

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT
S.C. Department of Probation, Parole and Pardon Services
S. Phillip Lenski, Administrative Law Judge
Appellate Case No. 2019-000934

Bernard Bagley, #175851

Appellant

v.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

PROOF OF SERVICE

I certify that I have served the Final Reply Brief of Appellant, and Certificate of Counsel on Respondent by depositing a copy of the same in the U.S. Mail, postage prepaid, on September 6, 2019, addressed to attorney of record, Tommy Evans, Jr., SCDPPPS, P.O. Box 50666, Columbia, SC 29250, on September 6, 2019.

September 6, 2019

s/

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

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September 6, 2019

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

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RE: Bagley v. SCDPPPS, 2019-000934

Dear Ms. Kitchings:

Pursuant to Rule 208(7), SCACR, Supplemental Citations, please be advise that a pertinent and significant authorities of cases has come to my attention after my initial briefs were served and filed. The following citations, State v. Burdette, WL3437783 (SC July 31, 2019), which is novel or viable to the issues regarding extraordinary circumstances, S.C. Code Ann. §16-3-10, §16-3-20, and §16-3-50, of S.C. Code Ann., and error of law, along with an exception regarding a fundament-miscarriage of justice, and it pertains to pages 1 through 6 of my initial and final briefs. Additionally, the reason for the supplemental citations are to assist the Court to act on any error of law appearing in the record; findings of fact clearly erroneous; improper fact contributed to the jury verdict; preserved in the record of the case; and support on record on appeal transcript of proceedings 90-GS-40-5849, excerpts pp. 397-414. (ROA pp. 6-28).

Also, State v. Bagley, Unpublished Opinion 92-UP-165 (Ct.App. 1992), to assist the Court regarding my Statement of the Case in my initial and final brief.

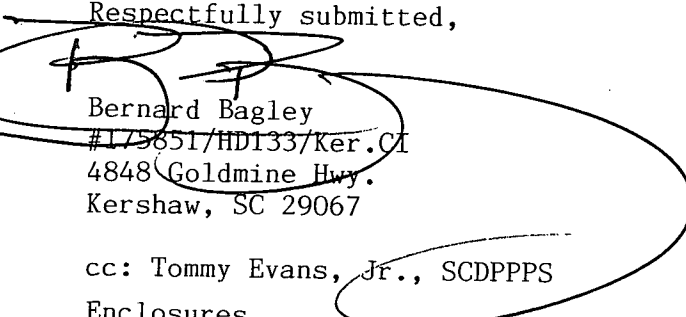
In addition, Slezack v. SCDC, 605 S.E.2d 506 (2004), Supreme Court distinguished the ALC's subject matter jurisdiction from its appellate jurisdiction clarifying the Alc's jurisdiction in inmate grievance matters. The Court explained that the ALC has subject matter jurisdiction to hear appeals from final decisions of the department in non-collateral or administrative matters. SEE: Howard v. SCDC, 733 S.E.2d 211 (2012). (NOTE: SCDPPPS have no grievance procedures for inmates). (ROA, pp.3-5)

Enclosed for filing is my Final Reply Brief of Appellant in the above case, Also enclosed are the following:

1. Certificate of Counsel; and
2. Proof of Service.

Thank you for your attention regarding this matter.

Respectfully submitted,


Bernard Bagley
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cc: Tommy Evans, Jr., SCDPPPS

Enclosures

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