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SC Court of Appeals

S.C. SUPREME COURT

Sebastian J. Hepburn, S.C.D.C. #353163
Turbeville Correctional Institution
P.O. Box 252 "SA-105A"
Turbeville, S.C. 29162-0252

Office of the Clerk of Court
Circuit Court Div., Greenville Co. Courthouse
305 East North St.
Greenville, South Carolina 29601

Case No. #2012-GS-2302699

Re: letter requesting "Original" Sentencing
Sheet; Arrests and Fugitive Warrants

Greetings and Salutations,

Applicant is requesting that he be provided with a copy of his "Original" Sentencing Sheet, all Arrests and Fugitive Warrants, and any applicable documents pertaining to the above name that's been issued out on him that's on his record. Applicant avers that there has been an erroneous charge placed on his permanent record by the South Carolina Department of Corrections.

Applicant was brought into custody from Miami, Fla. and brought to Greenville, S.C. to answer for a charge from the State of S.C. While on bond Applicant was allowed to be out of state lawfully and legally.

Applicant was sentenced on November 8, 2012 in Greenville General Sessions Court by the Honorable Larry B. Hyman Jr., Upon Applicants intake into S.C.D.C. (Reception and Evaluation), Applicant submits that S.C.D.C. classification placed an "Escape / Fugitive" charge on his permanent record, Applicant attest this was done in error. At no time was he ever non-compliant to the stipulations of bond, court, or S.C.D.C.

Pursuant to South Carolina Code of Laws 1976 §30-4-15, "Freedom of Information Act (F.O.I.A.)". "The F.O.I.A. is to protect citizens from secret government activity and grant the public an immutable right to access records." Seago v. Horry Co., 378 S.C. 414 (S.C., 2008). In, §30-4-30(a), "grants 'any person' the right to inspect or copy the records of a 'public body', "quoting the Honorable Senator Donald H. Holland, District 27 (1989 S.C. Op. Att'y. Gen. 349).

Based on the decision made by the South Carolina Court of Appeals in Burton v. York Co. Sheriff's Dept., 358 S.C. 339, 594 S.E. 2d. 888 (S.C. App., 2004). "State, County, and Municipal law enforcement divisions are deemed and considered a 'public body' and are subject to the criteria set forth in this States F.O.I.A." "Arrest Warrants and 'Rap Sheets (N.C.I.C.)' have been deemed disclosure material under the statutes of the F.O.I.A." Honorable Chief Robert M. Stewart, South Carolina Law Enforcement Division (1990 S.C. Op. Atty. Gen. 48).

Applicant asserts that without an "Original Sentencing Sheet", a copy of all Arrests and Fugitive Warrants, and any applicable documents pertaining to him, he would lack meritorious evidence to substantiate his complaint and would not be afforded the right to effectively challenge this error, and deprive him of his due process and equal protection of law provide him pursuant to, S.C. Const. Art. I, §.3.

It is the prayer of the Applicant to receive his Original Sentencing Sheet, all Arrests and Fugitive Warrants, and any applicable documents pertaining to him, from the responsible agency within thirty(30) days of receipt of his request in order to promptly resolve any error that might be unjustly depriving him life, liberty, and property. As always, your attention and assistance in this matter is appreciated.

Date: Oct. 29, 2014

Respectfully Submitted,

Sebastian J. Hepburn

Sebastian J. Hepburn, S.C.D.C. #353163
Turbeville Correctional Institution
P.O. Box 252 "SA-105A"
Turbeville, S.C. 29162-0252

CC:

Alan Wilson, S.C. Atty. Gen.
P.O. Box 11549 Columbia, S.C.

Daniel E. Shearouse, Clerk of Court
P.O. Box 11330 Columbia, S.C.

U.S. Marshalls Services
401 W. Evans St. Florence, S.C.

Sworn to and Subscribed before me
this 29th day of Oct, 2014

Emily Hark

Notary Public for South Carolina
My Commission Exp. 4-27-2016