

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Hon. Ralph K. Anderson III

Case No. 26-ALJ-04-0035-AP
Appellate Case No. 2026-001052

Gregory Pencille, #312332, Appellant

V.

South Carolina Department of Corrections, Respondent

**MOTION TO COMPEL RESPONDENT TO RESPOND TO REQUEST
AND SUPPLEMENT RECORD ON APPEAL**

Appellant motions this court to compel Respondent to respond to Agency "Request to staff", pursuant to Rule 407 SCACR. On April 2nd, 2026, Appellant mailed a "request to staff" to Mrs. Sharon Patterson, Division Director of Transitional Services (also referred to as Inmate Services) due to Agency staff informing Pencille that she is responsible for all requests for religious materials mailed to institutions and inmates in the SCDC. And allow it to be included in the Record on Appeal.

The paper request [copy enclosed] set out questions as to why agency policy was not being followed in allowing Pencille to obtain properly requested and approved religious items ordered and received by Evans CI property control and a list of suggested Religious Vendors for approval. This request by agency policy G.A. 06.04 "request to staff" policy, sets a 45 days deadline for agency officials to respond. Furthermore, Pencille has, since the 45 days passage, attempted to remind/ request a response through several agency channels to no avail. A response would lend to a more reasonable understanding of why the SCDC is not following their policies

and possibly lead to an appropriate “least restrictive” means to allow Pencille to practice his religious beliefs without the agency’s substantial burden on his protected liberty interest.

Considering this appeal comes from the Administrative Law Court’s Order of summary judgment and not a final judgement, discovery (a proper response to request) may be possible under Rule 69 SCRPC (proceedings in aid of execution) and a party failing to respond to a discovery request, similar to a motion to compel under Rule 37 of the South Carolina Rules of Civil Procedure the Appellate court can interpret this as a post-Judgement discovery and apply an **abuse of discretion standard** and **Appellate Misconduct Rules** under Rule 407 SCACR containing Rules of professional conduct which prohibit attorneys from violations of these ethical rules for failing to comply with proper requests (3.4(d)) of which the SCDC is constantly in violation. Appellant’s due diligence shown by the substantial evidence can never be discovered earlier when the Respondent’s (SCDC) actions are always with the highest degree of deliberate indifference.

Further, Appellant requests the paper “Request to Staff” *with the agencies response* be supplemented to Appellant’s DESIGNATION OF MATTER to be included on the RECORD ON APPEAL.

Appellant prays this Court grant this motion to compel Mrs. Sharon Patterson to fully and truthfully, under penalty of perjury, respond to Pencille’s request for discovery by returning a response in writing on the mailed request to staff form. And supplement the Record on Appeal to include the “Request”

Appellant certifies and affirms that all enclosed is true and correct to the best of his knowledge and abilities under penalty of perjury.”

Date: June 24, 2026



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SWORN to and subscribed before me this 24
Day of June 2026
Sarah Curtis (L.S.)
Notary Public
My Commission Expires: 2/28/34