



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable O. J. S. Ellington
General Manager
Texas Prison System
Huntsville, Texas

Dear Mr. Ellington:

Opinion No. O-3533

Re: Whether or not Texas Prison System owes George Outler clothing, a ticket and \$5.00, or is he to be considered as being on reprieve and given \$5.00 only, under the facts and circumstances stated.

Your letter requesting an opinion by this Department upon the above-captioned matter is as follows:

*The above named inmate voluntarily returned on the last day of a reprieve, stating that his parole advisor had informed him the Board of Pardons and Paroles had recommended a conditional pardon for him to the Governor, but the Governor had not signed it up to the time he returned. Four days after his return, the conditional pardon was received, and it was dated eleven days before his reprieve expired.

*When a conditional pardon is received by an inmate confined in the penitentiary he is given clothing, a railroad ticket and \$5.00. However, when a conditional pardon is received for an inmate who is on reprieve, \$5.00 only is sent to him.

*In the above case, does the Prison System owe this man clothing, a ticket and \$5.00, or is he to be considered as being on reprieve and given \$5.00 only?

Under the facts stated, George Outlaw, No. 9482, the convict under consideration, was not at liberty under a reprieve after the last day of his reprieve, upon which day he returned to the prison.

This pardon, like any other instrument in writing intended to grant rights, would become effective only upon delivery by the Governor to the convict, or to someone authorized by the convict, or by the law to receive it for his benefit.

Indisputably, the conditional pardon never became effective -- neither by acceptance nor by transmission to the prison authority -- until the prisoner was again in custody after the expiration of his reprieve or parole.

From what we have said it follows that the prisoner is entitled to clothing, a ticket, and \$5.00.

Very truly yours

APPROVED MAY 28, 1941

ATTORNEY GENERAL OF TEXAS

George W. Allen

By

Carl Spear
Carl Spear
Assistant

FIRST ASSISTANT
ATTORNEY GENERAL

OS-MR

