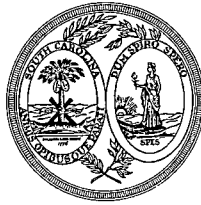


State of South Carolina  
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY  
Governor



JERRY B. ADGER  
Director

**RECEIVED**

JUN 03 2015

**SC Court of Appeals**

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

May 29, 2015

The Honorable Jenny Abbott Kitchings  
Clerk of the S.C. Court of Appeals  
Post Office Box 11629  
Columbia, S.C. 29211

RE: Bernard Bagley, #175851  
Appellate Case No.: 2015-000478

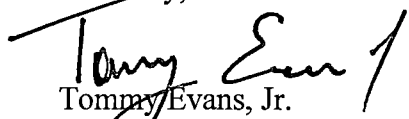
Dear Ms. Kitchings:

I am in receipt of the Court's letter dated May 27, 2015, requesting Respondent to notify the Court whether or not certain information was presented to the Administrative Law Court (ALC). As to an audio tape of the parole hearing, this was not presented to the ALC. If the Appellant wished to include an audio tape within the record it is his responsibility and he did not request an audio of the hearing or pay the proper amount associated with copying.

As for the Parole Examiner's recommendation, prior supervision history, statements of opposition and COMPAS Assessment from his hearing on January 14, 2015, all information contained in a parolee or probationer's file is privileged and 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, this information was not presented to the ALC.

Should you require any additional information, please let me know.

Sincerely,

  
Tommy Evans, Jr.  
Assistant General Counsel

TE:dn

cc: Bernard Bagley

State of South Carolina  
Department of Probation, Parole, and Pardon Services  
2221 DEVINE STREET, SUITE 600, POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250

COLUMBIA  
SC 29205  
01 JUN '15  
PM 3 IL



U.S. POSTAGE >> PITNEY BOWES



ZIP 29205 \$ 000.48<sup>0</sup>  
02 1W  
0001388679 JUN. 01. 2015

**RECEIVED**  
JUN 03 2015  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of the S.C. Court of Appeals  
Post Office Box 11629  
Columbia, S.C. 29211

29211 1162929

