

Bernard Bagley  
175851/HA162/KER.CI  
4848 Goldmine Hwy.  
Kershaw, SC 29067

December 23, 2013

**RECEIVED**  
DEC 27 2013

**SC Court of Appeals**

SC Court of Appeals  
Chief Judge  
P.O. Box 11629  
Columbia, SC 29211

RE: State v. Page, Op. 5182, 11/6/13.

Dear Sir/Madam:

If you may, please do not accept this letter as a motion, but if you do decide too I'll pay the filing fee for such. The reason I'm writing this letter is because of the ruling in Page; and is the ruling retroactive?

In State v. Bagley, 92-UP-165, this Court Order dated 2/8/93 stated that it "is unable to discover that any material fact or principle of law has been either overlooked or disregarded...." The Remittitur was submitted to the lower court on 7/3/93.

Over the years I have been trying to explain and ask why the "trial judge erred or abused his discretion by not allowing expert to give her opinion because it was not relevant [on] whether Bagley acted upon sufficient legal provocation when he shot his wife, and as a result prejudicing Bagley?"

My argument has been that the evidence of her testimony had tendency to establish the fact that is of importance to the determination of the shooting would have caused an ordinary, reasonable person to commit the same act Bagley committed, more probable or less probable. An ultimate issue for the jury to decide. Thus, any evidence which assists a jury at arriving at the truth of an issue is relevant. Whether the action is more probable or less probable to show Bagley's reaction was not that of an ordinary, reasonable person, the evidence was still relevant to assist the jury at arriving at the truth of an issue.

Disallowing the expert's testimony was relevant having tendency whether the action less probable, or more probable, he acted upon sufficient legal provocation than it would be without the testimony. Regardless where the ball bounce, the expert testimony would have assists the jury at arriving at the truth of the issue. An ultimate issue for the jury to decide.

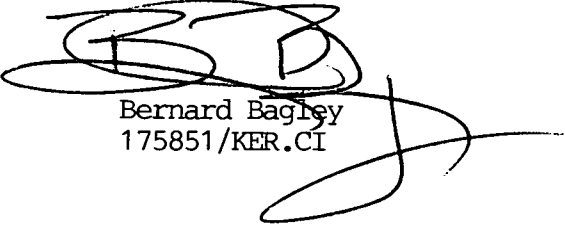
SC Court of Appeals, Chief Judge  
RE: State v. Page, Op. 5182 and  
State v. Bagley, 92-UP-165.

December 23, 2013  
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I'm respectfully asking this Court to reconsider the unique and extraordinary circumstances in State v. Bagley based on the recent ruling in Page. The savings clause due to the fact that the trial judge abused his discretion by disallowing that an expert proffered testimony was not relevant in State v. Bagley prejudiced me the defendant. "Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. Thus, any evidence which assists a jury at arriving at the truth of an issue is relevant."

Thank you for your interest and reconsideration.

Respectfully submitted,



Bernard Bagley  
175851/KER.CI

P.s. This Court do have authority to correct its own record in the interest of administration of justice?

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SC Court of Appeals  
Librarian  
P.O. Box 11629  
Columbia, SC 29211

RE: Photocopy of State v. Page, Op. 5182, 11/6/13

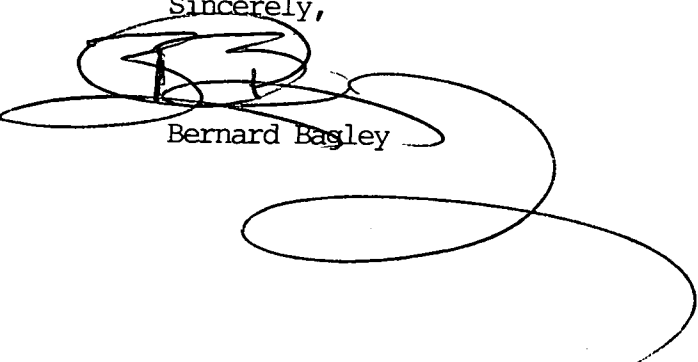
Dear Madam:

If you may, please send me the cost for a photocopy of State v. Page as it is listed above.

I will have a check in the amount for same process to your office upon receipt.

Thank you for considering this matter.

Sincerely,

  
Bernard Bagley

December 23, 2013

Daniel E. Shearouse, Clerk  
SC Supreme Court  
P.O. Box 11330  
Columbia, SC 29211

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DEC 27 2013

**S.C. Supreme Court**

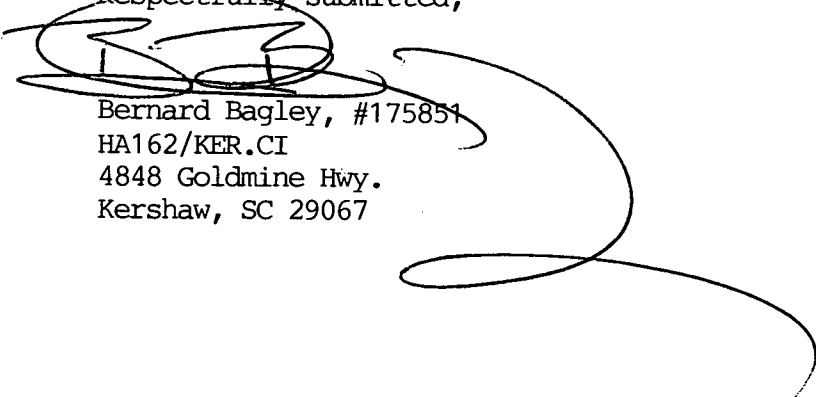
RE: State v. Page, Op. 5182, 11/6/13

Dear Mr. Shearouse:

Is there anyway that I can purchase a copy of State v. Page, as listed above?  
The USC Law Library does not have it available at this time, in which I'm told.

Thank you for considering this matter.

Respectfully submitted,



Bernard Bagley, #175851  
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