

## **Types of courts, cases heard, and who represents prosecution and defense**

NOTE: Information on this chart only includes court matters involving representation of indigents.

### **S.C. SUPREME COURT**

#### Cases heard by court:

Appeals from General Sessions Court, Post-Conviction Relief (PCR), Sexually Violent Predator (SVP), Interlocutory Appeals, Family Court Exclusive Jurisdiction over certain appeals. Certiorari to Review Decisions of Court of Appeals and PCR Cases.

#### State (Prosecution<sup>1</sup>)

*Atty:* Attorney General or SCDSS Attorney

*Paid by:* State, Atty General, or SCDSS

#### Individual (Defendant<sup>2</sup>)

*Atty:* SCCID attorney or other appointed counsel

*Paid by:* SCCID

### **S.C. COURT OF APPEALS**

#### Cases heard by court:

Appeals: From General Sessions Court, PCR, SVP, Interlocutory Appeals, Family Court Jurisdiction over appeals not within the exclusive jurisdiction of the Supreme Court

#### State (Prosecution<sup>3</sup>)

*Atty:* Attorney General or SCDSS Attorney

*Paid by:* State, Atty General, or SCDSS

#### Individual (Defendant<sup>4</sup>)

*Atty:* SCCID attorney or other appointed counsel

*Paid by:* SCCID

### **S.C. CIRCUIT COURT**

#### Cases heard by court:

Criminal Offenses designated by statute, PCR, SVP Concurrent jurisdiction over Magistrate Court offenses designated by statute (rarely exercised), Appeals from Magistrate/Municipal Court Conviction

#### **General Sessions (Criminal) Court**

##### State (Prosecution)

*Atty:* Solicitor

*Paid by:* State, county, and/or other sources<sup>5</sup>

##### Individual (Defendant)

*Atty:* Public Defender

*Paid by:* State or county  
or  
*Atty:* 608 contract or other appointed atty  
*Paid by:* SCCID

#### **Post-Conviction Relief (PCR)**

##### State (Prosecution)

*Atty:* Atty General

*Paid by:* Atty General

##### Individual (PCR

Applicant)

*Atty:* 608 contract atty

*Paid by:* SCCID

#### **Sexually-Violent Predator (SVP)**

##### State (Prosecution)

*Atty:* Atty General

*Paid by:* Atty General

##### Individual (SVP Respondent)

*Atty:* 608 contract atty

*Paid by:* SCCID

#### **Magistrate/Municipal Court Appeals**

##### State or Municipality (Prosecution)

*Atty:* Solicitor or municipal atty

*Paid by:* State, county, or municipality

##### Individual (Defendant)

*Atty:* Same as original court

*Paid by:* Same as original court

<sup>1</sup> Called Respondent if the Defense is appealing the decision of a lower court. They are called the Appellant if Prosecution is appealing a decision of a lower court.

<sup>2</sup> Called Respondent if the Prosecution is appealing the decision of a lower court. They are called the Appellant if the Defense is appealing a decision of a lower court.

<sup>3</sup> Called Respondent if the Defense is appealing the decision of a lower court. They are called the Appellant if Prosecution is appealing a decision of a lower court.

<sup>4</sup> Called Respondent if the Prosecution is appealing the decision of a lower court. They are called the Appellant if the Defense is appealing a decision of a lower court.

<sup>5</sup> Information regarding payment of DSS/Solicitor/Municipal attorneys is to the best of SCCID's knowledge and may not include all sources of funding.

## **Types of courts, cases heard, and who represents prosecution and defense**

NOTE: Information on this chart only includes court matters involving representation of indigents.

### **S.C. FAMILY COURT**

#### Cases heard by court:

Juvenile Delinquency Cases - Criminal Offenses Designated by Statute Abuse and Neglect, Termination of Parental Rights

<b>Juvenile Delinquency Actions</b>		<b>Abuse And Neglect/Termination Of Parental Rights</b>	
<u>State (Prosecution)</u>  Atty: Solicitor  Paid by: State, county, and/or other sources <sup>6</sup>	<u>Juvenile (Defendant)</u>  Atty: Public Defender Paid by: State or county or Atty: 608 contract or other appointed atty Paid by: SCCID	<u>State (Prosecution)</u>  Atty: SCDSS atty  Paid by: State/SCDSS	<u>Parent/Guardian (Defendant)</u>  Atty: 608 contract or other appointed atty  Paid by: SCCID

### **SUMMARY COURTS**

<b>County Magistrate Court</b>		<b>City/Town Municipal Court</b>	
<u>Cases heard by court:</u> Case Types: Criminal Offenses as Set by Statute (Generally Up to 30 days and/or \$500 fine) Traffic Offenses County Ordinances		<u>Cases heard by court:</u> Criminal Offenses as Set by Statute (Generally Up to 30 days and/or \$500 fine) Traffic Offenses Municipal Ordinances	
<u>State/County (Prosecution)</u>  Atty: Solicitor or law enforcement entity  Paid by: State or county	<u>Individual (Defendant)</u>  Atty: Public Defender Paid by: State or county or Atty: 608 contract or other appointed atty Paid by: SCCID	<u>State or Municipality (Prosecution)</u>  Atty: Municipal atty or law enforcement entity  Paid by: Municipality or other <sup>7</sup>	<u>Individual (Defendant)</u>  Atty: Public Defender <sup>8</sup> Paid by: Municipality Or Atty: Other atty Paid by: Municipality

<sup>6</sup> Information regarding payment of DSS/Solicitor/Municipal attorneys is to the best of SCCID's knowledge and may not include all sources of funding.

<sup>7</sup> Information regarding payment of DSS/Solicitor/Municipal attorneys is to the best of SCCID's knowledge and may not include all sources of funding.

<sup>8</sup> If there is an agreement between local Public Defender Office and Municipality.