



HENRY McMASTER
ATTORNEY GENERAL

January 21, 2009

The Honorable James T. Coursey
Greenwood County Coroner
Post Office Box 127
Greenwood, South Carolina 29648

Dear Coroner Coursey:

In a letter to this office you requested an opinion regarding the authority and responsibility of the Greenwood County Coroner and the Greenwood County Sheriff to investigate and take action regarding homicides and accidental deaths occurring on Lake Greenwood. According to your letter, Lake Greenwood is owned in its entirety by Greenwood County up to the 440 mark but the lake itself is physically located in Greenwood, Laurens and Newberry Counties. You stated that “[a]lthough owned by Greenwood County, those areas of the lake lying in Laurens and Newberry Counties have not been annexed by Greenwood County.”

Referencing the above, you have raised several scenarios and questioned whether the jurisdiction of the Greenwood County Sheriff’s office and the Greenwood Coroner’s office follows the county boundaries in Lake Greenwood or does it follow the ownership of Lake Greenwood by Greenwood County. The scenarios referenced by you are as follows:

1. A death takes place on Lake Greenwood within the boundaries of Greenwood County. According to you, there is no question that the matter is handled by Greenwood County authorities.
2. A death takes place on Lake Greenwood within the boundaries of Laurens County. Greenwood County authorities respond based upon their ownership of the property where the incident takes place. Does ownership infer jurisdiction?
3. A body is found in the lake in Greenwood County. Investigation determines that a homicide took place in Laurens County and the body floated into Greenwood County. Which coroner’s office would assume jurisdiction?

4. There are many homes and businesses in Laurens County that have structures that extend into or over the waters of Lake Greenwood. These structures are included in the property tax base of Laurens County. If a crime or homicide takes place on such a structure, which county has jurisdiction?

S.C. Code Ann. § 17-7-10 states that

[t]he coroner of the county in which a body is found dead or the solicitor of the judicial circuit in which the county lies shall order an autopsy or post-mortem examination to be conducted to ascertain the cause of death.... (emphasis added).

S.C. Code Ann. § 17-7-20 provides that

[w]henever a body is found dead and an investigation or inquest is deemed advisable the coroner...shall go to the body and examine the witnesses most likely to be able to explain the cause of death....

S.C. Code Ann. § 17-7-70 states that

...every coroner, within the county for which he has been elected or appointed, may take inquest of casual or violent deaths when the dead body is lying within his county. *Provided, however,* if a person is injured in one county but removed to another county for medical purposes, the coroner of the county where the injury occurred shall have jurisdiction.

S.C. Code Ann. § 17-5-580 provides that

[i]t is unlawful for any person to move or authorize removal of a body from the place where the body is found until the investigation is completed and the removal is authorized by the coroner....

An opinion of this office dated March 22, 2006 stated that

[s]uch statutes are consistent in stating that the coroner where a body is found has jurisdiction. Section 17-7-70 allows the coroner where the injury occurs, rather than the county where the body is found, to have jurisdiction only in circumstances when an injured body is taken to another county for medical purposes.

Another opinion of this office dated September 3, 1970 dealt with the question of who issues a death certificate if an individual dies as a result of injuries caused by unlawful or suspicious means in a county other than where the injury was inflicted. That opinion, citing Section 17-7-70, stated that "...the coroner of the county in which the body is lying is the proper person to issue the certificate of death when the death results from unlawful or suspicious injuries."

As to the jurisdiction of county sheriffs, prior opinions of this office have recognized that sheriffs, including their deputies, "...are given law enforcement authority throughout the county, including sites within incorporated town limits." See: Ops. dated September 29, 2006 and December 7, 1994. Another opinion dated August 25, 2006 recognized that a sheriff is the chief law enforcement officer of a county. That opinion, citing other prior opinions, stated that

...[t]he general law in this State presently requires a sheriff and his deputies to patrol their county and provide law enforcement services to its citizens...[S]ince the sheriff is a county officer, his authority extends over the entire county and includes all...(political subdivisions)...within his county.

Another opinion dated March 1, 2005 stated that "...a sheriff's jurisdiction encompasses his entire county."

Consistent with the statutory authority and prior opinions referenced above, as to your second scenario, in the opinion of this office, when a death takes place on Lake Greenwood within the boundaries of Laurens County, the Laurens County sheriff and coroner would have jurisdiction. I assume in such situation, the body is located in Laurens County and the facts support a conclusion that the circumstances of the death occurred in that county as well.

As to your third question, you indicated that a body is found in the lake in Greenwood County but an investigation determines that a homicide took place in Laurens County and the body floated into Greenwood County. You questioned which coroner's office would assume jurisdiction. Consistent with the statutes and opinions cited above, and especially Section 17-7-10 which states that "the coroner of the county in which the body is found dead" ascertains the cause of death, the Greenwood Coroner would assume jurisdiction.

As to your final scenario where homes and businesses have structures that extend into or over the waters of Lake Greenwood and these structures are included in the property tax base of Laurens County, in the opinion of this office, if a crime or homicide takes place on such a structure, the Laurens Sheriff would have jurisdiction and, assuming that the body remains in Laurens County, the Laurens coroner would have jurisdiction.

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With kind regards, I am,

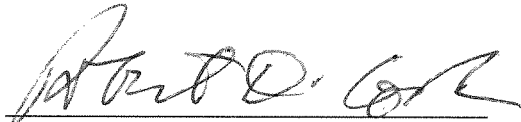
Very truly yours,

Henry McMaster
Attorney General



By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Deputy Attorney General