

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS


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OCT 07 2015

SC Court of Appeals

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

Docket No. 15-ALC-04-0399-IJ

 Bernard Bagley, #175851,

Appellant,

v.

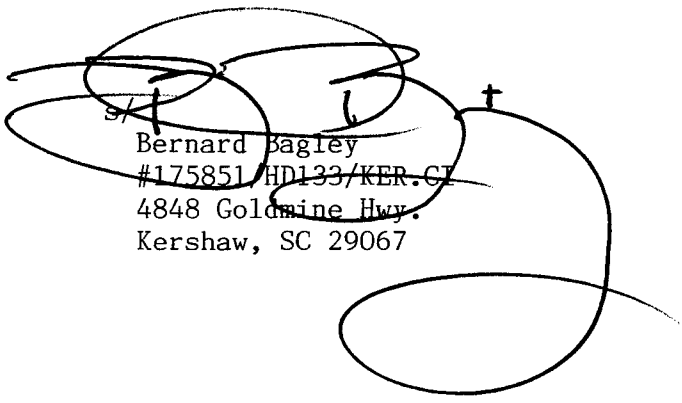
South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

Notice is hereby given that Bernard Bagley, the Appellant above-named, hereby appeals to the South Carolina Court of Appeals from the South Carolina Administrative Law Court Judge Deborah B. Durden's order of dismissal denying his appeal under ALC Rule 59(C), entered September 2, 2015, in which he received on September 8, 2015.

September 30, 2015


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

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PROOF OF SERVICE

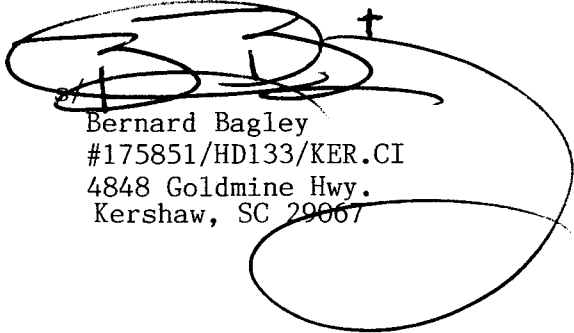
This is to certify that the Appellant has this date served his Notice of Appeal in the above entitled matter upon all parties to this cause by depositing a copy hereof in the U.S. Mail, postage prepaid addressed to the parties as follow: David Tatarsky

SCDC General Counsel
P.O. Box 21787
Columbia, SC 29221

S.C. Administrative Law Court
Deborah B. Durden, ALJ
Edgar A. Brown Bldg.
1205 Pendleton St., Suite 224
Columbia, SC 29201

this 30th day of September, 2015.

September 30, 2015


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


SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1 JUL 20 2015

INMATE NAME: Bernard Bagley	OFFICE USE ONLY Grievance No. <u>KACC 0825-15</u> Code: <u>General</u> Policy _____ Disc. Hear. <u>/</u> Class. <u>✓</u> PREA _____ Date Received <u>7/20/15</u> IGC Initials <u>JB</u>
SCDC NUMBER: 175851	
INSTITUTION: kershaw	
HOUSING UNIT: hickory d 133	
WORK ASSIGNMENT: p.i.	

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) SCDC Classification and Inmate Records Offender Management System has failed to update my information and pertinent documentations that would prohibit SCDC retention of evidence pertaining to a charge once it has been dismissed and expunged as outlined in statute §17-1-40, of S.C. Code of Laws. SEE: Grievance No. KER.CI 0535-15 decision and reasons dated 6/25/15. ALSO SEE: RTSM kiosk reference numbers 15-565225, dated 7/16/15, 4:15pm; and specifically 15-565225, dated 7/16/15, at 4:44pm, author 005303, which indicated that the matter has been addressed. In addition, see kiosk reference numbers 15-547998, and 15-582049, author 005303, response on 4/12/15, at 4:28pm with no resolution for the matter, but stated SCDPPPS have access to SCDC data base. The dismissed and expunged charge that is in SCDC data base, and showing on the current commitment sentencing sheet 90-GS40-5849 is causing me immediate and irreparable harm by allowing S.C. Department of Probation, Parole and Pardon Services pre-parole investigations receive this information by whatever means SCDC allow it, because parole officials are considering that previous charge and documentations/records as other factors that is prejudicial to deny me favorable consideration for parole. SCDC Classification nor Inmate Records OMS have not destroyed the records pertaining to that charge expunged and on the sentence commitment sheet 90-GS-40-5849, even though that proceeding against me has been dismissed and expunged, the parole officials will continue to deny me consideration for parole based on that charge or offense history in violation of §17-1-40.


 Grievant Signature _____ Date 7.16.15

ACTION REQUESTED: That OMS Inmate Records and Classification update my information with the pertinent documentations that would prohibit SCDPPPS from receiving the prejudicial information, and prohibit SCDC data base or scdc officials from forwarding SCDPPPS any information of previous offense or charge that has been expunged.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

Duplicate KRCI-0535-15. Per policy
 GA01.12 only (1) grievance per inmate
 will be allowed.

O. Norris 7/20/15
 IGC Signature _____ Date _____

(CONTINUE ON REVERSE SIDE)

September 30, 2015

Bernard Bagley #175851-HD133
Kershaw Correctional Institution
4848 Gold Mine Highway
Kershaw, SC 29067

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

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SC Court of Appeals

RE: Bagley v. SCDC, Case No. 15-ALC-04-0399-IJ

Dear Madam Kitchings:

Enclosed are the following:

1. Notice of Appeal dated 9/30/15;
2. Order of Dismissal, dated 9/2/15;
3. Proof of Service, dated 9/30/15; and
4. SCDC Final Decision, dated 7/20/15, Grievance No. KRCI-0825-15.

Please note that the \$100.00 filing fee will be submitted within a separate envelope within 20 days of this date 10/19/15, or sooner. The Check will be withdrawn from my Cooper account, in which it is beyond my control when the same will be mailed or arrive to your office.

In addition, please have the ALC to recuse ALC Judge from any future filings that I may have to submit to the ALC because of her bias and failure to follow the ALC rules in special appeals for prisoners. Judge Durden retaliatory denial of my appeal was deliberately and intentionally because the final decision of SCDC was attached to my Notice of Appeal as required by ALC Rule 59(c), and the denial from her easy with the presumption that I or other state prisoners will not be able to pay the \$100.00 filing fee to further the appeal. The Court must make judicial notice of such unethical conduct by her.

Thank you for considering this matter.

Respectfully submitted,


Bernard Bagley

Enclosures

cc: SCDC General Counsel
Deborah B. Durden, ALJ

BERNARD
#175851-~~FD138~~ Ker.e.v.
4848 Goldmine Hwy.
Kershaw, S.C. 29067




FOREVER
USA

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SC Court of Appeals

S.C. Court of Appeals
Jenny A. Kitchings, Clerk
P.O. Box 11629
COLUMBIA
SOUTH CAROLINA 29211-1629



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