

STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAR 28 2024

SC Court of Appeals

Appeal from the Administrative Law Court
Crystal M. Rookard, Administrative Law Judge
Docket No. 23-ALJ-15-0021-AP

Appellate Case No. 2024-000110

Bernard Bagley, #175851

Appellant

v.

South Carolina Department of
Probation, Parole and Pardon
Services,

Respondent.

MOTION OF RELEVANCY, MATERIALITY AND ADMISSIBILITY
OF MATERIAL NECESSARY TO CLAIMS IN CONNECTION
WITH PAROLE ELIGIBILITY

This Motion comes in response and to object to the Respondent's Motion to Strike Appellant's Designation of Matter, in which he received on March 20, 2024. Appellant's Designation of Matter offers matters that were "opened the door" by the Respondent and the ALJ's Order that states factors outlined in §24-21-640, of S.C. Code, and the SCBPPTS Criteria Form 1212, both "open the door" regarding the proper matters to be included are items 4, 5, 6, 7, and 8. Although, the ALJ did not grant Appellant's Motion to have the matters included in the record, the door was open by the Respondent's item's 1, 2, and 3. Appellant submits that the ALJ erred under Rule 36(1)(2)(4)(6), ALCR, and Rule 401, SCRE, Relevant evidence that means evidence having any tendency to make the existence of any fact that is of consequences to the determination of the action more probable or less probable than it would be without the evidence. Bagley submits that the Board "abrogated" his parole eligibility, whereas the ALJ considers potentially eligible inmate. Also, SEE: Rule 402, SCRE, All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, the Constitution of the State of South Carolina, statutes, these rules, or by other rules promulgated by the Supreme Court of South

Carolina. Evidence which is not relevant is not admissible. And, §1-23-380(e) (d)(e)(f), of S.C. Code. Along with, Kelsey v. SCDPPPS, 441 S.C. 373, 893 S.E. 2d 588 (2023). Bagley is serving a pine box sentence, or in other words, a no parole offense. As such, the items the Respondent contesting all arises out transaction and occurrence that are in the subject matter before the Court. The Respondent and the ALJ failed to have the items 4 through 8 before the ALC. WHEREFORE, Appellant respectfully asks or requests this Court to grant items 4 through 8 of Appellant's proposed Designation of Matter pursuant to Rule 212 (a)(b), SCACR, and Rule 200(c)(f), SCACR, based on the Board and ALJ "open the door" clause.

Respectfully submitted,

s/

Bernard Bagley
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Kershaw, SC 29067

pro se

March 21, 2024

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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APPEAL FROM ADMINISTRATIVE LAW COURT
South Carolina Department of Probation, Parole and Pardon Services

Crystal M. Rookard, ALJ
Case No. 23-ALJ-15-0021-AP

Appellate Case No. 2024-000110

Bernard Bagley, #175851

Appellant,

v.

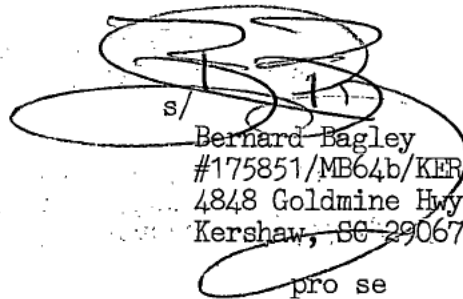
South Carolina Department
of Probation, Parole and
Pardon Services,

Respondent.

CERTIFICATE OF SERVICE

I certify that I have served the Motion of Relevancy, Materiality and Admissibility of Material Necessary to Claims in Connection with Parole Eligibility on the Respondent by depositing a copy of the same in the U.S. Mail, postage prepaid, on March 21, 2024, addressed to the following:

SCDPPPS Office of General Counsel
Matthew C. Buchanan, Esq.
P.O. Box 207
Columbia, SC 29202


s/ Bernard Bagley
#175851/MB64b/KER.CI
4848 Goldmine Hwy.
Kershaw, SC 29067
pro se

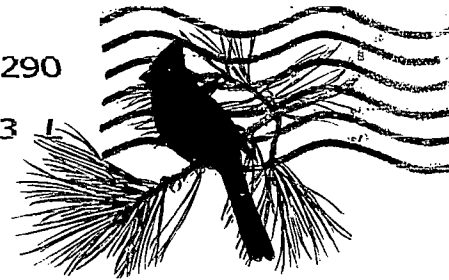
March 21, 2024

OFFICE OF THE CLERK OF COURT

Bernard Bagley
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MAR 26 2024

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MAIL ROOM

LEGAL

S.C. Court of Appeals
Jenny A. Kitchings, Clerk of Court
P.O. Box 11629
Columbia, SC 29211-1629

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29211-162929

