

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

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JUL 06 2020

SC Court of Appeals

June 30, 2020

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

RE: Bagley v. SCDPPPS, Docket No. 20-ALJ-15-0009-IJ; Appellate Case No. 2020-000611.

Dear Madam Clerk:

Enclosed is an Order Clarifying Case Status, dated June 23, 2020, in which I received on the 29th of June. If you may, in lieu of a formal motion, please accept this communique to assist the Court in the relief I'm seeking.

The Writ of Mandamus submitted to the Respondent requested for the vote counts in his 2010 and 2012 parole hearings; the names of the Board Members who voted during the 2010 and 2012 parole hearings; and any other information pertaining to the 2010 and 2012 parole hearings because of the decision in Rose v. SCDPPPS, 20 WL 465696, (Opinion No. 27940). The ALC denied the request for Writ of Mandamus and construed that I had a notice of appeal before the ALC, at which time I filed a notice of appeal with this Court and a Motion to proceed In Forma Pauperis. In forma pauperis was denied May 1, 2020, and time was extended for me to file my initial brief by the 8th of July, and to pay the "\$250.00" filing on the 8th of July too.

Please be advise that this is critical and crucial matter because the only info I'm requiring are 1) the vote counts in my 2010 and 2012 parole hearings; and the names of the Board Members who participated in the voting process during the 2010 and 2012 parole hearings, in which the Respondent failed to provide under state and federal law (FDA) records system, and FOIA. Instead, of the ALC ordering SCDPPPS to provide me the information requested, it denied the writ of mandamus request for me to proceed in this court an appeal in which the filing fee for such is \$250.00, whereby indigent state prisoners do not have access to such funds as if \$250.00 falling from the sky. My request was reasonable. As such, I'm respectfully request Court grant leave to motion the ALC under Rule (60(b)(1)(3), SCRCP, relieve me from the final judgments and order(s) for mistake, excusable neglect, and misrepresentation or other misconduct regarding this matter based on

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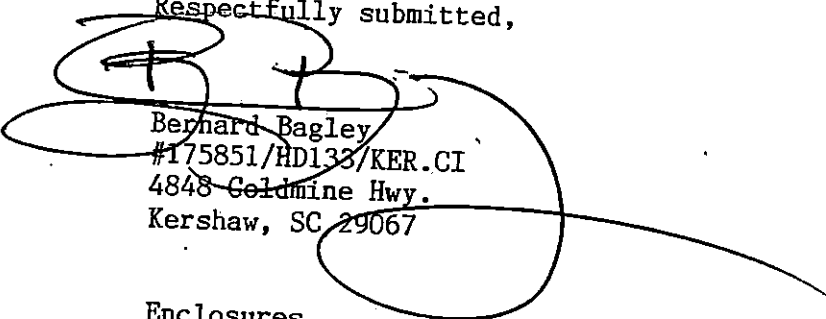
RE: Appellate Case No. 2020-000611, Bagley v. SCDPPPS

its own Order Clarifying Case Status and the information I've submitted herein. The ALC are denying state prisoner cases because it is known that it is more likely not an inmate will not be able to pay the \$250.00 filing fee to proceed in the Court of Appeals.

I'm still awaiting for the funds from my 2019 state and federal tax refund so that I can pay the \$250.00 filing fee; however, some odd reasons, SCDC prison mailroom official Ms. Amason has not provided the State Department of Revenue the documents they requested for, nor have the federal refund has been return. (I have a pending grievance regarding the matter because the other inmates that were employed with the prison industry has received their refunds). But, based on the ALC Order and the information herein the leave should be granted so that I can motion the ALC to relieve me from the order(s).

Thank you for considering this matter.

Respectfully submitted,



Bernhard Bagley
#175851/RD133/KER.CI
4848 Goldmine Hwy.
Kershaw, SC 29067

Enclosures

cc: ALC, Ralph K. Anderson, III
SCDPPPS Legal Counsel, Janell H. Gregory
U.S. District Court, Mary G. Baker, Magistrate Judge
(Case No. 4:17-cv-01746-MBS-TER)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Bernard Bagley, #175851,)
)
Petitioner,)
)
vs.)
)
South Carolina Department of Probation,)
Parole and Pardon Services,)
)
Respondent.)

Docket No.: 20-ALJ-15-0009-IJ

ORDER CLARIFYING
CASE STATUS

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SC Court of Appeals

This matter was previously before the South Carolina Administrative Law Court (ALC or Court) pursuant to Motion For Writ of Mandamus filed by Bernard Bagley (Petitioner), an inmate incarcerated with the South Carolina Department of Corrections.¹ On March 27, 2020, the Court issued an order denying Petitioner's Motion For Writ of Mandamus. Thereafter, on April 6, 2020, Petitioner appealed this Court's order to the South Carolina Court of Appeals and filed a Motion requesting extra time to file his brief.

In this Court's order denying Petitioner's Motion For Writ of Mandamus, the Court improperly characterized Petitioner as an Appellant and improperly characterized his Motion as being made in conjunction with, or as, a Notice of Appeal. The Court believes these errors resulted in some confusion and led to the following subsequent filings. On May 12, 2020, the South Carolina Department of Probation, Parole and Pardon Services (Department) filed a Record on Appeal with this Court. Petitioner then filed an "Original Brief of Appellant" (Brief) under the heading "Special Appeal" with this Court on May 22, 2020. In his Brief, Petitioner clarifies that he filed a Writ of Mandamus and not a Notice of Appeal. In response, the Department filed a Brief of Respondent in which it argues Petitioner's "Special Appeal" should be summarily dismissed because it is procedurally barred and the only proper appeal at this time is before the South Carolina Court of Appeals.² As of the date of this Order, Petitioner has not responded.

¹ On February 21, 2020, Petitioner filed his first Motion for Writ of Mandamus. Thereafter, on March 11, 2020, he filed a Motion to Declare the Law For Writ of Mandamus. Then, on March 23, 2020, he filed a Notice of Amended Petitioner For Writ of Mandamus. Petitioner's filings all requested the same relief, and none of them were presented as appeals.

² Quizzically, the Department filed a brief to argue that the matter should be summarily dismissed when a Motion to Dismiss is the appropriate avenue to make this argument.

FILED

June 23, 2020

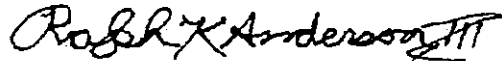
SC ADMIN. LAW COURT

The relief sought by Petitioner in this case is limited to a Writ of Mandamus. This Court denied the Writ of Mandamus, and Petitioner appealed that denial to the South Carolina Court of Appeals. Accordingly, the South Carolina Court of Appeals has jurisdiction over this case. See Rule 205, SCACR. Therefore, to the extent the Department's response can be construed as a Motion to Dismiss, the motion must be denied because there is no appeal to dismiss.

ORDER

IT IS THEREFORE ORDERED that the only matter that was before this Court was Petitioner's Motion for Writ of Mandamus, which is currently properly on appeal before the South Carolina Court of Appeals.

AND IT IS SO ORDERED.



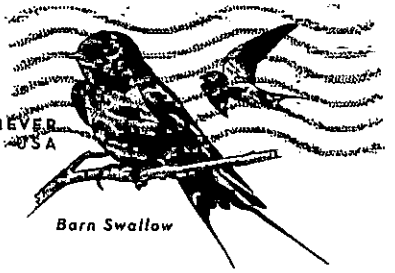
Ralph King Anderson, III
Chief Administrative Law Judge

June 23, 2020
Columbia, South Carolina

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~~#175851-AD-133 Kershaw~~
~~1848 Gold Mine Hwy~~
~~Kershaw, S.C. 29051~~

COLUMBIA, SC 290

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