

2011-03-21-33

The Supreme Court of South Carolina

RE: Disposition of Driving Under the Influence and Driving with an Unlawful Alcohol Concentration Cases in the Lexington County Magistrate and Municipal Courts within Lexington County

ORDER

I FIND THAT the prompt and efficient disposition of driving under the influence (DUI) and driving with an unlawful alcohol concentration (DUAC) cases in the magistrate and municipal courts requires that cases, jury and non-jury, be called for trial.

I FURTHER FIND THAT as of March 18, 2011, there were 34,385 criminal cases, to include traffic, pending in the Magistrate and Municipal Courts of Lexington County. Of those pending criminal cases, five-hundred seventy-eight (578) are DUI and DUAC cases and have been pending in the Magistrate and Municipal Courts of Lexington County for more than sixty (60) days in regards to non-jury cases, and for more than one-hundred twenty (120) days in regards to jury cases. Therefore, the Magistrate and Municipal Courts of Lexington County may be in non-compliance with the Order of the Chief Justice dated February 14, 2011.

I FURTHER FIND THAT the Chief Summary Court Judge for Administrative Purposes is empowered, by Order of the Chief Justice dated December 30, 2010, to set terms of criminal court when such terms are necessary for the disposition of cases within the jurisdiction of the magistrate court, and to assign cases to any magistrate of the county. Now, therefore,

IT IS ORDERED that the Lexington County Chief Summary Court Judge for Administrative Purposes, who is empowered to set terms of court and assign cases to any magistrate in the county, shall set for trial or cause to be set for trial by other magistrates in Lexington County, the DUI and DUAC cases set forth on the **list attached*** to this Order and made a part hereof, within one-hundred twenty (120) days of the date of this Order. No case shall be continued except for good and sufficient cause set forth in writing and approved by the Chief Summary Court Judge for Administrative Purposes.

IT IS FURTHER ORDERED that the Chief Summary Court Judge for Administrative Purposes shall forward to each Chief Administrative Municipal Court Judge within that County and indicated on the attached list those DUI and DUAC cases pending in those courts. Those Chief Administrative Municipal Court Judges shall set for trial or cause to be set for trial by other Municipal Court Judges those DUI and DUAC cases set forth on the attached list within one-hundred twenty days (120) of the date of this Order. No case shall be continued except for good and sufficient cause set forth in writing and approved by the Chief Administrative Municipal Court Judge.

IT IS FURTHER ORDERED that Chief Summary Court Judge for Administrative Purposes and

the Chief Administrative Municipal Court Judges shall forward to the Office of South Carolina Court Administration a report showing compliance or substantial compliance with the provisions of this Order within one-hundred twenty-five (125)

s/Jean Hofer Toal
The Honorable Jean Hofer Toal
Chief Justice

March 21, 2011
Columbia, South Carolina

* Case lists will be updated periodically to reflect dispositions.