

THE SOUTH CAROLINA COURT OF APPEALS

Bernard Bagley, #175851,

Appellant,

v.

Palmetto Richland Hospital Prisma Health,  
John Doe, Surgeon, and South Carolina  
Department of Corrections,

Respondent.

Appellate Case No. 2025-000378

Daniel Coble, Circuit Court Judge  
Case No. 2024-CP-40-3454

**RECEIVED**

JUL 15 2025

SC Court of Appeals

MOTION TO REINSTATE APPEAL  
Pursuant to Rule 240(a), SCACR

Appellant invoke *Houston v. Lack*, 487 U.S. 266 (1988), in relevant part, filed moment of delivery to prison authorities for processing and forwarding to court.

On July 3, 2025, Appellant received an Order signed by Catherine Harrison, Deputy Clerk for the Court, dated June 27, 2025, stating "Appellant has failed to provide a sufficient notice of appeal filing fee, as required by Rule 203, SCACR and this Court's letter dated June 5, 2025. Accordingly, this matter is dismissed. The remittur will be sent as provided by Rule 221(b), SCACR."

With all due respect to Madam Harrison, the order she submitted is arbitrary or capricious because she failed to take into account that (1) SCDC has a shortage in staff; and Kershaw C.I. mailroom services is included in this issue; (2) additionally, the institution, state-wide was on lockdown from June 12, 2025 through June 16, 2025 due to the execution of Stanko; (3) which Appellant did not receive Madam Harrison's letter dated June 5, 2025, until June 11, 2025, whereby he immediately upon receipt of her letter Appellant processed a \$100.00 Cooper Trust Fund Withdrawal to provide the additional fee; (4) Again, due to the shortage of SCDC staff, Appellant did not have access to purchase legal material, i.e. typewriter ribbons, correction tape, and more importantly, stamped legal envelopes, whereby the canteen has only one operator serving approximately 1300 inmates between the hours of 9am through 5pm, Mondays-Thursday, that included the canteen closing June 16th through July 1st. Attached is Exhibit-B SCDC Inmate Grievance Form Step 1, dated June 13, by Appellant, (KRCI-0367-25) with disposition failing to provide a reasonable accommodation to purchase legal materials via SCDC Agreement to Debit E.H. Cooper Account Form 10-14 (Exhibit-C).

Madam Harrison failed to take into consideration that it is beyond Appellant's control, as well as other similar situated inmates when outgoing legal mail is process for mailing, and when E.H. Cooper Trust Fund Withdrawal forms checks are process and mail. For this reason alone, Appellant requests that his appeal be reinstated and

that his \$50.00 filing fee be reinstated to him for the filing of this Motion.  
NOTE: A \$50.00 check is being process to be submitted for this arbitrary matter;

Appellant along with similar situated individuals are fully aware that these tactics are being employed to discourage, delay, and put them at a disadvantage.

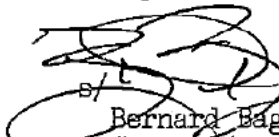
The court should have received the additional \$100.00 at this time. SEE: Exhibit-A, SCDC Cooper Trust Fund Withdrawal dated 6/11/25, The \$150.00 additional filing fee is enclosed with the pleading.

Appellant accept the fact that the inadvertently forgotten that the filing fee in such matters now is \$250.00, and has has for future reference noted the same in his files.

Furthermore, Appellant is a pro se litigant suffering psychological damage regarding this entire ordeal, and it seems that the courts or parties in this matter are adding additional stress and do not want to provide a psychological damage professional nor an attorney to demonstrate economical and non-economicalness.

WHEREFORE, for the forgoing reasons, Appellant requests that his appeal be reinstated, Respondent has failed to file its brief, and be held in default as well, and that his \$50.00 filing fee regarding this Motion be reinstated to him for the reasons herein. along, with any other relief this court finds or deems just and reasonable.

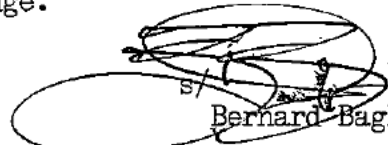
Respectfully submitted,

  
s/  
Bernard Bagley  
#175851/SB21b/KER.CI  
4848 Goldmine Hwy.  
Kershaw, SC 29067

July 7, 2025

pro se

I, Bernard Bagley, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

  
s/  
Bernard Bagley

July 7, 2025

EXHIBIT-A 5721B

South Carolina Department of Corrections  
Division of Finance  
COOPER TRUST FUND WITHDRAWAL

Financial Accounting  
Branch Use Only:

APPELLATE CASE NO. 2025-000378

Facility: KERSHAW

041  
Location Code

Date: 061025  
M M D D Y Y

ACCOUNT INFORMATION

Account Number: [REDACTED]

Inmate # or Employee SS#

Account Name: FERNAND  
First

[REDACTED] FOGLEI  
MI Last

I request money be taken from my account to issue a check for this amount to be mailed to payee shown below.

\$ 1,100.00



Inmate/Accountholder Signature

[Handwritten signature]

Signature of Institution Staff Inmate ID Verification

Signature of Warden / Printed Name of Warden

PAYEE INFORMATION

Payee Namer: select vendor OR individual

Vendor/Business SC COURT OF APPEALS

Individual [REDACTED]  
First

[REDACTED] 2025000378  
MI Last

PAYEE'S MAILING ADDRESS

Street/Box PO BOX 11629

Street/box (optional line)

COLUMBIA  
City

SC  
State

29211  
Zip Code

VENDOR ATTACHMENT: Y/N

If an ORDER or REMITTANCE form is attached for mailing with a check to vendor enter Y-yes; if none, enter N.  
NO other types of attachments (letters, cards, etc.) will be accepted.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM *Appellate Case*

STEP 1 JUN 16 2025 225-000378

INMATE NAME: <u>BERNARD BOWEN</u>	OFFICE USE ONLY
SCDC NUMBER: <u>175851</u> <i>ML</i>	Grievance No. <u>KVCL-0367-25</u>
INSTITUTION: <u>KEESHAW</u>	Code: General <u>IPIS</u>
HOUSING UNIT: <u>504B</u>	Policy _____
WORK ASSIGNMENT: <u>P-I</u>	Disc. Hear. _____
	Class. _____
	PREA _____
	Date Received <u>6/16/25</u>
	IGC Initials <u>DB</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

*See Kiosk Reference Numbers 25-0397-534, DATED 6/12/25, Dis-Position, and 25-0397-0843, Dis-Position, DATED 6/9/25. Also see SCDC Form 10-14, AGREEMENT TO DEBIT E.H. Cooper Account, for which I was deprived five legal envelopes (material) I elect to receive for access to court. For the majority the court will be closed until July 1, 2025, and Starnore Unit inmates had no access to the court since it perhaps, proximately May 29, 2025. It depriving me five legal envelopes for access to court is arbitrary and capricious by the staff member who refuse to debit my account for the same.*

*[Signature]* 6/16/25  
 Grievant Signature Date

ACTION REQUESTED:

ACTION TAKEN BY IGC:  PROCESSED  UNPROCESSED  OTHER

*[Signature]* 6/16/25  
 IGC Signature Date

Appellate case no.

225-000378

EXHIBIT-B

WARDEN'S DECISION AND REASON:

Inmate Bagley (175851)

KRCI-0367-25

I have reviewed your concern. In your grievance you claim you are being denied materials from the business office due to Canteen Annual inventory shutdown, for court cases you have pending and subsequently denying your access to court. While you have not provided any information to prove you have court deadlines as you state, policy PS10.08:4.1.1-4.1.3, Inmate Correspondence Privileges, clearly addresses General Population inmates who are indigent and non-indigent and the timeframes for being considered indigent. You are in general population and are categorized as Non-indigent, therefore you are not entitled to purchase supplies from anywhere but the canteen. You are aware that every year the canteen observes annual inventory and should have made preparations on the dates you shopped the canteen leading up to it's inventory closure.

Therefore, your grievance is denied.

If you disagree with this Warden's Decision (Decision), you may file a Step 2 Grievance Appeal by completing SCDC Inmate Grievance Form 10-5A, which is provided to you while serving you this Decision and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision.

*[Signature]*

Warden Signature

6/16/25

Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

*[Signature]*

Grievant Signature

6/16/25

Date

*[Signature]*

IGC Signature

6/16/25

Date

**INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM**

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
 Division of Inmate Services

EXHIBIT C

**AGREEMENT TO DEBIT E.H. COOPER ACCOUNT**

Inmate's Name:	SCDC #:	Housing Unit:	Date:
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**GENERAL MATERIAL**

\*\* Inmate must have the funds in his/her account to pay for the materials.

To be completed by  
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage		
Tape		
Box		
Electronic Repair		
Other		
Sub-Total:		

**LEGAL MATERIAL**

\*\* Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by  
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage		
Other		
Sub-Total:		

**PHOTOCOPIES**

\*\* Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by  
SCDC staff:

Item	Amount	Cost
Photocopies		

The South Carolina Court of Appeals

Bernard Bagley, #175851,

Appellant,

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Palmetto Richland Hospital Prisma Health,  
John Doe, Surgeon, and South Carolina  
Department of Corrections, SC Court of Appeals

Respondent.

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Daniel Coble, Circuit Court Judge  
Case No. 2024-CP-40-3454

CERTIFICATE OF SERVICE

I hereby certify that I, Bernard Bagley, on the 7th day of July 2025, in Kershaw, S.C., served a copy of the Motion to Reinstate Appeal, Exhibit-A, Exhibit-B, and Exhibit-C, on the Respondent and all other parties involved to this matter by depositing the same in the U.S. Mail, postage prepaid, and addressed as follows:

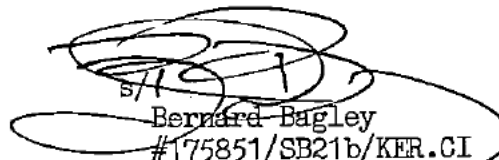
James E. Parham, Jr., P.A.  
Attorney at Law  
P.O. Box 1576  
Irmo, SC 29063

Ashwin R. Sanzgiri, Esq.  
Attorney at Law  
P.O. Drawer 7788  
Columbia, SC 29202

Janet B. Holmes, Esq.  
Attorney at Law  
P.O. Box 7217  
Columbia, SC 29202

Carmen V. Ganjehsani, Esq.  
SCDC Office of General Counsel  
P.O. Box 21787  
Columbia, SC 29221

Daniel Coble, Judge  
Richland County Judicial Center  
1701 Main St.  
Columbia, SC 29201-9201

  
Bernard Bagley  
#175851/SB21b/KER.CI  
4848 Goldmine Hwy.  
Kershaw, SC 29067

pro se

Bernard Bagley  
#175851/SB21b/KER.CI  
4848 Goldmine Hwy.  
Kershaw, SC 29067

**RECEIVED**  
JUL 15 2025  
SC Court of Appeals

July 7, 2025

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

RE: Bagley, #175851 v. Palmetto Richland Hospital Prisma Health, et al.,  
Appellate Case No. 2025-000378.

Dear Ms. Kitchings:

Enclosed are the following for filing:

1. Motion to Reinstate Appeal; *CERTIFICATE SERVICE;*
2. Exhibit-A, SCDC Cooper Trust Fund Withdrawal Form 11541, dated 6/11/25, with \$100.00 additional filing fee processed;
3. SCDC Inmate Grievance Form Step 1. dated 6/13/25, by Appellant (KRGI-0367-25), disposition dated 6/16/25, (~~Exhibit-B~~);
4. SCDC Agreement to Debit E.H. Cooper Account (Exhibit-C);
5. \$150.00 check to include with the \$100.00 check for total filing fee, and the Note received by the Court dated May 30, 2025.

Ms. Kitchings, please be advise that the Court must be work with me and other similar situated individuals because it is beyond my control when SCDC authorities process matters regarding to the court for mailing. This is a matter the court must address with SCDC Inmate Financial Accounting and Mailroom Services authorities, Also, to include photocopy authorities (law library services and notary services). Matters the courts must address with SCDC officials to make sure me or we have proper and adequate time for access to the court.

In addition, the \$50.00 filing fee for the enclosed Motion is being process to be mail directly to your office, and hopefully, to be return to me for the misunderstanding.

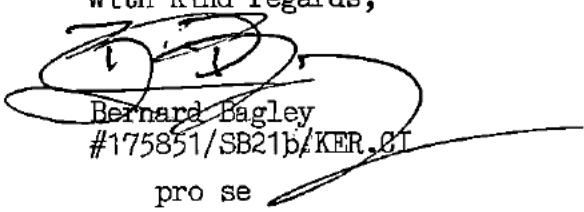
RE: Bagley, #175851 v. Palmetto Richland Hospital Prisma Health, et al.  
Appellate Case No. 2025-000378

July 7, 2025  
page 2 of 2

Also, Ms. Kitchings, please excuse the mistakes within my pleadings because I am experiencing severe pain from the medical condition, along with psychological distress that is causing a communication barrier as well, i.e. frustration, etc..

Thank you for your consideration and time, along with your empathy and understanding.

With Kind regards,



Bernard Bagley  
#175851/SB21b/KER.GT

pro se

Enclosures

cc: James E. Parham, Jr., P.A.  
Janet B. Holmes, Esq.  
Ashwin R. Sanzgiri, Esq.  
Carmen V. Ganjehsani, Esq.  
Daniel Coble, ~~Coble~~ *Tyge*  
U.S. Veterans Affairs,  
DAV

Bernard Bagley  
#175851-SB 21B-Kerc...  
4848 B Linn Ave. Hwy.  
Kershaw, S.C. - 29067



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JUL 15 2015

SC Court of Appeals

S.C. Court of Appeals  
Jennit A. Kittling, Clerk of Court  
P.O. Box 11629  
Columbia, S.C. - 29211-1629

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JUL 9 2015

LEGAL MAIL ROOM

LEGAL

