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

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February 1, 2013

Bernard Bagley, #175851
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina 29067

Dear Mr. Bagley:

I am in receipt of your letter dated January 28, 2013, in which you have asked for certain information in order to perfect your appeal. In response to your request for a copy of the transcript of record, no transcript exists from the Administrative Law Court, only the order dated December 27, 2012, which I am enclosing. Also, Respondent did not file a Brief as the Court dismissed your appeal prior to Respondent's Brief being filed. I am, however, enclosing a copy of your Brief filed.

As for your request for copies of the parole case summary and the automated date of the valid risk assessment, this information is contained in your offender file and it 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 you requested.

Sincerely,

Tommy Evans, Jr.
Legal Counsel
TE:dn

RECEIVED
FEB 04 2013
SC Court of Appeals

cc: V. Claire Allen, Deputy Clerk, S.C. Court of Appeals