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**BLUME NORRIS & FRANKLIN-BEST, LLC**

**ATTORNEYS AT LAW**

JOHN H. BLUME  
TERESA L. NORRIS  
Elizabeth Franklin-Best  
KEIR M. WEYBLE OF COUNSEL  
DAVID I. BRUCK OF COUNSEL

900 Elmwood Avenue, Suite 101  
COLUMBIA, SOUTH CAROLINA 29201  
PHONE: (803) 765-1044  
FAX: (803) 765-1143

April 9, 2015

Dayne Haile  
South Carolina Department of Corrections  
4444 Broad River Road  
Columbia, SC 29210

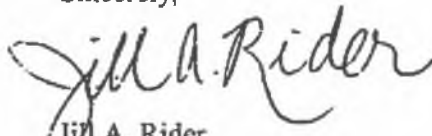
Re: *Victor Rogers*

Dear Ms. Haile:

Please be advised that our office represents the family of Victor Rogers. I am writing to request a copy of any and all SCDC records that you may have concerning Mr. Rogers. Records should specifically include a copy of the Warden's jacket, a copy of all disciplinary actions, as well as, all medical and psychological records, to include all medical records relating to his death. I have enclosed next-of-kin releases for these records.

If you should have any questions, please do not hesitate to contact our office.

Sincerely,

  
Jill A. Rider  
Paralegal

Enclosure

**Authorization for Disclosure of Protected Health Information  
Concerning Next of Kin**

1. My name is Pamela Stroud. I am the biological mother of Victor Rogers  
Date of Birth: [REDACTED]

2. I authorize the disclosure of protected health information<sup>1</sup> and psychotherapy notes, including records that may contain information about the Human Immunodeficiency Virus (HIV) or other communicable diseases. This information should include, but should not be limited to, physicians' notes, nurses' notes, laboratory tests and results, radiology films and reports, mental health records, psychological testing, neurological testing, and neuropsychological testing. I understand that this authorization is voluntary. I understand that, if the person(s) or organization(s) that I authorize to receive this protected health information are not subject to federal and state health information privacy laws, subsequent disclosure by such person(s) or organization(s) may not be protected by those laws.

3. I authorize the following person(s) and/or organization(s) to disclose the protected health information and psychotherapy notes, including records that may contain HIV-related information:

Name(s) South Carolina Department of Correction  
Organization(s) \_\_\_\_\_  
Address \_\_\_\_\_

4. As disclosed by the person(s) and/or organization(s) above, I authorize the following person(s) and/or organization(s) to receive the protected health information and psychotherapy notes, including records that may contain HIV-related information:

Elizabeth Franklin-Best  
Blume Norris & Franklin-Best, LLC  
900 Elmwood Avenue, Suite 101  
Columbia, SC 29201  
(803) 765-1044

5. A photocopy of this release may be honored.

6. I specifically authorize the disclosure of the following health information:

<input checked="" type="checkbox"/> Emergency room records	<input checked="" type="checkbox"/> Hospital Outpatient records	<input checked="" type="checkbox"/> Laboratory & diagnostic findings
<input checked="" type="checkbox"/> Hospital Inpatient records	<input checked="" type="checkbox"/> Mental health treatment information	<input checked="" type="checkbox"/> Substance abuse treatment information
<input checked="" type="checkbox"/> Office based records	<input checked="" type="checkbox"/> Medicaid records	<input checked="" type="checkbox"/> Billing information
<input checked="" type="checkbox"/> HIV-related information	<input checked="" type="checkbox"/> Psychotherapy notes	

7. Specific description of the purpose for each use or disclosure: At the request of the individual.

8. I am aware that confidential HIV-related information is any information indicating that any HIV-related test, or an HIV infection, HIV-related illness or AIDS, or any information which indicates that potential exposure to HIV.

<sup>1</sup>Protected health information ("PHI") is health information that is created or received by a health care provider, health plan, or health care clearinghouse which relates to: 1) the past, present, or future physical or mental health of an individual; 2) the provision of health care to an individual; or 3) the past, present, or future payment for the provision of health care to an individual. To be protected, the information must be such that it identifies the individual or provides a reasonable basis to believe that the information can identify the individual. 45 C.F.R. 164.508.

8. I am aware that by signing this authorization, my daughter's protected health information and psychotherapy notes, including any HIV-related information, can be given to the people listed above, for the reason (s) listed. I understand that I can refuse to sign this authorization, and am aware that I do not have to allow the release of HIV-related information or any other protected health information or psychotherapy notes. I also know that I can change my mind, and that I may revoke this authorization in writing at any time by sending a signed and dated written statement to Blume Norris & Franklin-Best, LLC saying that I am revoking my authorization to disclose protected health information and psychotherapy notes, except to the extent that the person (s) and/or organization (s) named above have taken action in reliance on this authorization.

This authorization expires on 3-23, 2016.

I have had the opportunity to read and consider the content of this authorization. I confirm that the contents are consistent with my direction.

Parula Strunk  
Signed

3-23-15  
Date

Jill A. Rader  
Witness

STATE OF SOUTH CAROLINA ) IN THE PROBATE COURT  
 )  
COUNTY OF GREENVILLE )  
 )  
IN THE MATTER OF: ) CERTIFICATE OF APPOINTMENT  
VICTOR LAMONT ROGERS ) CASE NUMBER: 2015ES2300981  
(Decedent) )

This is to certify that

**PAMELA ANN STROUD**

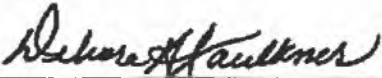
is the duly qualified

- ☒ PERSONAL REPRESENTATIVE  
☐ SUCCESSOR PERSONAL REPRESENTATIVE  
☐ SPECIAL ADMINISTRATOR

in the above matter and that this appointment, having been executed on the 23rd day of April, 2015, is now in full force and effect, including authorization to receive all monies, income, principal, interest & dividends of and belonging to said estate.

RESTRICTIONS:

EXECUTED: April 23, 2015

  
DEBORA A. FAULKNER By: SJS  
PROBATE COURT JUDGE

Do not accept a copy of this certificate without  
the raised seal of the Probate Court.

not resp. to except  
for 15 day receipt

**BLUME NORRIS & FRANKLIN-BEST, LLC**

**ATTORNEYS AT LAW**

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**RECEIVED**

APR 13 2015

**GENERAL COUNSEL**

April 9, 2015

South Carolina Department of Corrections  
FOIA REQUEST  
P.O. Box 21787  
4444 Broad River Road  
Columbia, South Carolina 29210

approval/  
disapproval

Re: Freedom of Information Act Request

Dear Sir or Madam:

I represent the family of Victor Rogers and am writing, pursuant to the Freedom of Information Act, S.C. Code § 34-4-10 through 110, to request that you provide me with any and all documents, including writings, drawings, graphs, charts, photographs, video recordings, phone records and computerized records relating to the death of, and investigation of, Victor Rogers. Counsel also specifically requests:

- 1) The identity of the nurse who opened Victor Rogers's cell;
- 2) The identities of all officers working in the cell block area that night;
- 3) The identities of all other inmates present in the cell block from March 15-March 30, 2015 and their cell assignments.
- 4) The log sheets, or "cell chart times" for the period of March 15- March 30, 2015.
- 5) Any and all grievances, letters, reports made by Victor Rogers including allegations of rape and any and all documents pertaining to rape investigation that occurred during the spring and summer of 2014 including any and all documentation relating to an investigation instigated by the Protection and Advocacy for People with Disabilities, Inc.

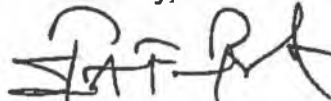
The General Assembly expressed the intended purpose of FOIA in South Carolina Code Ann. §30-4-15. This section provides:

The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. Toward this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum of cost or delay to the person seeking access to public documents or meetings.

Several South Carolina Supreme Court cases discuss the purpose of FOIA. See *South Carolina Tax Comm'n v. Gaston Copper Recycling Corp.*, 316 S.C. 163, 169, 447 S.E.2d 843, 846 (1994) ("The purpose of the FOIA is to protect the public from secret government activity."); *Fowler v. Beasley*, 322 S.C. 463, 468, 472 S.E.2d 630, 633 (1996) ("South Carolina's FOIA was designed to guarantee the public reasonable access to certain activities of government.").

"Consistent with FOIA's goal of broad disclosure, the exemptions from its mandates are to be narrowly construed." *Burton v. York County Sheriff's Dep't*, 358 S.C. 339, 348, 594 S.E.2d 888, 893 (Ct. App. 2004). Moreover, our Supreme Court has held that these exemptions do not create a duty of confidentiality. *South Carolina Tax Comm'n*, 316 S.C. at 169, 447 S.E.2d at 846. In *Burton*, our court of appeals ordered the disclosure of the materials that are being requested of your agency. Respectfully, I request that you comply with this request at your earliest opportunity. Please let me know if compliance is expected to exceed \$200.

Sincerely,

A handwritten signature in black ink, appearing to read 'EAF-Best', with a stylized flourish at the end.

Elizabeth A. Franklin-Best  
Counsel for Family of Victor Rogers

Cc: Pamela Stroud  
Charles Grose  
Beattie Butler  
Chip Price

# BLUME NORRIS & FRANKLIN-BEST, LLC

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TERESA L. NORRIS  
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KEIR M. WEYBLE *OF COUNSEL*  
DAVID I. BRUCK *OF COUNSEL*

900 Elmwood Avenue, Suite 200  
COLUMBIA, SOUTH CAROLINA 29201  
PHONE: (803) 765-1044  
FAX: (803) 765-1143

September 29, 2015

RECEIVED

OCT 02 2015

GENERAL COUNSEL

South Carolina Department of Corrections  
FOIA REQUEST  
P.O. Box 21787  
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Columbia, South Carolina 29210

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- 1) The identity of the nurse who opened Victor Rogers's cell;
- 2) The identities of all officers working in the cell block area that night;
- 3) The identities of all other inmates present in the cell block from March 15- March 30, 2015 and their cell assignments.
- 4) The log sheets, or "cell chart times" for the period of March 15- March 30, 2015.
- 5) Any and all grievances, letters, reports made by Victor Rogers including allegations of rape and any and all documents pertaining to rape investigation that occurred during the spring and summer of 2014 including any and all documentation relating to an investigation instigated by the Protection and Advocacy for People with Disabilities, Inc.

**Dayne Haile (C027588)**

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**From:** Elizabeth Franklin-Best <elizabeth.a.franklin@gmail.com>  
**Sent:** Wednesday, October 14, 2015 9:43 AM  
**To:** Dayne Haile (C027588)  
**Cc:** Charles Grose; James H Chip Price, III P.A.; scdfndr  
**Subject:** Victor Rogers

Hey Dayne,  
I hope you're doing well. We're informed that Solicitor Finney has decided not to criminally prosecute employees of SCDC in connection with Victor's death. I have submitted an additional FOIA asking for all of the materials that I have previously requested. Can you let me know how quickly your office will be able to comply with our FOIA?

I appreciate it,  
Betsy

--  
Elizabeth A. Franklin-Best  
Blume Norris & Franklin-Best, LLC  
900 Elmwood Avenue, Ste. 200  
Columbia, South Carolina 29201  
(803) 765-1044