

The South Carolina Court of Appeals

Bernard Bagley, Appellant,

v.

South Carolina Department of Probation, Parole and
Pardon Services, Respondent.

Appellate Case No. 2013-000042

ORDER

In light of the fact that (1) the Administrative Law Court order under review relied on cases¹ decided prior to the enactment of section 24-21-10(F)(1) of the South Carolina Code (Supp. 2013),² which Bagley claims the parole board violated in denying his parole; (2) section 24-21-10(F)(1) states the parole board "shall use" a validated actuarial risk and needs assessment tool in making parole decisions; and (3) the parole hearing complained of occurred over a year after the effective date of section 24-21-10(F)(1), the parties are ordered to file supplemental memoranda addressing the following narrow questions:

At the time of the Appellant's hearing, did section 24-21-10(F)(1) require the parole board to evaluate an inmate using the department's adopted risk assessment tool and consider the results of such an evaluation in reaching a parole decision? If so, was the statute complied with in the parole proceeding?

The parties shall serve and file their memoranda within thirty days.³

¹ *Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 661 S.E.2d 106 (2008); *Compton v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 385 S.C. 476, 685 S.E.2d 175 (2009).

² See Act No. 273, 2010 S.C. Acts 1937.

³ Having already addressed this issue, Appellant may either rely on his filed briefs or submit additional argument.


FOR THE COURT

Columbia, South Carolina

cc: Bernard Bagley, 175851
Tommy Evans, Jr., Esquire

FILED
SA 01/13/14