

1973 WL 26980 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 21, 1973

***1 re: Mr. John E. Mattison**

Ronald L. Motley, Esquire
Assistant Solicitor
Eighth Judicial Circuit
P. O. Box 186
Greenwood, South Carolina 29646

Dear Ron:

I am in receipt of your letter of November 6, 1973, requesting assistance in handling the case of the above-captioned individual. Inasmuch as this individual is deemed mentally deficient rather than mentally ill, I call your attention to Section 32-927.28, Code of Laws of South Carolina (1962), as amended. This section outlines the procedure for the involuntary commission of a mentally retarded or deficient person. It is evident that these proceedings will be fundamentally the same as the proceedings followed in the judicial commitment of the mentally ill. The main difference here is that the State Hospital will not be involved. It will, therefore, be necessary to begin these proceedings locally with the petition being initiated by the local director of the County Department of Public Welfare or one of the other proper parties mentioned in the Statute, *supra*. While we work toward the disposition of the Adams case with which we are primarily concerned, perhaps we can, at the same time, outline procedure in the Mattison case. I have been informed that Mr. Saleeby of this office forwarded materials to Mr. Jones in regard to procedure in judicial commitment cases. Reference to those materials will be helpful. I plan to forward you a copy of the same in the near future.

If I can be of further assistance in these matters, please do not hesitate to call or write.

With kindest regards, I am
Very truly yours,

H. Brent Fortson
Assistant Attorney General

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