

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND)	
STATE OF SOUTH CAROLINA,)	Indictment No.: 1990-GS-40-5849
v.)	ORDER DENYING DEFENDANT'S
)	MOTION FOR MODIFICATION OF
Bernard Bagley,)	SENTENCE
)	
Defendant.)	

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SC Court of Appeals

IT APPEARS THAT on December 27, 2023, and again on February 23, 2024, the Defendant filed a “Motion for Modification of Sentence Under the Omnibus Crime Reductions Sentencing Reform Act.” Arguments were made before the Court on March 12, 2024 with Deputy Solicitor Dan Goldberg present on behalf of the State and the Defendant appearing *pro se*.

On April 12, 1991, the Defendant was found guilty on Indictment No. 1990-GS-40-5849 for the charge of Murder. The Honorable Dan Laney sentenced the Defendant to Life in Prison. The Defendant has since exhausted all avenues of Appellate relief. Further, the Defendant is currently eligible for parole, but has been denied each time. He has subsequently appealed the denials of parole and those have been denied as well.

In the Defendant’s December 27, 2023 filing he moved this Court to modify his sentence to “a flat 30 year mandatory minimum sentence for the murder offense and conviction under 16-3-20...and the Omnibus Crime Reduction Sentencing Reform Act.” The Defendant goes on to cite that he has “successfully completed several rehabilitation programs and has exhibited exemplary behavior and conduct” as grounds in support of his Motion. Additionally, he argues that the 30 year mandatory minimum sentence for Murder is “discretionary by the Circuit Court Judge.”

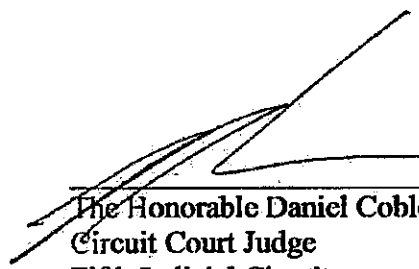
Section 16-3-20 of the South Carolina Code actually states that “a person who is convicted of or pleads guilty to murder must be punished by death, or by a mandatory minimum term of imprisonment for thirty years to life.” In other words, the discretion given to the Circuit Court Judge by the statute allows the Court to consider a sentence between thirty years and life in prison; not the discretion that the Defendant argues in support of his motion.

Under the South Carolina Rules of Criminal Procedure, post-trial motions, including a motion to reconsider, or in this instance, modify, a sentence, shall be made within ten (10) days after the imposition of the sentence. *S.C. R. Crim. Pro. 29(a)*. No such motion was timely made by the Defendant in this case.

Further, South Carolina Code of Laws Section 17-25-65 permits the State, in specific circumstances, to make a motion for a reduction of the Defendant’s sentence. No such motion has been, or will be, made by the State in this case.

IT IS THEREFORE ORDERED, adjudged, and decreed that the Defendant’s Motion for Modification of Sentence is hereby DENIED.

AND IT IS SO ORDERED.


The Honorable Daniel Coble
Circuit Court Judge
Fifth Judicial Circuit

This 14 day of March, 2024
Columbia, South Carolina.