

**RECEIVED**  
MAR 20 2015  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

Appeal from the Administrative Law Court  
Deborah B. Durden, Administrative Law Judge  
15-ALC-15-0003  
Appellate Case No.: 2015-000478

Bernard Bagley, #175851,

Appellant,

v.

South Carolina Department of Probation,  
Parole and Pardon Services,

Respondent.


RETURN TO MOTION OBJECTING TO APPELLANT'S  
DESIGNATION OF MATTER

Comes now, Bernard Bagley, the Appellant respectfully make his return opposing Respondent's motion (without an date), in which he received on March 17, 2015, regarding his Designation of Matter dated March 10, 2015. Appellant contends that the information requested is public records for disclosure under the Freedom of Information Act (FOIA) circumstances warranting parole as outlined in §24-21-640, and §19-5-510, of S.C. Code Ann., Business Records Act, or the Evidence Act Exception because the matter may reveal to the Court and him grounds for relief that he did not know. In essence, it uncover quickly the disputed issues. Additionally, where the transcript is unavailable, the Respondent must provide a narrative summary of the evidence.

Appellant also contends where specific allegations before the Court show reason to believe that the Appellant may, if the facts are fully developed, be able to demonstrate that he was wrongly denied parole and is therefore entitled to relief, it is the duty of the Court to provide the necessary facilities and procedures, for an adequate inquiry by expansion of the record by the inclusion of additional materials relevant to the determination of the merits of the brief. Copies of letters, documents, exhibits, and affidavits proposed to be included shall be submitted to the party against whom they are offered,

and he shall be afforded an opportunity to admit or deny their correctness. Expansion of the record is necessary based on the Respondent's attempt to unlawfully withhold favorable information and mitigating evidence that is not exempted from disclosure by statute of law §19-5-510, that was made in the regular course of business. The issue here is whether investigating parole cases referred by the director, keeping detailed records of his or her work, making reports in writing, and performing other duties as the director may require are part of the official duties of a (1) probation agent; (2) parole agent; and (3) parole examiner made of preparation in the regular course of business as outlined in §19-5-510, S.C. Code of Law.

Respectfully submitted,

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

March 18, 2015

STATE OF SOUTH CAROLINA  
In the Court of Appeals

Appeal from the Administrative Law Court  
Deborah B. Durden, Administrative Law Judge  
15-ALC-15-0003  
Appellate Case No. 2015-000478

**RECEIVED**  
MAR 20 2015  
**SC Court of Appeals**

Bernard Bagley, #175851,

Appellant,

v.

South Carolina Department of Probation, Parole  
and Pardon Services,

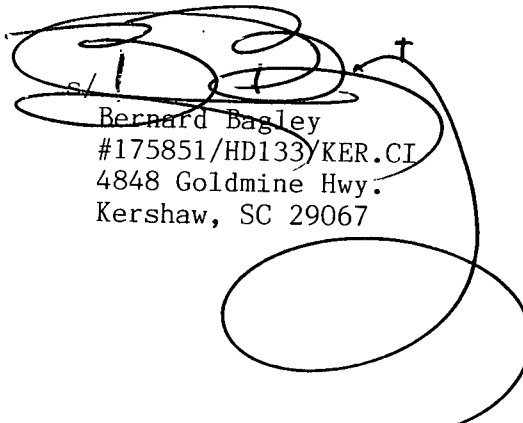
Respondent.

PROOF OF SERVICE

I, Bernard Bagley, the Appellant, certify that I have served the within Return to Motion Objecting to Appellant's Designation of Matter dated March 18, 2015, on the Respondent this 18th day of March, 2015, by depositing a copy of the same in the U.S. Mail, postage prepaid, addressed to:

Tommy Evans, Jr.  
SCDPPPS Assistant General Counsel  
P.O. Box 50666  
Columbia, SC 29250

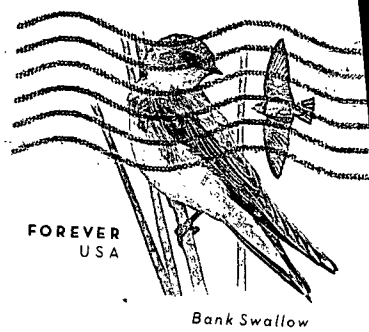
March 18, 2015

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

#175851-HD133-Kershaw  
4848 Goldmine Hwy.  
Kershaw, S.C. 29067

COLUMBIA SC 290

19 MAR 2015 PM 1 L



**RECEIVED**

MAR 20 2015

**SC Court of Appeals**

S.C. COURT OF APPEALS  
Jenny A. Kitchings, Clerk  
P.O. Box 11629

COLUMBIA, S.C. 29211-1629  
29211 162929

37 LEGAL