

ANSWERED BY LETTER 5/2/62

FILED
204

May 2, 1962

Hon. Charles A. Powell, Jr.
Prosecuting Attorney
Macon, Missouri

Dear Mr. Powell:

I have your letter of April 27, 1962 concerning Mr. Britt,
etc.

First off, let me state that I have not rendered any
opinion, by phone or otherwise, to Mr. Collins. He simply called
me and asked if we had any opinions on file analogous to the problem
of Mr. Britt. I had our files checked and the closest thing we
could find was the opinion of July 7, 1961 to Rolin Boulware which
dealt with Chapter 475. As you point out, we also have on file an
opinion dated July 23, 1959 to Patrick Freeman which deals with
Chapter 202.

Under the facts as you pose them to us, if the Sheriff of
Macon County, acting in his official capacity as a peace officer,
desires to proceed in the matter of Mr. Britt under Chapter 475,
then it would appear under the Boulware opinion that you should
represent the Sheriff in preparing the petition, etc.

I am enclosing extra copies of the Boulware and Freeman
opinions for such use as you may have for them.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

enc.
cc: Mr. David Collins