

STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

APR 20 2015

SC Court of Appeals

APPEAL FOR THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT  
Deborah B. Durden, Administrative Law Judge

Appellate Case Number 2015-000478

Bernard Bagley, #175851,

Appellant,

v.

South Carolina Department of Probation,  
Parole and Pardon Services,

Respondent.

RECORD ON APPEAL  
(APPENDIX)

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

Pro Se

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

Counsel For Respondent

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WITNESSES

DOCKET NO. **90GS405849**

THE STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

COURT OF GENERAL SESSIONS

#07

OCTOBER TERM 1990

THE STATE

vs.

BERNARD BAGLEY

ARREST WARRANT NO. C 746074

ACTION OF GRAND JURY

**TRUE BILL**

*Way Whitten*

FOREMAN OF GRAND JURY

VERDICT

*GUILTY*

INDICTMENT FOR

MURDER

S. C. Code §16-3-20

(176)

*William Shackelford 4/12/91*

FOREMAN OF PETIT JURY

DATE:

bk

CERTIFIED TRUE COPY  
OF ORIGINAL FILED

*Jeanette W. McBride*

RICHLAND COUNTY  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA  
In the Administrative Law Court

Docket Number: 15-ALC-15-0003-AP

APPEAL OF FINAL DECISION  
SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

Bernard Bagley, (#175851),

Appellant,

v.

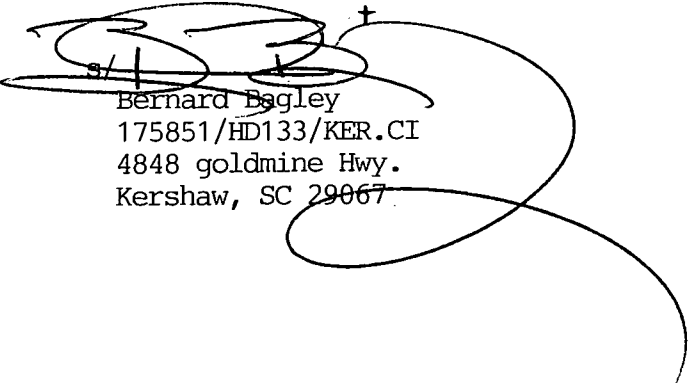
S.C. Department of Probation, Parole  
and Pardon Services,

Respondent.

RULE 59(e)(g) MOTION, SCRPC  
pursuant to ALC RULE 63

On February 12, 2015, ALC Judge Durden filed her order dismissing Appellant's appeal, in which he received on the 23rd of February, 2015. Wherefore, this Motion follows: Appellant request that (1) the ALC judge take judicial notice and alter and amend her order in an effort to rule on all eleven (11) of his issues in his principal brief of appellant in order to preserve for consideration and appellate review.

February 23, 2015



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

STATE OF SOUTH CAROLINA  
In the Administrative Law Court

Docket Number: 15-ALC-15-0003-AP

APPEAL OF FINAL DECISION  
South Carolina Department of Probation, Parole and Pardon Services

Bernard Bagley, (#175851),

Appellant,

v.

S.C. Department of Probation, Parole  
and Pardon Services,


Respondent.

CERTIFICATE OF SERVICE

I, Bernard Bagley, the Appellant, certify that I have served the Rule 59(e)(g) Motion, SCRCF pursuant to ALC Rule 63, on the Respondent this 23rd day of February, 2015, by depositing a copy of the same in the U.S. Mail, postage prepaid, addressed to: Deputy Director of Legal Services

SCDPPPS  
P.O. Box 50666  
Columbia, SC 29250

Deborah B. Durden,  
Administrative Law Judge  
SCALC  
Edgar A. Brown Bldg.  
1205 Pendleton St., Ste. 224  
Columbia, SC 29201

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

February 23, 2015

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Bernard Bagley (#175851), )

Appellant, )

vs. )

South Carolina Department of Probation, )  
Parole and Pardon Services, )

Respondent. )

**NOTICE OF APPEAL**

DOCKET NO. 15 ALC-150003-AP

Notice is hereby given that Bernard Bagley, (#175851), the Appellant does hereby appeal the final decision of the South Carolina Department of Probation, Parole and Pardon Services dated 01/15/15 and received on January 22, 2015, a copy of which is attached. A **general** statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

On January 14, 2015, Bernard Bagley appeared before the Parole Board. Upon the conclusion of this hearing, the Board's procedure employed denied the Appellant a <sup>regulatory</sup> privilege and opportunity to be granted parole due to its boilerplate language that stated: 1) nature and seriousness of current offense; 2) indication of violence in this or previous offense; and 3) use of deadly weapon in this or previous offense. The Appellant has made two (2) previous appearances before the Board, his initial appearance was on 9/8/10, and he later appeared again on 10/10/12, in which both previous appearances the procedure employed by the Board

Bernard Bagley (#175851) <sup>10 of 5</sup>  
Appellant's Name HD-133  
4848 Goldmine Hwy., KER.CI  
Mailing Address  
Kershaw, SC 29067  
City, State, Zip Code

[Signature]  
Signed  
January 26, 2015  
Dated

**CERTIFICATE OF SERVICE**

I hereby certify that I, Bernard Bagley (your name), on the 26 day of January, 2015, in Kershaw (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: Tommy Evans, Jr., SCDPPPS Assistant General Counsel  
Address: P.O. Box 50666  
City, State, Zip Code: Columbia, SC 29250-0666

Bernard Bagley  
Print your name  
(See reverse side for instructions)

[Signature]  
Sign your name

denied Bagley the <sup>regulatory</sup> privilege to be granted parole. On August 27, 2014, in the S.C. Court of Appeals Unpublished Opinion No. 2014-UP-326, the Court reversed and remanded Appellate Case No. 2003-000042, Bagley v. SCDPPPS, October 2012, because the ALC erred in failing to find Appellant's parole hearing did not provide adequate due process, and that the board is ordered to evaluate Bagley's risk according to §24-21-10(F)(1), and consider the results of the evaluation in reaching its decision regarding Bagley's parole, and reverse and remand to the parole board for a new hearing. Bagley submitted a petition for re-hearing requesting for a review of after-acquired information and material evidence for reconsideration to grant parole under SCDPPPS policy, on 1/15/15. The petition is currently pending. Now, the Appellant file his notice of appeal of the Board's procedure employed denying Appellant's privilege to grant him parole. Bagley is not challenging the denial of parole, but instead, the procedure employed by the Parole Board in denying him a privilege to be granted parole on 1/14/15. The grounds for appeal as follows: 1) The Board is arbitrary and capricious and committed error of law when it considered the 10/10/12, denial as a prejudicial factor in reaching its decision at the 1/14/15 parole proceeding, making Bagley ineligible for the privilege to grant him parole under number 15, other factors it considers relevant to a particular case from the parole criteria form 1212; 2) The Board is arbitrary or capricious and committed error of law for failure to properly consider the results of Bagley's risk using the validated individualized risk assessment evaluation that made Bagley ineligible for the privilege to grant him parole in reaching its decision on 1/14/15, under §24-21-10(F)(1), and §24-21-5(2) as outlined, of S.C. Code of Laws; 3) The Board is is arbitrary or capricious and committed error of law when Bagley's procedurally defected notice of rejection dated 1/15/15, did not provide a

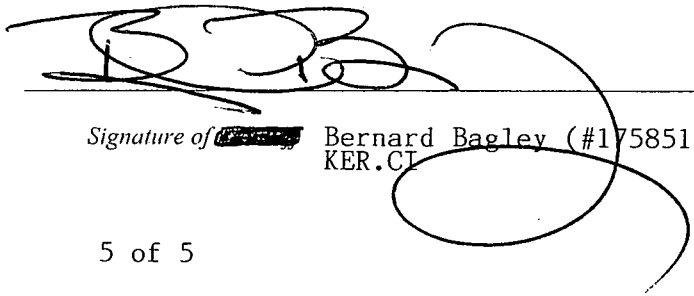

detailed conclusions regarding the law after careful consideration of the factors outlined in §24-21-5(2), of S.C. Code of Laws, and the Evidence Act Exception according to §19-5-510, of S.C. Code of Laws, and the substantial reason requirement, making Bagley ineligible for the <sup>regulatory</sup> privilege to grant him parole, and judicial review; 4) The Board is arbitrary and capricious and committed error of law when Bagley's procedurally defected notice of rejection dated 1/15/15, did not provide a detailed findings regarding the fact after consideration of the factors outlined in §24-21-5(2), of S.C. Code of Laws, and a rational (logical) nexus between the characteristics of offense, factors published in Department Form 1212, and the factors outlined in §24-21-640, of S.C. Code of Laws, and a determination of current dangerousness under the Evidence Act Exception, §19-5-510, of S.C. Code of Laws; thus, making Bagley ineligible for the privilege to grant him parole, and judicial review; 5) The Board is arbitrary or capricious and committed error of law because Bagley an eligible prisoner or person with pain issues, pressured speech, being verbally overproductive, and flight of ideas, along with poor circulation was automatically made ineligible for the privilege of parole in violation of the Title II of the Americans with Disabilities Act (ADA), and §24-21-700, of S.C. Code of Laws when it failed to seek approval by the Veterans Affairs or Veterans Hospital committee appointed to commit Bagley to the VA Hospital, under §24-21-700, and the ADA, and the Rehabilitation Act of Article 12, §2, of the S.C. Constitution, along with State statutes. NOTE: The Appellant's issue is that the Board did not seek any approval from the Veterans Administration for his release to the custody to the V.A. Hospital. The Appellant is a service-connected veteran that suffers from pain, and has experienced traumatic events in his past in the official capacity of a law enforcement officer, and prior stress disorders in the official capacity of a law enforcement officer, in which the Veterans Administration is equipped to provide adequate and effective treatment if required for his condition. The Department (SCDPPPS) is placing the Appellant in a position to cover the cost of measures necessary to ensure non-discriminatory treatment, equal opportunity to enjoy services, programs, or activities, or discriminatory eligibility standards, and rules. The Board has discriminated against Bagley because the Department does not ensure him effective communication. See §19-5-510, of S.C. Code of Laws, Evidence Act Exception.

6) The Board is arbitrary or capricious, and committed error of law in an unlawful procedure when it failed to review Bagley's parole case every two (2) years for the purpose of a determination of parole, thus, making him ineligible for the interest to a parole hearing in a timely manner as outlined in §24-21-645, §16-1-60, of S.C. Code of Laws. Both statutes specifically applies. NOTE: The Appellant's issue is that the Board extended Appellant's 9/8/10, hearing denial date until (a) new hearing (four (4)) years and four (4) months, or four (4) months, or 124 days to be exact, i.e. instead of a hearing in 9/2014, the parole hearing was held 1/15/15, 124 days from Bagley's original initial parole appearance, 7) The Board is arbitrary or capricious and committed error of law when it failed to adhere to a statutory requirement of the judgment in Bagley v. SCDPPPS, Appellate Case no. 2013-000042, (S.C.Ct.App. 2014-UP-326 2014), an existing controversy, as after-acquired information, and material evidence after the Board made its final decision on 1/15/15, according to the Department's policy outlined in its operation manual, and the Evidence Act Exception §19-5-510, of S.C. Code of Laws. The policy and statute specifically applies. 8) The Board is arbitrary or capricious and committed error of law when its unlawful procedure employed made the Appellant ineligible for a <sup>regulatory</sup> privilege to grant him parole because of three (3) immutable fixed factors as of the date of the offense that are unable to change by Bagley's conduct while incarcerated. Section 19-5-510 of S.C. Code of Laws specifically applies under the Evidence Act Exception that evidence must demonstrate a "rational nexus" between Bagley's current behavior and his behavior related to the commitment offense. NOTE: The Federal Constitution 14th Amendment provides that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The issue is a claim for denial of equal protection and denial of due process, predicated upon an unlawful procedure and error of law that there is no evidence supporting the Board's decision to make Bagley ineligible to a privilege whether to deny or grant him parole. 9) The Board is arbitrary or capricious and committed error of law when it considered inappropriate factor(s), Bagley's 2012 denial of parole in making its determination, thus, making Appellant ineligible for the privilege to be granted parole, in violation of the Court's ruling outlined in

Bagley v. SCDPPPS, 2014-UP-326 (2014), and Rule 268(d)(2), SCACR. The Court's ruling specifically applies. And 10) The Board is arbitrary or capricious and committed error of law in an unlawful procedure when it retaliated and demonstrated reprisal by considering inappropriate factors because Bagley appealed the 2012 denial of parole, and as a result, the Board has made him ineligible for the <sup>regulatory</sup> privilege to be granted parole on 1/14/15, and in future parole decisions. Bagley v. SCDPPPS, 2013-000042, S.C.Ct.App. 2014-UP-326, 8/27/14, and Rule 268(d)(2), SCACR applies. Attached and incorporated herein is the Board's, SCDPPPS procedurally defective notice of rejection dated January 15, 2015, stating the boilerplate language in which Appellant is challenging the unlawful procedure employed by the Parole Board in denying him a privilege to be granted parole on 1/14/15. The Board and Department has no evidence to support denying Bagley the privilege to grant him parole according to the Evidence Act Exception outline in §19-5-510, of S.C. Code of Laws, that should be a rational (logical nexus between Bagley's offense, earlier criminal record, or in-prison record, and a determination of current dangerousness, and it must be based upon hard evidence of that nexus found. In addition, it can be a violation of due process to eternally hold Bagley to be an unreasonable risk of danger to society if released based solely on the fixed factors of the offense itself and those opposed his parole.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26 day of January, 20 15

  
 Signature of  Bernard Bagley (#175851)  
 KER.CI



## Mobic

Generic Name: meloxicam (mel OKS i kam)

Brand Names: *Mobic*

### What is Mobic?

Mobic (meloxicam) is a nonsteroidal anti-inflammatory drug (NSAID). Meloxicam works by reducing hormones that cause inflammation and pain in the body.

Mobic is used to treat pain or inflammation caused by osteoarthritis or rheumatoid arthritis in adults and children who are at least 2 years old.

Mobic may also be used for purposes not listed in this medication guide.

### Important information

Mobic may cause life-threatening heart or circulation problems such as heart attack or stroke, especially if you use it long term. Do not use Mobic just before or after heart bypass surgery (coronary artery bypass graft, or CABG).

Get emergency medical help if you have chest pain, weakness, shortness of breath, slurred speech, or problems with vision or balance.

Mobic may also cause serious effects on the stomach or intestines, including bleeding or perforation (forming of a hole). These conditions can be fatal and can occur without warning while you are taking Mobic, especially in older adults.

Call your doctor at once if you have symptoms of stomach bleeding such as black, bloody, or tarry stools, or coughing up blood or vomit that looks like coffee grounds.

Avoid drinking alcohol. It may increase your risk of stomach bleeding. Ask a doctor or pharmacist before using any other cold, allergy, or pain medicine. Medicines similar to meloxicam are contained in many combination medicines. Check the label to see if a medicine contains an NSAID (non-steroidal anti-inflammatory drug) such as aspirin, ibuprofen, ketoprofen, or naproxen.

### Before taking this medicine

Do not use Mobic just before or after heart bypass surgery (coronary artery bypass graft, or CABG).

This medicine may cause life-threatening heart or circulation problems such as heart attack or stroke, especially if you use it long term.

Mobic may also cause serious effects on the stomach or intestines, including bleeding or perforation (forming of a hole). These conditions can be fatal and can occur without warning while you are taking Mobic, especially in older adults.

You should not use Mobic if you are allergic to meloxicam, or if you have a history of allergic reaction to aspirin or other NSAIDs.

Mobic may cause a delay in ovulation (the release of an egg from an ovary). You should not take meloxicam if you are undergoing fertility treatment, or are otherwise trying to get pregnant .

**Suffering from knee pain?** Find out how real people manage OA of the Knee. [Watch Video](#)

State of South Carolina  
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY  
Governor



JERRY B. ADGER  
Interim Director

2221 Devine Street, Suite 600  
Post Office Box 50666  
Columbia, South Carolina 29250  
Telephone: (803) 734-9220  
Fax: (803) 734-9440  
www.dppps.sc.gov

January 15, 2015

Mr. Bernard Bagley #00175851  
Kershaw Correctional Institution  
4848 Goldmine Hwy.  
Kershaw, SC 29067

RE: NOTICE OF REJECTION

Dear Mr. Bagley:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); and (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, the Parole Board concludes that parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense  
Indication Of Violence In This Or Previous Offense  
Use Of Deadly Weapon In This Or Previous Offense

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Ray Patton, Jr.".

Larry Ray Patton, Jr.  
Director of Parole Board Support Services

10

1/14/2015

**South Carolina Department of Probation, Parole and Pardon Services  
Criteria For Parole Consideration**

SC Board of Probation, Parole and Pardon Services  
P. O. Box 50666  
Columbia, SC 29250

Inmate Name <i>Denard Kragley</i>	SCDC # <i>175851</i>
--------------------------------------	----------------------

**Criteria For Parole Consideration**

The South Carolina parole law creates no right to be released on parole. Parole in South Carolina is strictly a matter of privilege or grace. The South Carolina Board of Probation, Parole and Pardon Services has absolute discretion to grant or deny parole. As such, the publication of these parole criteria in no way creates an expectancy of release; nor does it bind the Parole Board in any way to a favorable parole decision or establish any presumptions of entitlement to parole.

In deciding whether or not to grant parole, the Parole Board considers, among other things, the inmate's record before incarceration as well as during incarceration. The record itself is prepared through investigations conducted for the Parole Board, and it becomes a part of the inmate's parole file. These files are maintained by the Department of Probation, Parole and Pardon Services and are, by the statute, privileged and confidential. The confidentiality of the parole file is far reaching; inmates themselves have no right to inspect the contents of their files. If the inmate thinks his/her file is somehow incomplete or contains some error or other inaccuracy, he/she must notify the Board of the specific error or inaccuracy. The Board will investigate the inquiry and notify the inmate of the action taken.

Inmates do, however, enjoy certain rights in the parole process. The inmate has the right to appear at his parole hearing. If the inmate fails to appear, the Board may decide his/her case in absence. The inmate has the right to be represented by an attorney; however, he/she has no right to have an attorney appointed if he/she cannot afford one. At the hearing, the inmate has the right to present witnesses and evidence on his/her own behalf, but an inmate does not have a right to confront witnesses.

In deciding whether or not an inmate should be granted parole, the Board or Panel of the Board exercises its absolute discretion to the limits allowed by state and federal law. The discretion of the Board or panel aims at protecting the best interest of both society and the inmate being considered for parole. In its concern for the protection of society's and the inmate's best interests, the Board or Panel deliberates upon the "reasonable probability" that an inmate will not again violate the law, if parole is granted. When deliberating upon the reasonable probability that an inmate will not again violate the law, the Board or Panel weighs the factors listed below. The Board or Panel, in its absolute discretion, also considers any other factors not listed below which it considers relevant in a particular case.

1. The risk the inmate poses to the community;
2. The nature and seriousness of the inmate's offense, the circumstances surrounding the offense, and the inmate's attitude toward it;
3. The inmate's prior criminal records and his/her adjustment under any previous programs or supervision;
4. The inmate's attitude toward his/her family, the victim, and authority in general;
5. The inmate's adjustment while in confinement, including his/her progress in counseling, therapy, and other similar programs designed to encourage the inmate to improve himself/herself;
6. The inmate's employment history, including his/her job training and skills and his/her stability in the work place;
7. The inmate's physical, mental and emotional health;
8. The inmate's understanding of the cause of his/her past criminal conduct;
9. The inmate's efforts to solve his/her problems, such as seeking treatment for substance abuse, enrolling in academic and vocational education courses, and in general using whatever resources the Department of Corrections has made available to inmates to help with their problems;
10. The adequacy of the inmate's overall parole plan. This includes inmates living arrangements, where he/she will live and who he will live with; the character of those with whom the inmate plans to associate in both his/her working hours and his/her off-work hours; the inmate's plans for gainful employment;
11. The willingness of the community into which the inmate will be released to receive the inmate;
12. The willingness of the inmate's family to allow him/her to return to the family circle;
13. The attitudes of the sentencing judge, the solicitor, and local law enforcement officers respecting the inmate's parole;
14. The feelings of the victim's family, and any witnesses to the crime about the release of the inmate;
15. Other factors considered relevant in a particular case by the Board.

**Reservation of Discretionary Power of the Parole Board**

These criteria in no way limit the absolute discretion of the Parole Board or Panel to make parole decisions on a case-by-case basis and to grant or deny parole as it determines to be in the best interest of society and the inmate under review.

In some cases, the Board may decide that an inmate should be granted parole if the inmate completes one or more stated conditions. When this is the case, the Board may grant a parole that becomes effective when the inmate completes one or more stated conditions. Should the inmate disobey any rule or regulation of the South Carolina Department of Corrections before satisfying the stated conditions to make his parole effective, the Board may rescind the inmate's parole and treat the case as though parole had been rejected. In other cases, the Board may feel it needs more time to form its decision. In such cases, the Board may simply take the parole consideration under advisement and reschedule it at a later date. Similarly, the Board may postpone a parole hearing in order to dispose of detainers or pending charges.

If the Board rejects an inmate for parole, the inmate will be given written notice of rejection stating the reasons for rejection. Decisions of the Board have no precedential effect whatever and in no way limit the Board's absolute discretion at later parole hearings.

After rejection for parole, the procedure of scheduling of rehearing is as follows:

1. An individual serving time for a violent offense defined in §16-1-60 of the South Carolina Code of Laws 1976 will be reheard for parole two years following the date of parole rejections. Applicable legal exceptions may allow for a one year hearing.
2. An individual serving time for a nonviolent offense defined in §16-1-70 of the South Carolina Code of Laws 1976 will be reheard for parole one year following the date of parole rejections.

**I certify that the above material has been explained to me, and I have received a copy.**

Inmate's Signature <i>Denard Kragley</i>	Date <i>7-9-14</i>	Witness <i>Denard Davis</i>	Date <i>7/9/14</i>
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SENTENCE

1000-PT

STATE OF SOUTH CAROLINA

CASE NO. 90-GS-5849

Richland COUNTY

The defendant Bernard Bagley is committed to the State Department of Corrections/County for a term of Life <sup>(the balance of his natural life)</sup> ~~months/years~~ and/or to pay a fine of \$ \_\_\_\_\_; provided upon the service of \_\_\_\_\_ months/years and/or payment of \$ \_\_\_\_\_, plus pay/waive costs and assessments as applicable\*, ~~the balance suspended with probation for~~ \_\_\_\_\_ months/years. Consecutive.

Restitution For physical injury \$ \_\_\_\_\_  
Yes/No property damage \$ \_\_\_\_\_  
to be paid \_\_\_\_\_

to clerk for \_\_\_\_\_\*\*

Other conditions Consecutive to 90-GS-40-5864

Date April 12, 1991 Pop F. Lowery  
Presiding Judge

\*Costs and Assessments  
Non-waivable \$ \_\_\_\_\_  
Not waived \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

Caroline J. Smith  
Clerk of Court

CERTIFIED TRUE COPY  
OF ORIGINAL SENTENCE

\*\*Pay to Victim's Compensation Fund is derogated.

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

FILED

IN THE COURT OF GENERAL SESSIONS  
ORDER FOR DESTRUCTION OF ARREST RECORDS

The State of South Carolina

01 APR -4 PM 3: 19

Race: Blk. Sex: M Age: 44

vs.

BARBARA A. SCOTT  
C.C.C. & G.S.

DOB: [REDACTED] SSN: [REDACTED]

Bernard Bagley,  
Defendant.

Charges were disposed of in the Court of  
GENERAL SESSIONS

PLEASE TAKE NOTICE, IT APPEARS that the defendant, Bernard Bagley is entitled to have all records relating to this offense expunged and destroyed according to the applicable section of the South Carolina Code of Laws indicated below:

Warrant/GS No. C746073 Date of Arrest: 8/23/90 Place of Arrest: Richland County, S.C. Arrest Charge: burglary 1st degree, Indictment No. 90-GS-40-5864. §17-1-40, the charge was nol prossed on or about August 22, 1996.

IT IS ORDERED that all records relating to such arrest and subsequent discharge pursuant to the above-referenced section be dismissed, expunged and immediately destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency (except non-public information retained by SC Law Enforcement Division (SLED) pursuant to the applicable laws of the State of South Carolina).

[Signature]  
Circuit Court Judge

Signed this 4<sup>th</sup> day of April, 2001.

On Motion of: [Signature]  
Bernard Bagley, Defendant  
175851/ker.c.i.  
4848 Goldmine Rd.  
Kershaw, S.C. 29067

March 16, 2001

WE CONSENT:

Elizabeth Luz  
Fifth Circuit Solicitor's Office

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
Jeanette W. W. [Signature]  
C.C.C.P.&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FOR THE ADMINISTRATIVE LAW COURT  
Deborah B. Durden, Administrative Law Judge

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Bernard Bagley, Sr., #175851

Appellant,

v.

South Carolina Department of Probation,  
Parole and Pardon Services,

Respondent.

RECORD ON APPEAL  
(APPENDIX)

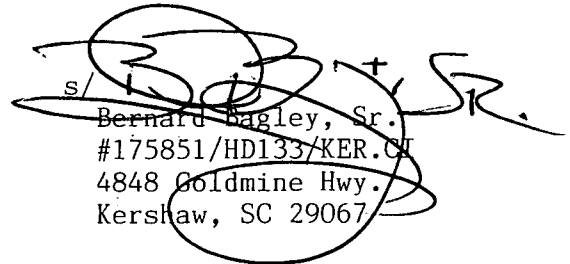
In addition to the matter designated by the Respondent, the Appellant proposes the following to be included to Supplement the Record on Appeal:

1. Indictment for murder S.C. Code §16-3-20, 90-GS-40-5849;
2. Rule 59(e)(g) Motion, SCRCP, and Certificate of Service, both dated February 23, 2015;
3. ALC Notice of Appeal, 15-ALC-15-0003-AP, dated January 26, 2015 (5 pages);
4. Side Effects of the drug Mobic;
5. SCDPPPS Notice of Rejection, dated January 15, 2015;
6. SCDPPPS Form 1212; and
7. Commitment offense sentencing sheet, 90-GS-40-5849.

The undersigned hereby certifies this Record of Appeal (Appendix) contains no matter which is irrelevant to this appeal.

NOTE: Order For Destruction of Arrest  
Record, dated 4 April, 2001.

April 13, 2015

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