

Bernard Bagley
#175851/Mb64b/KER.CI
4848 Goldmine Hwy.
Kershaw, SC 29067

RECEIVED
MAY 09 2024
SC Court of Appeals

May 3, 2024

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

RE: State v. Bagley, Appellate Case No. 2024-000666.

Dear Ms. Kitchings:

I'm in receipt of Deputy Clerk Catherine Harrison letter dated April 29, 2024, in reference to the above matter, in which I received May 2, 2024, asking for me to provide proof of having permission from the Supreme Court to file the motion for modification of sentence in the circuit court.

Please be advise that I'm not filing any collateral attacks on the 1991 conviction and sentence. Your findings will show that my motion submitted to the Circuit court is under The Omnibus Crime Reduction and Sentencing Reform Act, §1, §2, §21, §64, §65, Act 273, S.B. No. 1154, ~~Crimes-Health- Probation, Parole and Pardon,~~ Savings Clause and Severability Clause.

I am an elderly man suffering suffering a medical condition with complications. Just as King Agrippa himself falls into a desire for a hearing for Apostle Paul, and not only does he listen, but he does so with intensity, as Festus presents it, he exposes the cruelty of the leaders. So too, the Honorable Daniel Coble, Circuit Court Judge was compelled for a hearing, in which I appeared before him, and not only did he listen, but he did so attentively, and Deputy Solicitor Dan Goldberg presented the motions, in which he exposes the numerous times the parole board denied me parole.

For the foregoing reasons, I would hope will be with understanding and reasonable terms for filing the motion for modification of sentence. Since Madam Harrison have been influenced by "permission to file in the circuit court" an order of the Supreme Court prohibited me from filing any further collateral actions in the circuit court, including post-conviction (PCR) actions and habeas corpus actions challenging the 1991 conviction and sentence without first obtaining permission to do so from the court.

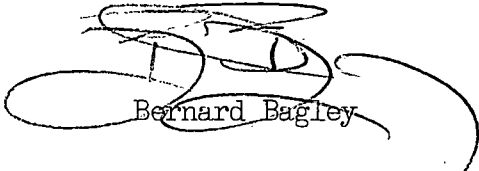
I filed the motion because I have a basic state-created liberty interest under the 8th Amendment of the U.S. Constitution and The Omnibus Crime Reduction and Sentencing Reform Act extraordinary and compelling circumstances of the Intent of The General Assembly provisions in Part 1 of the Act shall provide consistency in sentencing classifications, provide proportional punishments from the offenses committed, and reduce the risk of recidivism. The 8th Amendment warranting a sentence reduction under compassionate release Health Act of the provisions under The Omnibus Crime Reduction and Sentencing Reform Act.

Judge Coble heard me out during the hearing upon Deputy Solicitor Goldberg presentment of the case, thereupon, he denied the motions, in which I come now to appeal the order.

Nevertheless, I respectfully ask that you hold the notice of appeal in abeyance until I received acknowledgment from the Supreme Court whether or not it was appropriate to file the motion for modification of sentence in the circuit court under The Omnibus Crime Reduction Sentencing Reform Act 273, S.B. No. 1154, §1, §2, §21, §64, §65, Crimes Health Probation, Parole and Pardon because the Administrative Law Court perhaps lack subject matter jurisdiction to hear the matter pertaining to compassionate release via modification of sentence.

Your consideration is greatly appreciated.

Respectfully submitted,



Bernard Bagley

cc: Daniel R. Goldberg, Esquire
Melody J. Brown, Esquire
Alan Wilson, Esquire
S.C. Supreme Court

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May 3, 2024

S.C. Supreme Court
Patricia A. Howard, Clerk
P.O. Box 11330
Columbia, SC 29211

RE: State v. Bagley, S.C. Court of Appeals Appellate Case No. 2024-000666.

Dear Madam Clerk:

On March 12, 2024, I appeared before the circuit court in which the Presiding Judge, The Honorable Daniel Coble, and Deputy Solicitor Dan Goldberg presented the matter, a filed Motion for Modification of Sentence under the Omnibus Crime Reductions Sentencing Reform Act, 273, S.B. No. 1154, §1, §2, §21, §64, §65, of Crimes-Health- Probation, Parole and Pardon, a basic state-created liberty interest comprising extraordinary circumstances warranting compassionate release due to my medical condition complications after post-surgery and other medical problems.

An Order was issued denying my request for compassionate release by a modification of sentence or restructure of the same. I appealed the order to the Court of Appeals, However, the Deputy Clerk for the Court of Appeals state that I must have proof of having permission from the Supreme Court to file the motion for modification of sentence in the circuit court.

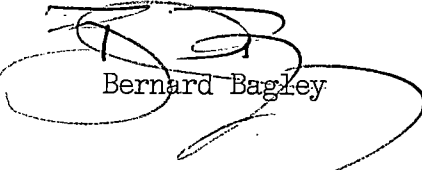
As explained to her I am not attacking the 1991 conviction nor the sentence, the punishment under the Intent of the General Assembly provision in Part 1: of the Omnibus Crime Reduction Sentencing Act, states, "this Act shall provide consistency in sentencing classifications, provide proportional punishments for the offenses committed, and reduce the risk of recidivism."

Sections §24-13-100, §24-21-715, §24-7-110, §17-25-45, and §16-3-20(A) are all issues relating to my Motion under the Omnibus Crime Reductions Sentencing Reform Act. Therefore, did I or do I require permission to file such motion in the circuit court?

May 3, 2024
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Please provide me an answer at your earliest convenience. Thank you for your consideration and time.

Sincerely,



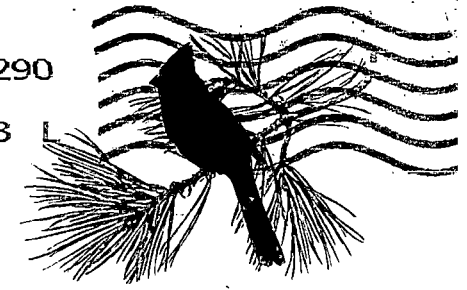
Bernard Bagley

cc: S.C. Court of Appeals

BERNARD BALLEW
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COLUMBIA SC 290

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KERSHAW
MAIL SC Court of Appeals

S.C. [REDACTED] COURT OF APPEALS

JENNIFER A. KIRKLAND CLERK

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