

February 5, 2013

Bernard Bagley
175851/HA162/KER.CI
4848 Goldmine Hwy.
Kershaw, SC 29067

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

RE: Bagley v. SCDPPPS, 2013-000042

Dear Mr. Evans:

Depending upon the S.C. Court of Appeals decision or ruling in my case. I may have to proceed in the federal process. As such, a copy of a transcript of the hearing dated 10/10/12 will be required.

In addition, Ms. Ryan or no other parole examiner did not provide me a validated risk assessment in accordance of statutory §24-21-10-(f)(1), under COMPASS. This I certify, declare under the penalty of perjury that no such validated risk assessment pursuant to §24-21-10(f)(1), under COMPASS was provided. You do not have to submit this information to me, but please consider submitting the same to the court for review. Nonetheless, no parole examiner provided the validated COMPASS risk assessment evaluation to me.

The board members did not evaluate my rehabilitative progress to determine if I still posed a danger, nor during the hearing the board did not discuss the relevant guidelines with me, such as, activities after conviction and sentence, prior criminal record, mitigating and aggravating factors, in which these guidelines are mandatory, along with the findings in accordance of COMPASS and the statutory §24-21-10(f)(1).

I was a productive citizen in society, and model prisoner who enthusiastically engaged in educational, faith based, and vocational programs, and in the eyes of the law shot and killed my wife where two (2) factors co-exist: (1) approval of the jury instruction that malice may be inferred from the use of a deadly weapon; (2) evidence was presented that, would have reduced, mitigated, excused or justified the homicide. The Court overruled "all" such cases only insofar as they meet these criteria. State v. Bagley, 92UP165 (Ct.App. 1992).

In Jesus' Holy Name,


Bernard Bagley

cc: V. Claire Allen, Deputy Clerk, SC Court of Appeals