Court,

Magistrate's Court, and Municipal Court, as well as appeals from the Administrative Law Judge Division over matters relating to state administrative and regulatory agencies. The state is divided into sixteen judicial circuits. Each circuit has at least one resident judge who maintains an office in the judge's home county within the circuit. Circuit judges serve the sixteen circuits, on a rotating basis, with court terms and assignments determined by the Chief Justice through Court Administration. Circuit Court judges are elected to staggered terms of six years.

d. Masters-In-Equity

The Masters-in-Equity are appointed by the Governor with the advice and consent of the General Assembly to a term of six years. They may serve in full or part-time capacity and are compensated by the county governing body. Masters have jurisdiction in equity matters referred to them by the Circuit Court. They have the power and authority of the Circuit Court sitting without a jury, to regulate all proceedings in every hearing before them, and to perform all acts and take all measures necessary or proper for the efficient performance of their duties under the order of reference. This includes the power to rule on all motions, require the production of evidence, and call witnesses and examine them under oath. Masters may also conduct sales under certain circumstances. There are currently 21 Masters-in-Equity. Appeals from an order or judgment entered by a master or referee "must be to the Supreme or the Court of Appeals as provided by the South Carolina Appellate Court Rules. A matter may not be referred to the master or referee for the purpose of making a report to the circuit court." S.C. Code Ann. § 14-11-85. See: Rule 53, SCRPC.

e. The Family Courts

The unified statewide family court system was established by statute in 1976. The Family Courts have exclusive jurisdiction of all matters involving domestic or family relationships. Pursuant to this provision, the Family Courts are the sole forum for the hearing of all cases concerning marriage, divorce, legal separation, custody, visitation rights, termination of parental rights, adoption, support, alimony, division of marital property, and change of name. These courts also generally have exclusive jurisdiction over minors under the age of seventeen. S.C. Code Ann. § 20-7-400 provides that the family court "shall have exclusive original jurisdiction and shall be the sole court for initiating action" concerning a child who "is alleged to have violated or attempted to violate any State or local law or municipal ordinance."

S.C. Code Ann. § 20-7-7605 provides that if, "during the pendency of a criminal or quasi-criminal charge . . . it is ascertained that the child was under the age of seventeen years at the time of committing the alleged offense, it is the duty of the circuit court immediately to transfer the case, together with all papers, documents, and testimony connected therewith, to the family court." Each summary court judge should contact the family court office in the judge's county and arrange with family court personnel such procedures as will expedite and insure the orderly transfer of juvenile cases to the family court.

While as a general proposition the family court has "exclusive" jurisdiction over a person under seventeen years of age, S.C. Code Ann. § 20-7-410 provides that,

The magistrate courts, and municipal courts, of this State have concurrent jurisdiction with the family courts for the trial of persons under seventeen years

of age charged with traffic violations or violations of the provisions of Title 50 relating to fish, game and watercraft when such courts would have jurisdiction of the offense charged if committed by an adult.

In addition, "If a child sixteen years of age or older is charged with an offense which, if committed by an adult, would be a misdemeanor, a Class E or F felony as defined in Section 16-1-20, or a felony which provides for a maximum term of imprisonment of 10 years or less," . . . the family court "... may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offense if committed by an adult." S.C. Code Ann. § 20-7-7605(4). In addition, when a "... child fourteen or fifteen years of age is charged with an offense which, if committed by an adult, would be a Class A, B, C, or D felony as defined in S.C. Code Ann. § 16-1-20 or a felony which provides for a maximum term of imprisonment of fifteen years or more," the family court "may bind over the child for proper criminal proceedings to a court which would have trial jurisdiction of the offenses if committed by an adult." S.C. Code Ann. § 20-7-7605(5). Therefore, "When jurisdiction is relinquished by the family court in favor of another court, the court shall have full authority and power to grant bail, hold a preliminary hearing and other powers as now provided by law for magistrates in such cases." S.C. Code Ann. § 20-7-7605(8). It is clear from these statutes that the normal situations in which a summary court judge would be conducting a criminal proceeding over a child would be when the child is 16 and it is so ordered by the family court, or where the child is charged with a traffic offense within the jurisdiction of the summary court judge. A summary court judge may never commit a child under seventeen (17) years of age to jail, however.

At least two family court judges are elected for staggered six year terms to each of the sixteen judicial circuits, with 52 judges who rotate primarily from county to county within their resident circuits. Occasionally they are assigned to other circuits based upon caseload requirements as directed by the Chief Justice.

f. The Magistrates' Court

There are approximately 319 magistrates in South Carolina, each serving the county for which he or she is appointed. They are appointed by the Governor upon the advice and consent of the Senate for four year terms and until their successors are appointed and qualified. (Art. V, § 26, S.C. Const., and S.C. Code Ann. § 22-1-10). Anyone seeking an initial appointment as magistrate must pass an eligibility examination before they can be recommended to the Governor by the senatorial delegation. S.C. Code Ann. § 22-2-5. Magistrates must also attend an orientation program, pass a certification examination within one year of their appointment, and attend a specified number of trials prior to conducting a trial.

Magistrates have criminal trial jurisdiction over all offenses which are subject to the penalty of a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both. (S.C. Code Ann. § 22-3-550). In addition, S.C. Code Ann. § 22-3-545 provides that magistrates may hear cases transferred from general sessions, the penalty for which does not exceed one year imprisonment or a fine of \$5,000, or both, upon petition by the solicitor and agreement by the defendant. Magistrates have civil jurisdiction when the amount in controversy does not exceed \$7,500. (S.C. Code Ann. § 22-3-10). In addition, magistrates are responsible for setting bail, conducting preliminary hearings, and issuing arrest and search warrants. Unlike circuit courts and probate courts, magistrate courts are not courts of record. Proceedings in magistrates courts are summary. (S.C. Code Ann. § 22-3-730).

g. The Municipal Courts

The council of each municipality may establish, by ordinance, a municipal court to hear and determine all cases within its jurisdiction. Such courts are part of the unified judicial system. It should be noted, however, that a municipality may, upon prior agreement with county governing body, prosecute its cases in magistrate court, in lieu of establishing its own municipal court. In addition, the council may establish, by ordinance, a municipal court, and contract with the county governing authority for the services of a magistrate to serve as its municipal judge. The Chief Justice, pursuant to his/her powers as administrative head of the unified judicial system, would, in turn, delegate authority to the Chief Summary Court Judge of the county to assign a specific magistrate as municipal judge.

Municipal courts have jurisdiction over cases arising under ordinances of the municipality, and over all offenses which are subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both, and which occur within the municipality. In addition, S.C. Code Ann. § 22-3-545 provides that municipal courts may hear cases transferred from general sessions, the penalty for which does not exceed one year imprisonment or a fine of \$5,000, or both, upon petition by the solicitor and agreement by the defendant. The powers and duties of a municipal judge are the same as those of a magistrate, with regard to criminal matters; however, municipal courts have no civil jurisdiction. The term of a municipal judge is set by the council of the municipality, but cannot exceed four years. Municipal Judges appointed on or after May 24, 2004, must be appointed for a set term of not less than two years but not more than four years. Section 14-25-15(A) states, "Each municipal judge must be appointed by the council to serve for a term set by the council of not less than two years but not more than four years and until his successor is appointed and qualified. His compensation must be fixed by the council." Approximately 200 municipalities in South Carolina have chosen to create municipal courts.

All municipal judges are required to complete a training program or pass certification or recertification examinations, or both, within one year of taking office. See S.C. Code Ann. § 14-25-15 and Rule 509, SCACR. The examination will be offered three times each year. Members of the South Carolina Bar are exempt from the examination; however, they are required to attend the orientation program.

Each municipal judge must pass a recertification examination within eight years after passing the initial certification examination and at least once every eight years thereafter.

h. The Probate Courts

Each county in South Carolina has a popularly elected probate judge who serves a four-year term. Probate courts have jurisdiction over marriage licenses, estates of deceased persons, minor settlements under \$25,000.00, guardianships of minors and incompetents and involuntary commitments to mental institutions. (S.C. Code Ann. § 14-23-1010 et seq.) They also have exclusive jurisdiction over trusts and concurrent jurisdiction with Circuit Courts over powers of attorney.

3. South Carolina Court Administration

The Office of Court Administration is the administrative arm of the Chief Justice, who is constitutionally designated as the administrative head of the unified judicial system. (Art. V, § 4 S.C.

Const.). In addition to carrying out special assignments as directed by the Chief Justice, this office collects caseload data from the state courts, makes recommendations to the Chief Justice for terms of court and assignment of judges, administers judicial education programs, monitors compliance with mandatory summary court judicial education requirements, and administers the funds for foreign language interpreters and interpreters for the deaf.

4. The Clerk of Court

Each county of South Carolina has a popularly elected Clerk of Court who serves a four-year term. Duties of the clerks extend in both civil and criminal areas: receiving criminal warrants and forwarding them to the solicitor; receiving bail; assembling trial lists; performing courtroom duties; receipt and disbursement of support payments paid through the Clerk of Court, and issuance of Rules to Show Cause to bring non-paying obligors before the Family Court; handling jury-related matters; receiving fees, fines, and costs; maintaining court records, and handling reporting requirements. In 28 of the 46 counties, the clerk serves as the register of deeds sometimes called register of mesne conveyance and thus keeps all records required by the recording statutes. All funding of clerks of court for staff, office space, and equipment is a county responsibility, with the exception of a limited state salary and support personnel supplement. (S.C. Code Ann. § 14-17-10, et seq.).

5. The Prosecution

By constitutional provision, the Attorney General is the chief prosecutor of the State. (Art. V, § 20, S.C. Const.). The Attorney General, besides acting as the State's chief prosecutor, also represents the State in civil litigation, and issues opinions regarding the interpretation of law. (S.C. Code Ann. § 1-7-10 et seq.)

Prosecution in circuit court is carried out by a circuit solicitor and the solicitor's assistant. In addition, a solicitor, if directed by the Attorney General, may represent the State in a civil proceeding.

Prosecution of misdemeanor traffic violations in the summary courts may be made by the arresting officer or a supervisory officer assisting the arresting officer. County attorneys may prosecute violations of county ordinances in magistrates courts.

6. The Defense

When a magistrate or municipal judge calls a criminal case for disposition and determines that a prison sentence is likely to be imposed following a conviction, the accused, if unable to retain counsel due to financial inability, is entitled to a court appointed attorney upon proof of indigency. (Rule 602 (a), S.C. Appellate Court Rules). The court may appoint the public defender or any other member of the local bar it designates. (Op. Att'y Gen. dated November 7, 1979). Once appointed, the attorney must represent the accused as far as the case is pursued in South Carolina's courts unless he is permitted to withdraw for good cause. (Rule 602(e)(1), SCACR). Appointed counsel's "necessary expenses" are reimbursed from a special fund established by the legislature upon application by voucher to the Office of Indigent Defense. If there is no defender corporation in a county, appointed counsel may apply to the Office of Indigent Defense for the payment of a fee. If a defender corporation has been established in a county, appointed counsel cannot apply to the Office of Indigent Defense for the payment of a fee, but must seek payment from some other source such as the defender corporation or the county. (Rule 602(f), SCACR). Presently, there are public defender corporations, some with multi-county service, established for all 46 counties with a portion of the funds for the corporations supplied by the Defense of Indigents program. Criminal indigency appeals are generally handled by the Office of Appellate Defense which operates under the direction of the

S.C. Commission of Appellate Defense.

S. C. Code Ann. § 40-5-80 allows a citizen to prosecute or defend his own cause, if he so desires. Act No. 307 of 2002, effective June 5, 2002, amended Section 40-5-80 and deleted the authority of a citizen to defend the cause of another under certain conditions.

By Order of the Supreme Court dated September 21, 1992, businesses may be represented by a non-lawyer officer, agent or employee, including attorneys licensed in other jurisdictions and those possessing Limited Certificates of Admission pursuant to Rule 405, SCACR, in civil magistrate's court proceedings. Such representation may be compensated and shall be undertaken at the business's option, and with the understanding that the business assumes the risk on any problem incurred as the result of such representation. The magistrate shall require written authorization from the entity's president, chairperson, general partner, owner or chief executive officer, or in the case of a person possessing a Limited Certificate, a copy of the certificate, before permitting such representation.

B.
The South Carolina Magistrate and Municipal Judge

1. Appointment

a. Magistrate

Article V, § 26, S.C. Const. provides that the Governor, with the advice and consent of the Senate, shall appoint a number of magistrates within each county.

S.C. Code Ann. § 22-1-10 provides that magistrates hold their office for ". . . the term of four years and until their successors are appointed and qualified."

b. Municipal Judge

S.C. Code Ann. § 14-25-15(A) of the Code provides that "Each municipal judge must be appointed by the council to serve for a term set by the council of not less than two years but not more than four years and until his successor is appointed and qualified." This applies to all municipal judges appointed on or after May 24, 2004.

2. Qualifications

a. Magistrate

A magistrate must be a qualified elector in the county in which he is to serve, and not over the age of 72. (S.C. Const., Article XVII, Section 1). A magistrate must be a citizen of the United States, a state resident for at least five years, at least 21 years old. In addition, on and after July 1, 2001, a magistrate appointed must have received a two-year associate degree. On and after July 1, 2005, a magistrate appointed must have received a four-year baccalaureate degree. S.C. Code Ann. § 22-1-10(B) S.C. Code Ann. § 22-1-10 (C) requires that all newly appointed magistrates complete a training program and pass a certification examination within one year after taking office. A magistrate who is appointed on or after July 1, 2001, and who is not an attorney licensed in this State may not preside over a case until a certificate is filed with the Clerk of the Supreme Court stating that the magistrate has observed ten trials. S.C. Code Ann. § 22-1-16 (B) provides "The required trial experiences must include the following:

- (1) four criminal cases in a magistrates court, two of which must be in a magistrates court where he will not preside;
- (2) four civil cases in a magistrates court, two of which must be in a magistrates court where he will not preside;
- (3) one criminal jury trial in circuit court; and
- (4) one civil jury trial in circuit court."

All magistrates must pass a recertification examination within eight years after passing the initial examination, and at least once every eight years thereafter. Pursuant to Rule 509, SCACR, the Board of Magistrate and Municipal Judges Certification is empowered to make rules and regulations for conducting the required training program curriculum and examinations.

b. Municipal Judge

Municipal judges are required to complete a training program and pass a certification examination. Each municipal judge is appointed by the municipal governing body to serve for a term set by the council of not less than two years but not more than four years and until his successor is appointed and qualified. Section 14-25-15 (A). Compensation is fixed by the council. All municipal judges must complete a training program or pass certification examinations, or both, within one year of taking office, and a recertification examination every eight years thereafter. The examination is offered at least three times each year. Members of the South Carolina Bar are exempt from the examination; however, they are required to attend the orientation program.

A magistrate or municipal judge need not be an attorney or have any prior legal expertise. A municipal judge need not be a resident of the municipality in which he is to serve. (S.C. Code Ann. § 14-25-25).

3. Vacancies

a. Magistrates

Vacancies are filled by the Governor with the advice and consent of the Senate. (S.C. Code Ann. § 22-1-10). If the Senate is not in session, the Governor may make a recess appointment. (S.C. Code Ann. § 1-3-210). The office is filled for the remaining portion of the unexpired term. Should the Senate fail to consent to a recess appointment at the next legislative session, the office would once again become vacant. (1964-65 Opinions of the Attorney General, No. 1931, p. 230.)

An eligibility examination to test basic skills will be administered to anyone seeking an initial appointment as a magistrate. The results of the eligibility examinations must be used by a senatorial delegation to assist in its selection of nominees to recommend to the Governor. No person is eligible to be appointed as a magistrate unless he receives a passing score on the eligibility examination. The results of the eligibility examinations are valid for six months before and six months after the time the appointment is to be made. S.C. Code Ann. § 22-2-5(A). The eligibility examination is administered by the South Carolina Technical Education System.

b. Municipal Judge

Vacancies are filled by appointment of a successor by the council of the municipality, for the unexpired term. During temporary absence, sickness, or disability of the municipal judge, court may be held by the municipal judge of another municipality, or by a practicing attorney, or by some other person with training or experience in municipal court procedure. The mayor designates the person to hold court in the temporary absence of the municipal judge, and that person must take the prescribed oath of office before entering upon the judge's duties. (S.C. Code Ann. § 14-25-25).

4. Disqualification and Discipline

a. Magistrate

A magistrate or municipal judge is a public officer. Article XVII, § 1A and Article VI, § 3, S.C. Const. prohibits a judge from holding two offices of honor or profit at the same time. For example, a magistrate may not also serve as a city treasurer, nor may a municipal

judge also serve as a city attorney since both positions involve the exercise of the Senate's sovereign power. (Op. Att'y Gen. No. 1858, dated 1964-65; Op. Att'y Gen. dated July 6, 1981). However, by Order of the Chief Justice dated June 17, 2005, a municipal judge, or a magistrate serving as a municipal judge, may simultaneously serve as a municipal judge in more than one municipality.

A magistrate or municipal judge, as a judicial officer, is subject to Rules 501 and 502, SCACR. (See Supplement to Volume 22A of the South Carolina Code). Pursuant to these rules, a summary court judge is subject to the disciplinary power of the S.C. Supreme Court for misconduct (including both judicial and non-judicial action, whether the conduct complained of occurred before or after the judge assumed judicial office), if the judge:

- 1) has been convicted of a crime involving moral turpitude; or,
- 2) violates the Code of Judicial Conduct (Rule 501); or,
- 3) persistently fails to perform his judicial duties or is persistently incompetent or neglectful in the performance of his judicial duties; or,
- 4) is habitually intemperate; or,
- 5) fails to timely issue his orders, decrees, or opinions or otherwise perform his official duties without just cause or excuse.

The suspension of a judge is not a determination of guilt or innocence, nor does it follow a determination of guilt or innocence with regard to a specific charge, allegation, or complaint. Such procedure merely prohibits a judge from performing any judicial functions until further investigation has been completed.

In addition to the disciplinary powers of the Supreme Court to reprimand, suspend, find in contempt or remove a judge guilty of misconduct, the Supreme Court has the authority to remove a judge from office for mental or physical disability. (Rules 502 and 505, SCACR).

A magistrate may be suspended or removed from office by order of the Supreme Court pursuant to its rules for incapacity, misconduct, or neglect of duty. "A magistrate's failure to retire in accordance with S.C. Code Ann. § 22-1-25 or a magistrate's failure to comply with the training and examination requirements of S.C. Code Ann. § 22-1-10(C) may subject the magistrate to suspension or removal by order of the Supreme Court. (S.C. Code Ann. § 22-1-30).

b. Municipal Judge

Same as Magistrate.

5. Retirement

a. Magistrate

The mandatory retirement date of a magistrate is the last day of the fiscal year in which he or she reaches seventy-two (72) years of age. (S.C. Code Ann. § 22-1-25). Should a magistrate fail to retire as required by S.C. Code Ann. § 22-1-25, the magistrate may be removed by order of the Supreme Court.

b. Municipal Judge

None at this time unless set out in a municipal ordinance.

6. The Code of Judicial Conduct

a. Magistrate

Rule 501, SCACR, the Code of Judicial Conduct, is found in Volume 22A of the Code of Laws. A summary court judge is explicitly subject to the requirements of this rule, and should thoroughly familiarize himself or herself with it.

To illustrate the scope of the rule, its five canons are summarized below.

Canon 1 - A judge shall uphold the integrity and independence of the judiciary.

Canon 2 - A judge shall avoid impropriety and the appearance of impropriety in all his activities.

Canon 3 - A judge shall perform the duties of his office impartially and diligently.

Canon 4 - A judge shall conduct his extra-judicial activities as to minimize the risk of conflict with his judicial obligations.

Canon 5 - A judge or judicial candidate shall refrain from inappropriate political activity.

b. Municipal Judge

Same as magistrate.

7. Fees and Costs

a. Magistrate

The fees and costs in a magistrate's court generally are set by law in numerous sections of the S.C. Code, including S.C. Code Ann. § 8-21-1000, et seq. Only those fees, costs, and assessments contained in the Code may be charged. The authority to alter these fee schedules is held solely by the S.C. General Assembly. The "home rule" legislation does not provide any county council with the authority to alter the fees charged by a magistrate. (Op. Att'y Gen. No. 4484, dated 1975-76).

Furthermore, the S.C. Supreme Court held in *State of S.C. ex rel. MeLeod v. Crowe*, 272 S.C.41, 249 S.E.2d 772 (1978), held that statutes enacted for several counties establishing different fee schedules for the magistrate courts are unconstitutional in that they conflict with the uniformity requirements of Article V of the S.C. Constitution. Therefore, individual counties may not create fees, costs, or assessments unless prescribed by State law. Each year, the Office of South Carolina Court Administration issues a memorandum listing all fees, costs, and assessments prescribed by State law. All fees and assessments prescribed by law apply to county ordinances, whether written on an arrest warrant, uniform traffic ticket, or county ordinance summons. All courts should be in compliance with the memorandum, which is available on the Judicial Department website.

It is unlawful for any salaried magistrate to receive any compensation for his services in criminal cases other than the judge's salary. (S.C. Code Ann. § 22-7-40). A violation of this statute is a misdemeanor punishable by a fine of not less than \$50 nor more than \$200 or by imprisonment of not less than 30 days nor more than 6 months, or both.

Additionally, the Court, in McLeod, supra, held that magistrates may no longer retain as their compensation any fee charged by them for the performance of any judicial act, regardless of whether the action involved is criminal or civil in nature. Also, S.C. Code Ann. § 8-21-1000 provides that all fees and costs collected under Chapter 21, Article 9, of Title 8 must be paid into the general fund of the county. Therefore, all fees collected by magistrates for the performance of their judicial acts must be regularly transmitted to their respective counties.

b. Municipal Judge

The general principles of fees and costs discussed in reference to magistrates are applicable to municipal judges. Municipalities may not charge fees, costs, or assessments unless prescribed by State law and contained in the fees and assessments memorandum issued annually by South Carolina Court Administration. All fees and assessments prescribed by law apply to municipal ordinances, whether written on an arrest warrant, uniform traffic ticket, or municipal ordinance summons. Compensation for municipal judges is fixed by the city council and receipt of other revenues would be improper. (See S.C. Code Ann. § 14-25-15).

8. Bonds

a. Magistrate

S.C. Code Ann. § 22-1-150, provides,

No person shall be commissioned, nor shall he continue to hold office or be qualified to discharge the duties and exercise the powers of magistrate, until he enters into and files, in the office of the clerk of court of the county in which he is to serve, bond to the State in a sum specified by the governing body of such county. The bond shall not be less than twenty-five percent of the collections for the previous year reported to the county treasurer as required by S.C. Code Ann. § 22-1-90; provided, however, that if collections for the previous year did not exceed a total of two thousand dollars, the county governing body in its discretion shall be authorized to waive any bond requirements for such magistrate. The bond shall be conditioned for the faithful performance and discharge of the duties of his office, with surety to be approved by the governing body of the county. The terms, form and execution shall be approved by the Attorney General. Any magistrate not in compliance with this section shall be subject to immediate removal from office until he shows good cause to the Supreme Court for not obtaining such bond. Premiums for the bonds shall be paid by the respective counties.

Magistrates have been directed to report their compliance with this statute to S.C. Court Administration. (See GENERAL, reports).

Furthermore, S.C. Code Ann. § 22-1-160, provides,

No person shall be employed by a magistrate when the duties of his employment consist of financial responsibilities, including receiving and having custody of moneys collected in behalf of the magistrate, until he shall have entered into and filed, in the office of the clerk of court of the county in which

the person is employed, bond to the State in a sum of like amount as and if required of the magistrate by S.C. Code Ann. § 22-1-150. The bond shall be conditioned for the faithful performance and discharge of the duties of the employee, with surety to be approved by the governing body of the county. The terms, form and execution shall be approved by the Attorney General. Failure to comply with this section shall subject the employee to removal from employment. Premiums for such bonds shall be paid by the respective counties.

b. Municipal Judge

While it is not clear whether the language of S.C. Code Ann. § 14-25-45 requires a municipal judge to obtain a performance bond, it is suggested that municipal judges secure an adequate performance bond.

9. Court Facilities and Accessibility

Section 22-8-30 of the S.C. Code provides that each "county shall provide sufficient facilities...for the necessary and proper operation of the magistrates' courts in that county." Likewise, Section 14-25-5 requires that any "municipality establishing a municipal court...shall provide facilities for the use of judicial officers in conducting trials and hearings..." These two Code Sections mandate that the counties and the municipalities provide sufficient facilities and personnel for the operation of the courts. The counties and the municipalities must also make sure that their courts are accessible to all individuals, including those with a disability to be in compliance with the ADA.

The Americans with Disabilities Act (ADA) went into effect January 26, 1992. Title II of the ADA applies to all activities of state and local governments, including the operation of the court system. Title II provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities, of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. § 12132. The regulations covering state and local government are found at 28 C.F.R. Part 35. A settlement agreement between the Department of Justice and Allendale County, <http://www.usdoj.gov/crt/ada/allensc.htm>, shows how many activities can be affected by the ADA. The United States Supreme Court recently considered the issue of courthouse accessibility in Tennessee v. Lane, 541 U.S. 509, 124 S.Ct. 1978 (2004).

A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities, except that law does not (1) necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities; (2) require a public entity to take any action that would threaten or destroy the historical significance of a historical property; or (3) require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. 28 C.F.R § 35.150 (a).

Any court facility that has been built or renovated since the effective date of the ADA must comply with the ADA. When the court was built or renovated before that date, the court still must make reasonable accommodations to enable individuals with disabilities to use its facilities. For example, if the courtroom were on the second floor of a building with no elevator and a witness used a wheelchair, court could be held in an accessible room that day.

The ADA applies to all types of disabilities. People who are deaf or hard of hearing, blind or visually impaired, have development disabilities or mental illness all may need an accommodation to take part in the court system. The South Carolina Supreme Court has provisions for the payment of sign language interpreters, See <http://www.sccourts.org/whatsnew/deafinterpreters.htm>, Order Re: Appointment Of Qualified Court Interpreters For Deaf Persons And Payment For Their Services (May 20, 2004)(Does not state who will be responsible for the payment of interpreter services when funds appropriated specifically for this purpose by the General Assembly are exhausted). Courts should have access to a TTY or other methods of communication to enable individuals who are deaf to call the court.

Court personnel should be trained to be sensitive to the possibility that individuals may have cognitive limitations that affect their ability to understand instructions. They should be willing to take the time to explain information or assist in filling out forms if necessary to enable an individual to use the court.

10. Official Office Bank Account

a. Magistrate

S.C. Code Ann. § 4-11-140 provides criminal penalties for the intermingling of official funds with private funds by a county official. The stated intent of this section is to require the maintenance of a public bank account for the deposit of official funds without allowing any private funds to be deposited in such account.

Further, on September 7, 2006, the S.C. Supreme Court ordered that:

" . . . judges of the magistrate courts have bank accounts for the deposit of all public monies received by them in their official capacity. Magistrates shall make no disbursements whatsoever in cash from official funds. All disbursements by magistrates shall be made by check from the magistrate's official bank account with no exceptions."

The Order further requires that each magistrate file with S.C. Court Administration a statement showing compliance with this Order including the name of the bank where the magistrate's public funds are deposited, the title under which the account is listed, and the number of the account.

With regards to the title of the account, it is recommended that the account bear the title of the court and not simply the name of the presiding magistrate.

Finally, on September 7, 2006, the Chief Justice signed an order outlining specific financial and recordkeeping standards which must be followed by all magistrate court offices. A copy of this Order can be found in the Orders section of this book.

b. Municipal

S.C. Code Ann. § 14-25-85 requires all fines and penalties collected to be turned over to the city treasurer. It is recommended that accounts of the municipal court be established and supervised by the city treasurer. At no time should there be an intermingling of private funds with funds turned over to the city treasurer. Municipal judges who receive money deposited with the court in lieu of bond or recognizance in any criminal proceeding shall pay over the money so received within sixty (60) days of date of receipt to the city

treasurer unless the money deposited with the municipal judge shall be forfeited at trial prior to the expiration of 60-day period. (Order of the Chief Justice dated November 1, 1978). An Order outlining specific financial and recordkeeping standards, which should serve as a guide post for all municipal court offices, was issued on September 7, 2006, by the Chief Justice, a copy of which can be found in the Orders section of this book.

11. Record Keeping Procedures

a. Generally

(1) Magistrate

By Order of the Chief Justice dated May 24, 1983, the office of S.C. Court Administration was directed to promulgate a record-keeping procedure for magistrates. Pursuant to this Order, Court Administration developed a system which meets both docketing and bookkeeping requirements. The magistrate is required to keep three (3) disposed dockets (civil, criminal and traffic), in compliance with S.C. Code Ann. § 22-1-80, which provides, in part, that the magistrate:

". . . shall insert all his proceedings in each case by its title, showing the commencement, progress and termination thereof, as well as all fees charged or received by him. He shall also enter upon his book of criminal cases all warrants issued by him and what disposition he has made of them, what moneys have been collected from fines, costs and otherwise thereunder and what disposition he has made of them."

In addition, the magistrate must keep three (3) pending dockets (civil, criminal and traffic). These records provide information to Court Administration useful for docket management. The information can also be forwarded to other agencies, in compliance with statutory reporting requirements imposed upon the magistrates.

Finally, on September 7, 2006, the Chief Justice signed an order outlining specific financial and recordkeeping standards which must be followed by all magistrate court offices. A copy of this Order can be found in the Orders section of this book.

(2) Municipal Judge

While the Order of the Chief Justice did not specifically include municipal courts, and the provisions relating to civil cases is, of course, not applicable, the accounting provisions contained therein are sound and would comply with S.C. Code Ann. § 22-1-80, which may be applicable to municipal courts by implication (See S.C. Code Ann. § 14-25-45). Regardless of the docket design chosen, all judges should use a system which reflects the defendant's name, charge(s), charging paper number, disposition of case, sentence (a breakdown of court costs is helpful), and bond information.

b. Numbered Arrest Warrants

Magistrate & Municipal Judge

Both the white "Original" and yellow "Duplicate" copies should be delivered to the officer for execution. The pink "Audit Copy" copy should be retained by the Magistrate's office. In those courts that generate arrest warrants by computer, the generation of an audit copy is optional. The officer should be instructed that the yellow "Duplicate" copy shall be delivered to the defendant at the time of execution and shall remain with the defendant. The white "Original" copy shall be returned by the officer at the bond hearing to the summary court judge.

If the offense is beyond the trial jurisdiction of the magistrate or municipal judge, the white "Original" copy of the warrant shall be transmitted to the Clerk of Court along with all other pertinent documents (e.g. bonds, checklists, check if cash bond) within fifteen (15) days following the arrest of the accused. All such documents should be listed on and accompanied by a Certificate of Transmittal which is provided by S. C. Court Administration. If a request for a preliminary examination is made, the summary court judge should request that the Clerk of Court provide a certified copy of the arrest warrant and other papers previously transmitted and connected with the case for use at the preliminary hearing.

If the offense charged is within the trial jurisdiction of the summary court, the white "Original" copy shall be filed and retained by the summary court judge indefinitely.

The Office of Attorney General has approved the use of a computer generated arrest and search warrants. Counties and municipalities which have the capability of using this technology must obtain a block of numbers from the office of Court Administration. These numbers are used in sequence on the warrants. When the block is depleted, a new block must be obtained from Court Administration.

c. Numbered Receipts

(1) Magistrate

The use of numbered receipts, furnished by S.C. Court Administration, is mandatory for magistrates in both civil and criminal (including traffic) cases. It will be necessary to add onto the receipt form, the title of the case and for what purpose the money was collected (e.g.: bond, fine, filing fee, etc.). If the receipt is for a bond, the name field should contain the name of the person to whom the bond should be returned if the individual is found not guilty. The original white copy should be delivered to the person tendering the money and the duplicate yellow copy should remain in the receipt book. The receipt book shall be retained by the summary court judge for seven (7) years. The receipt number shall be noted along with the amount of any money collected in the applicable docket book. The receipt number shall also be entered on the stub of the numbered arrest warrant next to the amount of the fine collected. Also, the arrest warrant number should be entered on the corresponding receipt.

Certain courts have been authorized to generate receipts by computer. All information that is required in the receipt book should be printed on the computer receipt. Prior approval of SCCA must be attained and the courts must register receipt numbers with SCCA.

Upon final disposition, when a uniform traffic ticket is used as the charging paper in a traffic case, the receipt number for any fine, bond, or forfeiture collected shall be entered on the back of the "Trial Officer's Copy" (green copy) of the uniform traffic ticket after it has been detached from the other three (3) copies presented to the judge. The "Trial Officer's Copy" shall then be filed by month and retained by the judge. See the retention schedule in Memorandum section of this book.

The same procedure as outlined above for uniform traffic tickets shall also be followed when an Official Summons of the Department of Natural Resources or the Department of Revenue is used as a charging paper in the respective cases.

The corresponding uniform traffic ticket number, arrest warrant number, wildlife ticket number, Department of Revenue "ABC" ticket number, and book number and page number of the docket should be entered on the receipt in the space provided and indicated. A notation should be made to indicate which type of case the number represents. In those instances where a patrolman or other law enforcement officer brings a group of uniform traffic tickets to the judge at one time, it is permissible to use one receipt for the total amount given to the judge on those tickets. In order to use the one receipt, it is mandatory that each ticket number and the amount of money for that particular ticket number be listed in the space provided on the back of the receipt.

It is permissible for a constable or clerk to issue a receipt upon collection of money when the judge is not available. It is suggested that the judge's name be entered on the receipt and the constable or clerk indicate the judge's title and sign beneath the judge's name. Of course, the ultimate responsibility for the court's account lies with the judge.

(2) Municipal Judge

Municipal judges are not issued receipts by South Carolina Court Administration. They should use receipts that are supplied by the municipality and they should be completed immediately upon receiving payments for a bond or fines.

d. Search Warrants

Magistrate & Municipal Judge

S.C. Code Ann. § 17-13-141 provides,

Every judiciary official authorized to issue search warrants in this State shall keep a record along with a copy of the returned search warrant and supporting affidavit and documents for a period of three years from the date of issuance of each warrant. The records shall be on a form prescribed by the Attorney General and reflect as to each warrant:

- (1) Date and exact time of issuance.
- (2) Name of person to whom warrant issued.

- (3) Name of person whose property is to be searched or, if unknown, description of person and address of property to be searched.
- (4) Reason for issuing warrant.
- (5) Description of article sought in the search.
- (6) Date and time of return.

Certain courts have been authorized to generate search warrants by computer. These search warrants will be printed on either two (this is preferred) or four individual sheets of paper. South Carolina Court Administration and the Attorney General have approved the use of a computer generated search warrant with one modification that is the court must print in the lower right-hand corner of each page the date and time the search warrant is printed. The original search warrant was a one part form to reduce the possibility of tampering, therefore this modification will also help reduce the possibility of tampering. Prior approval of SCCA must be attained before they can use a computer generated search warrant.

12. Reports

a. Reports of Monies

(1) Magistrate

A magistrate must submit to the county treasurer on the first Wednesday of each month, or within ten (10) days thereafter, a full written report of all money collected. A copy of each page of the docket books prepared during the preceding month, pursuant to procedures promulgated by Court Administration, and forwarded to the County Treasurer, will be sufficient to comply with this statutory requirement, as found in S.C. Code Ann. § 22-1-90. Failure to file this report constitutes a criminal offense.

(2) Municipal Judges

S. C. Code Ann. § 14-25-85 requires that monies be turned over to the city treasurer forthwith. It is recommended that copies of the docket used by the court be transmitted with the monies to provide for proper accounting of monies deposited with the city treasurer.

b. Filing of Warrants and Related Papers with Clerk of Court

Magistrate & Municipal Judge

Pursuant to Rule 78 SCRPC and Rule 3 SCRCrimP, the Court Administrator has established the following procedures to be used in criminal cases beyond the trial jurisdiction of the magistrate or municipal judge. {This applies also to c. (Notice to Clerk of Court and Solicitor of Request for Preliminary Examination) and d. (Return of Papers to Clerk of Court After Preliminary Examination), infra.}.

Within fifteen (15) days of the arrest of the accused, the magistrate or municipal judge shall forward the original arrest warrant, the bond document (i.e. Bond Form # 1 or # 2) and any other papers, including a check for cash bonds, pertaining to the case to the clerk of court. In addition, the magistrate or municipal judge should attach to these papers a

completed "Certificate of Transmittal" (Form SCCA-215).

Note that the magistrate or municipal judge is responsible for securing the return of the original warrant after the arrest of the accused and transmitting the papers within 15 days of the arrest. Therefore, it is recommended that the magistrate or municipal judge check periodically (at least once each week) with the Sheriff's Office or other law enforcement agency to which a warrant has been delivered for service to ascertain if such warrant has been served and the defendant arrested.

c. Notice to Clerk of Court and Solicitor of Request for Preliminary Examination

Magistrate & Municipal Judge

In those cases in which the accused timely requests a preliminary examination (see CRIMINAL, Preliminary Examination), the magistrate or municipal judge should request from the clerk of court a certified copy of the arrest warrant and notify the Solicitor of the defendant's request. This should be accomplished by completing the "Notice to Clerk of Court and Solicitor of Judicial Circuit" (Form SCCA-509) and mailing a copy of this form to both the clerk of court and the solicitor.

d. Return of Papers to Clerk of Court After Preliminary Examination

Magistrate & Municipal Judge

After the preliminary examination has been held, the magistrate or municipal judge should forward all papers related to the case immediately to the clerk of court. These papers (endorsed legibly with the title of the case, nature of the offense, kind of proceeding, and judge's name) shall include a report of the case with the names and addresses of all material witnesses and a synopsis of all testimony. The magistrate or municipal judge should complete and attach to these papers a "Certificate of Transmittal" (Form SCCA-215) and forward to the clerk of court.

e. Papers to Clerk of Court in Criminal Appeals

(1) Magistrate

In cases of criminal appeals from a magistrate's court, if the appellant serves notice of appeal upon the magistrate within the specific time period (see CRIMINAL, Appeals), the magistrate must, within ten (10) days of receiving the notice of appeal, file the notice of appeal in the office of the clerk of court, together with the record, a certified transcript, or a statement of all proceedings in the case and the testimony in writing taken at trial and signed by the witnesses. (S.C. Code Ann. § 18-3-40).

(2) Municipal Judge

In cases of criminal appeals from the municipal court, if the appellant serves notice of appeal upon the municipal judge or the clerk of municipal court within the specified time period (see CRIMINAL, Appeals), the municipal judge must make a return, consisting of the written report of the charges preferred, the testimony (the reporter's transcript, if taken by a reporter), the proceedings,

and the sentence or judgment, to the Court of Common Pleas. (See S.C. Code Ann. § 14-25-105).

f. Papers to Clerk of Court in Civil Appeals

Magistrates Only

In cases of civil appeals from a magistrate's court, if the appellant properly serves notice of appeal upon the magistrate within the specified time period, the magistrate must, within thirty (30) days from the service of the notice of appeal, make a return to the office of the clerk of court of the original record consisting of the testimony, proceedings, and judgment in the case. (S.C. Code Ann. § 18-7-60 and Rule 75 SCRPC) (see CIVIL, Appeals).

g. Report to the Department of Revenue

Magistrate & Municipal Judge

The magistrate or municipal court judge must report all convictions, entry of pleas of nolo contendere and guilty, and for forfeiture of bail posted, for violations of the Alcoholic Beverage Control Act to the S. C. Department of Revenue within ten days. Failure to file such reports subjects the magistrate or municipal judge to a fine of \$25 for each infraction. (S.C. Code Ann. § 61-6-4240)

h. Report to the Department of Public Safety

Magistrate & Municipal Judge

The magistrate or municipal judge must report all convictions, entry of pleas of nolo contendere and guilty, and forfeiture of bail posted, for violations of S.C. Code Ann. § 56-5-2930 or § 56-5-2933, or any other law which prohibits the operation of motor vehicles while under the influence of alcohol or drugs to the Department of Public Safety. Failure to make such report subjects the magistrate or municipal judge to a fine of \$25 for each infraction. (S.C. Code Ann. § 56-5-2970)

i. Report to Election Commission

Magistrate & Municipal Judge

By June 1 of each year, magistrates must file a complete list of all convictions of those crimes listed in S.C. Code Ann. § 7-3-60. When there are no such convictions to be reported, a report should be filed so stating. Failure to submit this report subjects the magistrate to a fine of \$50 payable to the county treasurer. Municipal judges may be subject to this statute by application of S.C. Code Ann. § 14-25-45.

j. Report to State Law Enforcement Division (SLED)

Magistrate & Municipal Judge

S.C. Code Ann. § 16-13-111 requires that:

"A first offense shoplifting prosecution or second offense resulting in a

conviction shall be reported by the magistrate or municipal court judge hearing the case to the Communications and Records Division of the South Carolina Law Enforcement Division which shall keep a record of such conviction so that any law enforcement agency can inquire into whether or not a defendant has a prior record."

Only convictions and guilty pleas should be reported to SLED. SLED has requested that this report include the defendant's name, sex, race, date of birth, social security number, date of arrest, arresting agency, date of conviction, final disposition (including sentence), original charge, and the magistrate's or municipal court judge's name and county or municipality. (See S.C. Code Ann. § 34-11-95, fraudulent check violations; S.C. Code Ann. § 16-11-610 and S.C. Code Ann. § 50-1-90, certain trespassing offenses).

k. Reports to Court Administration

(1) Bonds for Magistrates and Magistrates' Employees

(a) Magistrate

S.C. Code Ann. § 22-1-150 and S.C. Code Ann. § 22-1-160 require that magistrates and certain magistrates' employees enter into bonds for the faithful performance and discharge of their duties. (See GENERAL, Magistrates and Magistrates' Employees to be Bonded).

Magistrates have been directed by Court Administration to report their compliance. This report to Court Administration should include the following: (a) name of judge and amount bonded; (b) name of each staff member and amount bonded; (c) name of bonding company; (d) date the magistrate and magistrate's employees filed the bonds in the office of the clerk of court; and (e) total amount of collections for the previous year reported to the county treasurer. These code sections require that the magistrate and the staff be bonded for 25% of the previous year's receipts. Magistrates should check their bond each year, make any necessary changes, and report any changes in the bond to S.C. Court Administration.

(b) Municipal Judge

There is no bond requirement municipal judges or their staff, unless required by municipal ordinance.

(2) Bank Account(s)

(a) Magistrate

By Order of the Chief Justice of the S.C. Supreme Court, magistrate courts must maintain an official magistrate's court bank account for the deposit of public monies. (See GENERAL, Official Magistrate's Office Bank Account Required). The Order also requires that magistrates file a statement with Court Administration

showing compliance and including the name of the bank where the magistrate's public funds are deposited, the title under which the account is listed, and the number of the account. This is best accomplished by forwarding a voided deposit slip to S.C. Court Administration.

(b) Municipal Judge

There is no requirement under S.C. Codes of Law that Municipal Judges have an official bank account. There may be a Municipal Ordinance that requires an official bank account. The Office of S.C. Court Administration would recommend that the Court establish such account.

(3) Criminal Cases Not Disposed of Within Sixty (60) Days

(a) Magistrate

A June 26, 1980 Order of the S.C. Supreme Court requires that all magistrate court judges dispose of all criminal (including traffic and DUI) cases within sixty (60) days of the date on which the initial pleading was filed in their courts.

An Order further provides that,

"IT IS ORDERED that each magistrate and each municipal judge submit a summary monthly report to the Office of Court Administration, on forms and prepared in a manner prescribed by the Office of Court Administration, which must be actually received in the Office of Court Administration not later than the fifteenth (15) day of the month following the month being reported."

The forms provided by S.C. Court Administration require a listing of all criminal cases not disposed of within sixty (60) days of filing.

(b) Municipal Judge

A June 26, 1980 Order of the S.C. Supreme Court requires that all municipal court judges dispose of all criminal (including traffic and DUI) cases within sixty (60) days of the date on which the initial pleading was filed in their courts.

An Order further provides that,

"IT IS ORDERED that each magistrate and each municipal judge submit a summary monthly report to the Office of Court Administration, on forms and prepared in a manner prescribed by the Office of Court Administration, which must be actually received in the

Office of Court Administration not later than the fifteenth (15) day of the month following the month being reported."

The forms provided by S.C. Court Administration require a listing of all criminal cases not disposed of within sixty (60) days of filing.

(4) Other Reports

(a) Magistrate

- (1) Dockets are no longer required on a monthly basis.
- (2) Magistrate Court Workload Report For Period July 1, _____ Through June 30, _____ (Due July 15, Each Year).
- (3) Judicial Survey (Due August 31, Each Year).
- (4) Rule 501 SCACR Disclosure Form (Due April 15, Each Year).
- (5) Continuing Legal Education (CLE) Form For Period July 1, _____ Through June 30, _____ (Due June 15, _____).

(b) Municipal Judge

- (1) Municipal Court Workload Report For Period July 1, _____ Through June 30, _____ (Due July 15, Each Year).
- (2) Judicial Survey (Due August 31, Each Year).
- (3) Rule 501 SCACR Disclosure Form (Due April 15, Each Year).
- (4) Continuing Legal Education (CLE) Form For Period July 1, _____ Through June 30, _____ (Due July 15, _____).

C. Sources of the Law

1. The Constitution

The Constitution of the United States and South Carolina are the fundamental law of our judicial system. All other laws, regardless of their source, must not conflict with the U.S. Constitution; and all state laws, regulations, and ordinances must not conflict with the S.C. Constitution.

All magistrates and municipal judges must strictly heed the provisions of the Constitutions. The two Constitutions may be found in Volume 21 of the Code of Laws.

2. The South Carolina Code of Laws

The S.C. Code of Laws is the basic authority for all state courts and is of particular importance to the magistrates' and municipal courts. The Code is the collection of the Acts (laws) passed by the S.C. General Assembly. It also includes the United States and South Carolina Constitutions, Rules of Court, and Administrative Rules and Regulations.

Each statute (law) has a particular title, chapter, and section number and is usually written by using numbers and letters separated by hyphens. For example, Title 1, Chapter 1, Section 10 is written "S.C. Code Ann. § 1-1-10." To find a particular statute, this series of numbers (a citation) is used.

Our Code is annotated. This means that below each statutory provision are brief summaries of certain court opinions which interpret and apply the statute to particular cases. These opinions are binding upon a magistrate or a municipal judge in a similar case. Since these case notes may report a case that has been overruled or distinguished by a more recent case or by an amendment to the statute it interprets, the magistrate or municipal judge must exercise caution in applying these cases. In addition, it should be recognized that a case note is intended to be used as a research tool and not as final authority. The case note should not be relied upon as a complete and accurate restatement of the case. Therefore, the case itself should be read in its entirety prior to application.

Magistrates and municipal judges should take notice of the fact that the Code is supplemented by pocket parts which bring the statutes up-to-date by including any changes in the law. Each time a statute is researched, the magistrate or municipal judge should check the pocket part to insure that the law has not been amended or repealed.

An "A to Z" general index to the contents of the entire Code is contained in two soft cover volumes. Every magistrate and municipal judge should develop a good working knowledge of this these index.

3. Case Law

The opinions of the Supreme Court of South Carolina constitute the case law of this state. These opinions are contained in the volumes of the South Carolina Reports, the Southeastern Reporter, and the Southeastern 2nd Reporter.

These decisions are precedent, that is, they are binding authority on any issue which has been previously decided by the S.C. Supreme Court. The most recent opinion controls; however, a magistrate or municipal judge may follow an earlier decision if the issues can be distinguished from the more recent opinion and the issue in the earlier case is identical to the case before the magistrate or municipal judge.

One problem in the use of case law is finding the law. As an example, the first case annotated under S.C. Code Ann. § 16-3-620 (Supp. 1999) "Assault and Battery with Intent to Kill" is State v. Sutton, 333 S.C. 192, 508 S.E. 2d 611 2d 41 (S.C. App.1998). A magistrate or municipal court judge who desires to read the whole case would find the decision on page 192 of Volume 333 of the South Carolina Reports, or on page 41 of Volume 508 of the Southeastern Reporter, Second Series. In each case citation, the first number refers to the volume number, the letters refer to the title of the Reporter, the second number indicates the page number in the volume, and the number in parentheses is the year in which the case was decided.

4. Local Law

Local ordinances have the same authority as statewide statutes within the area to which they apply. Each magistrate and municipal judge should have a current copy of all ordinances of the area in which he/she presides. Local law, while indexed in the 1976 code, cannot be found there. Reference should be made from the index to the South Carolina Acts and Joint Resolutions.

5. Rules of Court

The S.C. Supreme Court has created various rules governing practice in all courts of the state. A good working knowledge of the rules of practice should be gained by each judge. These rules are located in Volume 22A of the Code.

6. Attorney General's Opinions

The Attorney General is the chief legal officer of the State and often gives legal opinions on many subjects to various government officials. The magistrate and municipal judge will find the Attorney General's Opinions particularly helpful in areas of the law in which no court decisions can be found.

7. Administrative Procedures

Article V, Section 4 of the S.C. Const. provides that the Chief Justice of the Supreme Court shall be the administrative head of the unified judicial system. This section further provides that the Chief Justice shall appoint an administrator of the courts and such assistants as he shall deem necessary to aid in the administration of the courts of the State. The cooperation of each magistrate and municipal court judge with the administrative procedures promulgated by the Chief Justice and the Office of Court Administration is necessary in order to achieve an efficient and uniform court system.

8. Website

The South Carolina Judicial Department website may be accessed at the following address: <http://www.sccourts.org/>. On this website you can access opinions of the Supreme Court and the Court of Appeals, the Court Rules, and Advisory Opinions. You can also access the Magistrates and Municipal Judges Bench Book. To access the Bench Book, follow these directions: under the seal on the left side of the screen, click on Trial Courts, then Magistrates Courts or Municipal Courts, and then Bench Book. The South Carolina Code of Laws and legislative information may be found at <http://www.scstatehouse.net/>.

D.
Provisions Applicable to Both Civil and Criminal Cases

1. Change of Venue

a. Magistrate

S.C. Code Ann. § 22-3-920 provides that either party in a civil case, or the prosecutor or the accused in a criminal case, may apply for a change of venue. In civil cases, the party seeking the change of venue must give the adverse party at least two (2) days notice of his/her intent to seek a change of venue prior to applying for such, unless the affidavit shows that the necessary facts were not discovered until it was too late to give such notice. In criminal cases the request for a change of venue should be made prior to trial, unless in view of all the circumstances the person requesting the change did not have a reasonable opportunity to make such a request previously. Op. Att'y Gen. No. 1733, dated 1963-64.

In either a civil or criminal case, the person requesting the change of venue must file with the magistrate an affidavit stating that the individual does not believe he/she can receive a fair trial. The affidavit must also state the grounds supporting the belief of the requesting party. If the affidavit sets forth grounds for a belief that the party cannot obtain a fair trial, then the grant of a change of venue is mandatory.

Upon granting a change of venue, the magistrate must turn over all papers relating to the case to the nearest magistrate in the county not disqualified from hearing the case. One such transfer only shall be allowed each party in any case.

b. Municipal Court

If a municipal judge must disqualify himself or herself, either under the change of venue statute (which may be applicable to municipal courts by S.C. Code Ann. § 14-25-45) or under the Code of Judicial Conduct (which is applicable to both magistrates and municipal judges) an interim judge may be appointed in place of the disqualified judge (see S.C. Code Ann. § 14-25-25 for specific directions). If the actual place of trial must be changed (because of adverse pre-trial publicity, for example), there are no statutory provisions for change of venue of this sort. Since it would be rare that the place of trial would have to be changed, the problem would best be resolved with the cooperation of the parties.

2. Disqualification

Canon 3 E(1) of the Code of Judicial Conduct (Rule 501 SCACR "South Carolina Appellate Court Rules") provides:

A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

- (a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;
- (b) the judge served as a lawyer in the matter in controversy, or a lawyer with

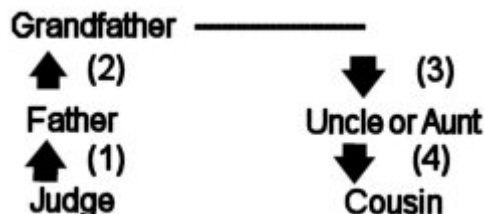
whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it;

(c) the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or is a party to the proceeding, or has any other more than de minimis interest that could be substantially affected by the proceeding;

(d) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

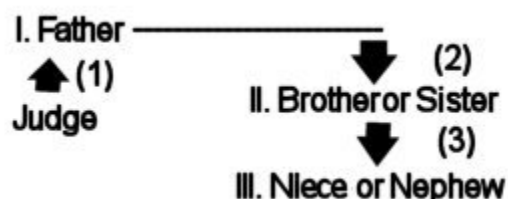
- (i) is a party to the proceeding, or an officer, director, or trustee of a party;
- (ii) is acting as a lawyer in the proceeding;
- (iii) is known by the judge to have more than de minimis interest that could be substantially affected by of the proceeding;
- (iv) is to the judge's knowledge likely to be a material witness in the proceeding."

Under the civil law system the degree of relationship is determined by counting up to the common ancestor and then down to the relative in question. For example, the degree of relationship between a judge and the judge's first cousin is diagramed as follows:



Here it is noted that the first cousin of a magistrate or municipal judge is a fourth degree relationship, and therefore not within the prohibition of the third degree of relationship test. Nevertheless, the magistrate or municipal judge should still disqualify himself/herself under subsection (a) if the relationship with the first cousin is such that the judge has a personal bias concerning a party.

The next example shows the degree of relationship between a judge and the judge's niece or nephew.



Here it is noted that a niece or nephew is within the third degree of relationship prohibition. Furthermore, since subsection (d) specifically includes within the prohibition the spouse of a person who is within a third degree relationship to either the judge or the judge's spouse, it follows that the spouse of the judge's niece or nephew or the spouse of the judge's spouse's niece or nephew would also fall within the prohibition.

It should be noted that Canon 3F provides that a judge disqualified from hearing a case under Canon 3E(1) (c) or (d) may nevertheless hear the case if after full disclosure of the basis of the disqualification, the parties and lawyers, independently of the judge's participation, all agree in writing that the judge's relationship is immaterial or that his financial interest is insubstantial.

In those cases in which disqualification is necessary, the magistrate should turn over all papers relating to the case to the nearest magistrate not disqualified and should notify the parties of the transfer. The municipal judge should turn the papers over to an associate municipal judge or to a temporary judge appointed in his absence pursuant to S.C. Code Ann. § 14-25-25. Note that Rule 501 SCACR requires the judge to disqualify himself/herself in those enumerated situations regardless of whether or not a party to the action requests a change of venue.

3. Witnesses

a. Compelling Attendance

(1) Magistrate

S.C. Code Ann. § 22-3-930 provides that "[a]ny magistrate, on the application of a party to a cause pending before the magistrate, must issue a summons citing any person whose testimony may be required in the cause and who resides in the county to appear before the magistrate at a certain time and place to give evidence. This summons must be served in a manner such that it is received by the witness at least one day before his attendance is required. If the witness fails or refuses to attend, the magistrate may issue a rule to show cause commanding the witness to be brought before the magistrate or, if any witness attending refuses to give evidence without good cause shown, the magistrate may punish the witness for contempt by imposition of a sentence up to the limits imposed on magistrates' courts in Section 22-3-550."

(2) Municipal Judges

S.C. Code Ann. § 14-25-45 provides that, "The [municipal] court shall also have all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates." Therefore, S.C. Code Ann. § 22-3-930 is applicable to municipal courts because of this statute.

b. Compensation

(1) Magistrates

In civil cases in magistrate court, witnesses should receive twenty-five dollars per day for each day's attendance and the same mileage as provided by law for official travel for state employees and officers. Rule 45(b)(1) South Carolina Rules of Civil Procedure, Op. Att'y Gen., dated February 5, 1987. The current

mileage rate is \$0.45 cents per mile for state employees and officers.

(2) Municipal Judges

Since municipal courts have no civil jurisdiction, witnesses in municipal court may not receive fees or compensation for attendance at court.

4. Testimony De Bene Esse

a. Magistrate

The taking of testimony "de bene esse," or in anticipation of future need, is a process of preserving testimony which otherwise might not be available at trial. The testimony is in essence a deposition. The testimony once taken is not automatically a part of the record and only becomes so upon its being offered at trial if the witness is unavailable for examination at that time. It may be offered by either party to the action, regardless of who requested it be taken, but may not be objected to by the party offering it. *Baker v. Metropolitan Life Insurance Company*, 184 S.C. 341, 192 S.E. 571 (1937). The following paragraphs describe the process of taking such testimony, as set out in S.C. Code Ann. § 22-3-940.

If it appears in the judgment of the magistrate that the attendance and testimony of any witness as requested by a party may not be had due to 1) extreme age, 2) sickness or infirmity, 3) indispensable absence on public or official duty, 4) the possibility that the witness may be outside of the State at the time of trial or, 5) the fact that the witness may be a resident of another county or outside the territorial jurisdiction of the magistrate, the magistrate may take the examination of the witness in writing or allow it to be done by another magistrate within or outside of the State, or by any other officer authorized by law to administer oaths. The "other officer authorized by law," in addition to magistrates, include circuit judges, clerks of court, notary publics of this State as well as chancellors, justices or judges of a Supreme or superior court, mayors or magistrates, of any of the United States, Great Britain or Canada. Rule 28 (b) SCRCP.

All parties to an action should be given at least five (5) days notice of the time and place of examination to allow their presence at the taking of the testimony. The examination of the witness should be conducted by the magistrate, but either party may submit questions to the magistrate to be included in his examination upon four (4) days notice to the opposing party, so as to allow the opposing party time to prepare their own questions if they so desire. At the end of the examination of the witness, the magistrate, if he wishes to do so, may allow the parties present to submit further questions.

When the examination is taken by one other than the magistrate who will hear the action, the testimony should be sealed with the title of the case endorsed on its face, and conveyed by one having no interest in the case to the magistrate with jurisdiction over the case, or mailed to him with the postage prepaid.

b. Municipal Judge

S.C. Code Ann. § 14-25-45 provides that, "The [municipal] court shall also have all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates." Therefore, the preceding section is applicable to municipal courts because

of this statute.

5. Power to Punish for Contempt

a. Magistrate

The power of a magistrate to punish for contempt is bestowed by S.C. Code Ann. § 22-3-950. Under this section:

Every magistrate shall have power to enforce the observance of decorum in his court while holding the same and for that purpose he may punish for contempt any person who, in the presence of the court, shall offer an insult to the magistrate or a juror or who is wilfully guilty of an undue disturbance of the proceedings before the magistrate while sitting officially. A magistrate shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on magistrates' courts in S.C. Code Ann. § 22-3-550.

Op. Att'y Gen. No. 78-191, dated November 13th, 1978 states that,

"Pursuant to Section 22-3-950, magistrates may punish all behavior within the definition of contemptuous done in their presence while performing the duties of their office as contempt of court. This would include contemptuous actions during bond proceedings, preliminary examinations, and warrant issuing proceedings."

In addition, the magistrate has power to punish as for contempt of court in the following situations:

Failure to obey witness subpoena. See S.C. Code Ann. § 22-3-930.

Contempt of court by attorney. Up to twenty-four (24) hours imprisonment (S.C. Code Ann. § 40-5-510).

Failure to comply with time payment plan. Imprisonment cannot exceed pro-rata portion of remaining jail sentence. S.C. Code Ann. § 17-25-350.

b. Municipal Judges

S.C. Code Ann. § 14-25-45 empowers the municipal court " . . . to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts." See S.C. Code Ann. § 14-25-65 for the jurisdictional limit of the municipal court.

6. Jurors

a. Failure to Respond to Summons

(1) Magistrates

Pursuant to S.C. Code Ann. § 22-2-130, a magistrate may punish any properly summoned prospective juror who fails to respond to the summons. If the disobedient juror fails to contact the magistrate and offer a sufficient reason for

his delinquency within 48 hours, the juror shall pay a civil penalty not exceeding \$100.00. Should that person fail or refuse to pay the civil penalty, the magistrate may find that person in contempt and punish him according to S.C. Code Ann. § 22-3-950.

(2) Municipal Courts

S.C. Code Ann. § 14-25-185 provides, that a duly summoned juror who neglects or refuses to appear for jury service, and fails to provide a sufficient excuse to the court within forty-eight hours of the time he was required to appear in court, may be punished as for contempt of court.

b. Persons Who Are Exempt From Serving as Jurors

S.C. Code Ann. § 14-7-840 provides,

"No person is exempt from service as a juror in any court of this State except men and women sixty-five years of age or over. Notaries public are not considered state officers and are not exempt under this section." Please Note: This is an "exemption," not a "disqualification," from jury service. Many individuals over the age of 65 wish to serve on a jury and are constitutionally entitled to that duty. These individuals are entitled to serve and must be issued a juror summons if a court draws their name.

In addition, S.C. Code Ann. § 22-2-130 provides, "No person shall serve on a jury in a magistrate's court more than once every calendar year."

c. Compensation

(1) Magistrate

S. C. Code Ann. § 22-2-160 provides that jurors in magistrate's court are to receive a per diem of \$10.00 and mileage, to be paid by the county in which the jury sits.

(2) Municipal Courts

There is no statutory direction as to compensation to be paid jurors in municipal courts.

7. New Trial

A "new trial" is a re-examination in the same court of an issue of fact after a verdict is rendered by a jury, or is decided by the magistrate or municipal court judge in a non-jury trial. The only remedy of a party against whom a judgment is rendered is either to appeal, or to make a motion for a new trial (S.C. Code Ann. §§ 22-3-990 and 22-3-1000), and appeal upon the refusal of such motion.

A motion for a new trial must be made (and should be required to be in writing) within five days from the time the party receives notice of the judgment; but if the judgement resulted from a default and failure of the party to appear at trial, or in a situation in which appellate did not have notice of the trial, the five day period begins to run on the day after personal notice is received. (S.C. Code Ann. § 22-3-

1000) See Brewer v. South Carolina State Highway Dept., 261 S.C. 52, 198 S.E. 2d 256 (1973). However, when the party had notice of the trial and defaulted and did not appear, the five day period begins to run on the day after the judgement or conviction. See State v. Adkinson, 246 S.C. 180, 213 S.E. 2d 591 (1975).

The right of appeal from the judgment exists for thirty days after the rendering of the judgment. (S.C. Code Ann. § 22-3-1000).

While the law does not generally favor setting aside a verdict, especially a jury verdict, the granting of a new trial in any case is entirely within the discretion of the magistrate or municipal judge. New trials and amendment of judgments are controlled by Rule 59 SCRPC. However, new trials may be granted only for a reason for which new trials have usually been granted in the circuit courts of this State. A sampling of such reasons for which new trials were granted (taken from the case notes to S.C. Code Ann. § 15-27-150) is as follows:

When the jury verdict is so confused that it is not absolutely clear what was intended. Anderson v. Aetna Casualty and Surety, 175 S.C. 254, 178 S.E. 819 (1934).

Where the jury disregarded the charges of the judge. Respass & Respass, C.P.A. v. King Pontiac, 236 S.C. 363, 114 S.E. 2d 486 (1960).

Where a variance between the proof at trial and the allegations in a pleading is material to the extent that a party is misled to his prejudice. S.C. Code Ann. § 22-3-260; State v. Hamilton, 17 S.C. 462 (1882).

Where the jury verdict is contrary to the fair preponderance of the evidence. Eptin v. Bell, 260 S.C. 305, 195 S.E. 2d 608 (1973).

Where an excessive verdict is rendered, and the judge is so convinced by a clear conviction. Patterson v. Bogan, 261 S.C. 87, 198 S.E. 2d 586 (1973).

Where there was an error in the amount of the verdict. Levi v. Legg and Bell, 23 S.C. 282 (1885).

Where verdict is grossly inadequate in a tort action. Toole v. Toole, 260 S.C. 235, 195 S.E. 2d 389 (1973).

To justify the granting of a motion for a new trial on after discovered evidence, the moving party must establish to the satisfaction of the court before which the motion is made, at least three facts: (1) that the proposed new evidence was discovered after the former trial, (2) that it could not, by the use of due diligence, have been discovered in time to be offered at the former trial, and (3) that it is material. Ortowski v. Ortowski, 237 S.C. 499, 117 S.E. 2d 860 (1961). It must also appear that 1) the evidence is such as will probably change the result if a new trial is granted, and 2) that it is not merely cumulative or impeaching. Ortowski, supra.

Relief from a judgement obtained in a magistrate's court or a municipal court due to the mistake, inadvertence, surprise, or excusable neglect of a party, or their attorney, is only obtained by effecting an appeal, as these grounds are not applicable to magistrates' courts (or municipal courts, by implication) insofar as the granting of a new trial is concerned. See Drummond v. Edwards, 126 S.C. 435, 120 S.E. 366 (1922) and Doty & Co. v. Duvall, 19 S.C. 143 (1883). Relief on these grounds may

not be granted by the magistrate or municipal judge.

8. Party Charged with Costs Entitled to Itemized Account

a. Magistrate

S.C. Code Ann. § 22-3-1010 provides that any person being charged costs in a magistrate's court may demand of the magistrate an itemized account of such costs. Furthermore, it provides that no person shall be compelled to pay any costs unless the magistrate provides that person with an itemized account.

b. Municipal Court

(Inapplicable)

9. Court Interpreters

State law provides that whenever a deaf person (§15-27-15) or a non-English speaking person (§15-27-155) is a party, witness, or juror to a civil or criminal court proceeding, the court must appoint as many qualified interpreters or deaf relay interpreters (in the case of a deaf person) to interpret the proceedings and the testimony of the party or witness. A deaf person may waive the appointment of a qualified interpreter and elect to use another individual of his own selection as his interpreter. In the case of a deaf person or a non-English speaking person, the court may waive the use of a qualified interpreter if the court finds that it is not necessary for the fulfillment of justice. Please see the statutes referenced above for definitions involved in this process. The following procedures are provided as general guidelines when a deaf person or a non-English speaking person, who is a juror, witness, or a party to a legal proceeding is in need of an interpreter:

1. The court must complete an order of appointment for an interpreter, SCCA/262. (A list of interpreters is available through Court Administration).
2. The court should notify the interpreter of their appointment.
3. Once the interpreter's services have been rendered, the interpreter is responsible for completing a timesheet, SCCA/264, and also a Request for Payment, SCCA/263.
4. The timesheet, SCCA/264, should detail the actual hours spent interpreting at the completion of the court proceeding. Interpreters will be compensated for mileage but not for travel time.
5. Upon completion of the proceeding, the court should review, verify, and sign the completed Request for Payment form, SCCA/263.
6. The court interpreter should mail the original or a certified true copy of these forms to Court Administration.
7. The court should retain a copy or the original of these forms for the court's record.

§15-27-15 and §15-27-155 require that the Judicial Department compensate court interpreters under these circumstances. The amount of payment that the court interpreter will receive is currently set by the August 3, 2006, Order of the Chief Justice, and allows for an hourly rate of \$45.00 for language

interpreter services, and \$45.00 per hour for deaf/sign language services, with a two-hour minimum. By Order of the Chief Justice dated August 3, 2006, those fees are raised effective September 1, 2006, to \$45.00 per hour for certified foreign language interpreters. The Judicial Department will not compensate for amounts in excess of the rates set forth by the Order of the Chief Justice. Any fee incurred from the services provided by the interpreter that exceeds the amounts per hour set forth by the above referenced Order will be the responsibility of the County or City.

By Order dated January 14, 2003, the Chief Justice has authorized the use of telephonic interpreters in magistrate and municipal court proceedings. County and municipal governments are required to pay for telephonic interpreter services. The use of telephonic interpreter services must comply with the requirements contained in the Order referenced above.

The South Carolina Supreme Court, in Rule 511, SCACR, has promulgated Rules of Professional Conduct for Court Interpreters. Please see the "Orders" and "Forms" sections of this book, as well as the Judicial Department website, for the Orders and forms referenced in this section.

E. Instructions for Completing the Municipal Court Caseload Report

1. Caseload Information by Category

These are instructions for completing the Municipal Court Caseload Report to be sent to the Office of S.C. Court Administration. These instructions are only to be used as a guide in completing the report, and are to be used only for reporting the caseload activity which has already taken place.

CASELOAD INFORMATION BY CATEGORY

The Criminal case section of your report is broken down into three major state crime categories: DUI, Other Traffic and Non-Traffic. The remaining section is for Municipal Ordinances. In the state crimes section, information on those cases involving state statutory offenses which were handled by your Municipal Court should be reported.

D.U.I.

Only the number of 1st Offense D.U.I. cases handled by the court should be noted here.

Other Traffic

Please note the number of cases involving a statutory offense relating to the operation of a motor vehicle, which are within the trial jurisdiction. (Common examples of such offenses are violation of inspection law, driving under suspension (D.U.S.), no driver's license, operating an uninsured vehicle, etc.).

Non-Traffic

Please note all cases resulting from a violation of statutory law, which are within the trial jurisdiction of the Municipal Courts. (Simple assault and disorderly conduct are two statutory offenses which might fall within this category).

The line for Municipal Ordinances should be reserved for reporting those cases resulting from the violation of some specific ordinance the municipality has enacted. All municipal ordinance violations (traffic and non-traffic) filed with, and disposed of by, the court should be consolidated and reported on this line. (NOTE: the sole exception here is parking tickets. Please do not include in this section any statistical information relating to the issuance of parking tickets). Also, please be careful not to "double report" cases, i.e. if the municipality has adopted a state law and now enforces it as a municipal ordinance, report the filing and disposition of that case only once in this section.

Please keep in mind that the "Criminal Cases" section of your report should only include those cases which are triable in the Municipal Court. Do not include in this section cases over which a Magistrate Court has jurisdiction or must be "sent up" to General Sessions Court.

2. Caseload Information by Column

(a) Cases Pending First of Period

The pending first of period column is the first of six reporting columns in the Criminal Cases sections of your report. In this column, enter the total number of cases that have been filed with the court prior to the first day of the reporting period, but not yet concluded by that date. To determine the date that a case should be counted as filed in the court, the number which you will enter in this column will represent cases for which the court had

acquired a charging paper prior to the first day of the reporting period.

Arriving at this pending first of period figure for the first report may present some difficulty, depending on the record-keeping system used by the Municipal Court. Those courts which keep a running list of pending cases should encounter little difficulty in completing this part of the report. The number of cases pending at the first of the period should be the same as the cases pending at the end of the last period. However, if the court does not keep such a list, it will be necessary to review the docket book in order to isolate and categorize those cases which were pending on, for example, January 1, 1998. This initial review may seem time consuming, but should prove to be beneficial in two respects: First, there will be an accurate numerical summary of any cases awaiting disposition; Second, this should be the only time this type of review will be necessary to determine your pending first of period figures.

(b) Cases Filed During Period

A case should be counted as "filed" with the court only when it has received a copy of the charging paper for that case. For a 1st Offense D.U.I. case, or other state traffic case, this charging paper will be the Uniform Traffic Ticket. For a non-traffic criminal case, the charging paper will usually be an arrest warrant. The charging paper for a case involving some violation of a Municipal Ordinance will vary according to the town's administrative procedures, but will usually consist of some citation which compels the violator to pay a fine or appear in court.

To determine the date that a case is filed with the court, it is necessary to identify the date on which the court acquired a copy of that charging paper. For instance, if a policeman in the town issues a traffic ticket on February 28, but does not turn in the court's copy of that ticket until March 1, that case should be counted as "filed" on March 1. For purposes of this report, only count those cases for which the court has a copy of the charging paper. If, for example, a judge in the court has issued an arrest warrant, but it has not been served and returned to the court, there is not yet a case which needs to be reported on this form. Therefore, cases reported in this column will be those for which the court acquired the charging paper during the reporting period.

Cases Concluded During Period

The "Concluded During Period" section of this report consists of three columns. Please remember that cases should be reported in these columns only if they were disposed of during the reporting period by the Municipal Court. The following criteria should help in determining the appropriate column:

(c) Cases Concluded by Jury Trial

Any case in which a jury was requested and convened or which was concluded during the reporting period by the verdict of a jury should be included on the appropriate category line in this column. i.e., if the jurors were paid, include those cases in this category.

(d) Cases Concluded by Non-Jury Trial

Please note in this column any case in which a judge in the Municipal Court actually made a decision regarding the guilt or innocence of a defendant.

(e) Cases Concluded by Forfeiture

Guilty Plea or Other Disposition In this column, consolidate all cases that were disposed of by: Forfeiture of Bond (simply paying a traffic ticket before trial and then not appearing in court on the trial date is an example of a "Forfeiture"); a defendant's guilty plea, nolo-prossed by the Solicitor or Law Enforcement Officer; transfer to another court, etc. In essence, any case which was disposed of by the court during the reporting period without requiring a verdict by a jury or judge should be reported in this column.

(f) Cases Pending End of Period

This column is used to show the number of cases which were pending first of period, or filed during the period, that were not concluded during the reporting period. Once you have determined the "Pending End of Period" figures are determined for your first report, reporting for the second reporting period will be greatly simplified. If accurate, those numbers can then be transferred to the next report as cases "Pending First of Period". If, for example, a total of twenty (20) Criminal Cases are reported as "Pending End of Period" on the current report, then the "Pending First of Period" column on the next report will be exactly the same (i.e., a total of twenty (20) cases). If there is any variance between the two figures for the following period, then the report is incorrect.

Here is the formula to use in double-checking the numerical accuracy of your report:

$$\begin{array}{ccccccc} \text{TOTAL CASES} & & \text{TOTAL CASES} & & \text{TOTAL CASES} & & \text{TOTAL CASES} \\ \text{PENDING FIRST} & + & \text{FILED DURING} & - & \text{CONCLUDED} & = & \text{PENDING END} \\ \text{OF PERIOD} & & \text{PERIOD} & & \text{DURING PERIOD} & & \text{OF PERIOD} \end{array}$$

3. Age of Pending State Criminal Cases

In this section of the report, the focus is determining how long any State Criminal Case has been awaiting disposition in the court. Only report State Criminal Cases in the "Age of Pending Criminal Cases" section. Do not report municipal ordinances.

To determine the age of a pending case, follow this procedure: Make sure there is a copy of the appropriate charging paper in the records. The date on which the charging paper was received will represent the "filing date" for that case. If the case is not concluded during the reporting period, then it will be shown in the appropriate category as "Cases Pending End of Period". Then, counting from the filing date, determine how long that case has been pending as of the last day of the reporting period.

Lines 1-4 in this section note the time span which will correspond to the age of the pending case(s). Two general rules should be of assistance in determining the "age" of a case; 1) If it is a new case and is still pending at the end of this month, then that case will be noted on Line 1, "1-30 Days". If a case is reported as "Pending First of Period" and remains pending at the end of this month, that case will be at least 31 days old, and so on.

Note that the columns in this section (D.U.I., Other Traffic, and Non-Traffic) correspond to the categories under the three "Criminal Cases" sections. Therefore, if there are three (3) D.U.I. Cases as "Pending End of Period" in the "Criminal Cases", section, then the "Total Pending" (Line 5) in the D.U.I. column of this section will also be three (3). The same is true for "Other Traffic" and "Non-Traffic" cases.

4. Criminal Case More Than 60 Days Old

All D.U.I., Other Traffic and Non-Traffic cases which have been pending more than 60 days (Lines 3 and 4) must be individually listed on the companion report "Criminal Cases More Than 60 Days Old" (SCCA/609). For each of those cases enter the defendant name, filing date, warrant or ticket number, offense, the reason the case had not reached disposition within 60 days, and the scheduled trial date. If additional lines are needed, please make copies of the form before listing the cases.

If the above instructions are unclear, or pose a problem for a particular court, please contact Court Administration at (803) 734-1800 before submitting the report.

5. General Report Instructions

In order to identify the court and preparer of the caseload report, the information provided at the top and bottom of the form, (sides one and two) is of special importance. Please print or type in these spaces:

1) "Judge(s)"

If your Municipal Court has only one judge and he/she performed all judicial functions noted in the report, please provide his/her name in the space provided. If more than one individual conducted trials and rendered decisions reflected in the report, please list the names of all such persons in that space. (However, please note that this is a summary report; the numbers which are provided should reflect cumulative totals for all judicial activity conducted in the municipal court).

2) "Municipality"

Provide on this line the name of the city, or town, which the court serves.

3) "County"

Provide on this line the name of the county where the municipality is located.

4) "Person Completing This Form"

In this space at the bottom of the form enter the name of the individual who filled out the report. If Court Administration has any questions about the report, it will then be able to contact this person directly.

5) "Telephone Number"

This information is very important. In this space, please provide the area code, phone number (and extension) of the person that may be contacted in connection with the report.

6) "Fax Number"

Please provide this number, if there is a fax machine, so that any important information may be faxed to you as needed.

7) "Municipality Address"

Please provide the mailing address of the municipal court office.

CONCLUSION

These instructions are only general guidelines for you to follow in filling out the caseload report to Court Administration. They make absolutely no attempt to tell you how to conduct matters of a legal nature within the court. The purpose of these instructions is to aid the court in reporting those judicial activities outlined above.

Reports should be received by Court Administration within twenty days from the end of each reporting period. A duplicate copy of the report should be kept for the court's office records.

If you have any questions or a particular problem arises as you fill out your report, please contact Court Administration before report is sent at (803) 734-1800. A member of our staff will be happy to help resolve any uncertainties at that time. Inquiries or comments to this office can be sent to:

South Carolina Court Administration
1015 Sumter Street (2nd Floor)
Columbia, South Carolina 29201-3739

If, after submitting the report, an error is discovered, please contact Court Administration as soon as possible. Call (803) 734-1800 or submit a revised report via fax to (803) 734-1821 or by mail to the above address. If a revised report is submitted please make sure the report is clearly marked "REVISED" in the upper right corner. There is no penalty for reporting such an error.

If Court Administration discovers an error in the report, the person named at the bottom of the form will be called. For this reason, it is very important that an exact copy of each report is kept on file. The discovery of an error will not be used to penalize the court.

F.
Uniform Recordkeeping and Information System

1. Magistrates Disposed Traffic Docket

(a) Magistrate

By Order of the Chief Justice dated May 24, 1983, recordkeeping procedures promulgated by S.C. Court Administration shall be utilized by all magistrates. The following is a description of the mandatory recordkeeping system now in effect.

1. MAGISTRATES DISPOSED TRAFFIC DOCKET

Instructions for Use:

The Magistrates' Traffic Docket forms will be used as the official record of all criminal traffic-related court proceedings in magistrates' courts in South Carolina. They will replace all existing magistrates' docket books for the entry of traffic cases and all books, ledgers or other forms now used to record traffic cases should be abandoned and put in storage. The docket forms supplied by Court Administration will document all traffic cases originating from uniform traffic tickets or warrants approved by the Attorney General's Office. Uniform Traffic Tickets are supplied by the Department of Highways and Public Transportation.

Complete case information should be entered on uniform traffic docket immediately after disposition has been reached. Do not skip lines on the docket; enter 10 cases per page. Scheduled Time Payments should be entered when they are received and identified by case number, receipt number, defendant and trial date. Enter "STP" in front of the defendant's name to alert SCCA data entry personnel that this does not represent a new case. Under "Disposition" note the remaining number of payments. (See the sample docket page). Non-Resident Violator Compact cases should be handled in the same manner. Enter "NRVC" in front of the defendant's name and enter the case number, receipt number, amount collected and trial date in the appropriate columns. The court must clearly indicate that a Scheduled Time Payment or NRVC entry does not represent a new case and is shown for accounting purposes only. (NRVC members are listed on pp V - 37 Bench Book)

At the end of each month, (or more frequently, if required by local Administrative Order) magistrates' traffic docket forms should be separated and the top, original copy should be placed in the Magistrates' docket book data binder or filed in an orderly place of safekeeping. The second and the third copies should be mailed to Court Administration (1015 Sumter Street, Suite 200, Columbia, SC 29201-3739). The fourth copy should be transmitted to the county treasurer with a check from the court for the month's fines, fees and assessments pursuant to S.C. Code Ann. § 22-1-70 and S.C. Code Ann. § 22-1-90. These dockets forms do not supplant the reports now used for the transmittal of fees and assessments.

TRAFFIC DOCKET INSTRUCTIONS

TRAFFIC (TITLE 56) CASES ONLY

FORM SCCA/506 (REV 2/99)

1. Judge Name: Enter the last name, the first name and the middle initial, if any, of the presiding magistrate. Only one magistrate's court cases should be entered on a single docket sheet.

2. Judge Code: In the boxes provided, enter the magistrate's four digit judge code number.

3. County: Enter the magistrate's county of jurisdiction.

4. County Code: Enter the two digit county code.

5. Month, Year: In the boxes provided, enter the month and year in which the cases appearing on this docket sheet were disposed (i.e., June 2001 is shown as 06 01). Note that only disposed cases within a single month are shown on a single docket page.

6. Docket Page Number: Docket pages should be numbered sequentially within each year. The first docket page used in January should be No. 1, the last used in December should reflect the last docket page number for the court year. Docket page numbering re-starts at 1 every January.

7. Defendant Name: Enter the last name, the first name and the middle initial, if any, of the defendant as it appears on the charging paper.

8. S.I.D. Number: This is for SLED use only; leave it blank.

9. Charging Document No.: Enter number appearing on the defendants charging document. Include any letter or letters of the alphabet used as a prefix or suffix to the charging document number, note ticket number A000 is not the same as 000A.

10. File Date: This entry should show the date in which the charging paper was received by the court, after being served on the defendant. In the case of "NRVC" Non Resident Violators Compact and "STP" Scheduled Time Payments this date would be the date of the subsequent action or payment date.

11. Disposition Date: This entry should show the date on which the case was disposed. A disposition may occur through a bench or jury trial, trial in absence, a decision to nol-pros a case, a plea of guilty, or a bond forfeiture. This disposition date is never affected by scheduled time payment agreements, or the non-resident violators compact procedure or by the sign off of the ticket.

12. Sex, Race: Enter the defendant's sex and race as it appears on the charging paper. For example, if the defendant is a white female, the "W" and "F" should be encircled or if typed, "XX" should be typed to cover "W" and "F" If unknown, leave blank.

13. Drivers License Number and Date of Birth: Enter the defendant's drivers license number to include the state that issued the license and date of birth as they appear on the charging paper. If either is unknown, enter "UK".

14. Offense and Offense Code Numbers: Enter the specific charge as shown on the arrest warrant or other charging paper. You can use the statute numbers and short description for convenience. Standardized abbreviations of offenses (for example, FR. CK. for fraudulent check) are encouraged. Offense code numbers are now referred to as the "CDR" Criminal Description Code and are found in the back of the Offense section of this book. Enter the appropriate four digit code.

15. Affiant or Officer/ORI: Enter the name of the individual who swore out the warrant, or made the arrest. Enter the O.R.I. number of the arresting agency. (See PP VIII-73 to 76 for list of ORI numbers).

16. Sentence and Disposition Code: Enter the disposition code number in the box provided. Disposition code numbers may be found at the bottom of each form. If the disposition code is 1, 2, or 3 (i.e., a conviction), the court's sentence must be written in the following format: fine (if any), imprisonment (if any), conditions of suspension (optional). For example, "\$200.00 or 30 days"; "\$200.00 or 20 days, suspended to \$50.00; or \$100.00, suspended to \$25.00 and spec. conditions". Using this format clarifies the specific elements of the sentence.

17. TOT. COLLECT/REF. RECEIPT/CK #: Enter on line " + \$ _____ " the total amount collected. Enter on line " - \$ _____ " the total of any refund. Enter on line " # _____ " the receipt number or check number. Enter on line "Amt. Due" any monies owed the court.

18. FINE: Enter the total amount of the fine that would be retained by the county.

19. ASSESSMENT: Enter the 107.5% assessment in this column.

20. \$25.00 VICTIM SURCHARGE: This column is used to enter the \$25.00 victim surcharge.

21. \$25.00 LAW ENFORCEMENT FUNDING SURCHARGE: This column is used to enter the \$25.00 law enforcement funding surcharge.

22. Miscellaneous:

a. STP or Bench Warrant: When scheduled time payment funds are collected in a month other than when the case was disposed, enter "STP" before the defendant's name. This will alert data entry personnel to ignore the case since it will have already been reported in the month it was originally disposed. ALSO NOTE: S.C. Code Ann. § 14-1-20-(B) REQUIRES THAT "STP," PAYMENTS BE TURNED OVER TO THE COUNTY TREASURER IN THE MONTH THAT THEY ARE COLLECTED AND THAT A 3% COLLECTION FEE MUST BE COLLECTED. Should a defendant be brought before the court on a bench warrant concerning a previously disposed case, the proceedings should be noted in the docket and "BW" precede the defendant's name.

DEFENDANT A: Illustrates a normal bond forfeiture of \$300.00 by the defendant; the amount collected for the bond remains as the total amount collected and remitted to the treasurer.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | REF. NUMBER | \$ AMOUNT | FINE TO COUNTY | ASSESS. 107.5% | SEE VICTIM | SEE LAW | SPECIAL FINE \$ & ASSESSMENTS | |
|--------------------------|------|---------------------|------------------|-----------------------|-----------|-------------------------------|----------|-------------|-----------|----------------|----------------|------------|---------|-------------------------------|-------------|
| 1 NAME (Last, First, MI) | RACE | W | Speeding 55-30 | SO CODE | FILE DATE | DAYS/FINE | 30 | \$ 300.00 | RECEIPT1 | A-000001 | \$ 300.00 | | | | |
| DEFENDANT | SEX | M | | SSS-1510(d)4 | 1/25/2008 | SUSP TO: | | \$ - | RECEIPT2 | | \$ - | | | | |
| A | DOB | 3/10/1942 | | CCR# | DSP DATE | RESTITUTION: | | \$ - | CHECK | | \$ - | | | | |
| Warrant / Ticket # | SSN | 000-00-0000 | HP01 | 2103 | 1/30/2008 | COMM. SVC | CODE (R) | TOTAL | | | \$ 300.00 | | | | |
| B000001 | SC# | | AFFAINT/ OFFICER | Col. Michael W. Kelly | | | | DUE: | \$ - | | \$ 122.53 | \$ 142.47 | \$ - | \$ 25.00 | Total Other |

Click graphic to enlarge

DEFENDANT B: Illustrates a case which had to be continued into the next month. If the \$300.00 bond will not be remitted to the treasurer until final disposition (next month), merely strike through the amount so as not to add it in with the amounts actually being remitted to the county treasurer. Strike through in such a way that the amount can still be read. As a continued case, the disposition code of 9 should be used.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | REF. NUMBER | \$ AMOUNT | FINE TO COUNTY | ASSESS. 107.5% | SEE VICTIM | SEE LAW | SPECIAL FINE \$ & ASSESSMENTS | |
|--------------------------|------|---------------------|------------------|-----------------------|-----------|-------------------------------|----------|-------------|-----------|----------------|----------------|------------|---------|-------------------------------|------|
| 2 NAME (Last, First, MI) | RACE | W | Speeding 55-30 | SO CODE | FILE DATE | DAYS/FINE | | \$ - | RECEIPT1 | A-000001 | \$ 300.00 | | | | |
| DEFENDANT | SEX | M | | SSS-1510(d)4 | 1/25/2008 | SUSP TO: | | \$ - | RECEIPT2 | | \$ - | | | | |
| B | DOB | 3/10/1942 | | CCR# | DSP DATE | RESTITUTION: | | \$ - | CHECK | | \$ - | | | | |
| Warrant / Ticket # | SSN | 000-00-0000 | HP01 | 2103 | | COMM. SVC | CODE (R) | TOTAL | | | \$ 300.00 | | | | |
| B000001 | SC# | | AFFAINT/ OFFICER | Col. Michael W. Kelly | | | | DUE: | \$ - | | \$ - | \$ - | \$ - | Total Other | \$ - |

Click graphic to enlarge

DEFENDANT C: Illustrates a finding of not guilty Jury Trial and the refunding of the bond. Enter "-\$ 300.00" the amount of the refund, and the check number "66552" and the receipt number "A 00001".

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | FINE TO | | ASSESS. | | DUE | | SPECIAL FINE S | | |
|------------------------|------|---------------------|------------------|----------------------|-----------|-------------------------------|-----------|----------|----------|-----------|--------|---------|--------|----------------|-------------|------|
| NAME (Last, First, MI) | RACE | W | Speeding 85/30 | SO CODE | FILE DATE | DAYS/FINE | DISP CODE | RECEIPT1 | NUMBER | \$ AMOUNT | COUNTY | VEHICAL | JACTIM | LAW | ASSESSMENTS | |
| DEFENDANT | SEX | M | | 855-1510 (I/4) | 1/25/2006 | SUSP TO: | 3 | RECEIPT2 | A-000001 | \$ 300.00 | | | | | \$ - | |
| | DOB | 3/10/1948 | | CDR# | DISP DATE | RESTITUTION | 3 | CHECK | 66552 | \$ 300.00 | | | | | \$ - | |
| Warrant / Ticket # | SSN | 000-00-0000 | HP01 | 2103 | 2/12/2006 | COMM SVC | CODE (R) | TOTAL | | \$ - | | | | | \$ - | |
| B000001 | SO# | | AFFAINT/ OFFICER | CO. Michael W. Kelly | | | 2 | DUE | | \$ - | \$ - | \$ - | \$ - | \$ - | Total Other | \$ - |

Click graphic to enlarge

DEFENDANT D: Illustrates a finding of guilty when the total fine is greater than the bond collected, this defendant had posted \$300.00 as a bond on receipt number "A 000001", and then paid an additional \$100.00 on receipt number "A 000006".

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | FINE TO | | ASSESS. | | DUE | | SPECIAL FINE S | | |
|------------------------|------|---------------------|------------------|----------------------|-----------|-------------------------------|-----------|----------|----------|-----------|-----------|-----------|--------|----------------|-------------|------|
| NAME (Last, First, MI) | RACE | W | Speeding 85/30 | SO CODE | FILE DATE | DAYS/FINE | DISP CODE | RECEIPT1 | NUMBER | \$ AMOUNT | COUNTY | VEHICAL | JACTIM | LAW | ASSESSMENTS | |
| DEFENDANT | SEX | M | | 855-1510 (I/4) | 1/25/2006 | SUSP TO: | 0 | RECEIPT2 | A-000001 | \$ 300.00 | | | | | \$ - | |
| | DOB | 3/10/1948 | | CDR# | DISP DATE | RESTITUTION | 0 | CHECK | A-000006 | \$ 100.00 | | | | | \$ - | |
| Warrant / Ticket # | SSN | 000-00-0000 | HP01 | 2103 | 2/12/2006 | COMM SVC | CODE (R) | TOTAL | | \$ 400.00 | | | | | \$ - | |
| B000001 | SO# | | AFFAINT/ OFFICER | CO. Michael W. Kelly | | | 2 | DUE | | \$ - | \$ 130.72 | \$ 194.28 | \$ - | \$ 25.00 | Total Other | \$ - |

Click graphic to enlarge

DEFENDANT E: Illustrates the trickiest case, when a defendant is found guilty, but sentenced to an amount less than the bond posted. The defendant posted a \$300.00 and was found guilty and fined \$150.00 and refunded \$150.00 on check number 66552.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | FINE TO | | ASSESS. | | DUE | | SPECIAL FINE S | | |
|------------------------|------|---------------------|------------------|----------------------|-----------|-------------------------------|-----------|----------|----------|-----------|----------|----------|--------|----------------|-------------|------|
| NAME (Last, First, MI) | RACE | W | Speeding 85/30 | SO CODE | FILE DATE | DAYS/FINE | DISP CODE | RECEIPT1 | NUMBER | \$ AMOUNT | COUNTY | VEHICAL | JACTIM | LAW | ASSESSMENTS | |
| DEFENDANT | SEX | M | | 855-1510 (I/4) | 1/25/2006 | SUSP TO: | 0 | RECEIPT2 | A-000001 | \$ 300.00 | | | | | \$ - | |
| | DOB | 3/10/1948 | | CDR# | DISP DATE | RESTITUTION | 0 | CHECK | 66552 | \$ 150.00 | | | | | \$ - | |
| Warrant / Ticket # | SSN | 000-00-0000 | HP01 | 2103 | 2/12/2006 | COMM SVC | CODE (R) | TOTAL | | \$ 150.00 | | | | | \$ - | |
| B000001 | SO# | | AFFAINT/ OFFICER | CO. Michael W. Kelly | | | 2 | DUE | | \$ - | \$ 80.24 | \$ 64.76 | \$ - | \$ 25.00 | Total Other | \$ - |

Click graphic to enlarge

DEFENDANT F: Schedule Time Payments (STP): After a finding of guilty, the judge may authorize the defendant to pay in installments. The docket entries should look like this. This trial was held on 02/12/06, and the defendant made the first of three (3) scheduled time payments the first entry should be made on 02/12/06 and look like this. The Amount Due \$209.00 reflects what is owed the court and the \$9.00 or 3% has been added to the total fine imposed.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | FINE TO | | ASSESS. | | DUE | | SPECIAL FINE S | | |
|------------------------|------|---------------------|------------------|----------------------|-----------|-------------------------------|-----------|----------|----------|-----------|----------|----------|--------|----------------|-------------|---------|
| NAME (Last, First, MI) | RACE | W | Speeding 85/30 | SO CODE | FILE DATE | DAYS/FINE | DISP CODE | RECEIPT1 | NUMBER | \$ AMOUNT | COUNTY | VEHICAL | JACTIM | LAW | ASSESSMENTS | |
| DEFENDANT | SEX | M | | 855-1510 (I/4) | 1/25/2006 | SUSP TO: | 0 | RECEIPT2 | A-000001 | \$ 100.00 | | | | | \$ - | |
| | DOB | 3/10/1948 | | CDR# | DISP DATE | RESTITUTION | 0 | CHECK | | \$ - | | | | | \$ - | |
| Warrant / Ticket # | SSN | 000-00-0000 | HP01 | 2103 | 2/12/2006 | COMM SVC | CODE (R) | TOTAL | | \$ 103.00 | | | | | \$ 9.00 | |
| B000001 | SO# | | AFFAINT/ OFFICER | CO. Michael W. Kelly | | | 2 | DUE | | \$ 209.00 | \$ 44.13 | \$ 47.49 | \$ - | \$ 3.00 | Total Other | \$ 3.00 |

Click graphic to enlarge

The second docket entry would be made on the date of next payment in this case it was on 03/12/06. (Note: Put "X" in disposition code and File Date is the date of payment 03/12/06 the Disposition Date should reflect the date of original trial in this case was 02/12/06.)

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | FINE TO | | ASSESS. | | DUE | | SPECIAL FINE S | | |
|------------------------|------|---------------------|------------------|----------------------|-----------|-------------------------------|-----------|----------|----------|-----------|----------|----------|--------|----------------|-------------|---------|
| NAME (Last, First, MI) | RACE | W | Speeding 85/30 | SO CODE | FILE DATE | DAYS/FINE | DISP CODE | RECEIPT1 | NUMBER | \$ AMOUNT | COUNTY | VEHICAL | JACTIM | LAW | ASSESSMENTS | |
| DEFENDANT | SEX | M | | 855-1510 (I/4) | 2/12/2006 | SUSP TO: | 0 | RECEIPT2 | A-000002 | \$ 100.00 | | | | | \$ - | |
| | DOB | 3/10/1948 | | CDR# | DISP DATE | RESTITUTION | 0 | CHECK | | \$ - | | | | | \$ - | |
| Warrant / Ticket # | SSN | 000-00-0000 | HP01 | 2103 | 2/12/2006 | COMM SVC | CODE (R) | TOTAL | | \$ 103.00 | | | | | \$ 9.00 | |
| B000001 | SO# | | AFFAINT/ OFFICER | CO. Michael W. Kelly | | | X | DUE | | \$ 100.00 | \$ 44.13 | \$ 47.49 | \$ - | \$ 3.00 | Total Other | \$ 3.00 |

Click graphic to enlarge

The final entry on the 04/12/06 when the last payment was made. (Note: Put "X" in disposition code

and File Date is the date of payment 04/12/06 the Disposition Date should reflect the date of original trial in this case was 02/12/06.)

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | REF. NUMBER | \$ AMOUNT | FINE TO COUNTY | ASSESS. 1075% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|------|---------------------|-----------------|-----------------------|-----------|-------------------------------|----------|-------------|-----------|----------------|---------------|------------------------------|------------------|-----------------------------|---------|
| S. NAME (Last, First, MI) | RACE | W | Speeding 86/30 | SO CODE | FILE DATE | DISP CODE | 30 | \$ 000.00 | RECEIPT 1 | A-00000 | \$ 100.00 | 1st of 2 STP @ \$100.00 each | \$ - | | |
| DEFENDANT | SEX | M | | 899-1510 (d/4) | 4/12/06 | BUSP TO: | 0 | \$ 300.00 | RECEIPT 2 | | \$ - | | \$ - | | |
| | DOB | 3/10/1948 | | CCR# | DISP DATE | RESTITUTION | | \$ - | CHECK | | \$ - | | \$ - | | |
| Warrant / Ticket # | SSR | 000-00-0000 | HR01 | 2103 | 2/12/2006 | CONV. SVC | CODE (S) | TOTAL | | | \$ 100.00 | | 3%Collection Fee | \$ 3.00 | |
| B-000001 | SIG# | | AFFIANT/OFFICER | Col. Michael W. Kelly | | | 1 | DUE | \$ - | \$ - | \$ - | \$ - | \$ 0.04 | Total Other | \$ 3.00 |

Click graphic to enlarge

NOTE: The Disposition date on all entries is that of original trial "02/12/06" and every time you receive money a docket entry is made. Do not wait until all payments are made and then make one docket entry. S.C. Code Ann. § 14-1-209(B) & S.C. Code Ann. § 14-17-725 require monies collected during a month be turned over to the county and state treasurers in the month that it is collected.

DEFENDANT G: Non-resident Violator Compact (NRVC) See PP V-31 through V-37 for more information on NRVC. This entry would be made on the scheduled trial date after the defendant is tried in his/her absence.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | REF. NUMBER | \$ AMOUNT | FINE TO COUNTY | ASSESS. 1075% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|------|---------------------|-----------------|-----------------------|-----------|-------------------------------|----------|-------------|-----------|----------------|---------------|------------|---------|-----------------------------|------|
| S. NAME (Last, First, MI) | RACE | W | Speeding 86/30 | SO CODE | FILE DATE | DISP CODE | 30 | \$ 300.00 | RECEIPT 1 | | \$ - | | | \$ - | |
| DEFENDANT | SEX | M | | 899-1510 (d/4) | 1/08/2006 | BUSP TO: | 0 | \$ 300.00 | RECEIPT 2 | | \$ - | | | \$ - | |
| | DOB | 3/10/1948 | | CCR# | DISP DATE | RESTITUTION | | \$ - | CHECK | | \$ - | | | \$ - | |
| Warrant / Ticket # | SSR | 000-00-0000 | HR01 | 2103 | 1/08/2006 | CONV. SVC | CODE (S) | TOTAL | | | \$ - | | | \$ - | |
| B-000001 | SIG# | | AFFIANT/OFFICER | Col. Michael W. Kelly | | | 1 | DUE | \$ 300.00 | \$ - | \$ - | \$ - | \$ - | Total Other | \$ - |

Click graphic to enlarge

This entry would be made when payment is received on 07/15/01. Note: Put an "X" in disposition code.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | REF. NUMBER | \$ AMOUNT | FINE TO COUNTY | ASSESS. 1075% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | | |
|---------------------------|------|---------------------|-----------------|-----------------------|-----------|-------------------------------|----------|-------------|-----------|----------------|---------------|--------------------|---------|-----------------------------|-------------|------|
| S. NAME (Last, First, MI) | RACE | W | Speeding 86/30 | SO CODE | FILE DATE | DISP CODE | 30 | \$ 300.00 | RECEIPT 1 | A-00000 | \$ 200.00 | TIA NRVC 1/30/2006 | \$ - | | | |
| DEFENDANT | SEX | M | | 899-1510 (d/4) | 1/08/2006 | BUSP TO: | 0 | \$ 300.00 | RECEIPT 2 | | \$ - | | \$ - | | | |
| | DOB | 3/10/1948 | | CCR# | DISP DATE | RESTITUTION | | \$ - | CHECK | | \$ - | | \$ - | | | |
| Warrant / Ticket # | SSR | 000-00-0000 | HR01 | 2103 | 1/08/2006 | CONV. SVC | CODE (S) | TOTAL | | | \$ 300.00 | | \$ - | | | |
| B-000001 | SIG# | | AFFIANT/OFFICER | Col. Michael W. Kelly | | | 1 | DUE | \$ - | \$ - | \$ 132.50 | \$ 142.47 | \$ - | \$ 25.00 | Total Other | \$ - |

Click graphic to enlarge

NOTE: When docketing old NRVC or STP, transmit only those assessments that were applicable when the case was originally tried, not what they are now.

If payment is received before separation of the docket, the original entry may be amended.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | REF. NUMBER | \$ AMOUNT | FINE TO COUNTY | ASSESS. 1075% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | | |
|---------------------------|------|---------------------|-----------------|-----------------------|-----------|-------------------------------|----------|-------------|-----------|----------------|---------------|------------------------------------|---------|-----------------------------|-------------|------|
| S. NAME (Last, First, MI) | RACE | W | Speeding 86/30 | SO CODE | FILE DATE | DISP CODE | 30 | \$ 300.00 | RECEIPT 1 | A-00000 | \$ 200.00 | TIA NRVC Received payment 2/1/2006 | \$ - | | | |
| DEFENDANT | SEX | M | | 899-1510 (d/4) | 1/08/2006 | BUSP TO: | 0 | \$ 300.00 | RECEIPT 2 | | \$ - | | \$ - | | | |
| | DOB | 3/10/1948 | | CCR# | DISP DATE | RESTITUTION | | \$ - | CHECK | | \$ - | | \$ - | | | |
| Warrant / Ticket # | SSR | 000-00-0000 | HR01 | 2103 | 1/08/2006 | CONV. SVC | CODE (S) | TOTAL | | | \$ 300.00 | | \$ - | | | |
| B-000001 | SIG# | | AFFIANT/OFFICER | Col. Michael W. Kelly | | | 1 | DUE | \$ - | \$ - | \$ 132.50 | \$ 142.47 | \$ - | \$ 25.00 | Total Other | \$ - |

Click graphic to enlarge

DEFENDANT H: Bench Warrant (BW) Should the defendant, be brought before the court on a bench warrant concerning a previously disposed case, the original entry would look like this.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | REF. NUMBER | \$ AMOUNT | FINE TO COUNTY | ASSESS. 1075% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|------|---------------------|-----------------|-----------------------|-----------|-------------------------------|----------|-------------|-----------|----------------|---------------|------------|---------|-----------------------------|------|
| S. NAME (Last, First, MI) | RACE | W | Speeding 86/30 | SO CODE | FILE DATE | DISP CODE | 30 | \$ 300.00 | RECEIPT 1 | | \$ - | | | \$ - | |
| DEFENDANT | SEX | M | | 899-1510 (d/4) | 1/08/2006 | BUSP TO: | 0 | \$ 300.00 | RECEIPT 2 | | \$ - | | | \$ - | |
| | DOB | 3/10/1948 | | CCR# | DISP DATE | RESTITUTION | | \$ - | CHECK | | \$ - | | | \$ - | |
| Warrant / Ticket # | SSR | 000-00-0000 | HR01 | 2103 | 2/12/2006 | CONV. SVC | CODE (S) | TOTAL | | | \$ - | | | \$ - | |
| B-000001 | SIG# | | AFFIANT/OFFICER | Col. Michael W. Kelly | | | 2 | DUE | \$ 300.00 | \$ - | \$ - | \$ - | \$ - | Total Other | \$ - |

Click graphic to enlarge

This entry would be made when the Judge decided to allow the individual to pay a fine of \$300.00, for not paying the fine when it was due on 02/12/06.

| DEFENDANT INFORMATION | | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | | REF | NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10750% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENT \$ |
|---------------------------|------|-------------|-----------------|-----------------------|-----------|------|-----------|-------------------------------|---------|-----------|-----------------------|-----------|--------|-----------|---------------|----------------|------------|---------|-------------------------------|
| S. NAME (Last, First, MI) | RACE | W | Speeding \$500 | SO CODE | FILE DATE | 02 | \$ 300.00 | RECEIPT 1 | A-00000 | \$ 300.00 | Search Warrant issued | | | | | | | | |
| DEFENDANT | SEX | M | | 2103 | 02/12/06 | 0 | \$ 300.00 | RECEIPT 2 | | \$ - | | | | | | | | | |
| J (I) | DOB | 3/10/1948 | | 2103 | 02/12/06 | | \$ - | CHECK | | \$ - | | | | | | | | | |
| Warrant / Ticket # | SSR | 000-00-0000 | HP01 | 2103 | 02/12/06 | DOWN | SVC | CODE(S) | TOTAL | \$ 300.00 | | | | | | | | | |
| B-000001 | SICR | | AFFIANT/OFFICER | Col. MICHAEL W. KELLY | | | | DUE | \$ - | \$ - | \$ 132.50 | \$ 142.47 | \$ - | \$ 25.00 | Total/Other | \$ - | | | |

Click graphic to enlarge

DEFENDANT I: Should a defendant be found in contempt of court, the entry would look like this. Put an "X" in disposition code. Although no charging paper is used for contempt of court, however some computer systems will not allow entry without a charging document, It may be necessary to void a warrant and use that number for entry purposes only.

| DEFENDANT INFORMATION | | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | | REF | NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10750% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENT \$ |
|---------------------------|------|-------------|----------------------|---------------------|-----------|------|-----------|-------------------------------|---------|-----------|-------------------|-----------|----------|-----------|---------------|----------------|------------|---------|-------------------------------|
| S. NAME (Last, First, MI) | RACE | W | Contempt of Court \$ | SO CODE | FILE DATE | 02 | \$ 300.00 | RECEIPT 1 | A-00000 | \$ 300.00 | Contempt of Court | | | | | | | | |
| DEFENDANT | SEX | M | | 2103-990 | 1/28/06 | 0 | \$ 300.00 | RECEIPT 2 | | \$ - | | | | | | | | | |
| J (I) | DOB | 3/10/1948 | | 2557 | 1/28/06 | | \$ - | CHECK | | \$ - | | | | | | | | | |
| Warrant / Ticket # | SSR | 000-00-0000 | HP01 | 2557 | 1/28/06 | DOWN | SVC | CODE(S) | TOTAL | \$ 300.00 | | | | | | | | | |
| B-000001 | SICR | | AFFIANT/OFFICER | | | | | DUE | \$ - | \$ - | \$ 120.40 | \$ 129.62 | \$ 25.00 | \$ 25.00 | Total/Other | \$ - | | | |

Click graphic to enlarge

DEFENDANT J: Assume the following entry on page 5 line 4, on 06/01/01 was made, but later determined it had one of the following errors or problems:

| DEFENDANT INFORMATION | | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | | REF | NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10750% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENT \$ |
|---------------------------|------|-------------|-----------------|-----------------------|-----------|------|-----------|-------------------------------|---------|-----------|-----------|-----------|--------|-----------|---------------|----------------|------------|---------|-------------------------------|
| S. NAME (Last, First, MI) | RACE | W | Speeding \$500 | SO CODE | FILE DATE | 02 | \$ 300.00 | RECEIPT 1 | A-00000 | \$ 300.00 | | | | | | | | | |
| DEFENDANT | SEX | M | | 2103 | 1/28/06 | 0 | \$ 300.00 | RECEIPT 2 | | \$ - | | | | | | | | | |
| J (I) | DOB | 3/10/1948 | | 2103 | 1/28/06 | | \$ - | CHECK | | \$ - | | | | | | | | | |
| Warrant / Ticket # | SSR | 000-00-0000 | HP01 | 2103 | 1/28/06 | DOWN | SVC | CODE(S) | TOTAL | \$ 300.00 | | | | | | | | | |
| B-000001 | SICR | | AFFIANT/OFFICER | Col. MICHAEL W. KELLY | | | | DUE | \$ - | \$ - | \$ 132.50 | \$ 142.47 | \$ - | \$ 25.00 | Total/Other | \$ - | | | |

Click graphic to enlarge

Correction / Problem # 1. \$300.00 was entered, and the fine that the ticket / warrant reflect that the fine is \$250.00 and your receipt is for \$250.00. The Court has overpaid \$25.00 to the county treasurer and \$25.00 to the state treasurer. Subtract this \$50.00 from this page total and reduce the amount of fine and assessments accordingly. The entry should look like this: (Note: Put "X" in disposition code and note page and line number of original entry).

| DEFENDANT INFORMATION | | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | | REF | NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10750% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENT \$ |
|---------------------------|------|-------------|-----------------|-----------------------|-----------|------|-----------|-------------------------------|---------|-----------|---|-----------|--------|-----------|---------------|----------------|------------|---------|-------------------------------|
| S. NAME (Last, First, MI) | RACE | W | Speeding \$500 | SO CODE | FILE DATE | 02 | \$ 300.00 | RECEIPT 1 | A-00000 | \$ 300.00 | Defendant was fined \$250.00 not \$300.00 | | | | | | | | |
| DEFENDANT | SEX | M | | 2103 | 1/28/06 | 0 | \$ 300.00 | RECEIPT 2 | | \$ - | Correction See page ____ and Line ____ | | | | | | | | |
| J (I) | DOB | 3/10/1948 | | 2103 | 1/28/06 | | \$ - | CHECK | XXXX | \$ 90.00 | | | | | | | | | |
| Warrant / Ticket # | SSR | 000-00-0000 | HP01 | 2103 | 1/28/06 | DOWN | SVC | CODE(S) | TOTAL | \$ 160.00 | | | | | | | | | |
| B-000001 | SICR | | AFFIANT/OFFICER | Col. MICHAEL W. KELLY | | | | DUE | \$ - | \$ - | \$ 124.10 | \$ 125.90 | \$ - | \$ - | Total/Other | \$ - | | | |

Click graphic to enlarge

Correction / Problem # 2. A check was returned from the bank marked Non-Sufficient Funds (NSF). Subtract this \$300.00 from this page total, and subtract these assessments from this page total. The entry should look like this: (Note: Put "X" in disposition code, and note page and line number of original entry).

| DEFENDANT INFORMATION | | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | | REF | NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10750% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENT \$ |
|---------------------------|------|-------------|-----------------|-----------------------|-----------|------|-----------|-------------------------------|---------|-----------|--|-----------|--------|-----------|---------------|----------------|------------|---------|-------------------------------|
| S. NAME (Last, First, MI) | RACE | W | Speeding \$500 | SO CODE | FILE DATE | 02 | \$ 300.00 | RECEIPT 1 | A-00000 | \$ 300.00 | Defendants check returned Non-Sufficient Funds (NSF) See Page ____ Line ____ | | | | | | | | |
| DEFENDANT | SEX | M | | 2103 | 1/28/06 | 0 | \$ 300.00 | RECEIPT 2 | | \$ - | | | | | | | | | |
| J (I) | DOB | 3/10/1948 | | 2103 | 1/28/06 | | \$ - | CHECK | | \$ 300.00 | | | | | | | | | |
| Warrant / Ticket # | SSR | 000-00-0000 | HP01 | 2103 | 1/28/06 | DOWN | SVC | CODE(S) | TOTAL | \$ 300.00 | | | | | | | | | |
| B-000001 | SICR | | AFFIANT/OFFICER | Col. MICHAEL W. KELLY | | | | DUE | \$ - | \$ - | \$ 132.50 | \$ 142.47 | \$ - | \$ 25.00 | Total/Other | \$ - | | | |

Click graphic to enlarge

When the individual makes the NSF check good or pays cash, the entry should look like this:

| DEFENDANT INFORMATION | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | REF. NUMBER | \$AMOUNT | FINE TO COUNTY | ASSESS. 10750% | \$25 VICTIM | \$25 LAW | SPECIAL FINES & ASSESSMENTS |
|---------------------------|-----------|-------------|---------------------|-----------------------|-----------|------------|-------------------------------|-----------|-------------|-----------|----------------|----------------|-------------|--|-----------------------------|
| S. NAME (Last, First, MI) | RACE | W | Speeding 86/00 | SO CODE | FILE DATE | DAY(S)/FNE | \$ | RECEIPT 1 | A-000008 | \$ 200.00 | | | | Defendants Paid check = \$20.00 Bad Check Change | \$ - |
| DEFENDANT | SEX | M | | 899-1510 (S-4) | 3/5/2006 | B/SRP TO: | \$ - | RECEIPT 2 | | \$ - | | | | | \$ - |
| DOB | 3/10/1948 | CDR# | DISP. DATE | RESTITUTION | \$ - | CHECK | \$ - | | | | | | | | \$ - |
| Warrant / Ticket # | SSB | 000-00-0000 | HR01 | 2103 | 2/15/2006 | COMM. SVC | CODE(S) | TOTAL | | \$ 535.00 | | | | | \$ - |
| B-000001 | SIC# | | AFFIANT/OFFICER | Col. Michael W. Kelly | | | | DUE | \$ - | \$ 992.00 | \$ 142.47 | \$ - | \$ 25.00 | Total/Other | \$ - |

Click graphic to enlarge

DEFENDANT K: was convicted of Driving Under The Influence "DUI". He must be fined \$992.00. The \$992.00 is equal to a \$400.00 fine in accordance with S.C. Code Ann. § 56-5-2930, \$430.00 assessment in accordance with S.C. Code Ann. § 14-1-207 (107.5%), \$25.00 surcharge in accordance with S.C. Code Ann. § 14-1-211, \$25.00 law enforcement funding surcharge in accordance with Proviso 35.11, \$100.00 surcharge in accordance with S.C. Code Ann. § 14-1-211(A) (2) and a \$12.00 DUI assessment in accordance with S.C. Code Ann. § 56-5-2995(A). The total fine and assessments are \$992.00. No portion of the fine or the assessments may be waved or suspended.

| DEFENDANT INFORMATION | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | REF. NUMBER | \$AMOUNT | FINE TO COUNTY | ASSESS. 10750% | \$25 VICTIM | \$25 LAW | SPECIAL FINES & ASSESSMENTS |
|---------------------------|-----------|-------------|---------------------|-----------------------|-----------|------------|-------------------------------|-----------|-------------|-----------|----------------|----------------|-------------|---------------------|-----------------------------|
| S. NAME (Last, First, MI) | RACE | W | Speeding 86/00 | SO CODE | FILE DATE | DAY(S)/FNE | \$ | RECEIPT 1 | A-000008 | \$ 992.00 | | | | DUI \$12.00 | \$ 12.00 |
| DEFENDANT | SEX | M | | 899-1510 (S-4) | 1/26/2006 | B/SRP TO: | \$ 992.00 | RECEIPT 2 | | \$ - | | | | DUI W/BC \$100.00 | \$ 100.00 |
| DOB | 3/10/1948 | CDR# | DISP. DATE | RESTITUTION | \$ - | CHECK | \$ - | | | | | | | DUI CPA PD \$100.00 | \$ 100.00 |
| Warrant / Ticket # | SSB | 000-00-0000 | HR01 | 2103 | 1/30/2006 | COMM. SVC | CODE(S) | TOTAL | | \$ 992.00 | | | | | \$ - |
| B-000001 | SIC# | | AFFIANT/OFFICER | Col. Michael W. Kelly | | | | DUE | \$ - | \$ 300.00 | \$ 400.00 | \$ 25.00 | \$ 25.00 | Total/Other | \$ 212.00 |

Click graphic to enlarge

2. Magistrates Pending Traffic Docket

INSTRUCTIONS FOR USE

Pending Traffic Dockets will record and track traffic cases that are not disposed of on the trial date appearing on the Uniform Traffic Ticket. These pending dockets will be used to record cases that have been postponed due to jury trial requests, requests for continuance by the prosecution or defense, or any other reason. Regardless of whether cases are filed with the court in a timely fashion by law enforcement or what day of the month the court acquires jurisdiction over the case through possession of the charging paper (the trial officer's copy - green copy), if the date of trial on the ticket expires without disposition the case must be entered on a pending traffic docket. Cases that are disposed of on or before the trial date appearing on the uniform traffic ticket should not appear on the Pending Traffic Docket but should be entered directly on the Traffic Docket.

To place a case on a Pending Traffic Docket, enter the defendant's name, uniform traffic ticket number and the file date (i.e., the date the court acquired the charging paper). Use of the Offense, Bond Amount Received and Scheduled Trial Date columns is optional and provided only for the court's internal recordkeeping.

At the end of each month, or more often if the court wishes, the Pending Traffic Docket should be separated and the top, original copy should be sent to South Carolina Court Administration. These cases will remain pending on computer until a disposition is submitted on a Traffic Docket. No other updates or monthly report on a pending case previously submitted is necessary.

The second page is for the court's internal recordkeeping. When all cases on a pending docket page are disposed and entered onto the traffic dockets, the court's copy should be removed from the Pending Docket Book and placed in storage until completion of the court's annual audit by the county.

PENDING TRAFFIC DOCKETS

1. Judge Name: Enter the last name, the first name, and the middle initial, if any, of the presiding

magistrate. Only one magistrate's cases should be entered on a single docket sheet.

2. Judge Code: In the boxes provided, enter the magistrate's three digit code number.

3. County: Enter the magistrate's county of jurisdiction.

4. County Code: Enter the two digit county code.

5. Month, Year: In the boxes provided, enter the month and year for which these cases are being reported.

6. Pending Docket Page Number: Enter a sequential pending docket page number. The first pending docket page used in each year will be No. 1 and proceed through December. The first docket page used in the next year will again be No. 1 and proceed in the same manner.

7. Defendant Name: Enter the last name, the first name and the middle initial, if any, of the defendant as it appears on the uniform traffic ticket.

8. Ticket Number: Enter the uniform traffic ticket number here.

9. File Date: This is the day, the green copy of the uniform traffic ticket "trial officer's copy" was presented to the court for filing.

10. Offense: Enter the specific violation charged on the citation by abbreviated title or code section number.

11. Bond Amount Received: Enter the amount of the bond posted by the defendant, if any, here.

12. Scheduled Trial Date: Enter the scheduled trial date, if known, here.

PENDING TRAFFIC DOCKET*

PLEASE PRINT OR TYPE

JUDGE LAST, FIRST MIDDLE
Last, First, M.I.

| | | |
|---|---|---|
| 2 | 9 | 6 |
|---|---|---|

Code

PENDING DOCKET PAGE NUMBER 2001-01

COUNTY RICHLAND

| | |
|---|---|
| 4 | 0 |
|---|---|

Code

| | |
|---|---|
| 0 | 6 |
|---|---|

Month

| | |
|---|---|
| 0 | 1 |
|---|---|

Year

| | Defendant's Name Last, First, M.I. | Ticket Number | File Date | Offense | Bond Amount Rec'd. | Scheduled Trial Date |
|----|---------------------------------------|---------------|-----------|---------------|--------------------|----------------------|
| 1 | DEFENDANT A | E455955 | 5/25/01 | SP 70/55 | \$100.00 | 6/2/01 |
| 2 | DEFENDANT A | E455956 | 5/25/01 | NO SEAT BELT | \$20.00 | 6/2/01 |
| 3 | DEFENDANT B | E455957 | 5/25/01 | DUS | \$400.00 | 6/2/01 |
| 4 | DEFENDANT C | E455958 | 5/26/01 | DUI 56-5-2930 | \$737.00 | 7/30/01 JT |
| 5 | DEFENDANT D | E455959 | 5/26/01 | SP 60/50 | \$50.00 | 6/2/01 |
| 6 | DEFENDANT E | E455960 | 5/26/01 | NO VEH. LIS | \$100.00 | 6/2/01 |
| 7 | | | | | | |
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* Traffic Cases Only

| |
|------------|
| \$1,407.00 |
|------------|

Original: Court Administration
 Copy: Court Records
 SCCA/505 (10/84)

3. Magistrates Disposed Criminal Docket

Instructions for Use

The Magistrates Criminal Docket forms will be used as the official record of Criminal non-traffic court proceedings in all magistrates' courts in South Carolina. They will replace all existing magistrates' Criminal Docket Books for the entry of criminal non-traffic cases. All books, ledgers or other forms now used should be abandoned and put in storage. The docket forms supplied by Court Administration will document all criminal cases originating from uniform numbered arrest warrants or tickets approved by the Office of the Attorney General (e.g., Department of Natural Resources and The Department of Revenue "ABC" tickets).

Complete case information should be entered on the uniform criminal docket immediately after disposition has been reached. Do not skip lines on the docket, enter 10 cases per page. Scheduled Time Payments should be entered when they are received and identified by case number, receipt number, defendant and trial date. Enter "STP" in front of the defendant's name to alert SCCA data entry personnel that this does not represent a new case. Under "Disposition" note the number of payments remaining. (See the sample docket page). The court must clearly indicate that a scheduled time payment does not represent a new case and is shown for accounting purposes only.

At the end of each month, magistrates' traffic docket forms should be separated and the top, original copy should be placed in the Magistrates' Docket Book data binder or filed in an orderly place of safekeeping. The second and the third copies should be mailed to Court Administration (1015 Sumter Street, Suite 200, Columbia, SC 29201-3739). The fourth copy should be transmitted to the county treasurer with a check from the court for the month's fines, fees and assessments pursuant to S.C. Code Ann. § 22-1-70 and S.C. Code Ann. § 22-1-90. High caseload courts may wish to submit these disposition forms weekly.

CRIMINAL DOCKET SHEET INSTRUCTIONS

FORM SCCA/502 (7-88)

- 1. Judge Name:** Enter the last name, the first name, and the middle initial, if any, of the presiding magistrate. Only one magistrate's cases should be entered on a single docket sheet.
- 2. Judge Code:** In the boxes provided, enter the magistrate's four digit judge code number.
- 3. County:** Enter the magistrate's county of jurisdiction.
- 4. County Code:** Enter the two digit County Code.
- 5. Month, Year:** In the boxes provided, enter the month and year in which the cases appearing on this docket sheet were disposed (i.e., June 2001 is shown as 06 01). Note that only disposed cases within a single month are shown on a single docket page.
- 6. Docket Page Number:** Docket pages should be numbered sequentially within each year. The first docket page used in January should be No. 1, the last used in December should reflect the last docket page number for the court year. Docket page numbering re-starts at 1 every January.
- 7. Defendant Name:** Enter the last name, the first name, and the middle initial, if any, of the defendant as it appears on the charging paper.

8. S.I.D. Number: This is for SLED use only; leave it blank.

9. Charging Document No.: The preassigned number appearing on the standard arrest warrant, Department of Natural Resources summons, uniform traffic ticket, see pp V-2 (a) and V-2 (b) for the only non-traffic offenses which may be charged on a uniform traffic ticket. (For non-traffic cases only), etc. Include any letter or letters of the alphabet used as a prefix or suffix to ticket or warrant number, note ticket number A000001 is not the same as 000001A.

10. File Date: This entry should show the date in which the charging paper was returned to the court after service or the date the ticket was received by the court, after being served on the defendant.

11. Disposition Date: This entry should show the date on which the case was disposed (Date of Trial). A disposition may occur through a bench or a jury trial, trial in absence, a decision to nol-pros a case, a plea of guilty, or a bond forfeiture. This disposition date is never affected by scheduled time payment agreements, or the non-resident violators compact procedure or by the signing of the ticket.

12. Sex, Race: Enter the defendant's sex and race as it appears on the charging paper. For example, if the defendant is a white female, the "W" and "F" should be encircled or if typed, "X" should be typed to cover the "W" and "F". If unknown, leave blank.

13. Social Security Number and Date of Birth: Enter the defendant's social security number and date of birth as they appear on the charging paper. If either is unknown, enter "UK".

14. Offense and Offense Code Numbers: Enter the specific charge as shown on the arrest warrant or other charging paper. You can use the statute numbers and short description for convenience. Standardized abbreviations of offenses (for example, FR. CK. for fraudulent check) are encouraged. Offense code numbers are now referred to as the "CDR" Criminal Description Code and are found in the back of the Offense section of this book. Enter the appropriate four digit code.

15. Affiant or Officer/ORI: Enter the name of the individual who swore out the warrant, or made the arrest. Enter the O.R.I. number of the arresting agency. See PP VIII-73 to VIII-76 for list of ORI numbers.

16. Sentence and Disposition Code: Enter the disposition code number in the box provided. Disposition code numbers may be found at the bottom of each form. If the disposition code is 1, 2 or 3 (i.e., a conviction), the court's sentence must be written in the following format: fine (if any), imprisonment (if any), conditions of suspension (optional). For example, "\$200.00 or 30 days"; "\$200.00 or 20 days, suspended to \$50.00; or "\$100.00, suspended to \$25.00 and spec. conditions". Using this format clarifies the specific elements of the sentence.

17. Tot. Collect/Ref. Receipt/Ck #: Enter on line " + \$ _____ " the total amount collected. Enter on line " - \$ _____ " the total of any refund. Enter on line " # _____ " the receipt number or check number. Enter on line "Amt. Due" any monies owed the court.

18. Fine: Enter the total amount of the fine that would be retained by the county.

19. Assessment: Enter the 100% assessment in this column.

20. \$25.00 Conviction Surcharge: This column is used to enter the \$25.00 conviction surcharge.

21. \$25.00 Law Enforcement Funding Surcharge: This column is used to enter the \$25.00 law

enforcement funding surcharge.

22. Should the court handle the following types of cases that require special handling or splitting of fines as outlined in the Fees and Cost Memorandum under "Exceptions to the General Rule" it is recommended that a separate docket page be used for each type of exception handled.

DEFENDANT A: Scheduled Time Payments (STP) Should the judge; after a finding of guilty, authorize the defendant to pay in installments payments "Scheduled Time Payments S.C. Code Ann. § 17-25-350" (STP), the trial and first payment should be docketed like this. This trial was held on 02/10/06, and this entry should be made on the same day.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | REF. NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10750% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|-------------------|-----------------------|-----------|------------|-----------|-------------------------------|----|-----------|-------------|-----------|---------------|---|------------|----------|-----------------------------|---------|
| 1. NAME (Last, First, MI) | RACE | W | 18-11-B10 | FILE DATE | 1/12/2006 | DAYS/FINE | 30 | \$ 498.00 | RECEIPT1 | A-00001 | \$ 239.42 | 1st of 2 Payments of \$239.42 | | | Collection Fee | \$ 0.99 |
| DEFENDANT | SEX | M | 18-11-B10 | SUSP. TO | | | | | RECEIPT2 | | \$ - | Total due with Fine+Collection Fee = \$472.96 | | | | \$ - |
| | DOB | 3/10/1948 | 65C | DISP. DATE | 2/10/2006 | RESTITUTION | | | CHECK | | \$ - | Note: assessments must be calculated on each payment. | | | | \$ - |
| Warrant / Ticket# | SSW | 00-00-0000 | 65C | COMM. SVC. | | CODE (X) | | TOTAL | | | \$ 239.42 | | | | | \$ - |
| 000001 | SD # | | 65C | COMM. SVC. | | CODE (X) | | DUE: | | | \$ 239.42 | | | | | \$ - |
| | AFFIANT / OFFICER | Col. Michael W. Kelly | | | | | | | | | \$ 100.00 | \$ 107.90 | \$ 12.90 | \$ 12.90 | Total Other | \$ 0.99 |

Click graphic to enlarge

This entry would be made one month later 03/10/06 when the second and final payment is made. Put an "X" in disposition code.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | REF. NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10750% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|-------------------|-----------------------|-----------|------------|-----------|-------------------------------|--|-------|-------------|-----------|---------------|-------------------------------|------------|----------|-----------------------------|---------|
| 2. NAME (Last, First, MI) | RACE | W | 18-11-B10 | FILE DATE | 3/10/2006 | DAYS/FINE | | \$ - | RECEIPT1 | A-00002 | \$ 239.42 | 2nd of 2 Payments of \$239.42 | | | Collection Fee | \$ 0.99 |
| DEFENDANT | SEX | M | 18-11-B10 | SUSP. TO | | | | | RECEIPT2 | | \$ - | | | | | \$ - |
| | DOB | 3/10/1948 | 65C | DISP. DATE | 2/10/2006 | RESTITUTION | | | CHECK | | \$ - | | | | | \$ - |
| Warrant / Ticket# | SSW | 00-00-0000 | 65C | COMM. SVC. | | CODE (X) | | TOTAL | | | \$ 239.42 | | | | | \$ - |
| 000001 | SD # | | 65C | COMM. SVC. | | CODE (X) | | DUE: | | | \$ - | | | | | \$ - |
| | AFFIANT / OFFICER | Col. Michael W. Kelly | | | | | | | | | \$ 100.00 | \$ 107.90 | \$ 12.90 | \$ 12.90 | Total Other | \$ 0.99 |

Click graphic to enlarge

NOTE: Disposition Date on all entries is that of original trial, but file date changes to the date the money is collected.

DEFENDANT B: Bench Warrant (BW) When a defendant is arrested and brought before the court because of a bench warrant concerning a previously disposed case, the entry on his original trial date of 02/10/06 would look like this:

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | REF. NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10750% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|-------------------|-----------------------|-----------|------------|-----------|-------------------------------|----|-----------|-------------|-----------|---------------|------------------------|------------|---------|-----------------------------|------|
| 3. NAME (Last, First, MI) | RACE | W | 18-11-B10 | FILE DATE | 1/12/2006 | DAYS/FINE | 30 | \$ 498.00 | RECEIPT1 | | \$ - | STP will pay 3/10/2006 | | | | \$ - |
| DEFENDANT | SEX | M | 18-11-B10 | SUSP. TO | | | | | RECEIPT2 | | \$ - | | | | | \$ - |
| | DOB | 3/10/1948 | 65C | DISP. DATE | 2/10/2006 | RESTITUTION | | | CHECK | | \$ - | | | | | \$ - |
| Warrant / Ticket# | SSW | 00-00-0000 | 65C | COMM. SVC. | | CODE (X) | | TOTAL | | | \$ - | | | | | \$ - |
| 000001 | SD # | | 65C | COMM. SVC. | | CODE (X) | | DUE: | | | \$ - | | | | | \$ - |
| | AFFIANT / OFFICER | Col. Michael W. Kelly | | | | | | | | | \$ - | \$ - | \$ - | \$ - | Total Other | \$ - |

Click graphic to enlarge

This entry would be made when the Judge decided on 07/15/06 to give the individual 30 days for not paying the fine when it was due.

| DEFENDANT INFORMATION | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | REF. NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10750% | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|-------------------|-----------------------|-----------|------------|-----------|-------------------------------|----|-------|-------------|-----------|---------------|-------------------|------------|---------|-----------------------------|------|
| 4. NAME (Last, First, MI) | RACE | W | 18-11-B10 | FILE DATE | 7/15/2006 | DAYS/FINE | 30 | \$ - | RECEIPT1 | | \$ - | Sentenced to Jail | | | | \$ - |
| DEFENDANT | SEX | M | 18-11-B10 | SUSP. TO | | | | | RECEIPT2 | | \$ - | | | | | \$ - |
| | DOB | 3/10/1948 | 65C | DISP. DATE | 2/10/2006 | RESTITUTION | | | CHECK | | \$ - | | | | | \$ - |
| Warrant / Ticket# | SSW | 00-00-0000 | 65C | COMM. SVC. | | CODE (X) | | TOTAL | | | \$ - | | | | | \$ - |
| 000001 | SD # | | 65C | COMM. SVC. | | CODE (X) | | DUE: | | | \$ - | | | | | \$ - |
| | AFFIANT / OFFICER | Col. Michael W. Kelly | | | | | | | | | \$ - | \$ - | \$ - | \$ - | Total Other | \$ - |

Click graphic to enlarge

DEFENDANT C: Should a defendant be found in contempt of court, the entry would look like this. Put an "X" in disposition code. Although no charging paper is used for contempt of court, however some computer systems will not allow entry without a charging document, it may be necessary to void a warrant and use that number for entry purposes only.

| DEFENDANT INFORMATION | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | REF. NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10%\$ | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|------|------------|---------------------|----------|------------|-------------|-------------------------------|-----------|----------|-------------|-----------|---------------|---------------|------------|----------|-----------------------------|------|
| S. NAME (Last, First, MI) | RACE | W | Offenses of | SC CODE | FILE DATE | DAYS/FINE | 30 | \$ 465.00 | RECEIPT1 | A-00000 | \$ 465.00 | | | | \$ - | | |
| DEFENDANT | SEX | M | Debt | 22-3-900 | 2/10/2006 | SUSP. TO | | | RECEIPT2 | | \$ - | | | | \$ - | | |
| C | DOB | 3/10/2006 | without permission | CCR # | DISP. DATE | RESTITUTION | | | CHECK | | \$ - | | | | \$ - | | |
| Warrant / Ticket#: | SS# | 00-00-0000 | #000 | 2587 | 2/10/2006 | COMM. SVC. | | | TOTAL | | \$ 465.00 | | | | \$ - | | |
| DOC0001 | SD# | | AFFIANT / OFFICER | | | | | | DUE: | | \$ - | \$ 200.00 | \$ 215.00 | \$ 25.00 | \$ 25.00 | Total Other | \$ - |

Click graphic to enlarge

DEFENDANT D: Assume the following entry on page 5 line number 1 was made.

| DEFENDANT INFORMATION | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | REF. NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10%\$ | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|------|------------|---------------------|-----------------------|------------|-------------|-------------------------------|-----------|----------|-------------|-----------|---------------|---------------|------------|----------|-----------------------------|------|
| S. NAME (Last, First, MI) | RACE | W | Trapping | SC CODE | FILE DATE | DAYS/FINE | 30 | \$ 465.00 | RECEIPT1 | A-00001 | \$ 465.00 | | | | \$ - | | |
| DEFENDANT | SEX | M | purpose of hunting | 18-11-910 | 1/12/2006 | SUSP. TO | | | RECEIPT2 | | \$ - | | | | \$ - | | |
| C | DOB | 3/10/1946 | without permission | CCR # | DISP. DATE | RESTITUTION | | | CHECK | | \$ - | | | | \$ - | | |
| Warrant / Ticket#: | SS# | 00-00-0000 | #000 | 662 | 2/10/2006 | COMM. SVC. | | | TOTAL | | \$ 465.00 | | | | \$ - | | |
| DOC0001 | SD# | | AFFIANT / OFFICER | Col. Michael W. Kelly | | | | | DUE: | | \$ - | \$ 200.00 | \$ 215.00 | \$ 25.00 | \$ 25.00 | Total Other | \$ - |

Click graphic to enlarge

Correction / Problem # 1. \$465.00 was entered but the check was returned from the bank marked "insufficient funds." The county and the state treasurer's were overpaid \$465.00. The entry should look like this. Put an "X" in disposition code. Subtract the \$465.00 from the appropriate columns this month reducing what the court would distribute to these individuals/funds.

| DEFENDANT INFORMATION | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | REF. NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10%\$ | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|------|------------|---------------------|-----------------------|------------|-------------|-------------------------------|---|----------|-------------|-----------|---------------|---------------|------------|----------|-----------------------------|------|
| S. NAME (Last, First, MI) | RACE | W | Trapping | SC CODE | FILE DATE | DAYS/FINE | | | RECEIPT1 | A-00001 | \$ 465.00 | | | | \$ - | | |
| DEFENDANT | SEX | M | purpose of hunting | 18-11-910 | 1/12/2006 | SUSP. TO | | | RECEIPT2 | | \$ - | | | | \$ - | | |
| C (1) | DOB | 3/10/1946 | without permission | CCR # | DISP. DATE | RESTITUTION | | | CHECK | | \$ - | | | | \$ - | | |
| Warrant / Ticket#: | SS# | 00-00-0000 | #000 | 662 | 2/10/2006 | COMM. SVC. | | X | TOTAL | | \$ 465.00 | | | | \$ - | | |
| DOC0001 | SD# | | AFFIANT / OFFICER | Col. Michael W. Kelly | | | | | DUE: | | \$ - | \$ 200.00 | \$ 215.00 | \$ 25.00 | \$ 25.00 | Total Other | \$ - |

Click graphic to enlarge

Correction / Problem # 2. The defendant made the check good on 04/12/06 and the following entry would be made to resend the money to the State and county, along with bad check charge.

| DEFENDANT INFORMATION | | | OFFENSE INFORMATION | | | | SENTENCE AND DISPOSITION CODE | | | REF. NUMBER | \$ AMOUNT | FINETO COUNTY | ASSESS. 10%\$ | \$% VICTIM | \$% LAW | SPECIAL FINES & ASSESSMENTS | |
|---------------------------|------|------------|---------------------|-----------------------|------------|-------------|-------------------------------|---|----------|-------------|-----------|---------------|---------------|------------|----------|-----------------------------|------|
| S. NAME (Last, First, MI) | RACE | W | Trapping | SC CODE | FILE DATE | DAYS/FINE | | | RECEIPT1 | A-00000 | \$ 465.00 | | | | \$ - | | |
| DEFENDANT | SEX | M | purpose of hunting | 18-11-910 | 1/12/2006 | SUSP. TO | | | RECEIPT2 | | \$ - | | | | \$ - | | |
| C (2) | DOB | 3/10/1946 | without permission | CCR # | DISP. DATE | RESTITUTION | | | CHECK | | \$ - | | | | \$ - | | |
| Warrant / Ticket#: | SS# | 00-00-0000 | #000 | 662 | 2/10/2006 | COMM. SVC. | | X | TOTAL | | \$ 465.00 | | | | \$ - | | |
| DOC0001 | SD# | | AFFIANT / OFFICER | Col. Michael W. Kelly | | | | | DUE: | | \$ - | \$ 200.00 | \$ 215.00 | \$ 25.00 | \$ 25.00 | Total Other | \$ - |

Click graphic to enlarge

4. Magistrates Pending Criminal Docket

Instructions for Use

The Pending Criminal Docket will be used to track criminal (non-traffic) cases on a monthly basis. These reports will be made at the end of each month to SCCA and will document new cases that will be pending into the next month or longer.

A case will be considered filed with a court when a charging paper is returned, thus conferring jurisdiction upon the magistrate to try the case. Charging papers for criminal non-traffic cases include, but are not limited to, uniform numbered arrest warrants, Department of Natural Resources tickets, Department of Revenue "ABC" tickets, Public Service Commission tickets and Litter Control tickets.

At the end of each month, all pending cases not previously reported to SCCA should be included on the Pending Criminal Docket. Pending criminal cases reported in earlier months need not be reported again. This will mean that any pending case the court receives during a month's time period must be reported, unless disposed of before the end of the month. For example, if a warrant is returned to the court June 6th, and disposed June 30th, case information and disposition should be entered onto the Criminal Docket only. If a case is filed the last week in June and is still pending the first day of July, it

should be reported to SCCA on a Pending Criminal Docket form.

At the end of each month, separate the Pending Criminal Docket form and mail the top, original copy to SCCA (1015 Sumter Street, Suite 200, Columbia, SC, 29201). These cases will remain pending until the case appears as disposed on a Criminal Docket form. The second copy is for the court's internal recordkeeping. When all the cases on a page of the Pending Criminal Docket have been disposed, it should be removed from the Pending Criminal Docket Book and placed in storage until completion of the county's annual audit.

PENDING CRIMINAL DOCKET

- 1. Judge Name:** Enter the last name, the first name, and the middle initial, if any, of the presiding magistrate. Only one magistrate's cases should be entered on a single docket sheet.
- 2. Judge Code:** In the boxes provided, enter the magistrate's four digit code number.
- 3. County:** Enter the magistrate's county of jurisdiction.
- 4. County Code:** Enter the two digit County Code.
- 5. Month, Year:** In the boxes provided, enter the month and year for which these cases are being reported.
- 6. Pending Docket Page Number:** Pending docket pages should be numbered sequentially within each year. You should begin with page number 1, on January 1 of each year, through the last page that is used on December 31.
- 7. Defendant Name:** Enter the last name, first the name, and the middle initial, if any, of the defendant as it appears on the charging paper.
- 8. Warrant or Ticket Number:** Enter the preassigned number appearing on the standard arrest warrant, Department of Natural Resources summons, etc.
- 9. File Date:** Enter the date the charging paper was physically returned and presented to the court following service by law enforcement.
- 10. Offense:** Enter the offense shown on the charging paper by code section or title. Note: The use of this column is optional.
- 11. Bond Amount Received:** Enter the amount of bond received by the court's, if any, here.
- 12. Scheduled Trial Date:** Enter the scheduled trial date, if known, here.

NOTE: The pending criminal docket reflects criminal non-traffic cases that are pending on the last day of each month and are previously unreported to South Carolina Court Administration. A case that is filed and concluded within the same calendar month should be reported only on the criminal docket form SCCA/502, not the pending criminal docket.

PENDING CRIMINAL DOCKET*

PLEASE PRINT OR TYPE

JUDGE LAST, FIRST MIDDLE
Last, First, M.I.

| | | |
|---------------------|---|---|
| 2 | 9 | 6 |
| <small>Code</small> | | |

PENDING DOCKET
 PAGE NUMBER 2001-01

COUNTY RICHLAND

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| <small>Code</small> | |

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| 0 | 6 |
| <small>Month</small> | |

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|---------------------|---|
| 0 | 1 |
| <small>Year</small> | |

| | Defendant's Name <small>Last, First, M.I.</small> | Warrant Number or Ticket Number | File Date | Offense | Bond Amount Rec'd. | Scheduled Trial Date |
|----|--|---------------------------------------|--------------|--------------|--------------------------|-------------------------|
| 1 | DEFENDANT A | B 459550 | 5/25/01 | A & B | \$225.00 | 6/3/01 |
| 2 | DEFENDANT A | B 459551 | 5/25/01 | TRESPASSING | \$225.00 | 6/3/01 |
| 3 | DEFENDANT B | B 459552 | 5/25/01 | F. CHECK 3RD | \$141.00 | 6/3/01 |
| 4 | DEFENDANT C | B 459553 | 5/25/01 | F. CHECK 1ST | \$41.00 | 6/3/01 |
| 5 | DEFENDANT D | B 459554 | 5/26/01 | P. D. C. | \$225.00 | 6/4/01 |
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• Non-Traffic Criminal Cases

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| \$857.00 |
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Original: Court Administration
 Copy: Court Records

5. Magistrates Disposed Civil Docket

Instructions for Use

The Magistrates' Civil Docket forms will be used as the official record of civil court proceedings in magistrates' courts in South Carolina. They will replace all existing magistrates' civil dockets and all books, ledgers or other forms now used to record civil cases should be abandoned and put in storage. The civil docket forms and binders will be supplied by Court Administration and may be reordered as is necessary.

Civil cases should be entered on the docket immediately following their disposition. This may occur through settlement, bench trial, jury trial, default, transfer or some other disposition. (See disposition codes at the bottom of each docket page.) Enter 10 cases per page; do not skip lines.

At the end of each month, magistrates' civil docket forms should be separated and the top, original copy should be placed in the Civil Docket Book data binder or filed in an orderly place of safekeeping. The second copy should be mailed to Court Administration (1015 Sumter Street, Suite 200, Columbia, SC, 29201). Please note that, unlike the traffic and criminal dockets, there is no third copy to send to the county treasurer. Magistrates will make their monthly reports of civil fees collected through submitting the Pending Civil Docket.

Upon implementation of the Magistrates' Civil Docket form, all pending cases shown in the court's original docket books should be transferred to the Magistrates' Pending Civil Docket forms. Immediately following disposition, the cases should be entered onto the Civil Docket forms. The magistrate's summary court reports for civil cases should be discontinued upon adoption of this system.

CIVIL DISPOSED DOCKET SHEET

- 1. Judge Name:** Enter the last name, the first name, and the middle initial, if any, of the presiding magistrate. Only one magistrate's cases should be entered on a single docket sheet.
- 2. Judge Code:** In the boxes provided, enter the magistrate's three digit code number.
- 3. County:** Enter the magistrate's county of jurisdiction.
- 4. County Code:** Enter the two digit County Code.
- 5. Month, Year:** In the boxes provided, enter the month and year in which the cases appearing on this docket sheet page were disposed (e.g. June, 2001 is shown as 06 01). Note that only disposed cases within a single month are shown on a single docket page.
- 6. Docket Page Number:** Docket pages should be numbered sequentially within each year. The first docket page used on January 01, should be No. 1, the last used on December 31, should reflect the last docket page number for the court in that year.
- 7. Defendant Name:** Enter the last name, the first name, and the middle initial, if any, of the defendant as it appears on the civil paper. Enter only one name per case.
- 8. Case Number:** Identify the civil case by sequential number. The first case in year 2001 will appear as 2001-00001, the second case 2001-00002, etc. The first case in year 2002 will appear as 2002-

00001, the second case 2002-00002. (Note: The South Carolina Court Administration computer printout will identify these cases by judge, county, year and the number assigned to them.)

9. Filing Date: Enter the date on which the civil case was filed with the court (usually the date the civil fee was accepted).

10. Plaintiff: Enter the name of the plaintiff by the last name, the first name and the middle initial, if any.

11. Cause of Action: Enter the cause of action as it appears on the civil paper. Abbreviations are permissible, such as: S & C for Summons and Complaint; C&D for Claim and Delivery; and Evict. For Eviction.

12. Fee Paid: Enter the dollar amount of the civil filing fee paid by the plaintiff when the case is filed. Any subsequent fees collected by the court should also be entered in this space and on a Pending Civil Docket form (for a report to the County Treasurer).

13. Service Date/Return Date: Enter the date the civil paper (copy) is served on the defendant and the date the original civil paper is returned to the judge after proper service.

14. Served By: Enter the name of the constable or officer who served the civil paper.

15. Disposition Date: Enter the date the case was disposed.

16. Disposition: Proper civil case disposition notations may be found at the bottom of each civil docket page. Appropriate code numbers should be entered in the box provided. The word "transferred" should be entered if the case is transferred to another judge for disposition along with the name of the receiving judge. If the verdict is the result of a jury trial, or if there are special conditions set by the court, this also should be noted here.

17. Judgment Amount: Enter the total dollar amount of the judgment entered against the defendant as a result of the plaintiff's claim, if any.

18. Cross-Reference to Pending Civil Docket Page: This entry is optional and provided for the court's internal recordkeeping, if so desired. The number of the pending civil docket page(s) is entered here, providing a cross-reference between the disposed civil docket and the pending civil docket pages.

PLEASE PRINT OR TYPE
(Do Not Use Felt Tip Pen)

Magistrate Court of South Carolina
MAGISTRATE CIVIL DOCKET

DOCKET PAGE NUMBER 1

JUDGE LAST, FIRST MIDDLE 2 9 6

County RICHLAND 4 0 0 6 0 1

(SEE NUMBER CODES BELOW)

| 1 | DEFENDANT LAST, FIRST, MIDDLE INITIAL | CASE NUMBER | FILING DATE | PLAINTIFF | CAUSE OF ACTION | FEE PAID | SERVICE DATE RE TURN DATE | SERVED BY | DEPOSITION DATE | DISPOSITION | JUDGMENT AMOUNT |
|----|--|-------------|-------------|-------------|-----------------|----------|------------------------------|-----------|-----------------|--------------------|-----------------|
| 1 | DEFENDANT A | 2001-0001 | 4/10/01 | PLAINTIFF Z | EJECTMENT | \$45.00 | 4/15/01 4/18/01 | TERRY, L | 6/1/01 | SETTLED | \$0.00 |
| 2 | DEFENDANT B | 2001-0015 | 4/15/01 | PLAINTIFF A | SUMMONS & COMP. | \$55.00 | 4/20/01 4/25/01 | TERRY, L | 6/2/01 | FIND FOR PLAINTIFF | \$1,000.00 |
| 3 | DEFENDANT C | 2001-0010 | 4/10/01 | PLAINTIFF F | MAGISTRATE SALE | \$25.00 | 4/25/01 4/28/01 | TERRY, L | 6/3/01 | SOLD 1954 VW | \$125.00 |
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* DISPOSITION CODE NUMBERS: 1. DEFAULT JUDGMENT 2. SETTLED 3. FIND FOR PLAINTIFF 4. FIND FOR DEFENDANT
5. JUDICIAL DISMISSAL OR OTHER 7. TRANSFER TO OTHER COURT

OPTIONAL: MO YEAR JUDICIAL PAGE NUMBER

SEE PAGE CROSS REFERENCES TO FILING CHG BOOK 1 PART 1 (OPTIONAL)

SOUTH CAROLINA COURT ADMINISTRATION
MAGISTRATE CIVIL DOCKET

COURT COPY

6. Magistrates Pending Civil Docket

Instructions for Use

Pending Civil Docket forms will be used to record all civil cases as they are filed in magistrates' courts. When a civil case is initiated and the fee is paid, the case should be entered by defendant name, civil case number, date of filing, filing fee and receipt number. The plaintiff (or any other information) may also be noted on the right-hand side of the form, however, this is optional.

This information will serve several purposes. The top original copy will be sent to SCCA at the end of every month for computer entry. These pending cases will remain on file until removed by the receipt of civil docket forms showing their disposition. No monthly updates on these cases are required.

The second copy will be for the court's use. It will serve as a record of civil fees collected as well as a listing of pending cases. Each court may make as much use of this form as a device for tracking pending cases as it sees fit. When all cases on a page have been disposed and all information has been transferred to the civil docket, the pending pages should be removed from the pending docket book and stored in an orderly place of safekeeping.

The third copy of the Pending Civil Docket form will serve as the magistrate's monthly report to the

county treasurer of civil fees collected. These copies should be transmitted to the county treasurer's office with a check for the total amount of fees collected pursuant to S.C. Code Ann. §§ 22-1-70 and 22-1-90.

Upon adoption of the Pending Civil Dockets, the civil cases sections of the magistrates' monthly summary court report form, the age of civil cases section and the reports of cases 90 days old or older may be immediately discontinued.

PENDING CIVIL DOCKET

- 1. Judge Name:** Enter the last name, the first name, and the middle initial if any, of the presiding magistrate. Only one magistrate's cases should be entered on a single docket sheet.
- 2. Judge Code:** In the boxes provided, enter the magistrate's four digit code number.
- 3. County:** Enter the magistrate's county of jurisdiction.
- 4. County Code:** Enter the two digit county code.
- 5. Month, Year:** In the boxes provided, enter the month and year in which the cases appearing on this docket form are pending.
- 6. Pending Docket Page Number:** Enter the sequential pending docket page number. The first docket form used in a year will be No. 1 and the pending docket pages will be numbered in sequence through December. The first form used on January 01, of the new year will again be pending docket page No. 1.
- 7. Defendant Name:** Enter the last name, the first name, and the middle initial, if any, of the defendant as it appears on the civil paper. Enter only one name per case.
- 8. Civil Case Number:** Identify the civil case by sequential number. The first case in 2001 will appear as 2001-00001, the second case 2001-00002, etc.
- 9. File Date:** Enter the date on which the civil case was filed with the court.
- 10. Filing Fees:** Enter the dollar amount of the civil filing fee paid by the plaintiff.
- 11. Filing Fee Assessments:** Enter the dollar amount of the civil filing fee assessments paid by the plaintiff.
- 12. Receipt Number:** Enter the receipt number for the filing fees collected.
- 13. Plaintiff and/or Cause of Action:** Enter the name of the plaintiff or the cause of action.
- 14. Page Total of Civil Fees:** Enter the total amount of filing fees shown here

PENDING CIVIL DOCKET

PLEASE PRINT OR TYPE

JUDGE LAST, FIRST MIDDLE
Last, First, M.I.

| | | |
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| 2 | 9 | 6 |
| <small>Code</small> | | |

PENDING DOCKET
 PAGE NUMBER 2001-01

COUNTY RICHLAND

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| <small>Code</small> | |

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|----------------------|---|---------------------|---|
| 0 | 6 | 0 | 1 |
| <small>Month</small> | | <small>Year</small> | |

| | Defendant's Name <small>Last, First, M.I.</small> | Civil Case Number | File Date | Filing Fees | Receipt Number | and/or Cause of Action | • Disp. Docket Pg. No. |
|----|--|-------------------|-----------|-------------|----------------|--|------------------------|
| 1 | DEFENDANT A | 2001-0001 | 1/1/01 | \$55.00 | A 000001 | SUMMONS & COMP. | 5 |
| 2 | DEFENDANT B | 2001-0002 | 1/1/01 | \$55.00 | A 000002 | SUMMONS & COMP. | 4 |
| 3 | DEFENDANT C | 2001-0003 | 1/1/01 | \$55.00 | A 000003 | SUMMONS & COMP. | 4 |
| 4 | DEFENDANT D | 2001-0004 | 1/1/01 | \$80.00 | A 000004 | CLAIM AND DELICERY | 4 |
| 5 | DEFENDANT E | 2001-0005 | 1/2/01 | \$80.00 | A 000005 | CLAIM AND DELICERY | |
| 6 | DEFENDANT F | 2001-0006 | 1/2/01 | \$45.00 | A 000006 | EJECTMENT / WILDWOOD APTS. | 5 |
| 7 | DEFENDANT G | 2001-0007 | 1/3/01 | \$40.00 | A 000007 | DISTRAINT | 5 |
| 8 | DEFENDANT H | 2001-0008 | 1/3/01 | \$65.00 | A 000008 | SUMMARY EJECTMENT OF TRESPASSERS 15-67-610 | 4 |
| 9 | DEFENDANT I | 2001-0009 | 1/3/01 | \$25.00 | A 000009 | MAGISTRATE SALE | 4 |
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White - Court Administration
 Canary - Court Records
 Pink - County Treasurer's notice
 of civil fees collected

| | |
|----------|--------------------------|
| \$500.00 | PAGE TOTAL OF CIVIL FEES |
|----------|--------------------------|