

Types of Courts, Cases Heard, and Who Represents Prosecution and Defense

(Please note that the defendants or offenders covered by this chart have the right to represent themselves.)

SUPREME COURT OF SOUTH CAROLINA			
<u>Cases heard by Supreme Court:</u>			
Appeals ¹ from Circuit Court and Family Court. The Supreme Court has exclusive jurisdiction over certain types of appeals, and may grant a writ of certiorari to review decisions of the Court of Appeals.			
<u>State (Prosecution)</u> Atty: Attorney General, Solicitor, or other prosecutor or prosecution attorney ² Paid by: Attorney General, Solicitor, or other prosecution office		<u>Individual (Defendant)</u> Atty for Indigent Defendant in criminal, PCR, SVP, and family court cases: SCCID atty., other appointed atty., municipal or county contract atty., or volunteer atty. Paid by: SCCID or, for summary court cases, municipalities and counties (volunteer attys. not paid) Attorney for Non-Indigent Defendant in all cases: private atty. Paid by: Defendant or someone else on his behalf	
SOUTH CAROLINA COURT OF APPEALS			
<u>Cases heard by Court of Appeals:</u>			
Appeals from the Circuit Court and Family Court proceedings for which jurisdiction over appeals does not lay within the exclusive jurisdiction of the Supreme Court			
<u>State (Prosecution)</u> Atty: Attorney General, Solicitor, or other prosecutor or prosecution attorney Paid by: Attorney General, Solicitor, or other prosecution office		<u>Individual (Defendant)</u> Atty for Indigent Defendant in criminal, PCR, SVP, and family court cases: SCCID atty., other appointed atty., municipal or county contract atty., or volunteer atty. Paid by: SCCID or, for summary court cases, municipalities and counties (volunteer attys. not paid) Attorney for Non-Indigent Defendant in all cases: private atty. Paid by: Defendant or someone else on his behalf	
SOUTH CAROLINA CIRCUIT COURT			
<u>Cases heard by Circuit Court:</u>			
In the Court of General Sessions (the “criminal side” of the Circuit Court), the court addresses criminal offenses over which it either has exclusive jurisdiction or over which it shares jurisdiction (“concurrent jurisdiction”) with the summary court. In the Court of Common Pleas (the “civil side” of the Circuit Court), the court addresses PCR applications, post-sentencing applications for orders of protections, SVP petitions, criminal asset forfeiture matters, and appeals from summary court conviction.			
COURT OF GENERAL SESSIONS		COURT OF COMMON PLEAS	
Criminal Cases		Post-Conviction Relief (PCR)	
<u>State (Prosecution)</u> Atty: Solicitor or Attorney General ³ Paid by: State, county, and/or other sources ⁴	<u>Individual (Defendant)</u> Atty for Indigent Defendant: Rule 608 contract atty., other appointed atty., or volunteer atty. Paid by: SCCID (volunteer attys. not paid) Atty for Non-Indigent Defendant: private atty. Paid by: Defendant or someone on his behalf	<u>State (Prosecution)</u> Atty: Attorney General Paid by: Attorney General	<u>Individual (PCR Applicant)</u> Atty for Indigent Defendant: Rule 608 contract atty., other appointed atty., or volunteer atty. Paid by: SCCID (volunteer attys. not paid) Atty for Non-Indigent Defendant: private atty. Paid by: Defendant or someone on his behalf
		Sexually-Violent Predator (SVP)	
		<u>State (Prosecution)</u> Atty: Attorney General Paid by: Attorney General	<u>Individual (SVP Respondent)</u> Atty: 608 contract atty Paid by: SCCID
		Asset Forfeiture Cases	
Requests for Search Warrants/Orders		<u>State (Prosecution)</u> Atty: Solicitor or contract atty Paid by: Solicitor, County, City, or Law Enforcement	<u>Individual (or Innocent Owner)</u> Atty: private atty. Paid by: Defendant or someone on his behalf
<u>State/County (Prosecution)</u> Atty: Law Enforcement (occasionally Solicitor) Paid by: Law Enforcement agency or Solicitor	<u>Individual (Defendant, Suspect, or Other)</u> N/A	Summary Court (Magistrate/Municipal Court) Appeals	
		<u>State, County, or Municipality (Prosecution)</u> Atty: Solicitor or municipal atty Paid by: State, county, or municipality	<u>Individual (Defendant)</u> Atty: Same as in Summary Court or new atty. Paid by: Same as in Summary Court (or if new atty, the defendant or someone on his behalf)

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SOUTH CAROLINA FAMILY COURT			
<u>Cases heard by Family Court⁵:</u> Juvenile Delinquency Cases - Criminal Offenses and Status Offenses			
Juvenile Delinquency Actions			
<u>State (Prosecution)</u> Atty: Solicitor Paid by: Solicitor		<u>Juvenile (Defendant)</u> Atty: Public Defender Atty for Indigent Defendant: Public Defender, Rule 608 contract atty, other appointed atty, or volunteer atty Paid by: Public Defender or SCCID (volunteer attys. not paid) Attorney for Non-Indigent Defendant: private atty. Paid by: Defendant or someone on his behalf	
SUMMARY COURTS			
Magistrate (County) Court		Municipal (City/Town) Court	
<u>Cases Heard by Court for Resolution (Trial or Plea)</u> Criminal offenses as set by state statute generally carrying no more than 90 days and/or a fine, including traffic offenses that occur in the unincorporated areas of the county, as well as violations of county ordinances		<u>Cases Heard by Court</u> Criminal offenses as set by state statute generally carrying no more than 90 days and/or a fine, including traffic offenses, that occur within the city/town, as well as violations of municipal ordinances	
<u>State/County (Prosecution)</u> Atty: Solicitor, county prosecutor, or law enforcement officers Paid by: Solicitor, County, or law enforcement agency	<u>Individual (Defendant)</u> Atty for Indigent Defendant: Public Defender, Rule 608 contract atty., appointed atty., or volunteer atty. Paid by: Public Defender (if County has contracted with PD), SCCID (Rule 608 Contract atty.), or County (volunteer attys. not paid) Attorney for Non-Indigent Defendant: private atty. Paid by: Defendant or someone on his behalf	<u>State or Municipality (Prosecution)</u> Atty: Solicitor, city prosecutor, or law enforcement officers Paid by: Solicitor, city, or law enforcement agency	<u>Individual (Defendant)</u> Atty for Indigent Defendant: Public Defender, Rule 608 contract atty. appointed atty., or volunteer atty. Paid by: Public Defender (if City has contracted with PD), SCCID (Rule 608 Contract atty.), or City (volunteer attys. not paid) Attorney for Non-Indigent Defendant: private atty. Paid by: Defendant or someone
Bond Settings and Preliminary Hearings for General Sessions Cases			
<u>State/County (Prosecution)</u> Atty: Solicitor, county prosecutor, or law enforcement officers Paid by: Solicitor, County, or law enforcement agency	<u>Individual (Defendant)</u> Atty for Indigent Defendant: Public Defender, Rule 608 contract atty., appointed atty., or volunteer atty. Paid by: Public Defender (if County has contracted with PD), SCCID (Rule 608 Contract atty.), or County (volunteer attys. not paid) Attorney for Non-Indigent Defendant: private atty. Paid by: Defendant or someone on his behalf		
Requests for Arrest and Search Warrants			
<u>State/County (Prosecution)</u> Atty: Law Enforcement (rarely Solicitor) Paid by: Law Enforcement agency or Solicitor	<u>Individual (Defendant, Suspect, or Other)</u> N/A		

¹ The party who appeals the judgement of the lower court (which would either be a conviction or an adjudication of guilt or, if the State is appealing, an adverse ruling by trial court – the prosecution has a very limited right to appeal) is referred to as the "Appellant," and the other party is referred to as the "Respondent."

² While the Attorney General handles the overwhelming majority of criminal appeals in the Supreme Court and Court of Appeals for the State, municipal and county attorneys often handle their appeals and the Solicitors will occasionally handle an appeal. In Circuit Court, municipal and county attorneys handle the appeals of the cases they prosecute and the Solicitors handle the appeals of the cases they, as well some of those law enforcement, prosecute.

³ The Attorney General's Office prosecutes its Statewide Grand Jury cases in the General Sessions Court; it also occasionally prosecutes cases conflicted out of a Solicitor's Office (although those cases most usually are conflicted out to a different Solicitor's Office).

⁴ Information regarding payment of DSS/Solicitor/Municipal attorneys is to the best of SCCID's knowledge and may not include all sources of funding.

⁵ While neither criminal nor quasi-criminal in nature, indigent defendants in child abuse/neglect removal and termination of parental rights cases instigated by the South Carolina Department of Social Services (SCDSS) in the Family Court are provided an attorney by the State. The money to pay for the attorneys in these civil cases is appropriated by the General Assembly to SCCID, which does not provide direct representation, but pays contract attorneys to represent these individuals. The State in these cases is represented by SCDSS attorneys.