

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph K. Anderson, III, Administrative Law Judge

Case no. 26-ALJ-04-0035-AP

Appellate Case No. 2026-001052

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OCT 26 2026

SC Court of Appeals

GREGORY PENCILLE

Appellant

V.

South Carolina Department of Corrections

Respondent

RECORD ON APPEAL

Gregory Pencille #312332
Evans CI F1B-118
610Hwy9west
Bennettsville SC 29512
Appellant, Pro se

Christina Catoe Bigelow
General counsel
P. O. Box 21787
Columbia SC 29221
Attorney for the Respondent

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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Gregory Pencille, #312332,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 26-ALJ-04-0035-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed by Gregory Pencille (Appellant), an inmate housed with the South Carolina Department of Corrections (SCDC or Department).

Appellant filed a Step 1 Grievance on October 12, 2025, alleging that the policy concerning approved book vendors violated the First Amendment. On November 21, 2025, the Department reviewed Appellant's Step 1 Grievance and considered it resolved. Thereafter, Appellant filed a Step 2 grievance, which was considered resolved on January 5, 2026. On January 30, 2026, Appellant filed a Notice of Appeal. The case was assigned on February 19, 2026.

The Department filed a Motion to Dismiss (Motion) on March 19, 2026, asserting that Appellant's claims do not implicate a state-created liberty or property interest. As of the date of this Order, Appellant has not filed a Response to the Motion.

DISCUSSION

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-Shabazz*, the Court held that the ALC's jurisdiction in inmate appeals is limited to state-created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 382; 527 S.E.2d at 757. In *Slezak v. South Carolina Department of Corrections*, our Supreme Court explained that while the ALC has jurisdiction over properly filed inmate grievance appeals, summary dismissal is appropriate "where the inmate's grievance does not implicate a state-created liberty or property interest." 361 S.C. 327, 331, 605 S.E.2d 506, 508

FILED

04/02/2026

SC Admin. Law Con

(2004), *cert. denied*, 544 U.S. 1033, 125 S.Ct. 2266, 161 L.Ed.2d 1060 (2005); *see also Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) (finding dismissal of inmate's appeal appropriate because his grievance did not implicate a state-created liberty interest).

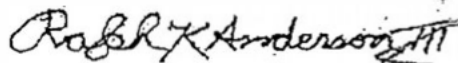
For the purpose of establishing jurisdiction, a state-created liberty or property interest generally exists when (1) an inmate is disciplined and punishment is imposed or (2) when an inmate alleges prison officials have erroneously calculated his sentence, sentence-related credits, or custody status. *Sullivan*, 355 S.C. at 441, 586 S.E.2d at 126. Additionally, under certain circumstances, an inmate may have a state-created liberty interest in "freedom from restraint which, while not exceeding the sentence in such an unexpected manner as to give rise to protection by the Due Process Clause of its own force . . . nonetheless imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life." *Sandin v. Conner*, 515 U.S. 472, 483-84 (1995); *see Sullivan*, 355 S.C. at 443, 586 S.E.2d at 127 (applying *Sandin* to resolve a "condition of confinement claim").

Appellant's appeal is based upon a claim that a SCDC policy about approved book vendors violates the First Amendment. Because this claim does not allege a deprivation of a state-created liberty or property interest in this matter, the Court finds that summary dismissal is appropriate in this case. *See Slezak*, 361 S.C. at 331, 605 S.E.2d at 508; *see also Skipper*, 370 S.C. at 267, 633 S.E.2d at 910. Furthermore, since Appellant did not respond to the Department's motion, he consented to the dismissal of this case.

ORDER

IT IS HEREBY ORDERED that the Department's Motion is GRANTED, and that this appeal is, therefore, DISMISSED WITH PREJUDICE.

AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

April 2, 2026
Columbia, South Carolina

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>Gregory Penith</u>	RECEIVED	OFFICE USE ONLY
SCDC NUMBER: <u>312232</u>		Grievance No. <u>SCDC 384-25</u>
INSTITUTION: <u>Evan</u>		Code: General <u>40-25</u>
HOUSING UNIT: <u>F2B 141</u>		Policy <u>40-25</u>
WORK ASSIGNMENT: <u>N/A</u>		Disc. Hear. <u>40-25</u>
		Class. <u>40-25</u>
		PREA <u>40-25</u>
		Date Received <u>10/13/25</u>
		IGC Initials <u>IL</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

In accordance to GA 01.12 (13.2), Kiosk Ref# 25-04118638, Responded to on 10-06-2025 Inmate Pencille greives the response for the following reasons: Denial of access to required Religious Materials needed for studies and worship for the Wiccan Faith due to Office of Policy Development (GA. 01-01) having added changes to PS. 10.08 Inmate Correspondence Policy section 9.1 Publications. This change creates an a typical hardship on the practice of My Religion. By not affording access to required Publications violates PS 10.05 Inmate Religious policy. The new "Approved Vendor List" Discriminates against Any Religious other than Christian based Faiths because all the vendors are Christian oriented/owned Biased Businesses and don't offer correct or unedited Books needed to be educated and/or practice other faiths. Further, Pencille requested to have the material (books) donated to the chapel, not to himself. In either case this new policy change violates the 1st Amend. US Const. and the following listed Laws, Policies, and case laws:

SC Religious Freedom Act. SC Code Ann § 24-27-500
SC Religious Restoration Act Chapter 32
42 USC Chap. 21(c); RLUIPA
42 USC 20068

Bell v Wolfish 441 US 520 (1979)
Thornburgh v Abbott 109 S.Ct. 1874
490 US 461 (1989)

Turner v Safely 482 US 75 (1987)
Pierce v Church of God 310 S.Ct 417 (1945)
Henderson v Ayers 62 Fed 2d 1165
Schlemm v Wall 784 F2d 362 (2015)
Jenkins v Sinclair 2018 WL 4608312
Minta v Catholic Church of Springfield 424 F.Supp2d 369
City of Berne v Flores 521 US 507, 117 S.Ct. 2151

[Signature] 10/12/25
Grievant Signature Date

ACTION REQUESTED: Remove this unlawfull policy or do not put restriction on Penitents that is restricted to vendors that are oriented towards one (1) Religion Preference (Christianity). Allow Penitents to come from legitimate / official Publication Businesses.

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☐ OTHER

See Warden Response
on Back

[Signature] 11/18/25
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Gregory Pencille 312332

ECI 0584-25

I have reviewed your concern. Effective October 1, 2025, per SCDC Policy PS-10.08, the SCDC has restricted inmate book orders to a select group of nationally recognized online retailers to advance the safety and security of inmates and staff. The only exception to this policy is for inmates who are enrolled in a verified correspondence course that requires specific textbooks or reading materials not available through approved vendors. In the event this occurs, appropriate procedures will be conducted by the SCDC Programs/Education Department(s), to review and verify extenuating needs. Upon confirmation, appropriate arrangements will be authorized to obtain the required educational materials through secure and approved channels. Other than this exception, all books must be received from one of the approved vendors as set forth in SCDC Policy PS-10.08. Additional information may be reviewed on the ViaPath Tablet kiosk system.

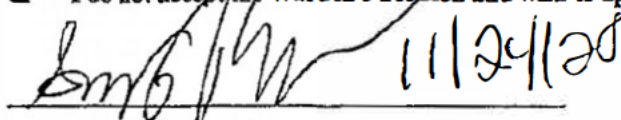
Therefore, your grievance is resolved.

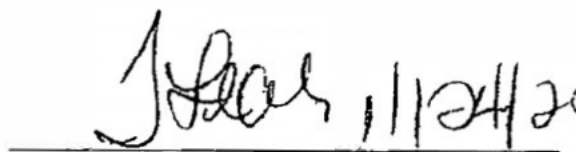
If you disagree with this Warden's Decision (Decision), you may file an appeal by completing SCDC Step 2 Inmate Grievance Form 10-5A, provided to you while serving you this Decision, and placing it in the Grievance Box at your local correctional institution within five (5) days of your receipt of this Decision


Warden Signature Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.


Grievant Signature Date


IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 2

Office Use Only

INMATE GRIEVANCE

INMATE NAME: Gregory Perille

SCDC NUMBER: 312332

INSTITUTION: Evans CJ ✓

HOUSING UNIT: F1B 118

WORK ASSIGNMENT: N/A

RECEIVED
DEC 02 2025

BY: WDS

Grievance No. 670304.E
Code: General PTIS
Policy _____
Disc. Hear. _____
Class _____
PREA _____
Date Received: 12/02/25
IGC Initials: JS
Date Received: 12/15/25
IGA Initials: JS

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): Warden's response does not address the reasons/reasons raised in Grievance step(1) one filing and/or fails to demonstrate how this new policy advances the safety and security of inmates and staff. This policy places an onerous, excessively burdensome hardship on the practice of certain religious groups over others and thereby violates all of the step(1) in listed policies, statutes, law and the constitution.
Further proof is the fact that the chapel receives publications donations frequently (like daily bread, God's word, prison fellowship and other christian publications) which do not comply with this approved vendor only list yet other faith groups are not allowed to donate outside the approved list, which Perille was attempting to do. Additionally there is an exception for Education purposes yet not for legal or religious purposes.

Grievant Signature [Signature] Date 11/26/25

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. You were informed effective October 1, 2025, per SCDC Policy PS-10.08, the SCDC has restricted inmate book orders to a select group of nationally recognized online retailers to advance the safety and security of inmates and staff. The only exception to this policy is for inmates who are enrolled in a verified correspondence course that requires specific textbooks or reading materials not available through approved vendors. In the event this occurs, appropriate procedures will be conducted by the SCDC Programs/Education Department(s), to review and verify extenuating needs. Upon confirmation, appropriate arrangements will be authorized to obtain the required educational materials through secure and approved channels. Other than this exception, all books must be received from one of the approved vendors as set forth in SCDC Policy PS-10.08. Additional information may be reviewed on the ViaPath Tablet kiosk system.

Therefore, your grievance is resolved.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

Responsible Official Signature [Signature] Date 1-5-26

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature _____ Date _____ IGC Signature _____ Date _____

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

GREGORY PENCILLE

Appellant,

vs.

South Carolina Department of Corrections.

Respondent.

DOCKET NO. -ALJ-04-

GRIEVANCE NO: ECI-0584-25

NOTICE OF APPEAL

Notice is hereby given that GREGORY PENCILLE appeals the final decision of the South Carolina Department of Corrections dated 01/05/2026 and received on 01/13/2026, a copy of which is attached. In accordance with Rule 59(B) of the Rules of Procedure for the South Carolina Administrative Law Court (SCALC Rules) please provide a brief factual basis for each expressly and specifically asserted constitutional violation:

The South Carolina department of corrections has violated my first amendment rights as well as the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) including ALL stated constitutional and/or statutory provisions and cited cases in step (1) one and step (2) two grievances by exceeding agency's statutory authority made upon unlawful procedures which are clearly erroneous in the view of reliable, probative, and substantial evidence and the agency's abuse of discretion and unwarranted exercise and is arbitrary and capricious by the following facts;

P.S. 10.05 "Inmate Religion" section 21 (Handbook, Wicca, #3.4,3.5, 5,6) outlines religious materials that may be received and possessed by inmates and/or donated to the chapel for study and worship and places NO "approved vendor-only list" requirement for these religious materials. The failure of the administrative response to completely address both the step (1) one and step (2) two grievance original issues in denying access to religious materials and the right to practice one's faith unhindered (see. S.C. Code ann. §24-27-500; §1-32-40).

The failure to address the original issue that grievant was asking about "donations" to the chapel not "Inmate book orders" which this newly amended policy (see. P. S. 10.08 "Inmate correspondence" section 9. Publications) does not apply and the fact that Christian materials are still being allowed and by "non-approved vendors" is discriminatory and this new policy as of October 1st, 2025 is not empowered and/or enforceable policy: (See. S.C. Code ann. §24-1-140) this policy change is out of date and not signed or updated by memorandum.

Gregory Pencille #312332

Appellant's Name

Evans CI F1B118, 610 Hwy 9 West

Mailing Address

Bennettsville, SC 29512

City, State, Zip Code

Signed

Dated

CERTIFICATE OF SERVICE

I hereby certify that I, Gregory Pencille (your name), on the 30 day of January, 2026, in Bennettsville (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, and addressed as follows:

Name of person/Agency served: Clerks' Office
S.C. Administrative Law Court
Address: 1205 Pendleton St. Suite 224
Columbia, SC 29201
City, State, Zip Code: Columbia, SC 29201

Office of General Counsel
SCDC
4444 Broad River Rd.
Columbia SC 29221

Print your name

(See reverse side for instructions)

Sign your name

**STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT**

Gregory Pencille; #312332

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No.: 26-ALJ-04-0035-AP

[Grievance No.: ECI 584-25]

Hon. Ralph King Anderson, III

**RESPONDENT'S MOTION TO
DISMISS**

STATEMENT OF THE CASE

This matter is before the Administrative Law Court (“ALC” or “Court”) pursuant to the appeal of Gregory Pencille (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“SCDC” or “Department”). On October 12, 2025, Appellant filed a Step One Grievance alleging that the policy concerning approved book vendors violated the First Amendment.¹ This grievance was reviewed and considered resolved on November 21, 2025. Thereafter on November 26, 2025, Appellant filed a Step Two Grievance.² The Step Two Grievance was reviewed and considered resolved on January 5, 2026. This appeal followed.

STANDARD OF REVIEW

The ALC's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). When reviewing SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754. Recently the South Carolina Supreme Court clarified the Administrative Law Court's jurisdiction as:

¹ A copy of the Step One Grievance is attached for the Court's and parties' convenience.

² A copy of the Step Two Grievance is attached for the Court's and parties' convenience.

[t]hat the ALC has subject matter jurisdiction over inmate grievance appeals that have been properly filed. (*internal citations omitted*) . . . [h]owever, the ALC is not required to hold a hearing in every matter and may summarily dismiss an inmate's grievance if it does not implicate a state-created liberty or property interest sufficient to trigger procedural due process guarantees. The ALC may not grant an inmate relief from an erroneous administrative decision by SCDC, however, unless the inmate demonstrates the error deprived him of due process... (*internal citations omitted*)

Allen vs. S.C. Dep't of Corr., 439 S.C. 164, 170-71, 886 S.E.2d 671, 674 (2023).

"The requirements of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property." *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750 (*quoting Board of Regents of State Colleges. v. Roth*, 408 U.S. 564, 569, 92 S.Ct. 2701, 2705 (1972)).

An inmate claiming a protected interest must have a legitimate claim of entitlement to it. *Allen*, 434 S.C. at 118-119, 862 S.E.2d at 270. Protected liberty interests can arise from two main sources: (1) the Constitution can create a liberty interest when a condition or restraint is so egregious as to implicate the Due Process Clause itself, or (2) state law or department policy can establish a protectible liberty interest. *Bazzetta v. McGinnis*, 430 F.3d 795, 801(6th Cir. 2005); *Allen*, 434 at 118-119, 862 S.E.2d at 270-71. South Carolina courts, however, have emphasized that the focus of the Administrative Law Court shall fall on the second category – state-created liberty or property rights.

The term "state-created liberty interest" naturally has two components: (1) an interest that is state-created; and (2) an interest involving an inmate's liberty. I order to establish a state-created interest, a "regulation must contain explicitly mandatory language, *i.e.*, specific directives to the decisionmaker that if the regulations substantive predicates are present, a particular outcome must follow." *Allen*, 434 S.C. at 119, 862 S.E.2d at 270 (*internal quotations and citation removed*).

A state-created property interest is grounded in state law. *See Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 430 (1982) (“The hallmark of property . . . is an individual entitlement grounded in state law, which cannot be removed except “for cause”). “To have a property interest subject to procedural due process protection, an individual must be entitled to a benefit created and defined by a source independent of the Constitution, such as state law.” *Huang v. Bd. Of Governors*, 902 F2d. 1134, 1141 (4th Cir. 1990).

SCDC interprets *Slezak* as encouraging, for the sake of judicial economy, the ALC to summarily dismiss inmate cases that do not involve a state-created liberty or property interest. *Slezak v. S.C. Dep’t of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004) (holding that the ALC “may summarily dismiss those appeals that do not implicate an inmate’s *state created* liberty or property interest”) (*emphasis added*). The South Carolina Court of Appeals has interpreted *Slezak* to mean that where a state-created liberty interest is not implicated in a prisoner appeal, a judge of the ALC “should” dismiss the appeal. *Skipper v. S.C. Dep’t of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006).

ARGUMENT

This case should be dismissed under *Slezak* and *Skipper*. This case is based on appellant’s allegation that the policy restricting inmate book orders to a select group of nationally recognized online retailers violates the First Amendment. *See* Step One *and* Step Two Grievance. Appellant is requesting that the policy be removed. *Id.* SCDC has informed the Appellant that effective October 1, 2025, per SCDC Policy PS-10.08, SCDC has restricted inmate orders for books to advance the safety and security of inmates and staff. *Id.*

Appellant has no state-created liberty or property interest in having changes made to SCDC policy. Additionally, Appellant does not claim that Respondent erroneously calculated his

sentence, sentence-related credits, or custody status, and Appellant's claim does not involve the loss of a state-created liberty interest in a major disciplinary hearing. Because Appellant's allegations do not implicate a state-created liberty or property interest sufficient to trigger procedural due process guarantees this case should be dismissed.

CONCLUSION

Because the case does not implicate a state-created liberty or property interest this case should be dismissed.

Respectfully submitted,

Lauren Stevens

Lauren Stevens

Staff Attorney

South Carolina Department of Corrections

PO Box 21787

Columbia, South Carolina 29221-1787

(803) 896-8508

March 18, 2026
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

GREGORY PENCILLE #312332,
Appellant,
V.
S.C. Department of Corrections,
Respondent.

Case No. 26C0035
Griev. No. ECI 0584-25
Hon. Judge Anderson

REPLY TO RESPONDANT'S
MOTION TO DISMISS

Comes now, Above-captioned Appellant (Pencille), pursuant Rule 63, South Carolina Administrative Law Court (SCALC) Rules, duly sworn and deposed in stating the following:

"MEMORANDUM

CONTESTED ISSUES

Appellant contests the Respondent's Motion to dismiss on the following issues;

1. Respondent fails to fully state Appellant's allegations in his step (1) one grievance,
2. Respondent's "STANDARD OF REVIEW" establishes legal requirements for Fourteenth Amendment's protections of liberty and property,
3. Respondent defines the standard of a "*State-created liberty interest*",
4. Appellant does have a protected state-created liberty and property interest.

ARGUMENT

Respondent states the "step one grievance alleges only a First Amendment violation due to a change in the book policy." Appellant further grieves; an atypical onerous hardship on his religious practices due to an overly-broad application of said book policy to include a religious policy that remained un-amended and which also establishes a constitutionally protected right to practice ones religion free from substantial burdens, which is also protected as mentioned in appellants' step one grievance (SC Code §24-27-500). Appellant' grieved discrimination due to

the SCDC not equally burdening by application of this new book policy to Christian religious groups at Evans CI. Appellant's main issue was the fact that his original kiosk request (ref# 25-04118638, omitted in Respondent's motion) shows Appellant was requesting that an outside religious donor, donate the requested material to the chapel for the Wiccan communities use in studies. SCDC never addressed this precedent issue in either grievance responses.

Also, Appellant argued these governmental perversions under RLUIPA (42 U.S.C.A. § 2000 cc-1); *that any government policy substantially burdening religious exercise must serve a compelling governmental interest and be the least restrictive means to achieve that interest. If prison officials ban religious books without demonstrating a legitimate penological reason (e.g., safety or security), the policy may violate these laws.* And when religious rights are protected under State and Federal laws as well as SCDC policy (PS 10.05) yet restricted by this new infringing book policy (PS10.08) when erroneously applied to the process of ordering and/or donating books and any other religious materials (as SCDC is currently applying), then this as stated is as defined in Responds motion a "state-created liberty interest" violation. Under, Lighthouse institute for evangelism v. City of Long Branch 510 f3d 253 (2007), *challenging RLUIPA land use regulations under terms does not need to show a substantial burden.* And, Henderson v Ayres cd. Col (2007), 476 f. Supp 2d 1165, pertaining to the 11th Amendment and RLUIPA the judge blocked the respondent's motion to dismiss the religious grievance. The government must show a compelling interest and that the law is narrowly tailored to achieve it. Mintz v. Catholic Church of Springfield 424 f supp. 2d 309(2006) substantial or unequal burdens are violations of equal rights.

Respondent's failure to state *all* of Appellant's issues deprives this Court an honest insight and the gravity of harm, and deliberate indifference SCDC violates it's imprisoned with as well as a fair opportunity to rule on the motion accurately. Respondent's MOTION TO DISMISS sets a more positive argument for Appellant's issues to be heard by brief then to have this case dismissed by motion. Respondent's "STANDARD OF REVIEW" defines statue and case law that favors Appellant's case.

Motion pg2 ln 14;

- "An inmate claiming a protected interest must have a legitimate claim of entitlement to it." Inmates have protected liberty interest in free exercise of religious rights, Wicca is a government recognized religion in South Carolina. Appellant has a legitimate claim of entitlement to practice his faith without substantial burdens.

Motion pg2 ln17-18,20-21

- "(2) State law or *department policy* can establish a protectable liberty interest ","focus of the Administrative Law Court shall fall on the second category - state-created liberty or property rights. Respondent's argument

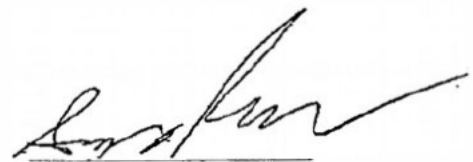
contradicts this case law, motion pg3 ln21-22, "Appellant has no state-created liberty or property interest in having changes made to SCDC policy". If fact when policy change infringes on Federal and State protected Religious rights, Appellant does have a liberty and property interest and the policy change and application is a State-created liberty interest violation. SC Code §24-27-500; §1-32-40, Huang v. Bd. Of Governors, 902 F2d. 1134, 1141 (4th Cir. 1990), Schlemm v. Wall, 784 F3d. 362 (2015), "materials central to their practice".

Failure of SCDC to respond to the issues set forth in Appellant's grievance deprives him of constitutional due process and requires redress and as Appellant intends to prove violates RLUIPA, 1st, 14th Amendment, SC Code §24-27-500; §1-32-40, and several other protected rights.

CONCLUSION

Appellant respectfully prays this Court deny Respondent's Motion to Dismiss and allow proper briefs pursuant to Rule 60 SCALC rules, In this Clearly stated, State-created liberty interest issue caused by the SCDC unwillingness to competently follow it's own policies and continuously violate the few unalienable right of its imprisoned."

March 30, 2026



GREGORY PENCILLE
Evans CI F1B118
610 Hwy 9 West
Bennettsville SC 29512

Handwritten:
Vancin Chittam
exp 2/28/34

CERTIFICATE OF SERVICE

I hereby certify that I, GREGORY PENCILLE, on the 30 day of March, 2026 Bennetttsville South Carolina served a copy of the appellants REPLY TO MOTION TO DISMISS on All above-captioned parties in this matter by depositing the same in the US mail, postage paid, or in the mailroom of the undersigned institution.

March 30, 2026



GREGORY PENCILLE
Evans CI F1B118
610 Hwy 9 West
Bennetttsville SC 29512

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[app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action))

Tracking Number:

Remove X

70200090000009580127

Copy

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THE STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

GREGORY PENCILLE #312332,
 Appellant,
 V.
 S.C. Department of Corrections,
 Respondant.

Case No. 26-ALJ-04-0035-AP
 Griev. No. ECI 0584-25
 Hon. Judge Anderson

REPLY TO ORDER TO
 DISMISS

Comes now, GREGORY PENCILLE, Appellant whom duly sworn contests and affirms that this Court's ORDER OF DISMISSAL is premature and incorrect.

- Appellant received Courts April 2nd, 2026, ORDER OF DISMISSAL on April 7th, 2026.
- Appellant received respondent's motion to dismiss on March 25th, 2026 and,
- filed a REPLY TO MOTION TO DISMISS [copy enclosed] on March 30th, 2026.

Appellant mailed his REPLY by certified mail by placing in the mailroom in Bennettsville SC 29512. Pursuant to SCALC rules 63 *any response to the motion must be followed within (10) ten days after a seat of the motion*. And, by Houston v. Lack 487 U.S. 266 (1988) *the prison authorities' receipt of the notice and its filing, and their lack of freedom bars them from delivering the notice to the court clerk personally.*

The (10) ten days would have been until April 4th, 2026 which was a Saturday pushing deadline to the 6th, 2026. Appellant confirms mailing on March 30th, 2026. Further, Appellant does not consent to Respondent's motions and Appellant does not acquiesce. Respondent has not responded to any of Grievant/ Appellant's issues at any timely filed stages and his grievance process and respondent has under-stated Appellant's true factual "state-created liberty interest " in his right to free exercise of religious beliefs without the SCDC hindering him by creating a policy and erroneously applying it to religious exercise.

Appellant prays this Court reverse it's ORDER OF DISMISSAL and respond to Appellant's timely REPLY TO MOTION TO DISMISS. And allow proper briefs to be filed and heard on the issues.

April 08, 2026



GREGORY PENCILLE
Evans CI F1B118
610 Hwy 9 West
Bennettsville SC 29512

CERTIFICATE OF SERVICE

I hereby certify that I, GREGORY PENCILLE, on the 08 day of April, 2026 Bennettsville, South Carolina served a copy of the appellants REPLY TO ORDER TO DISMISS on All above-captioned parties in this matter by depositing the same in the US mail, postage paid, or in the mailroom of the undersigned institution.

The Honorable Ralph K. Anderson, III
South Carolina Administrative Law Court
Edgar A. Brown building, suite 224
1205 Pendleton Street
Columbia SC 29201

South Carolina Department of Corrections
Office of General Counsel
P.O. box 21787
4444 Broad River Rd
Columbia SC 29221-1787

April 08, 2026

SWORN or affirmed to and subscribed before

Me this 8 day of April, 2026

Sandra Quince
(Notary Public)

My commission Expires: 2/28/34



GREGORY PENCILLE
Evans CI F1B118
610 Hwy 9 West
Bennettsville SC 29512

[19]

RECEIVED

APR 28 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph K. Anderson, III, Administrative Law Judge

Case no. 26-ALJ-04-0035-AP

GREGORY PENCILLE

Appellant

V.

South Carolina Department of Corrections

Respondent

NOTICE OF APPEAL

Comes now, GREGORY PENCILLE, Appellant Pro Se who appeals the premature decision of the Honorable Ralph K. Anderson III dated April 2nd, 2026; Appellant received a copy of this decision on April 7th, 2026. A copy of the Order and an envelope is enclosed. Also, Appellant's application to proceed Informa Pauperis Is enclosed to this court.

April 28, 2026

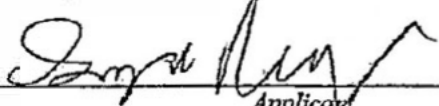


Gregory Pencille #312332
Evans CI F1B-118
610 Hwy 9 west
Bennettsville SC 29512

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

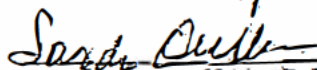
I, Gregory Penick, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


Applicant

SWORN or affirmed to and subscribed before me this

20 day of April, _____


Notary Public

My Commission Expires: 2/28/34

RECEIVED

APR 28 2026

SC Court of Appeals

KIOSK REQUEST TO STAFF

[#25-04118638]

Dated: 10/02/2025

Unable to produce due to Respondent's refusal

KIOSK REQUEST TO STAFF

[#25-04215479]

Dated: 12/22/2025

Unable to produce due to Respondent's refusal

PROPERTY INFORMATION

Effective October 1, 2025 inmates will only be able to receive publications that are sent directly to the inmate from the APPROVED VENDORS LISTED BELOW:

- Hamilton Books**
- Books N Things**
- EBooks2Inmates**
- Sure, Shot Books Publishing LLC**
- BARNES & NOBLE (ONLINE ONLY) ***
- Books-A-Million (online only) ***

Books from Barnes & Noble and Books-A-Million shall only be purchased online. Books from Barnes & Noble and Books-A-Million that are purchased in-store, even if they are sent directly to the inmate, will be rejected and will be sent to for disposal. The inmates will not have an opportunity to return these books to the sender for a refund, and the books will be disposed.

Per A.Mclaurin

09-11-2025



SCDC POLICY

NUMBER: PS-10.08

TITLE: INMATE CORRESPONDENCE PRIVILEGES

ISSUE DATE: NOVEMBER 5, 2021

RESPONSIBLE AUTHORITY: OFFICE OF GENERAL COUNSEL

POLICY MANUAL: PROGRAMS AND SERVICES

SUPERSEDES: PS-10.08 (January 5, 2017); (May 1, 2013); (May 1, 2008); (January 1, 2005)

RELEVANT SCDC FORMS/SUPPLIES: 10-6, 10-7, 10-11, 10-12, 10-13, 10-14, 15-15, 19-11, 19-45,

ACA/CAC STANDARDS: 4-ACRS-6A-01, 4-ACRS-6A-02, 4-ACRS-6A-06, 4-ACRS-6A-07, 4-ACRS-6A-08, 4-ACRS-7F-03, 4-4266, 4-4274, 4-4275, 4-4279, 4-4280, 4-4285, 4-4487, 4-4492, through 4-4496

STATE/FEDERAL STATUTES: MONTCALM PUB. CORP. v. BECK, 80 F.3d 105 (4th Cir. 1996).

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To provide guidelines for incoming and outgoing inmate correspondence.

POLICY STATEMENT: The South Carolina Department of Corrections² (SCDC) recognizes the importance of an inmate's desire to correspond with family members, attorneys, and others. To this end, SCDC will not place a limit on the quantity of mail an inmate may send (provided the cost is borne by the inmate) or receive, or the length, language, content, or source of mail, except where there is reasonable belief that the limitation is necessary to protect public safety, institutional order, or security. Inmate correspondence privileges will be administered in accordance with all applicable Agency policies, American Correctional Association Standards, and state and federal statutes.

his/her presence before he/she received it. If the inmate fails to report to the mailroom and the mail is unclaimed, the log will be documented in the inmate signature block as "Unclaimed, Return to Sender" and it will be returned to the Post Office. The log will be signed by the Postal Director/designee.

8.3.2 RHU, SSR, R&E, Death Row, Safekeeper, and YOPRS inmates' legal, privileged, or certified mail will be delivered by the Postal Director/designee and the inmate will be required to sign SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," acknowledging the mail was inspected in his/her presence before he/she received it. Should a staff member encounter any behavioral problems with an inmate assigned to RHU/SSR refer to SCDC Policy OP-22.38, "Restrictive Housing Unit," for additional information.

8.3.3 Pre-Release and Work Center inmates' legal, privileged, or certified mail will be delivered at the same time as their general mail. The officer on duty will be responsible for ensuring the inmate will sign SCDC Form 10-12, "Legal/Privileged/Certified Mail," acknowledging the mail was inspected in his/her presence before he/she received it.

8.3.4 If an inmate refuses to acknowledge receipt/delivery of legal, privileged, or certified mail, the refusal will be documented on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log." The log will be signed and witnessed by two (2) employees. The correspondence will be stamped "Return to Sender, Refused" and will then be returned to the U.S. Post Office.

8.3.5 If an inmate is on Crisis Intervention, the mailroom staff will check with medical/mental health staff on a daily basis to assess whether the inmate can receive his/her legal mail. If the inmate is going to be on Crisis Intervention more than ten (10) working days, excluding weekends and holidays. The Agency Mailroom Coordinator must be contacted for further instructions.

9. PUBLICATIONS:

9.1 Inmates may receive single copies of publications from a publisher or publications supplier, to include bookstores, if paid for in advance by the inmate, a family member, or friend. Publications must be sent directly to the inmate from a publisher or publications supplier (to include bookstores). A legitimate invoice or receipt on business stationery/letterhead must be enclosed with the publication(s). If the invoice/receipt is not enclosed, the inmate will have fifteen (15) working days from the date SCDC received the publication to have his/her family member or friend e-mail or fax the invoice/receipt to the Agency Mailroom Coordinator/designee. If the invoice/receipt is not received, the publication will be automatically returned to sender if funds are available. If funds are not available the publication will be sent directly to Contraband for disposal. See section 6.1.10 in regards to unauthorized publications for inmates in Intake Status or RHU/SSR.

9.2 All shipments must be clearly addressed with the inmate's committed name, SCDC number, dorm/living unit, full name of institution, street or post office box/drawer, state, and zip code. If a shipment is received at the institution without a complete address, the inmate will be advised to notify the sender of his/her correct address. If the address is not corrected within sixty (60) days, the shipment will be stamped, "Return to Sender, Undeliverable," and returned. The Mailroom

will maintain a record of the inmate being notified. These procedures will also apply when an inmate is moved from one unit to another.

9.3 An inmate will only be allowed to have in his/her possession the amount of publications authorized by SCDC Policy OP-22.03, "Authorized Inmate Property and Unauthorized Property Disposition." Authorized amounts may differ for inmates housed in Reception and Evaluation, any Restrictive Housing Unit/SSR, Death Row, Safekeeper Unit, or Youthful Offender Intensification Program. Refer to Agency policies specific to these Units for more information. (4-4490)

9.4 All publications will be read/scanned by mailroom staff or Property Control Officer prior to being delivered to any inmate. Publications that are questionable in nature according to sections 19.1.1 through 19.1.8 will be referred to the Correspondence Review Committee. Disapproved publications will be handled as noted in sections 6.1.1. through 6.1.6. Publications that are clearly unauthorized according to section 6.1.1 through 6.1.7 will be handled according to section 6.2. (4-ACRS-6A-08, 4-4491)

9.5 Correspondence Review Committee (CRC) Responsibilities:

9.5.1 The CRC support staff will notify the inmate that the publication has been disapproved.

9.5.2 The CRC support staff will notify the publisher of the CRC decision to disapprove the publication for the inmate's possession.

9.5.3 Notification to the publisher is not required when:

9.5.3.1 The publisher is located in a foreign country, and does not have offices in the United States.

9.5.3.2 If the publication was not disapproved.

9.6 Appeals of Publication Disapprovals: When a publication is disapproved by the CRC, the publisher may appeal the CRC decision to the Deputy Director of Operations within fifteen (15) calendar days of receipt of the written notification that the publication has been disapproved. The office of the Deputy Director of Operations will provide written notification to the publisher of the final decision within ten (10) days of that decision.

10. FORWARDING PACKAGES/MAIL: Packages, general, legal, privileged, and certified mail will be forwarded as follows:

10.1 Permanent Transfers: When any package, general, legal, privileged, and/or certified mail is received at an institution and the inmate to whom it is addressed has permanently transferred to another SCDC institution, the package/mail will be forwarded to the inmate's current location through the SCDC interdepartmental mail system. If inadvertently opened, the envelope will be taped closed and forwarded to the appropriate institution through the interdepartmental mail system. Legal/privileged/certified mail must be date stamped and documented on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," and then forwarded to the inmate's



SCDC POLICY

Change 1 to PS-10.08: 5.1; 6.6; 6.7; 8.1; Definitions/Publication

Change 2 to PS-10.08: 9.1

Change 3 to PS-10.08: 9.1

NUMBER: PS-10.08

TITLE: INMATE CORRESPONDENCE PRIVILEGES

ISSUE DATE: SEPTEMBER 6, 2022

RESPONSIBLE AUTHORITY: OFFICE OF GENERAL COUNSEL

POLICY MANUAL: PROGRAMS AND SERVICES

SUPERSEDES: PS-10.08 (January 5, 2017); (May 1, 2013); (May 1, 2008); (January 1, 2005)

RELEVANT SCDC FORMS/SUPPLIES: 10-6, 10-7, 10-11, 10-12, 10-13, 10-14, 15-15, 19-11, 19-45,

ACA/CAC STANDARDS: 4-ACRS-6A-01, 4-ACRS-6A-02, 4-ACRS-6A-06, 4-ACRS-6A-07, 4-ACRS-6A-08, 4-ACRS-7F-03, 4-4266, 4-4274, 4-4275, 4-4279, 4-4280, 4-4285, 4-4487, 4-4492, through 4-4496

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PURPOSE: To provide guidelines for incoming and outgoing inmate correspondence.

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7. INSPECTING/READING/SCANNING INCOMING/OUTGOING CORRESPONDENCE

before he/she received it. Should a staff member encounter any behavioral problems with an inmate assigned to RHU/SSR refer to SCDC Policy OP-22.38, "Restrictive Housing Unit," for additional information.

8.3.3 Pre-Release and Work Center inmates' legal, privileged, or certified mail will be delivered at the same time as their general mail. The officer on duty will be responsible for ensuring the inmate will sign SCDC Form 10-12, "Legal/Privileged/Certified Mail," acknowledging the mail was inspected in his/her presence before he/she received it.

8.3.4 If an inmate refuses to acknowledge receipt/delivery of legal, privileged, or certified mail, the refusal will be documented on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log." The log will be signed and witnessed by two (2) employees. The correspondence will be stamped "Return to Sender, Refused" and will then be returned to the U.S. Post Office.

8.3.5 If an inmate is on Crisis Intervention, the mailroom staff will check with medical/mental health staff on a daily basis to assess whether the inmate can receive his/her legal mail. If the inmate is going to be on Crisis Intervention more than ten (10) working days, excluding weekends and holidays. The Agency Mailroom Coordinator must be contacted for further instructions.

9. PUBLICATIONS:

9.1 Inmates may receive single copies of ~~publications~~*books, if paid for in advance by the inmate, a family member, or friend, that are sent directly to the inmate from one of the approved vendors listed below:*

Hamilton Books

Books N Things Warehouse

~~EBooks2Inmates~~ *Books to Inmates.com* (Changes in PURPLE amended by Change 3, dated October 16, 2025)

SureShot Books Publishing, LLC

Barnes & Noble (online only)

Books-A-Million (online only)

~~from a publisher or publications supplier, to include bookstores, if paid for in advance by the inmate, a family member, or friend. Publications~~*Books must be sent directly to the inmate from a publisher or publications supplier (to include bookstores) the above listed approved vendors only. Books sent to inmates from other sources or other vendors will be rejected and sent to Contraband for disposal. Books from Barnes & Noble and Books-A-Million shall only be purchased online and sent directly to the inmate. Books from Barnes & Noble and Books-A-Million that are purchased in-store, even if they are sent directly to the inmate, will be rejected and will be sent to Contraband for disposal. A legitimate invoice or receipt on business stationary/letterhead must be enclosed with the publication(s) received from one of the approved vendors. If the invoice/receipt is not enclosed, the inmate will have fifteen (15) working days from the date SCDC received the publication to have his/her family member or friend e-mail or fax the invoice/receipt to the Agency Mailroom Coordinator/designee. If the invoice/receipt is not received, the publication will be automatically returned to sender if funds are available. If funds are not available If an invoice is not received within fifteen (15) working days, the publication will be sent directly to Contraband for disposal. Magazines or other subscription publications are not required to come from one of the approved vendors listed above, but they are required to be paid for in advance, addressed to the inmate, and shall only come directly from a verified online subscription source. See section 6.1.10 in regards to unauthorized publications for inmates in Intake Status or RHU/SSR. (Changes in GREEN amended by Change 2, dated August 13, 2025)*

9.2 All shipments must be clearly addressed with the inmate's committed name, SCDC number, dorm/living unit, full name of institution, street or post office box/drawer, state, and zip code. If a shipment is received at the institution without a complete address, the inmate will be advised to notify the sender of his/her correct address. If the address is not corrected within sixty (60) days, the shipment will be stamped, "Return to Sender, Undeliverable," and returned. The Mailroom will maintain a record of the inmate being notified. These procedures will also apply when an inmate is moved from one unit to another.

9.3 An inmate will only be allowed to have in his/her possession the amount of publications authorized by SCDC Policy OP-22.03, "Authorized Inmate Property and Unauthorized Property Disposition." Authorized amounts may differ for inmates housed in Reception and Evaluation, any Restrictive Housing Unit/SSR, Death Row, Safekeeper

Unit, or Youthful Offender Intensification Program. Refer to Agency policies specific to these Units for more information. (4-4490)

9.4 All publications will be read/scanned by mailroom staff or Property Control Officer prior to being delivered to any inmate. Publications that are questionable in nature according to sections 19.1.1 through 19.1.8 will be referred to the Correspondence Review Committee. Disapproved publications will be handled as noted in sections 6.1.1 through 6.1.6. Publications that are clearly unauthorized according to section 6.1.1 through 6.1.7 will be handled according to section 6.2. (4-ACRS-6A-08, 4-4491)

9.5 Correspondence Review Committee (CRC) Responsibilities:

9.5.1 The CRC support staff will notify the inmate that the publication has been disapproved.

9.5.2 The CRC support staff will notify the publisher of the CRC decision to disapprove the publication for the inmate's possession.

9.5.3 Notification to the publisher is not required when:

9.5.3.1 The publisher is located in a foreign country, and does not have offices in the United States.

9.5.3.2 If the publication was not disapproved.

9.6 Appeals of Publication Disapprovals: When a publication is disapproved by the CRC, the publisher may appeal the CRC decision to the Deputy Director of Operations within fifteen (15) calendar days of receipt of the written notification that the publication has been disapproved. The office of the Deputy Director of Operations will provide written notification to the publisher of the final decision within ten (10) days of that decision.

10. FORWARDING PACKAGES/MAIL: Packages, general, legal, privileged, and certified mail will be forwarded as follows:

10.1 Permanent Transfers: When any package, general, legal, privileged, and/or certified mail is received at an institution and the inmate to whom it is addressed has permanently transferred to another SCDC institution, the package/mail will be forwarded to the inmate's current location through the SCDC interdepartmental mail system. If inadvertently opened, the envelope will be taped closed and forwarded to the appropriate institution through the interdepartmental mail system. Legal/privileged/certified mail must be date stamped and documented on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," and then forwarded to the inmate's current location through the SCDC interdepartmental mail system. Also, the comment section should indicate where the Legal/privileged/certified mail was forwarded to. See section 5.2 regarding sixty (60) day time requirement.

10.2 "Temporary" Inmate Movement (court appearance, medical appointment, etc.): Legal, privileged, or certified mail/package received for the inmate will be held up to seventy-two (72) hours at the inmate's permanently assigned institution when an inmate is temporarily transferred. After seventy-two (72) hours, call the Agency Mailroom Coordinator for instructions. Any package or general mail received for the inmate will be held up to seven (7) days in the mailroom at the inmate's permanently assigned institution when an inmate is temporarily transferred. If it is determined that the inmate will not return to the institution the inmate's package/mail will:

10.2.1 If inmate is within the SCDC, be forwarded to the inmate's current location using the interdepartmental mail system; or

10.2.2 If inmate is outside the SCDC's jurisdiction, the inmate's package, general, legal, certified mail, and privileged mail will be stamped- "Undeliverable," and returned to the U.S. Post Office unopened. If the letter was opened and inspected, the mail will be placed in a new envelope, with new postage affixed to it prior to returning it to the U.S. Post Office.

10.3 Inmates Released from the SCDC: Inmates will be responsible for informing their correspondents of a change of mailing address. An inmate who is being released from SCDC custody should provide, on his/her own initiative, a forwarding address using SCDC Form 10-13, "Change of Address Request." This form will be made available in all institutional mailrooms. If a forwarding address was given, Mailroom staff will stamp first and second

SCDC POLICY

CHANGE 4 TO PS-10.05: 14

CHANGE 3 TO PS-10.05: 14

CHANGE 2 TO PS-10.05: Handbook - 15; 1

CHANGE 1 TO PS-10.05: Handbook

NUMBER: PS-10.05

TITLE: INMATE RELIGION

ISSUE DATE: August 6, 2015

RESPONSIBLE AUTHORITY: DIVISION OF INMATE SERVICES

OPERATIONS MANUAL: PROGRAM SERVICES

SUPERSEDES: PS-10.05 (May 1, 2011); (July 1, 2007); (June 1, 2002)

RELEVANT SCDC FORMS/SUPPLIES: 9-11, 15-20A, 16-24, 19-11, 19-29A, 26-6, 26-7, 26-8, 26-45

CXACA/CAC STANDARDS: 4-ACRS-4A-03, 4-ACRS-4C-21, 4-ACRS-7D-15, 4-ACRS-5A-22, 4-4319, 4-4395, 4-4425, 4-4428, 4-4512, 4-4513, 4-4514, 4-4515, 4-4516, 4-4517, 4-4518, 4-4519, 4-4520, 4-4521

STATE/FEDERAL STATUTES: South Carolina Code of Laws, Section 1-32-10, et seq., as amended; S.C. Code §24-27-500; 42 U.S.C. §2000cc, et seq

PURPOSE: To provide guidelines in the development and monitoring of a religious program which will ensure that the constitutional guarantees of religious freedom for inmates are protected within the limitations of security and safety necessary to be maintained in a correctional setting.

POLICY STATEMENT: Within the limitations imposed on the Agency as a result of its safety and security needs, the South Carolina Department of Corrections (SCDC) will be committed to upholding and facilitating the constitutional rights afforded inmates to religious freedom. Inmates will be given the opportunity to practice their religious faith to the extent that such practice does not interfere with the security and safety of the institution, staff, or others. The

- Clergy will normally be limited to an hourly visit one (1) time per week.
- Clergy will be required to abide by the rules and regulations established for visitation as outlined in SCDC Policy/Procedure OP-22.09, "Inmate Visitation" and with all of the rules as outlined in PS-10.04, "Inmate Volunteer Services."
- Clergy will not be allowed to visit inmates who may be members of their family without going through the SCDC visitation approval process outlined in SCDC Policy/Procedure OP-22.09, "Inmate Visitation." In these cases, clergy will be classified as "general visitors" and will be required to visit with their family member on the inmate's scheduled general visiting day.

8.4 A SCDC Chaplain acting in the capacity of his/her community church will be permitted to have a pastoral visit with an inmate with the following stipulations:

- Obtain approval from the Warden at each institution;
- With his/her Associate Warden, determine if work hours will be adjusted, annual leave used, or if the visit will occur on a regular day off;
- Memorandum stating that the visiting cleric is an SCDC Chaplain;
- Must sign in and out as any other cleric by using identification (e.g., Driver's License) other than SCDC Badge (must use a visitor's badge);
- Required to abide by the rules and regulations established for visitation as outlined in SCDC Policy/Procedure OP-22.09, "Inmate Visitation."

9. SPECIAL RELIGIOUS OBSERVANCES - HOLY DAYS:

Inmates will be allowed to celebrate religious days with special worship services and other observances. Specific guidelines will be published in the Handbook. Inmates will normally not be allowed to avoid work on any day for religious reasons, but work supervisors are encouraged to honor requests for religious participation, and to allow inmates to work alternative hours when possible to make up any hours missed. (Specific allowances to miss work will be listed in the Handbook.)

✂ 10. RELIGIOUS MATERIALS:

10.1 The Chaplain or volunteer coordinator:

- Will determine what religious material will be displayed and offered to the inmates.
- Will determine what religious material will be in the Chapel library, to include electronic media.
- Will forward questionable religious literature to the Chief of Pastoral Services for review.
- Will have all packages inspected by institutional procedures prior to receiving them.
- Will follow copyright laws and secure license, or approval for use of copyrighted materials.
- Will ensure that literature will not be brought or mailed into an institution that disparages the faith of others.

10.2 All electronic media of a religious nature will be sent by the mail room, after being inspected, to the institutional Chaplain. The Chaplain will verify the religious content of the material and may use the media in religious programs, both with groups and individuals. If an inmate has access to a media player, the media can be checked out for personal use. In other cases, the media can only be used in the chapel or Chaplain's office area.

- 10.3 Inmates in general population may receive, and retain single copies of religious writings for their personal use. These can include scripture books, study materials, tracts, and dictionaries related to their faith. Inmates cannot receive multiple copies of religious writings that could be distributed to others. *Inmates may not possess more than 10 books/magazines/photo albums as specified in SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property".*

10.4 Inmates will be allowed to have a religious necklace appropriate to their faith (medallions, crucifixes, etc.) Inmates are also allowed to have prayer beads appropriate to their faith (rosaries, chanting beads, etc.). Such items may only be worn by inmates during religious services. At other times, these items will be kept in the inmate's room or carried in the pocket while moving to and from a religious service. These religious items cannot be made of precious metals or be inset with precious stones, and their size and construction cannot be a risk to the safety of others. The Warden may prohibit possession by an inmate of any item s/he deems may pose a security or safety threat to the facility, staff, or others.

10.5 Volunteers will be allowed to bring in religious materials and equipment needed for use in their religious activity (i.e., Bibles, sound equipment, laptops and appropriate study books, musical instruments, song books, etc.), with Warden/designee approval. All material and equipment must be taken out of the institution after the activity unless approved in advance by the Warden/designee.

11. RELIGIOUS MATERIALS FOR INMATES IN RESTRICTED HOUSING UNITS:

11.1 Any specific item can be denied for cause within restricted housing *units*.

11.2 Requested religious items must be submitted through the Chaplain.

11.3 Restricted housing *unit* policies will guide specific religious materials approval.

12. DIETS, FASTS, SPECIAL HOLY DAY MEALS:

12.1 Any special diets for religious reasons will be described in the Handbook.

12.2 An "Alternate Entree Diet" (vegetarian) is available to all inmates who limit their meat intake with the requirement that the inmate must sign the cafeteria roster and eat at least 90% of all meals from this line. This diet will meet the meat restricted requirement of all faith groups. Inmates who want to choose this meal will make their request known to the institutional Chaplain or Warden/designee. (If no Chaplain is assigned, the Warden will designate the person responsible to manage these requests.) NOTE: Inmates whose classification status is Reception

(October 31), and Yule or Winter Solstice (December 21). (**NOTE:** Solstice dates may vary.)

3.2 Wiccans will meet on the cycle of the full moon (esbat) only. There are 12 to 13 full moons annually.

3.3 Services may be scheduled for either day or evening, and will be no longer than two (2) hours.

3.4 There are a number of items that can be kept by the Chaplain for the Wiccans to use during these worship times:

- Chalices;
- A dish called a Pentacle (no larger than the size of a regular plate);
- Medallions or Prayer Stones; (The medallion may be on a necklace or cord or ribbon; the stones may be similar to prayer beads, or they may be loose and kept in a suede pouch and kept in their cell or carried to and forth services in their pocket. No precious metals or stones will be allowed, and all items must be approved by the Warden/designee as presenting no danger of threat or harm to others.)
- Tarot cards and wooden storage box;
- Set of runes (small wood squares or stones with symbols on them);
- Incense and oil; (If approved by the Warden, this must be kept by the Chaplain and issued by the Chaplain or security at the time of the service.)
- Wand or athame. (A picture of a ritual knife may also act as a substitute.)

3.5 Tarot cards and a set of runes can be kept by inmates for personal use. Tarot cards will be no larger than 4" x 6," and the deck will range from 22 to 78 cards. A set of runes will be made of wood, no larger than 1" x 1.5" and limited to 25. Cards and runes are subject to security searches.

3.6 All group worship items will be brought in by outside Wiccan volunteers and will be left in the possession of the Chaplain to be used by the Wiccans during times of worship only. There will be no service scheduled unless there are at least three (3) participants listed, and the worship items will not be provided when there are fewer than that number.

3.7 In some services, there are traditional foods that are eaten. If food items are requested for any service, they must be approved by the Warden, and they must either be purchased from the canteen or brought in by volunteers. (The group may deposit money to the Institutional Religious Fund to provide food for the following Sabbats: Beltane or May Day, which may be celebrated on either April 30 or May 1; and Samhain, which is celebrated on October 31.)

3.8 Some community Wiccans worship in the nude ("skyclad"), as a symbol of attunement with nature. In institutions, all participants in worship will be fully clothed.

3.9 Since the Wiccan service is participatory, only inmates who have completed a study of Wiccan beliefs and practices may attend.

4. Study groups: A weekly study group can be conducted if a qualified teacher is available. The teacher can be a volunteer or an inmate selected by the Chaplain.

5. Sacred Writings: Single copies of Wiccan literature can be kept by inmates. In addition, inmates may have a copy of "The Book of Shadows" with a protective covering. These items will become a part of the inmate's personal inventory.

6. Religious Medallions: Special ritual jewelry or medallions often have particular importance to Wiccans. In addition to being a symbol of religious dedication, these talismans are often blessed by a community coven and are felt to carry the coven's protective and healing energy. The inmate may have a talisman bag (a personal medicine bag), which will include only three (3) personal objects. The bag will be 2.5" x 2.5" and will not be worn except during service and will be carried to and from services in his/her pocket. The talisman bag can be searched at anytime. The inmate may also have a pentagram medallion with an inexpensive chain, which will not be made of precious metal. A Wiccan who has a medallion that he/she wants to maintain in private possession must make the request to the Chaplain and get approval from the Warden. The medallion can be carried to and from services in the pocket, but can only be worn during approved Wiccan meetings.

7. Diets: None

8. Diversity of Wiccan traditions: There are a number of identified groups of Wiccans including the Gardnerians, the Alexandrians, the Algard, and the church of Wicca of Bakersfield. As with all faith groups of reasonable similarity, there will be only one (1) group meeting for all Wiccans in any institution.

WORLD DEIST SOCIETY

1. The World Deist Society (or the American Vegan Society) is a religious and educational organization founded in 1960; with the single doctrine of non-killing and non-harming of animal life. The application of this teaching is the avoidance of animal products for food or other purposes (clothing, research, etc.). The group chooses eclectically from the teachings of a variety of other faiths that have any prohibition against harming animal life. Included in these faith groups are Buddhists, Hindus, Orthodox Jews, and some Christian groups, such as the Seventh Day Adventists and Society of Friends (Quakers). The prohibition includes not eating eggs and honey, and not drinking milk.

2. Inmates who identify themselves as "Vegan," World Deist Society, or the American Vegan Society will be allowed to choose the Alternate Entree Diet. Since there are no other identified practices of the faith, a statement of faith by the inmate is all that is

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

September 15, 2026

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