

1972 WL 25264 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 5, 1972

***1 Re: Claire B. McCann**

Mr. Farroll E. Gunter
Registrar
South Carolina State Hospital
2100 Bull Street
Post Office Box 119
Columbia, South Caroline

Dear Mr. Gunter:

As per our telephone conversation this date, you advised me that you received a copy of the letter of Judge Ralph W. Drake, Probate Judge for Greenville County, addressed to the Attorney General under date of April 4, 1972, with reference to the captioned individual.

I construe Judge Draka's letter of April 4, 1972, to mean that he has recognized as a matter of comity the Order of the County Court for Dade County, Florida, with reference to the restoration of her personal liberty and civil rights. It also appears that your office has received information from the office of the County Judge for Dade County to the effect that John E. Watt, M.D., Director of Psychiatric Outpatient Department, stated that in his opinion there was no contradiction to the restoration of the patient's civil rights. While I do not know specifically the extent of medical examinations received from the State of Fiorida, in view of the letter of Judge Ralph W. Drake under date of April 4, 1972, and the information your office has received from the State of Florida concerning this patient, in my judgment, the Mental Health Commission could issue a final discharge for this patient who was conditionally discharged on August 29, 1964.

Judge Drake in his letter in effect has ruled that your former patient is not 'competent to transfer title to real estate and engage in other matters of business.'

The net effect of this proceeding is that a court of competent jurisdiction in the State of South Carolina has recognized the validity of the Order of the County Court for Dade County, Florida, and this in my judgment would be a sufficient basis for the Commission to act pursuant to the provisions of Sec. 32-974, Code of Laws of South Carolina (1962), 1971 Cum. Supp.

Very truly yours,

Paymond G. Halford
Assistant Attorney General

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