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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FOR THE ADMINISTRATIVE LAW JUDGE DIVISION  
The Honorable Shirley C. Robinson, Administrative Law Judge  
Appellate Case Number 2014-000803

ROBERT KOON, #227826, ..... APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE  
AND PARDON SERVICES, ..... RESPONDENT

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**MOTION TO DENY APPELLANT’S DESIGNATION OF MATTER**

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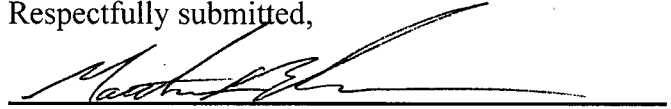
The Respondent, the South Carolina Department of Probation, Parole, and Pardon Services, respectfully requests this honorable court to deny in part the Appellant’s request to include the entire Department’s file in the record on appeal.

The Respondent argues that this information is considered privileged pursuant to South Carolina law. The South Carolina Code of Laws specifically states, “All information and data obtained in the discharge of his official duty by a probation agent is privileged information, is not receivable as evidence in a court, and may not be disclosed directly or indirectly to anyone other than the judge or other entitled under this chapter to receive reports unless ordered by the court or the director.” S.C. Code Ann. §24-21-290 (Supp. 2010).

See also State v. Hook, 356 S.C. 421, 590 S.E.2d 25 (2003). Investigating parole cases referred by the director, keeping detailed records of his or her work, making reports in writing, and performing other duties as the director may require are part of the official duties of a probation agent. S.C. Code Ann. § 24-21-280 (Supp. 2007).

Therefore, Appellant's Designation of Matter should be denied in part.

Respectfully submitted,



**Matthew C. Buchanan**  
**General Counsel**

South Carolina Department of Probation, Parole  
and Pardon Services  
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August 7, 2014

State of South Carolina  
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The Honorable Jenny Kitchings  
Clerk of the South Carolina Court of Appeals  
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Columbia, South Carolina 29201

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