

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

October 20, 2017

RECEIVED
OCT 24 2017
SC Court of Appeals

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

RE: Bagley v. SCDPPPS, Appellate Case No. 2017-001904

Dear Madam Kitchings:

I'm in receipt of a letter from your Deputy Clerk V. Claire Allen, dated October 17, 2017, in which I received just today, the 20th of October. In her letter she stated that the court records reflect that the time for serving and filing the appellant's initial brief and designation of matter has expired.

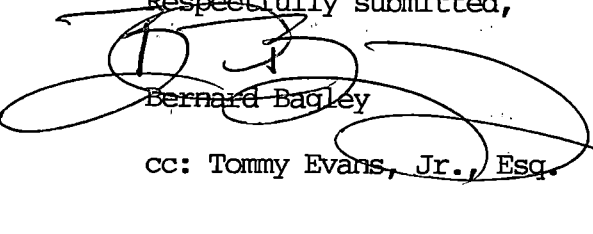
Not so! Please check your records, because my initial brief was dropped in the institution mailbox on the 13th of October, upon receipt of this court's letter dated September 18th, in which I received on the 21st of September, and misplaced, but located on the 25th, with case number 2017-001904, along with info pertaining to the proof of service showing being served on the ALC, as required by Rule 203(b)(6), SCACR.

Ms. Greene, a newly hired mailroom employee informed me that my legal mail was sent agency mail. Be that as it may, it's beyond my control when she sent the mail to you, and when the court will receive the same. Nevertheless, my initial brief under Rules 208 and designation of matter under Rule 209, SCACR, should have the benefit of the U.S. Supreme Court holding in *Houston v. Lack*, 487 U.S. 266 (1988), in the event that a limitation issue arises, in which prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding. Also, see *Mose v. State*, 803 S.E.2d 718 (2017).

Please recheck your records, because it is beyond my control when the institution forward mail and when services are delivered.

Thank you for your findings.

Respectfully submitted,

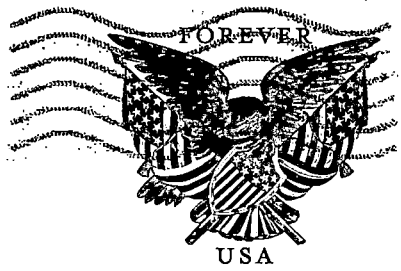

Bernard Bagley

cc: Tommy Evans, Jr., Esq.

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#175851 #133 refer.
4848 Goldmine Hwy
PERSHAW, S.C. 29067

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