

Memorandum

TO: APPELLANT

FROM: CLERK'S OFFICE

DATE: 9-25-14

The information you filed with the administrative Law Court is being returned to you for the following reason(s):

You can file only one PPS appeal per year. You have already filed one PPS appeal this year (2014). A copy of the Order of Dismissal is attached.

This office cannot assist you with this request. For assistance, please contact your Inmate Grievance Coordinator.

Please note that the ALC have no waiver forms for DOC appeals. You can only file 3 appeals in a calendar year, after that a \$25.00 fee is required for the 4th appeal.

Please sign, date, and return the enclosed Notice of Appeal.

The Administrative Law Court does not have statutory authority to hear Tort Claim actions. Pursuant to the South Carolina Tort Claims Act, S.C. Code Ann.15-78-10 et seq., the appropriate venue for filing this type of action is in circuit court.

This office cannot assist you with your request. For transcripts, contact the S. C. Court Administration, Court Reporting Section, 1015 Sumter St., Suite 200, Columbia, S.C. 29201

Any questions concerning appeals to the Court of Appeals, please contact the Court of Appeals Clerk's Office:

The S. C. Court of Appeals
Jenny Abbott Kitchings
PO Box 11629
Columbia, S.C. 29211

RECEIVED

OCT 09 2014

SC Court of Appeals

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

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

NIKKI R. HALEY
Governor



KELA E. THOMAS
Director

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.state.sc.us/ppp

August 20, 2014

Billy Lee Lisenby, Jr., #200273
Lieber Correctional Institution E-B26
PO Box 205
Ridgeville, South Carolina 29472

Dear Mr. Lisenby:

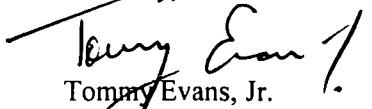
I am responding to your Freedom of Information Act request dated August 18, 2014. In your letter, you have requested a complete copy of your parole file including all email entries on your behalf. All information contained in a parolee or probationer's file is exempt from disclosure. See S.C. Code Ann. § 30-4-40(a)(4) (1991) (allowing exemption of matters specifically exempted from disclosure by statute or law). Pursuant to statute, all information and data obtained in the discharge of his official duty by a South Carolina probation agent is privileged information and may not be disclosed directly or indirectly to anyone other than the judge or others entitled to receive reports, unless ordered by the court or the director. S.C. Code Ann. § 24-21-290 (Supp. 2008). 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, the Department is under no obligation to disclose the information.

Furthermore, you have stated that you should be going up for parole consideration hearings every year, but each year your hearings are pushed back. I understand your concerns about not being heard on your eligibility date, however, there are many factors involved in scheduling a case before the Board. One important factor is the completion of a pre-parole investigation which must be completed prior to your case actually being scheduled before the Board. The time it takes to complete this investigation varies from case to case and sometimes requires additional research which may require more preparation time. Therefore, it is not possible to schedule your hearings exactly one year apart.

You have also asked if letters of support from previous years will remain in your parole file or if new ones need to be sent each year. Once these letters are sent, they become a part of your parole file and it is not necessary to resend letters of support each year. Although, if you choose to do so, the new letters will also become a permanent part of your file; our web address to send such letters is www.dppps.sc.gov.

Again, thank you for your letter and I wish you the best in the future.

Sincerely,



Tommy Evans, Jr.
Assistant General Counsel

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