

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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NOV 16 2020

Appellate Case No. 2019-002102

**SC Court of Appeals**

Bernard Bagley, #175851,

Appellant,

v.

South Carolina Department of  
Probation, Parole and Pardon  
Services,

Respondent.

¶

NOTICE AND MOTION FOR HABEAS CORPUS  
AND VERIFICATION FOR MOTION

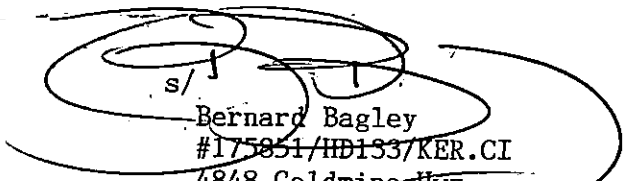
PLEASE TAKE NOTICE, that the Appellant, Bernard Bagley, hereby come now pray for a Writ of Habeas Corpus for an order under §24-21-645, of S.C. Code of Laws, in the above captioned matter based on extraordinary compelling circumstances of the global pandemic covid-19 virus that affects his duration of confinement.

Appellant's appeal is pending before this Court, but since then circumstances have severely change with regards of the duration of his confinement. As such, in accordance to Rule 65(f), SCRCP, he motion this Court for an order granting parole that will end his confinement in SCDC to alleviate any irreparable harm and constitutional unusual punishment in light of covid-19, because there is nothing short of relief now of an order in accordance to §24-21-645, and the conditions set forth by the Respondent: -

The Appellant is a vulnerable person and he is 63 years old and is more likely with others in similar situation to contract covid-19 and suffer irreparable harm within SCDC during his duration of his confinement. It's always in a civil public interest to prevent violations of unusual punishment rights that affect a person's health and life. Appellant's medical records, classification record which was not assessed by the Board during his June 2019 parole hearing is a major factor in this matter because there is nothing to protect him or every inmate from covid-19 within SCDC. There is no communal holding SCDC facility where the Appellant could be constitutional continued duration of confinement during this global pandemic covid-19 virus extraordinary compelling circumstances.

Appellant's duration of confinement will be a miscarriage of justice based on the extraordinary compelling circumstances of covid-19 that merits immediate attention, because Appellant's parole date will be over 12 months behind based on his initial parole hearing date of September 8, 2020. In addition, the Appellant invokes Title II of the ADA (Americans with Disabilities Act) and the Rehabilitation Act in pursuant to Article 5, §20, of S.C. Constitution, and Article I, §3; Article 1, §15; Article 1, §18 of S.C. Constitution, and *Preiser v. Rodriguez*, 411 U.S. 475 (1973).

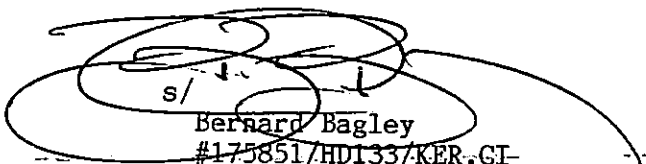
WHEREFORE, the Appellant pray for an order for parole under §24-21-645, requiring the Board to fully assess the Appellant's medical records, and classification record and utilize its authority to grant him parole set forth with viable conditions during this covid-19 global pandemic.

  
s/  
Bernard Bagley  
#175851/HDI33/KER.CI  
4848 Goldmine Hwy.  
Kershaw, SC 29067

November 12, 2020

VERIFICATION

I Bernard Bagley, say that I am the Appellant herein, and have read the foregoing Motion and know the contents thereof; that the same is true of my own knowledge, except as matters therein stated to be alleged on information and belief; and to those matters I believe them to be true under penalty of perjury..

  
s/  
Bernard Bagley  
#175851/HDI33/KER.CI  
4848 Goldmine Hwy.  
Kershaw, SC 29067

November 12, 2020

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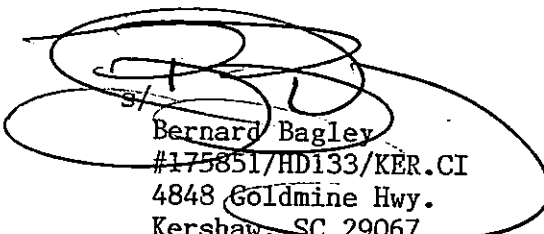
South Carolina Department of  
Probation, Parole and Pardon  
Services,

Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I, Bernard Bagley, on the 12th of November, 2020, served a copy of his Motion and Affidavit to Proceed In Forma Pauperis, and Notice and Motion for Habeas Corpus and Verification for Motion on the Respondent by depositing the same in the U.S. Mail, postage prepaid, addressed as follow:

SCDPPP Office of General Counsel  
P.O. Box 207  
Columbia, SC 29202

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

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

November 12, 2020

SC Court of Appeals  
Office of the Clerk  
P.O. Box 11629  
Columbia, SC 29211

RE: Bagley v. SCDPPPS, Appellate Case No. 2019-002102.

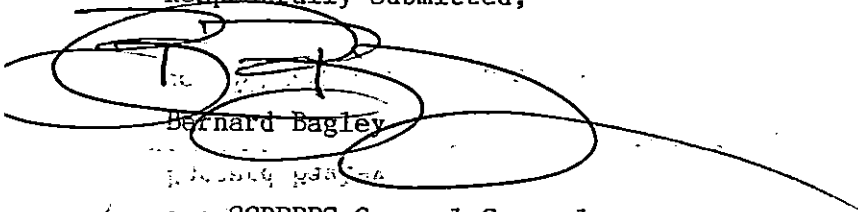
Dear Madam:Clerk:

Enclosed for filing are the following:

Motion and Affidavit to Proceed In Forma Pauperis;  
Notice and Motion For Habeas Corpus and Verification for Motion; and  
Certificate of Service.

Thank you for considering this matter.

Respectfully Submitted,



Bernard Bagley

cc: SCDPPPS General Counsel

625291-11252

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SC Court of Appeals

S.C. Court of Appeals  
Office of the Clerk of Court

P.O. Box 11629

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COLUMBIA, S.C.

COLUMBIA, S.C. 29211-1629

BERNARD [unclear]  
4175851-40133-4 [unclear]  
4848 GOLDMINE HWY  
Kershaw, S.C. 29067

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