

April 3, 2015

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

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APR 08 2015

SC Court of Appeals

RE: Bernard Bagley v. SCDPPPS, Appellate Case No. 2015-000478

Dear Ms. Kitchings:

It has come to my attention that this Court may have to make a determination to have my length of incarceration resolved as outlined in S.C. Constitution Article 1, §3, and U.S. Constitution 14th Amendment §1. In addition, to SCDPPPS pre-investigation for the January 14, 2015 parole hearing violation of provisions of statute §17-1-40, of S.C. Code of Laws, prohibiting retention of evidence pertaining to a charge that is dismissed and expunged, there exist another error of law that is impeding me request for parole consideration, and that is the parole officials perhaps lack jurisdiction to grant me parole because I was indicted under the wrong statute §16-3-20, of S.C. Code of Laws, rather than the correct statute §16-3-10, of S.C. Code of Laws.

As a result of being indicted under the wrong statute §16-3-20, the Court pronounced a natural life sentence, but failed to charge the jury the applicable parole eligibility statute (§24-21-610 or 640) as outlined in §16-3-20. I'm a prisoner who is eligible for parole, in which the trial judge must charge the applicable parole eligibility statute as outlined in §16-3-20.

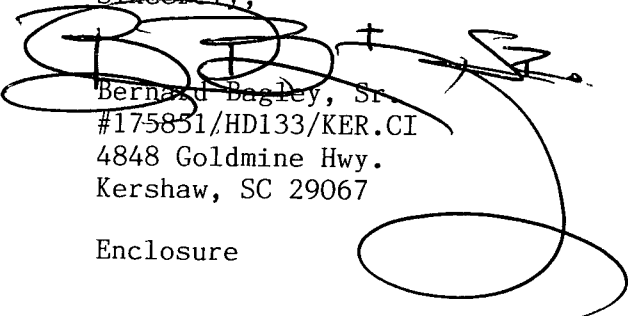
Section 16-3-20 does not contain an offense that is a lesser included offense of the correct statute §16-3-10; and I did not waive presentment; and §16-3-20 statute indictment is defective. As such, there is no doubt the length of my incarceration implicates a constitutional liberty interest, and this issue can be raised as such a time as this.

The §16-3-20, is not just a clerical error, because I was indicted under the same, and the court allowed the State the burden not to prove every element of the crime charged as outlined in §16-3-10, and the error of law being indicted under §16-3-20, the State did not have the burden to prove malice aforethought.

The §16-3-20 statute indictment is defective. Enclosed is a copy of the face of §16-3-20 (wrong) statute indictment defect.

Thank you for your findings, and please incorporate this letter into the record.

Sincerely,


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

Enclosure

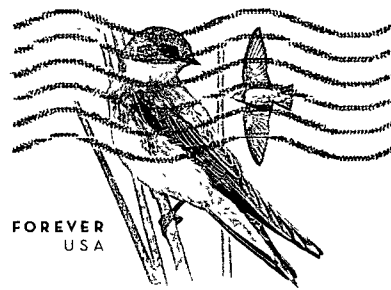
cc; Tommy Evans, Jr.

Bernard Bailey, Jr
#175851-HD1334 Kersh.
4848 Goldmine Hwy
Kershaw, S.C. 29067

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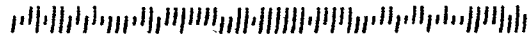
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