RECEIVED
Jul 14 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

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

GREGORY PENCILLE, # 312332,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RESPONDENT'S OBJECTION TO APPELLANT'S MOTION FOR LEAVE TO SUPPLEMENT THE RECORD ON APPEAL

Appellant submitted his Initial Brief on May 18, 2026, appealing from an order of dismissal issued by Administrative Law Judge Ralph King Anderson, III. Respondent submitted its Initial Brief and Designation of Matter on June 17, 2026. No Record on Appeal has been filed to date. However, on June 24, 2026, Appellant submitted, among other Motions, a "Motion for Leave to Supplement the Record on Appeal."[1] In this Motion, Appellant seeks to add documents to the Record on Appeal that were not before the lower court, to include paper requests to staff, receipts, proofs, and kiosk requests. None of these materials were before the lower court.

[1] Deficiencies regarding these Motions were corrected as of July 10, 2026.

The Motion to Supplement should be denied. Initially, as mentioned above, no Record on Appeal has been filed yet. Accordingly, any motion to "supplement" it is premature. More importantly, it would be inappropriate for Appellant to supplement a Record on Appeal with material that was not presented to the lower court. See SCALC, Rule 210 (C) (stating that the Record shall not include matter that was not presented to the lower court or tribunal). Therefore, Appellant's motion to supplement the record should be denied. Additionally, to the extent Appellant's Designation of Matter contains materials that was not before the lower court (numbers 1 & 2 and numbers 5-8), those materials should be struck by the Court and not permitted to be included in the Record on Appeal.

Respectfully submitted,

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

BY: Christina Bigelow

CHRISTINA CATOE BIGELOW
Deputy General Counsel
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

July 14, 2026

RECEIVED
Jul 14 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph K. Anderson, III

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

GREGORY PENCILLE, # 312332,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the **Objection to Motion to Supplement the Record** to Appellant, addressed as follows:

Gregory Pencille, # 312332
Evans Correctional Institution
1B-0118
610 Highway 9 West
Bennettsville, South Carolina 29067

Christina Catoe Bigelow
Deputy General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

July 14, 2026

SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Office of General Counsel

HENRY McMASTER, Governor
JOEL E. ANDERSON, Interim Director

RECEIVED
Jul 14 2026
SC Court of Appeals

OFFICE OF GENERAL COUNSEL

July 14, 2026

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: **Gregory Pencille, # 312332 v. South Carolina Department of Corrections**
Appellate Case No. 2026-001052

Dear Ms. Kitchings:

Enclosed please find the **Objection to Motion to Supplement the Record on Appeal** in the above captioned appeal, along with **Proof of Service**.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections

cc: Gregory Pencille, # 312332
Evans Correctional Institution
1B-0118
610 Highway 9 West
Bennettsville, South Carolina 29067