

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from the Administrative Law Court
The Honorable Crystal M. Rookard, Administrative Law Judge
Docket Number 23-ALJ-15-0021-AP

MAR 18 2024

SC Court of Appeals

Appellate Case No.: 2024-000110

BERNARD BAGLEY, #175851.....APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES,.....RESPONDENT

**MOTION TO STRIKE APPELLANT'S
DESIGNATION OF MATTER**

Now comes Respondent, through its counsel and pursuant to Rule 209, SCACR, respectfully requesting this Court strike the portion of Appellant's Designation of Matter offering matters not presented to the lower court as required by Rule 210(c), SCACR.

Appellant's Designation of Matter proposes eight items:

1. Order dated 12/28/23;
2. Notice of Rejection dated June 21, 2023;
3. SCDPPPS Form 1212, Criteria for Parole Consideration;
4. Audio Disc (sic) of Parole Hearing Proceedings, dated June 21, 2023;

5. Reports concerning Appellant's suitability for parole;
6. Assessment tools applied to Appellant;
7. Psychological Evaluation Report; and
8. Appellant's Parole Packet.

Respondent submits that only items 1, 2, and 3 are proper matters to be included in the Record on Appeal. Item 1 is the Order of Dismissal from the Administrative Law Court. Items 2 and 3 were a part of the record of the ALC, being required by Rule 61, SCALC. Respondent therefore has no objections to items 1 through 3.

However, the remainder of Appellant's Designation of Matter were not before the ALC. Respondent therefore respectfully requests that this Court strike items 4 through 8 of Appellant's proposed Designation of Matter pursuant to Rule 210(c), SCACR.

Respectfully submitted,



Matthew C. Buchanan
General Counsel

South Carolina Department of Probation,
Parole and Pardon Services
P.O. Box 293
Columbia, South Carolina 29202
(803) 734-9220

Columbia, South Carolina
March 14, 2024

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v.

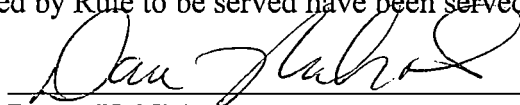
S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES,.....RESPONDENT

CERTIFICATE OF SERVICE

I, Dawn K. Nichols, Executive Assistant, hereby certify that I have served the within
Motion to Strike Appellant's Designation of Matter on Appellant this 15th day of March, 2024, by
depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Bernard Bagley, #175851
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, S.C. 29067

I further certify that all parties required by Rule to be served have been served.



Dawn K. Nichols
Executive Assistant
South Carolina Department of Probation,
Parole, and Pardon Services
P. O. Box 207
Columbia, South Carolina 29202

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

HENRY McMASTER
Governor



JODI GALLMAN
Acting Director

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MAR 18 2024
SC Court of Appeals

March 15, 2024

The Honorable Jenny Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, South Carolina 29211

RE: **Bernard Bagley, #175851 v. SCDPPPS**
Case No.: 24-000110

Dear Ms. Kitchings:

Please find enclosed the original and six copies of Respondent's Motion to Strike Appellant's Designation of Matter dated March 14, 2024.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan", written over a horizontal line.

Matthew C. Buchanan
General Counsel

MCB:dn
Enclosures

cc: Bernard Bagley, #175851

Department of Probation, Parole, and Pardon Services

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