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NOV 10 2021

SC Court of Appeals

November 5, 2021

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

SCDPPPS Office of General Counsel
Matthew C. Buchanan, Esq.
P.O. Box 207
Columbia, SC 29202

SC Office of Attorney General
Tommy Evans, Jr., Esq.
P.O. Box 11549
Columbia, SC 29211

RE: Bernard Bagley v. SCDPPPS, Appellate Case No. 2019-000934.

Dear Madam Clerk:

I'm in receipt of your letter dated November 1, 2021, regarding the above case. As such, it's my understanding after the Court's consideration the case will be submitted on the record on appeal and briefs during the November 2021 term without oral argument?

Please NOTE: Since this case the Respondent still uses the EXPUNGED first degree burglary offense (90-GS-40-5864) as an impermissible factor during my parole proceedings. (BOR p. 1, date of Certificate of Service, the 12th day of October 2021).

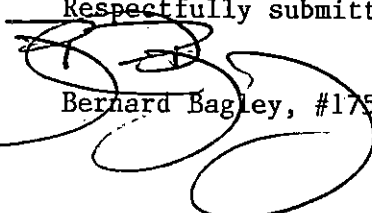
In addition, Respondent's letter dated September 2, 2021, state, "This letter is in response to your August 27, 2021 letter in which you have inquired about whether an expunged offense can be considered for a pardon. Unfortunately, only convictions can be pardoned. Because the offense you refer to in your letter, that of burglary, was overturned, it is no longer a conviction. Consequently, you cannot receive a pardon for something you were not convicted of."

If this is the case, why does the Respondent use the impermissible factor during the parole decision making process? Also, do this mean that the current offense conviction is ripe for consideration for a pardon?

In lieu of a formal motion under Rule 15(d), SCRCP, I submit this communicate setting forth occurrences or events which have happened since the date of the original pleadings.

Thank you for considering this matter.

Respectfully submitted,


Bernard Bagley, #175851/MB64/KER.CI, 4848 Goldmine Hwy., Kershaw, SC 29067.

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