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SC Court of Appeals

February 20, 2015

Matthew C. Buchanan  
SCDPPPS General Counsel  
P.O. Box 50666  
Columbia, SC 29250

Dear Mr. Buchanan:

I'm in receipt of your letter dated the 23rd of January, 2015, and with all do respect, I have a grave concern regarding the pre-parole investigation conducted in my case for the October 22, 2014, or the January 14, 2015 parole hearing.

Sir, the pre-parole investigation withheld and excluded favorable mitigating information and evidence from my parole file that upon a reasonable probability that I will not again violate the law to the legal satisfaction of the Board.

The pre-parole investigation also failed to produce the favorable mitigating information to the Board that would have appeared to the legal satisfaction of the Board. As a result, of the incomplete and inaccurate information the pre-parole investigation willfully and intentionally withheld and excluded from my parole file and failed to produce to the Board created an unlawful inference that I'm an unreasonable risk of danger based solely on the immutable fact of the offense itself as outlined in factors 1,2,3, and 7 of form 1212, Criteria for Parole Consideration. There was no information or evidence of a rational nexus between the 1990 commitment offense and any purported dangerousness at the time the pre-parole investigation was conducted. The information pertaining that there is no rational nexus between the 1990 commitment offense and my current behavior for dangerousness should have been produced to the Board, and included into my parole file based on it being favorable and mitigating information and evidence appearing to legal satisfaction that I will not again violate the law. As such, I'm challenging the inaccurate and incomplete information that is withheld and excluded from my parole file upon the pre-parole investigation.

In addition, I challenge the error and inaccurate information that the pre-investigation placed in my file, that have created unlawful inference of an offense exceeding minimum elements; probation at the time of the offense; numerous prior acts of violence; and inference of greater culpability than the conviction of offense; and a sentence enhancement use of deadly weapon.

Please correct the errors in my parole file, and include the information and evidence that the pre-parole investigation withheld and excluded that will demonstrate a reasonable probability that will appear to the legal satisfaction of the Board that I will not again violate the law.

Matthew C. Buchanan, General Counsel  
RE: Bernard Bagley (#175851)  
inquiry of parole file.

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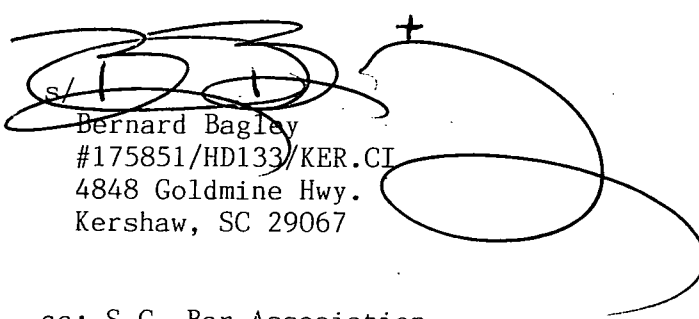
Mr. Buchanan, §19-5-510 and 610, as outlined in the Evidence Act Exception, the information and evidence withheld and excluded from my parole file and the parole board members is relevant and favorable mitigation material that there is no rational nexus that I'm not an unreasonable risk that will appear to the legal satisfaction of the Board that I will not again violate the law.

The American Bar Association Model Rules of Professional Conduct are widely recognized as the touchstone of ethical behavior for attorneys, and South Carolina has adopted the same. Model Rule 3.8 defines special ethical duties applicable to prosecutors, including among others. Model Rule 3.8 imposes disclosure obligations that are separate from and broader than the agency policy standards. ABA require attorneys to adhere to a heightened standard of conduct.

Thank you for your assistance, and I'm looking forward to hearing from your office at your earliest convenience. Please note that I submitted a petition to Mr. Patton requesting for a rehearing and reconsideration of the 1/14/15 hearing, based on after-acquired information relevant and favorable mitigation material that was inadvertently overlooked by the board based on the pre-parole investigation conducted which excluded and withheld favorable information and evidence from my parole file, and failed to produce the same to the board.

Again, thank you for considering this matter.

Respectfully submitted,



s/ Bernard Bagley  
#175851/HD133/KER.CI  
4848 Goldmine Hwy.  
Kershaw, SC 29067

cc: S.C. Bar Association  
S.C. Court of Appeals  
Administrative Law Court (Judge Durden)  
file