

Sep 18 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.

**MOTION TO STRIKE IMPROPER MATTER FROM APPELLANT'S
DESIGNATION OF MATTER**

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 yet. 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 sought 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. Appellant's Motion was denied by Order dated September 11, 2026.

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

Respondent now moves to strike improper matter that is listed in Appellant's Designation of Matter. Specifically, Respondent moves to strike #1 – a request to staff, #2 – a second request to staff, #5 – unofficial property control memo, #6 – SCDC Policy PS 10.08 (November 5, 2021), #7 – SCDC Policy PS-10.08 (September 6, 2022), #8 – SCDC Policy PS-10.05 (August 6, 2015). These documents were not before the Administrative Law Court. The only documents that were before the Administrative Law Court were Appellant's Notice of Appeal, which attached the Step 1 and Step 2 Grievances, Respondent's Motion to Dismiss, which also attached the Step 1 and 2 Grievances, Appellant's Reply to the Motion to Dismiss (no attachments), the Order of Dismissal dated April 2, 2026, and Appellant's Reply to the Order of Dismissal (no attachments).

Appellant cannot present material to this Court that was not presented to the Administrative Law 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, the above listed materials should be struck from Appellant's Designation of Matter and not be permitted to be included in the Record on Appeal.

Accordingly, Respondent respectfully requests that this Court grant this Motion to strike the improper matter from Appellant's designation and order that these materials cannot be included in the Record on Appeal.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

CHRISTINA CATØE BIGELOW

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ATTORNEY FOR RESPONDENT

September 18, 2026

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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 **Motion to Strike Improper Matter from Appellant's Designation of Matter** 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
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Post Office Box 21787
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(803) 896-8508

September 18, 2026



SCDC

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

"CORRECTIONAL EXCELLENCE TODAY FOR A SAFER SOUTH CAROLINA TOMORROW"

Joel E. Anderson | Director

Office of General Counsel

OFFICE OF GENERAL COUNSEL

September 18, 2026

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

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SC Court of Appeals

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

Dear Ms. Kitchings:

Enclosed please find the Respondent's **Motion to Strike Improper Matter from Appellant's Designation of Matter** 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
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610 Highway 9 West
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