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Mar 19 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
Honorable H.W. Funderburk, Jr., Administrative Law Judge

Appellate Case No. 2020-001473

JOSEPH KELSEY, #217218Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF PROBATION,
PAROLE, & PARDON SERVICES.....Respondent.

MOTION FOR RULE TO SHOW CAUSE OR A WRIT OF MANDAMUS

Appellant, Joseph Kelsey, hereby moves this Court for a rule to show cause why Respondent South Carolina Department of Probation, Parole, and Pardon Services (“PPP”) should not be held in contempt for failing to comply with the Court of Appeals’ ruling in *Kelsey v. S.C. Dep’t of Prob., Parole & Pardon Servs.*, 441 S.C. 373, 893 S.E.2d 588 (2023), or in the alternative requests a Writ of Mandamus directing PPP to comply with its ruling in a manner that gives full effect to both the letter and spirit of the Court’s order.

This Court may issue a rule to show cause why a party should not be held in contempt where the party has failed to comply with a directive from the Court. *Brackenbook N. Charleston, LP v. County of Charleston*, 366 S.C. 503, 623 S.E.2d 91 (2005). Alternatively or in addition, this Court may issue a writ of mandamus to order PPP to comply with *Kelsey* in a manner that gives full effect to *Kelsey’s* mandate and intent. S.C. Code § 14-8-220 (this Court has the power to “issue such remedial writs as are necessary to give effect to its jurisdiction”); *City of Rock Hill v.*

Thompson, 349 S.C. 197, 563 S.E.2d 101 (2002). A writ of mandamus is appropriate “when there is a specific right to be enforced, a positive duty to be performed, and no other specific remedy.” *City of Rock Hill*, 349 S.C. at 199, 563 S.E.2d at 102. Here, PPP has a positive duty to provide inmates with their parole files in a manner that gives effect to this Court’s directive, and there is no other specific remedy to require PPP to do so.

In support of this motion, Appellant would show the following:

1. On August 30, 2023, in the instant case, this Court held that PPP must give parole-eligible inmates access to their complete parole files and an opportunity to correct any inaccurate information in their files before their parole hearings. *Kelsey v. S.C. Dep’t of Prob., Parole & Pardon Servs.*, 441 S.C. 373, 893 S.E.2d 588 (2023). Specifically, this Court recognized that PPP’s “Form 1212 requires the inmate to notify the Board if there is an error in his or her file and to require an inmate to do so when he/she has no right to see the file is logically and legally absurd.” *Id.*, 441 S.C. at 378, 893 S.E.2d at 591 (internal quotation marks omitted). “[T]he language of Form 1212 requiring an inmate to notify the Board if his or her file is incorrect necessarily implies the right to review the file.” *Id.* This Court remanded the case for Mr. Kelsey “to review his file, report any inaccuracies, and be given a new parole hearing. *Id.*, 441 S.C. at 379, 893 S.E.2d at 591–92.

2. On December 14, 2023, PPP filed a petition for a writ of certiorari in the Supreme Court of South Carolina, asking the Supreme Court to reverse this Court’s decision. Pet. for Writ of Certiorari, *S.C. Dep’t of Prob., Parole & Pardon Servs. v. Kelsey*, No. 2020-001473 (Dec. 14, 2023). In that petition, PPP raised the same arguments against requiring disclosure of parole files that this Court rejected, including that complying with this Court’s ruling would be “unduly burdensome” to the agency. *Id.* at 6 n.2. Nonetheless, on March 5, 2024, the South Carolina

Supreme Court denied certiorari and issued a remittitur to this Court, which in turn remanded the case to the Administrative Law Court. Thus, *Kelsey*'s ruling that potential parolees must have an opportunity to access and correct their parole files is now final.

3. On March 5, 2024, undersigned counsel sent an email to PPP requesting Mr. Kelsey's parole file. Exhibit A (Emails Requesting Parole Files). PPP did not respond to counsel's email.

4. On March 7, 2024, undersigned counsel sent another email to PPP requesting that PPP schedule a new parole hearing for Mr. Kelsey as required by the Court of Appeals' decision. Exhibit A. *Kelsey*, 441 S.C. at 379, 893 S.E.2d at 591–92. Again, PPP did not respond.

5. Also on March 7, 2024, undersigned counsel sent a third email to PPP requesting that the file be turned over at least thirty days in advance of Mr. Kelsey's hearing in order to give Mr. Kelsey an opportunity to correct any incorrect information (a) before the file is submitted to the Parole Board, which occurs two weeks in advance of the hearing, and (b) before the deadline for Mr. Kelsey to submit materials to the Parole Board, which is three weeks before the hearing. Exhibit B (Letter Requesting New Parole Hearing). To date, PPP has yet to respond to any of undersigned counsel's communication.

6. Similarly, in other cases with parole hearings since *Kelsey* became final, PPP has continued to refuse to turn over parole files for inmates to review and correct any inaccuracies before they are submitted to the Parole Board. Instead, PPP has made the files available only to inmates at the institution where they are incarcerated, immediately prior to the parole hearing, for cursory review under the supervision of a parole examiner. Inmates cannot take their files with

them and PPP has refused to provide copies of the files directly to either inmates or their attorneys,¹ even though the files are in electronic format and could easily be emailed to attorneys and to the Department of Corrections for review by inmates. Alternatively, the files could be provided to inmates by PPP during the pre-parole review conducted weeks before each case. In addition, PPP has completely redacted all victim information from the file, including the victims' full statements.

7. On March 12, 2024, PPP sent a letter to undersigned counsel, along with other attorneys who represent inmates before the Parole Board, advising that PPP would largely follow the procedure of the post-*Kelsey* hearings going forward and would not provide inmates or their counsel parole files in advance of hearings or before the files were sent to the Board, and that parole files would only be available at the prison where the inmate is located, on the day of the inmate's parole hearing.² Exhibit D (March 12 Email and Letter from Matthew Buchanan). To further complicate matters, the acknowledgement form that PPP requires inmates and their attorneys to sign after viewing the parole file on the day of the hearing explicitly states that PPP

¹ To undersigned counsel's knowledge, there has so far been only one exception to this practice, in which PPP provided one inmate's parole file directly to counsel via email. Exhibit C (Email Providing Electronic File). PPP has advanced no explanation for why the file was provided to counsel only for this inmate, or why other files could not similarly be provided to attorneys via email. Instead, PPP has reiterated that files will only be made available to attorneys on the day of their client's hearing, and only if they are able to attend hearings in-person at the institution with their client. Exhibit D (March 12 Email and Letter from Matthew Buchanan). This practice interferes with attorneys' ability to represent their clients and fails to allow attorneys or inmates the meaningful review and response that the court ordered in *Kelsey*.

² Appellant recognizes that, given that certiorari in *Kelsey* was denied on March 6, it was not possible for PPP to provide parole files 30 days in advance of the inmate's file deadline, as requested below, for hearings that occurred on March 7. However, in its March 12 letter, PPP has clearly indicated its intent to turn this makeshift response into a permanent practice, which is neither substantiated by administrative concerns nor sufficient to comply with *Kelsey*'s directives. Exhibit D.

“is not obligated to alter facts or details which are unsubstantiated by official records.”³ Exhibit E (Acknowledgement Form).

8. PPP’s process renders the review of the parole file mandated by this Court meaningless. The only opportunity that inmates have to correct any inaccuracies in their files is orally, off the cuff, during their parole hearings. *See* Exhibit D. Additionally, because the review has only been allowed at the institution prior to the parole hearing, neither counsel nor the inmate have any ability to conduct research regarding statements in the PPP file or present any documentation to correct inaccuracies.⁴ PPP’s communication with counsel in Exhibit D and subsequent practice clearly demonstrate that it does not intend to comply with *Kelsey* in any meaningful way, a decision that is fundamentally inconsistent with both this Court’s directives and basic tenets of due process for two primary reasons.

9. First, as of the date of this filing, PPP has failed to comply with the parts of this Court’s order that apply directly to Mr. Kelsey. Specifically, PPP has not turned over Mr. Kelsey’s previous parole files or given Mr. Kelsey a new parole hearing. *Kelsey*, 441 S.C. at 379, 893 S.E.2d at 591–92. Because *Kelsey* applies directly to the file at issue in Mr. Kelsey’s 2019 parole denial as well to all future parole files, PPP is required to provide the files from 2019, 2021, 2023, and Mr. Kelsey’s next upcoming parole hearing, which should be scheduled immediately.

10. Second, PPP does not intend to turn over the files of any inmate, including Mr. Kelsey, until the day of his next parole hearing, which violates both *Kelsey* and inmates’ due process rights in several ways. Most importantly, disclosing the file the day of the hearing prevents

³ Notably, while requiring inmates to provide “official records” to substantiate any necessary corrections to their files, PPP does not include any “official records,” such as court transcripts, in its files to substantiate its own summarized account of an inmate’s offense.

inmates from correcting any misinformation in the file before the file is submitted to the Parole Board. This practice violates both *Kelsey* and PPP's own Form 1212, which places the burden on the inmate to correct any misinformation in his file, and *Kelsey* clearly requires that inmates must be given an opportunity to correct any inaccuracies in their files *before* their parole hearing, not during. *Kelsey*, 441 S.C. at 379, 893 S.E.2d at 591–92. In addition, given that PPP has affirmatively stated that it will not change anything in an inmate's file without "official records," its refusal to turn over the files until the day of the hearing, in the institution, actively prevents inmates from ensuring that any false information in the file is corrected ahead of an inmate's parole hearing. Finally, PPP's refusal to turn over the file in a timely manner interferes with both the attorney-client relationship and an attorney's ability to adequately represent a parole client. It is not always possible for attorneys to attend parole hearings in person with their clients, such as when an attorney represents two clients in different institutions with hearings on the same day, has other court obligations that prevent counsel from traveling to the institution, or when an attorney is required to be out-of-state on the day of the parole hearing. When such a conflict occurs, PPP provides the file only to the inmate and requires the inmate to sign the acknowledgement form (Exhibit E) before their parole hearing can go forward. The attorney, even if he or she attends the hearing virtually, is not given access to the file at all, which impedes attorneys' ability to represent their clients and flies in the face of both the letter and spirit of *Kelsey*.

11. Third, PPP has further refused to comply with *Kelsey* by redacting *all* victim information, *see* Exhibit E, including victims' names and full statements, rather than making "reasonable redaction[s]" for "protections for victims" as the Court of Appeals directed. *Kelsey*, 441 S.C. at 379, 893 S.E.2d at 591. This, too, violates both the letter and spirit of *Kelsey*, which requires disclosure of parole files so that inmates can fulfill their obligation to make any necessary

corrections pursuant to Form 1212. Victim statements can be a significant source of misinformation, and it is crucial that parole-eligible inmates have the opportunity to correct any incorrect statements before their parole files are submitted to the Board. *See, e.g.,* Brief of Appellant, *Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.*, No. 23-ALJ-23-P0014, at 14–15 (Admin. L. Ct. Sept. 11, 2023) (raising the issue of file access where parole opponents provided inaccurate aggravating information to the Parole Board that PPP then refused to allow the inmate a chance to correct). Further, PPP cannot have a legitimate interest in redacting victims' names and statements because victims subsequently give statements at public parole hearings, and their names and statements are fully accessible to any member of the general public who either attends the parole hearing or requests a transcript of the parole hearing, a matter of public record pursuant to the Freedom of Information Act, from PPP. For all of those reasons, *Kelsey's* “reasonable redaction” allowance reasonably extends only to victims' addresses and phone numbers.

12. In order to fulfill the purpose of *Kelsey v. SCDPPPS*—to ensure that inmates are able to fulfill their obligations to correct any inaccuracies in their files pursuant to PPP's Form 1212—PPP should be required to finalize and disclose its parole file on each inmate not less than 30 days before the inmate's deadline to submit his packet of information to the Parole Board, which is three weeks before his hearing. Requiring PPP to provide the inmate's file 30 days in advance of this deadline is necessary to ensure that the inmate has the opportunity to review his file, identify any inaccuracies, and provide to PPP any “official records” necessary to correct those inaccuracies. For inmates who have counsel, files should be provided directly to counsel electronically, as PPP has already done at least once. *See* Exhibit C, *supra* n.1. For inmates who are unrepresented, PPP has multiple options to ensure timely disclosure. Files can be transmitted

electronically to the institution or Parole Board Examiner for the inmate's review, or can be mailed directly to the inmate as are other parole-related notices.⁵

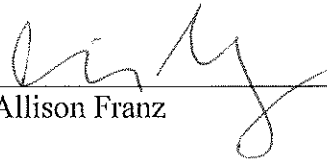
13. For all of the foregoing reasons, Mr. Kelsey requests that this Court issue a rule to show cause why PPP should not be held in contempt of court for its continued refusal to turn over the parole files of Mr. Kelsey and other inmates in violation of *Kelsey v. SCDPPPS*, unless PPP immediately complies with the Order by granting Mr. Kelsey a new parole hearing immediately and turning over Mr. Kelsey's complete parole files, unredacted except for contact information of victims, to Mr. Kelsey and undersigned counsel not less than 30 days in advance of Mr. Kelsey's deadline to submit materials to the Parole Board. Because *Kelsey* applies directly to the file at issue in Mr. Kelsey's 2019 parole denial and to all future parole files, Mr. Kelsey requests that PPP provide the files from 2019, 2021, 2023, and his next upcoming parole hearing. Similarly, this Court should require PPP to provide all other parole-eligible inmates with their parole files not less than 30 days in advance of their deadline to produce materials to the Parole Board.

14. In the alternative, the Court may issue a writ of mandamus to require PPP to comply with *Kelsey* in a manner that gives full effect to both its letter and intent.

[signature block appears on following page]

⁵ As discussed above, in addition to refusing to provide inmates with access to their files in advance of the hearing, PPP has also refused to allow inmates to keep their files, which impairs the self-representation of any inmate who cannot quickly read, decipher, correct, and retain information from his file.

Respectfully submitted,


Allison Franz

Allison Franz
Rosalind Major
Justice 360
900 Elmwood Ave., Suite 200
Columbia, SC 29201
(803) 765-1044
allison@justice360sc.org
rosalind@justice360sc.org

Jon Ozmint
The Ozmint Firm, LLC
PO Box 17554
Greenville, SC 29606
(803) 429-9331
jon@ozmint.com

John H. Blume
Cornell Law School
112 Myron Taylor Hall
Ithaca, NY 14853
(607) 255-1030
jb94@cornell.edu

March 19, 2024.

Exhibit A
Emails Requesting Parole Files



Allison Franz <allison@deathpenaltyresource.org>

Request for parole files

2 messages

Ali Franz <allison@justice360sc.org>

Tue, Mar 5, 2024 at 4:21 PM

To: Matthew Buchanan <matthew.buchanan@ppp.sc.gov>, Valerie Suber <Valerie.Suber@ppp.sc.gov>
Cc: "John H. Blume" <jb94@cornell.edu>, Jon Ozmint <jon@ozmint.com>, Lindsey Vann <lindsey@justice360sc.org>, Rosalind Major <rosalind@justice360sc.org>

Good afternoon,

Pursuant to the denial of certiorari in *Kelsey v. SCDPPPS*, No. 2023-00-1932, and remittitur (attached), I am hereby requesting PPP's complete parole files for the following individuals:

- Joseph Kelsey (#217218)

- [REDACTED]
- [REDACTED]

I have attached letters of representation.

In accordance with the Court of Appeals' ruling in this case, we request PPP's "complete file" for each individual with any "reasonable redaction" limited to "protections for victims." *Kelsey v. SCDPPPS*, 893 S.E.2d 588, 591 (2023).

Thank you,

Ali Franz

--

Allison Franz
Staff Attorney, Justice 360
900 Elmwood Ave., Suite 200
Columbia, SC 29201
(803) 765-1044

5 attachments

- Letter of Rep - [REDACTED] 2.5.24.pdf
131K
- Letter of Representation - [REDACTED] 11.8.23.pdf
132K
- Letter of Rep - Joseph Kelsey 3.5.24.pdf
104K
- DS Kelsey v. SCDPPPS- Remittitur 03.05.pdf
78K
- Kelsey v. SCDPPPS - Order (Sup Ct).pdf
63K

Ali Franz <allison@justice360sc.org>

Thu, Mar 7, 2024 at 1:16 PM

To: Matthew Buchanan <matthew.buchanan@ppp.sc.gov>, Valerie Suber <Valerie.Suber@ppp.sc.gov>
Cc: "John H. Blume" <jb94@cornell.edu>, Jon Ozmint <jon@ozmint.com>, Lindsey Vann <lindsey@justice360sc.org>, Rosalind Major <rosalind@justice360sc.org>

Good afternoon,

I am following up on the previous email to request that the above-referenced records be provided electronically to respective counsel's email addresses not less than 30 days in advance of the individual's parole hearing (or via US Mail to

be received 30 days in advance of the hearing) to ensure sufficient time for review and to ensure that any information in the file can be addressed in the packet submitted on behalf of the inmate, to the extent that it is necessary, for the Parole Board's review prior to the hearing. Given that PPP's Form 1212 places the burden on the potential parolee to correct any inaccuracies in the record and inmates' packet submissions are due 21 days before their parole hearings, we request that the inmate and counsel be given access to the file with the 30-day notice of the hearing, or sooner.

Mr. [REDACTED] and Mr. [REDACTED] have parole hearings scheduled for April 10, 2024. Consequently, we request that PPP provide electronic access to their files no later than Monday, March 11, 2024.

Sincerely,

Ali Franz

[Quoted text hidden]

Exhibit B
Letter Requesting New Parole Hearing



Rosalind Major <rosalind@deathpenaltyresource.org>

Joseph Kelsey #217218

Ali Franz <allison@justice360sc.org>

Thu, Mar 7, 2024 at 2:24 PM

To: Matthew Buchanan <matthew.buchanan@ppp.sc.gov>, Valerie Suber <Valerie.Suber@ppp.sc.gov>, Parole and Pardon Services <ParoleandPardonServices@ppp.sc.gov>

Cc: "John H. Blume" <jb94@cornell.edu>, Jon Ozmint <jon@ozmint.com>, Rosalind Major <rosalind@justice360sc.org>

Good afternoon,

Please see the attached correspondence pertaining to Joseph Kelsey (#217218).

Thank you,

Ali Franz

--

Allison Franz
Staff Attorney, Justice 360
900 Elmwood Ave., Suite 200
Columbia, SC 29201
(803) 765-1044

 **2024.3.7 Letter - Kelsey.pdf**
112K

March 7, 2024

Matthew Buchanan
General Counsel
South Carolina Department of Probation, Parole, & Pardon Services
P.O. Box 207
Columbia, SC 29202

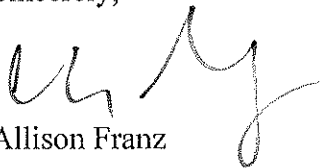
Re: Joseph Glen Kelsey (SCDC #217218)

Dear Mr. Buchanan:

Per the Court of Appeals' ruling in *Kelsey v. S.C. Dep't of Prob., Parole & Pardon Servs.*, our client, Joseph Kelsey, is entitled to a new parole hearing immediately with access to his file in advance of the hearing. 893 S.E.2d 588, 591-92 (2023) (providing that PPP must give Mr. Kelsey an opportunity "to review his file, report any inaccuracies, and be given a new parole hearing").

Please allow this letter to serve as an official request that a new parole hearing for Mr. Kelsey be scheduled not more than sixty days from the date of this letter, with notice of the hearing, along with Mr. Kelsey's complete file, provided electronically to counsel not less than thirty days in advance of the hearing. Please advise when this hearing has been scheduled.

Sincerely,



Allison Franz

Allison Franz
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rosalind@justice360sc.org

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John H. Blume
Cornell Law School
112 Myron Taylor Hall
Ithaca, NY 14853
(607) 255-1030
jb94@cornell.edu

Exhibit C
Email Providing Electronic File

From: [Valerie Suber](#)
To: [John H. Blume](#)
Cc: [Matthew Buchanan](#)
Subject: [REDACTED] - (SCDC ID: [REDACTED]) (PPP SID: [REDACTED])
Date: Thursday, March 7, 2024 8:21:58 AM
Attachments: [image001.png](#)
[REDACTED] - [Redacted.pdf](#)

Good morning,
Please find attached the parole file for Inmate [REDACTED] - (SCDC ID: [REDACTED]) (PPP SID: [REDACTED]).

Valerie Suber

Associate Deputy Director for Paroles, Pardons and Release Services
SC Department of Probation, Parole and Pardon Services
Office Telephone: (803) 734-5188
Mobile Telephone: (803) 609-3973
E-mail: Valerie.Suber@ppp.sc.gov



Culture: That which has been planted has been allowed to grow!

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Exhibit D
March 12 Email and Letter from Matthew
Buchanan



Rosalind Major <rosalind@deathpenaltyresource.org>

Parole File ICO [REDACTED]

Matthew Buchanan <Matthew.Buchanan@ppp.sc.gov>

Tue, Mar 12, 2024 at 3:11 PM

To: "jon@ozmint.com" <jon@ozmint.com>, Parole and Pardon Services <ParoleandPardonServices@ppp.sc.gov>, Valerie Suber <Valerie.Suber@ppp.sc.gov>

Cc: Allison Franz <allison@justice360sc.org>, Allison Elder <aelder@tsscnow.org>, John Blume <jb94@cornell.edu>, Megan Powell <mpowell@tsscnow.org>, Lindsey Vann <lindsey@justice360sc.org>, Rosalind Major <rosalind@justice360sc.org>, "Dawn K. Nichols" <Dawn.Nichols@ppp.sc.gov>

Mr. Ozmint,

Please see the Department's response to your request. If you have any questions, do not hesitate to contact me.

Matt

Matthew C. Buchanan

General Counsel

SC Department of Probation, Parole and Pardon Services

(803) 734-9012

(803) 734-9324 (fax)

From: jon@ozmint.com <jon@ozmint.com>

Sent: Monday, March 11, 2024 2:49 PM

To: Parole and Pardon Services <ParoleandPardonServices@ppp.sc.gov>; Valerie Suber <Valerie.Suber@ppp.sc.gov>; Matthew Buchanan <Matthew.Buchanan@ppp.sc.gov>

Cc: Allison Franz <allison@justice360sc.org>; Allison Elder <aelder@tsscnow.org>; John Blume <jb94@cornell.edu>; Megan Powell <mpowell@tsscnow.org>; Lindsey Vann <lindsey@justice360sc.org>; Rosalind Major <rosalind@justice360sc.org>

Subject: Parole File ICO [REDACTED]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Friends:

I represent Mr. [REDACTED] in the parole process. This case is scheduled for a hearing on April 10, 2024. Please provide me with the parole file in this case as soon as possible, so that I may review the same, discuss with my client, and prepare accordingly for the hearing. Please do not discuss the parole file with my client and do not request or require that he sign any documents or make any statements concerning the

parole file, until I have had the opportunity to review the file. If you need any acknowledgements or other documents signed, I will sign for my client or instruct him to sign, as appropriate, after I have reviewed the file.

An electronic copy is acceptable.

Thank you,

Jon E. Ozmint

Attorney at Law



Veteran Owned

www.ozmint.com

Office: 803.782.0042 Cell: 803.429.9331

Mail: P.O. Box 17554, Greenville, SC 29606

vCard

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Culture: That which has been planted has been allowed to grow!

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[REDACTED] reply 3.12.24.pdf

394K

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



JODI GALLMAN
Acting Director

293 GREYSTONE BLVD
POST OFFICE BOX 207
COLUMBIA, SOUTH CAROLINA 29202
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.dppps.sc.gov

March 12, 2024

Jon Ozmint, Esq.
P.O. Box 17554
Greenville, South Carolina 29606

Re: [REDACTED]

Dear Mr. Ozmint:

I have been asked to reply to your request for the parole file of the above-referenced individual. I must inform you that the Department is unable to immediately accommodate your request.

Because the Court of Appeals has ruled that all inmates are entitled to review their files with the necessary redactions, SCDPPPS staff is diligently undertaking the efforts to make sure the parole files are properly redacted for inmate review. Be advised that this is a time-intensive process for our limited staff. Furthermore, parole files are not final until two weeks before the hearing, after which the files are then redacted. For this reason, parole files are being made available to the inmates and their attorneys on the day of the hearing at the institutions.

You will be able to review the files with your clients on the day of their parole hearings at the institution. I hope this addresses your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Buchanan", with a long horizontal flourish extending to the right.

Matthew Buchanan
General Counsel



"Nation's First Probation Agency accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA)."



Exhibit E
Acknowledgement Form

South Carolina Department of Probation, Parole and Pardon Services
Acknowledgement of Parole File Review

SC Department of Probation, Parole and Pardon Services
P.O. Box 207 Columbia, SC 29210

Inmate Name	[REDACTED]	SCPPPS	[REDACTED]
-------------	------------	--------	------------

The "Parole File" is defined as information compiled by the Agency for review by the SC Board of Pardons and Paroles in the course of their duty to consider cases for parole.

Information received from the inmate or third parties is not a part of the Agency's presentation and for the purpose of sharing parole files for review will not be reproduced.

All Victim information is redacted.

Regarding the hearing scheduled for (Hearing Date) 03/07/2024, the above-identified inmate and/or his attorney are permitted to review the parole file as prepared by the SC Department of Probation, Parole and Pardon Services.

The undersigned parties acknowledge the Agency's definition of parole file and understand that any alleged discrepancies identified within the parole file will be documented and may be addressed during the active hearing with the Board. The Agency is not obligated to alter facts or details which are unsubstantiated by official records. The Board maintains full discretion to grant or deny parole, based on their established criteria.

I certify that the above has been explained to me, and upon acknowledgement I have been granted access to review the Parole File.

[REDACTED]	Date 3/07/2024	[REDACTED]	Date 3/07/2024
SCPPPS Witness Signature [REDACTED]	Date 3/07/2024	Other Witness Signature (Optional)	Date

The inmate declined to review the parole file.

Inmate's Signature	Date	Attorney Signature	Date
SCPPPS Witness Signature	Date	Other Witness Signature (Optional)	Date

RECEIVED

Mar 19 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
Honorable H.W. Funderburk, Jr., Administrative Law Judge

Appellate Case No. 2020-001473

JOSEPH KELSEY, #217218Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF PROBATION,
PAROLE, & PARDON SERVICES.....Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Appellant’s Motion for a Rule to Show Cause or a Writ of Mandamus was served on opposing counsel by first-class United States mail, postage prepaid, at the address provided in the Attorney Information System:

Matthew C. Buchanan
S.C. Department of Probation, Parole and Pardon Services
PO Box 207
Columbia, SC 29202

Service was made on March 19, 2024.

/s/Allison Franz
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