

THE STATE OF SOUTH CAROLINA

In The Supreme Court

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Certiorari to Horry County

S.C. SUPREME COURT

Thomas A. Russo, Circuit Court Judge

Gregory Pencille

PETITIONER,

V.

STATE OF SOUTH CAROLINA

RESPONDENT.

APPELLATE CASE NO 2016-000412

PRO SE APPENDIX

Gregory Pencille
990 Wisacky Highway
Bishopville, SC 29010

PETITIONER

ALAN WILSON
Attorney General

CATLIN HASTINGS
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Honorable Thomas A. Russo, Circuit Court Judge

GREGORY PENCILLE,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-000412

MOTION FOR LEAVE TO FILE RULE 60

Gregory Pencille
990 Wisacky Highway
Bishopville, SC 29010

PETITIONER

This motion comes pursuant to Rule 60, SCRPC, requesting Leave, from the above titled court, to correct mistakes in the lower courts ORDER OF DISMISSAL transcript, from which Certiorari is sought.

DECLARATION

NOW COMES Gregory Pencille, who being duly sworn, deposes and states:

"A petition for Writ of Certiorari is based on the written record of the proceeding from the lower court. If the written record does not accurately reflect all relevant spoken language submitted by parties involved in such proceeding, the ability to effect meaningful Certiorari can not be attained because assignment of error is deprived, impairing Certiorari, which inflicts unconstitutional prejudice.

I have identified relevant errors found throughout the lower courts ORDER OF DISMISSAL transcript which adversely affect grounds for Certiorari. I feel that there are novel questions of law and substantial constitutional issues directly involved with my case and an accurate transcript is needed to appeal those issues.

THEREFORE, I request this honorable court to Grant Leave to file my motion RELIEF FROM ORDER and that upon final ruling of this matter, the Court grant me, after service of notice of such final ruling, a reasonable amount of additional time to prepare and provide Certiorari, in the interest of justice."

I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and understanding.

November 29th, 2016
Date



Gregory Pencille
990 Wisacky Highway
Bishopville, SC 29010

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Hon. Thomas A. Russo, Circuit Court Judge

GREGORY PENCILLE,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-000412

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the following

MOTION FOR LEAVE TO FILE RULE 60
in the above titled case has been served upon Caitlin Hastings, Esquire, at
the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia SC 29201
on November 29th, 2016 .



Gregory Pencille
990 Wisacky Highway
Bishopville, SC 29010

PETITIONER

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Honorable Thomas A. Russo, Circuit Court Judge

GREGORY PENCILLE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-000412

MOTION FOR STAY PENDING DISPOSITION FROM RELIEF FROM ORDER

Gregory Pencille
990 Wisacky Highway
Bishopville, SC 29010

PETITIONER

This motion comes pursuant to Rule 62(b), SCACR, requesting a Stay of Proceedings to Enforce Judgment pending the disposition of a motion from RELIEF FROM ORDER made pursuant to Rule 60 SCRPC.

DECLARATION

NOW COMES Gregory Pencille, who being duly sworn, deposes and states:

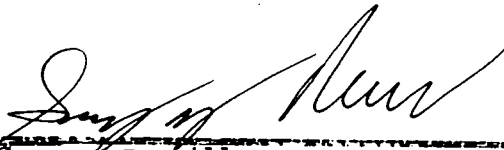
"A petition for Writ of Certiorari is based on the written record of the proceeding from the lower court. If the written record does not accurately reflect all relevant spoken language submitted by parties involved in such proceeding, the ability to effect meaningful Certiorari can not be attained because assignment of error is deprived, impairing Certiorari, which inflicts unconstitutional prejudice.

I have identified relevant errors found throughout the lower courts ORDER OF DISMISSAL transcript which adversely affect grounds for Certiorari. I feel that there are novel questions of law and substantial constitutional issues directly involved with my case and an accurate transcript is needed to appeal these issues.

THEREFORE, I request this honorable court to hold the above titled proceeding in Abeyance pending disposition of my motion for RELEIF FROM ORDER."

I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and understanding.

November 29th, 2016
Date



Gregory Pencille
990 Wisacky Highway
Bishopville, SC 29010

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Hon. Thomas A. Russo, Circuit Court Judge

GREGORY PENCILLE,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT


APPELLATE CASE NO 2016-000412

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the following

MOTION FOR STAY PENDING DISPOSITION FROM RELIEF FROM ORDER
in the above titled case has been served upon Caitlin Hastings, Esquire, at
the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia SC 29201

on November 29th 2016 .



Gregory Pencille
990 Wisacky Highway
Bishopville, SC 29010

PETITIONER

7 6X 22

Gregory Pencille
990 Wisacky Highway
Bishopville SC 29010

November 29, 2016

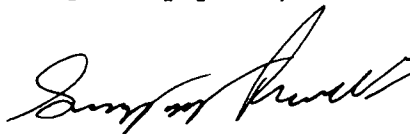
Hon. T.A. Russo
180 N. Irby Street, -MSC-O
Florence, SC 29501

RE: 2013-CP-26-7463

Dear Judge Russo:

Pursuant to Rule 60, SCRPC, I am to provide you a copy of the attached motion within ten (10) days of filing such motion. Please find enclosed my RELIEF FROM ORDER.

Very truly yours,



Gregory Pencille

enclosures
cc: file
scca

IN THE STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY)	Fifteenth Judicial Circuit
)	
Gregory Pencille #312332,)	
)	
Applicant,)	RELIEF FROM ORDER
)	
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	2013-CP-26-7463
)	

This motion comes before this honorable court pursuant to SCRCF Rule 60(a) and (b)(3). The Applicant, Gregory Pencille, Argues that the States ORDER OF DISMISSAL Contains clerical errors that falsify relevant facts, deeming the document untrue and inaccurate.

DECLARATION

NOW COMES Gregory Pencille, who being duly sworn, deposes and states:
 "The States ORDER OF DISMISSAL, filed on January 25, 2016, contains relevant clerical errors.

ISSUE I.

ORDER OF DISMISSAL (tr. p.2 l.1-2) reads:
 "... The honorable Larry B. Hyman, Jr., Sentenced applicant to twenty (20) years imprisonment ..."

Support of Fact / Correction

I was actually sentenced to Thirty (30) years imprisonment (See Exhibit A), not twenty (20) years as transcribed. Therefore, needs to be changed to read:

"... The honorable Larry B. Hyman, Jr., sentenced applicant to thirty (30) years imprisonment ..."

ISSUE II.

ORDER OF DISMISSAL (tr. p.4 l.1-2) reads:

"... counsel was deficient for failing to object to the solicitor's and the victims characterization of him as a serial rapist ..."

Support of Fact / Correction

The victim never characterized me in such a manner for the solicitor to allege or make that false statement. Therefore, it needs to be changed to read:

"... counsel was deficient for failing to object to the solicitors characterization of him as a serial rapist ..."

ISSUE III.

ORDER OF DISMISSAL (tr. p.5 l.2-4) reads:

"... applicant specifically told the plea Judge he did not wish to have a jury trial, and he wanted to give up that right and enter a plea of guilty ..."

Support of Fact / Correction

The word 'specifically' and the continuing sentence used as presented misleads the reader to think it was actually spoken. In actuality, the quoted sentence is derived from a combination of charges given by the Judge as to qualify a guilty plea. I did not specifically tell the plea Judge that I did not wish to have a jury trial, and I wanted to give up that right and enter a plea of guilty. I merely answered the mandatory charges given by the Judge as to which options to take.

ISSUE IV.

ORDER OF DISMISSAL (tr. p.4 l.2) reads:

"... characterization of him as a serial rapist ..."

The solicitors inflammatory testimony should also include 'predator'

and other non-accused charges of cold case that allegedly match motive.

Support of Fact / Correction

Transcript record of guilty plea hearing (TR tr. p.17 l.22-23,19-21, p.18 l.4;p.17 l.13) (See Exhibit B). This combination of clerical mistakes constitutes a libel statement drafted by Norma Bigbee, legal assistant for respondent, intentionally lessening the inflammatory intent in the order; while maintaining the inflammatory intent in the transcript to lessen the harshness of the statement by the State.

ISSUE V.

ORDER OF DISMISSAL (tr. p.5 l.12-13) reads:

"... as this court can find no evidence applicant's plea was not entered freely, knowingly, and voluntarily, the allegation is without merit and must be denied ..."

This is proven false by the statements written earlier in the same document:

Support of Fact / Correction

ORDER OF DISMISSAL (tr. p.5 l.10-11) reads:

"... this Court is unable to discern when Applicant was being truthful and when he was not ..."

My plea can not be freely, knowingly, and voluntarily entered if I was lying. I lied because my trial lawyer coached me what to say. When this was brought before the PCR Judge that I was under duress, he stated that it could not be considered because I was not on the stand.

ISSUE VI.

ORDER OF DISMISSAL (tr. p.4 l.14-15) reads:

// of dh

"... counsel testified he did not believe he had a reason to object to the statements, and he rarely, if ever, objects to statements made by a victim..."

Support of Fact / Correction

The statements were made by the solicitor, not the victim. Therefore, needs to be changed to replace the word 'victim' with 'solicitor'.

ARGUMENT

The State's ORDER OF DISMISSAL contains errors which falsify relevant facts, subsequently rendering the document inaccurate and untrue. The ORDER OF DISMISSAL, the way it is currently transcribed, is construed as a malicious intent to defraud.

MEMORANDUM

SCRCP Rule 60(a) reads:

"... Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time ... on the motion of any party and after such notice ... as the court orders ... [and] made within ... not more than one year after the [] proceeding was entered ..."

I have timely indicated errors within the ORDER OF DISMISSAL's written record pursuant to SCRCP Rule 60(a).

SCRCP Rule 50(b)(3) reads:

"... on motion and upon such terms that are just, the court may relieve a party ... from A[n] [] order, or proceeding for ... fraud, ... or other misconduct of an adverse party ..."

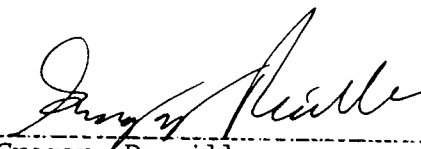
The above errors need to be corrected, failure to correct the above mentioned errors will constitute fraud and will require the reversal of the order pursuant to SCRCP Rule 60(b)(3).

CONCLUSION

THEREFORE, IT is requested this honorable court order the above mentioned clerical errors corrected, or reverse the above Applicants ORDER OF DISMISSAL IN the interest of Justice."

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and understanding.

November 29th 2016
Date
Lee County, SC



Gregory Pencille
990 Wisacky Highway
Bishopville, SC 29010



GUILTY PLEA - AUGUST 9, 2010

17

1 THE COURT: OKAY, ALL RIGHT, I FIND THAT THERE
2 IS A SUBSTANTIAL FACTUAL BASIS FOR THE PLEA. I FIND THAT
3 IT'S MADE FREELY AND VOLUNTARILY, KNOWINGLY AND
4 INTELLIGENTLY AFTER THE ADVICE FROM A VERY COMPETENT
5 ATTORNEY WITH WHOM THE DEFENDANT SAYS HE IS SATISFIED AND I
6 WILL ACCEPT HIS PLEA.

7 NOW ANYTHING FURTHER FROM THE STATE?

8 MS. LIVELY: YES, SIR, YOUR HONOR, BRIEFLY.

9 THE COURT: ALL RIGHT.

10 MS. LIVELY: WHENEVER THESE CASES WERE ASSIGNED
11 TO ME WE WENT THROUGH, WE BEING MYSELF AS WELL AS MY VICTIM
12 ADVOCATE AND LAW ENFORCEMENT, WENT THROUGH EXTENSIVE
13 RESEARCH REGARDING THIS DEFENDANT'S M.O. AND HIS ACTUAL,
14 THE CONCERNS THAT WE WOULD HAVE OURSELVES A SERIAL RAPIST
15 ON OUR HANDS AND I UNDERSTAND THAT I AM, YOU KNOW, I'M
16 OBVIOUSLY DISMISSING THE CHARGES IN EXCHANGE FOR HIM
17 PLEADING GUILTY TO THIS CHARGE AND RECEIVING A 30-YEAR
18 SENTENCE, WHICH I'M HOPING FOR AT THIS TIME BECAUSE BASED
19 UPON ALL THE INFORMATION THAT WAS PROVIDED TO ME THROUGH
20 LAW ENFORCEMENT AS WELL AS CONCERNS THAT THERE MAY HAVE
21 BEEN OTHER CASES OUT THERE WHICH I'M NOT ASKING THE COURT
22 TO CONSIDER, I'M EXPLAINING WHY I DID WHAT I DID, THAT HE
23 TRULY IS A PREDATOR.

24 THE CASE FROM 2005 WHERE HE WAS CONVICTED OR
25 WHERE HE PLED GUILTY TO THE KIDNAPPING, IT WAS A YOUNG

GUILTY PLEA - AUGUST 9, 2010

18

1 GIRL, I BELIEVE SHE WAS ONLY 12 AT THE TIME, AND THEN
2 BECAUSE OF THAT WE WERE ABLE TO GET HIS DNA WHICH LED TO
3 THESE OTHER TWO CASES, ONE FROM 2001 AND ONE FROM 2004.
4 WHO KNOWS IF THERE ARE OTHERS OUT THERE BUT THE CONCERN FOR
5 THE STATE WOULD BE PROTECTING THE COMMUNITY AND, YOU KNOW,
6 WE COULD TAKE HIM TO TRIAL ON THIS, 'HAVE HIM GET LIFE
7 WITHOUT PAROLE IN EXCHANGE FOR PUTTING THE VICTIMS THROUGH
8 HAVING TO TESTIFY AND WE BELIEVE THAT THIS IS A GOOD
9 RESOLUTION. HOWEVER WE DO HAVE CONCERNS ABOUT THIS PERSON
10 EVER GETTING OUT OF PRISON BUT WE BELIEVE THIS IS A FAIR
11 RESOLUTION AND WE'RE JUST ASKING THE COURT TO PLEASE
12 CONSIDER THE GRAVITY OF THESE MATTERS, THAT THERE IS
13 ANOTHER VICTIM. I'VE TALKED TO HER; SHE WAS READY TO COME
14 DOWN HERE AND TESTIFY IF WE NEEDED TO. HE WOULD HAVE BEEN
15 LOOKING AT LIFE WITHOUT PAROLE, THAT I BELIEVE THAT THIS
16 WOULD BE THE BEST SENTENCE FOR THIS PARTICULAR TYPE OF
17 CASE. I DON'T KNOW IF MS. UNGERMAN, IT ACTUALLY WAS MS.
18 MILLER, SHE'S NOW MS. UNGERMAN, WISHES TO ADDRESS THE COURT
19 AT THIS TIME, BUT I'VE SPOKEN WITH MS. UNGERMAN AND KNOW
20 HOW DIFFICULT IT IS FOR HER TO BE HERE.

21 THE COURT: SHE IS PRESENT FOR THE RECORD?
22 MS. LIVELY: SHE IS PRESENT FOR THE RECORD AND
23 SHE IS, SHE DROVE DOWN YESTERDAY TO BE HERE FOR THE PLEA
24 THIS MORNING, OR FOR NOW, BUT ALL ALONG DEALING WITH THIS
25 AND SPEAKING ABOUT THAT TRAUMATIC EVENT IS JUST

STATE OF SOUTH CAROLINA

COUNTY OF Horry
STATE VS

IN THE COURT OF GENERAL SESSIONS

15 of 22

Gregory Thomas Pencille

INDICTMENT/CASE#: 2008GS2604686

A/W#: J740369

Date of Offense: 6/3/2004

I.C. Code §: 16-03-0652

R Code #: 0160

AKA: _____

Sex: W Mar: M

Address: Lee Correctional Institute

City, State, Zip: _____

DL#: 999999999999 SID#: _____

CDL Yes No CMV Yes No H N

In disposition of the said indictment comes now the defendant who was
FO: Criminal Sexual Conduct - 1st Degree

SENTENCE SHEET

CONVICTED OF or PLEADS

In violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS/CSC w/minor 1st or Lowd Act 817-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. (defendant's initials) 3

ATTEST: [Signature] 12123 [Signature] [Signature]
Clerk SC Bar Defendant Attorney for Defendant SC Bar

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable, the balance is suspended probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: for sentence currently being

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections since Oct 2008

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Delivered Del. Waiver Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Incident: _____

Fine: _____

14-1-206 (Assessments 107.5 %)		\$
14-1-211(A)(1) (Conv. Surcharges)	\$100	\$ 100.00
14-1-211(A)(2) (DUI Surcharges)	\$100	\$
56-5-2995 (DLR Assessment)	\$12	\$
56-1-286 (DUI Breath Test)	\$25	\$
revise 47.9 (Public Def/Prob)	\$300	\$
14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
14-1-213 (Drug Court Surcharges)	\$150	\$
50-21-114 (BUI Breath Test Fee)	\$50	\$
56-5-2942(J) (Vehicle Assessment)	\$40/m	\$
revise 30.5 (SCJA Surcharges)	\$5	\$ 5.00
44-53-450(C) (Conditional Discharge)	\$350	\$
% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 193.90

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly
payments of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Condition Discharge § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition

Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk Nelanie Higgins - Hard
R. J. Bell

Presiding Judge [Signature]
Judge Code: 8152
8/9/10

17 of 22

4-1-15
2/3/15

Gregory Pencille, #312332
Lee Corr., Inst., F1B-1209
990 Wisacky Highway
Bishopville, SC 29010

December 3, 2015

Daniel A. Selwa, II, Esquire
Attorney At Law
1053 London Street
Myrtle Beach, SC 29577

RE: Gregory Pencille v. State
Post-Conviction Relief (PCR) action
Case No. 2013-CP-26-07463

Dear Mr. Selwa:

I am in receipt of your letter dated November 19, 2015, in which you inquire into whether or not I would like to appeal the order of the PCR Judge denying my Post-Conviction-relief (PCR) Application.

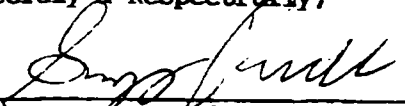
I most certainly do wish to appeal, however, I am requesting that you file a Motion pursuant to Rule 59(e) of the SCRCiv.P. so as to attempt to compel the PCR Judge to rule on ALL issues.

It is my understanding that the PCR judge is required to rule on all issues before they may be raised on appeal. In this case, the PCR Judge failed to rule on all issues and I wish to appeal all issues that were raised in the PCR Application and brought up at the evidentiary hearing.

Please file what is known as a Rule 59(e) Motion on my behalf and ensure that the PCR Judge rules on all issues to the best that you are able to do so.

Thank you in advance for your assistance in this matter.

Sincerely & Respectfully,



Gregory Pencille

cc: File

FILED
HURRY COUNTY
2016 FEB 12 PM 1:05
MELANIE HUGGINS-WARD
CLERK OF COURT

18 of 22

GREGORY PENCILLE, #312332
LEE C.I./F4B1261
990 WISACKY HWY.
BISHOPVILLE, S.C. 29010

FEBRUARY 9, 2016

FILED
Horry County

2016 FEB 12 PM 1:05

MELANIE HUGGINS-WARD
CLERK OF COURT

HON: M. HUGGINS
CLERK OF COURT
PO BOX 677
CONWAY, S.C. 29528-0677

RE: GREGORY PENCILLE vs. THE STATE OF S.C., C/A. NO. 2013-CP-26-07463,
In re: CASE FILINGS AND APPLICABLE PROCEDURES, etc., SEE ENCLOSURE.

DEAR MS. HUGGINS:

PLEASE ALLOW MY CORRESPONDENCE TO SERVE AS MY FORMAL REQUEST, FILINGS, AND A PRO SE NOTICE AND RECORDED COMPLAINT FILED IN THE ABOVE CASE MATTER STATED.

MS. HUGGINS I HAVE PROVIDED TO YOU A COPY OF A FORMAL LETTER I SUBMITTED TO MY PCR ATTORNEY REQUESTING FOR A RULE 59(e), SCRPC MOTION TO BE FILED IN MY CASE MATTER FOR PCR, AS IT DO INDICATES THE DATE OF THE LETTER SENT TO MR. SELVA IT IS OF ADVISEMENTS THAT THE PCR WAS DISMISSED AND YOU PROVIDED THE FORM 4 MR. SELVA AS IT WAS FILED IN YOUR RESPECTFUL OFFICE FROM JUDGE RUSSO, AS WE ARE AWARE OF THE MANDATES FROM MARLAR V. STATE, etc. IN REGARDS TO THE 59e MOTION, I FOLLOWED THE CORRECT REMEDIES GOING THROUGH THE CASE ATTORNEY TO HAVE THIS MOTION FILED FOR THE PURPOSES EXISTING IN MY CASE THAT THE ATTORNEY IS AWARE OF, HOWEVER, WITH THE 30 DAYS TO FILE THE APPEAL COMMENCING AGAINST MY CASE I WILL NOT TAKE A CHANCE WITH LOSING MY RIGHTS TO AN APPEAL TO MY PCR CASE BECAUSE THERE IS A LACKING OF DILIGENTS EXERCISED IN MY CASE THROUGH THE CASE COUNSEL AND THIS IS THE REASONS WHY I AM TAKING THE LIBERTIES TO SECURE MY RIGHTS BY THE RECORDS THROUGH THIS AVAILABLE PROCEDURES OF THE CLERK'S OFFICE.

THE ORDER OF DISMISSAL JUDGE RUSSO SIGNED IS NOT IN MY POSSESSION AND THIS IS THE ATTORNEY OF RECORD RESPONSIBILITIES TO PROVIDE IT TO ME, HOWEVER, THIS WAS A OBLIGATION ON HIM NOT YOUR OFFICE, THEREFORE, I AM TAKING THE STANCES TO HAVE ALL OF MY CONCERNS ABOUT MY CASE PLACED ON THE RECORDS OF THE COURT SO THAT NO VIOLATIONS WILL BE PLACED AGAINST ME AS TO HOW MY CASE MATTERS BEING HANDLED OUT OF THE COMPLIANCES OF THE POST CONVICTION RELIEF STATUTES, RULES, AND PROCEDURES, AS IN THE ONES THAT I AM ATTEMPTING TO HAVE EXERCISED IN MY CASE MATTERS THROUGH THE ATTORNEY OF RECORDS IN MY PCR CASE.

I REQUESTED FOR A 59(e) MOTION TO BE FILED IN MY PCR CASE SO THAT VITAL ISSUES COULD BE REFLECTED AS THEY WERE ADDRESSED DURING MY EVIDENTIARY HEARING ESPECIALLY THE ONE REGARDING THE COUNSEL REQUESTING TO BE REMOVED FROM MY CASE DUE TO THE STANDING CONFLICT THAT THE COUNSEL PROMOTED IN MY CASE ABOUT NOT HAVING THE SPECIFIC WITNESSES TO BE AT MY HEARING, etc., THE RULE 59(e) MOTION WOULD COMPELS THIS MATTER AS IT SHOULD BE SO THE S.C. SUPREME COURT

19 OR 22

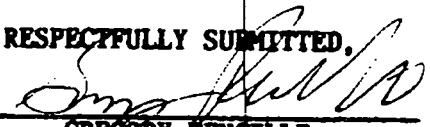
WILL EVALUATE IT ACCORDINGLY TO HOW THE LAW GUIDE IT TO, AND FURTHER MORE HIM BEING THE COUNSEL OF RECORD MUST REPRESENT ME IN THESE PROCEEDINGS AS THE LAW REQUIRES HIM TO DO SO AND AT THIS TIME THIS IS NOT BEING DONE AND THE RECORD MUST REFLECT THIS AS BY MY REQUEST.

THANKING YOU IN THE ADVANCE FOR YOUR ASSISTANCE AND FOR YOUR TIME GIVEN TO ME IN THIS CRUX MATTERS AND I LOOK FORWARD IN HEARING FROM YOU IN THIS VERY NEAR FUTURE, PLEASE PROVIDE TO ME A STAMPED COPY OF MY LETTER OF NOTICE AND REQUEST TO THE COURT SOON AS PRACTICAL.

AGAIN THANK YOU!!!

FEBRUARY 09, 2016
ENCLOSURES: (1)

RESPECTFULLY SUBMITTED,

SI 

GREGORY PENCILLE
990 WISACKY HWY.
BISHOPVILLE, S.C. 29010
PRO SE MOVANT

GP/ca

cc: S.C. SUP CT.
FILES/gp



MELANIE HUGGINS- WARD

CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081

February 16th, 2016

Re: 2013-CP-26-7463

Mr. Pencille :

We received your letter requesting us to file your letter of concern and request for case 2013-CP-26-7463. I have done that for you and forwarded a copy to attorney general's office. Returning you a clocked copy.

If we can be of any further assistance, please do not hesitate to let us know.

Sincerely,

Melanie Huggins - Ward
Horry County Clerk Of Court

MHW/ac

21 of 22

GREGORY PENCILLE, 312332
LEE C.I./F4B1261
990 WISACKY HWY.
BISHOPVILLE, S.C. 29010

FEBRUARY 22, 2016

HON: M. HUGGINS-WARD
CLERK OF COURT
PO BOX 677
CONWAY, S.C. 29528-0677

RE: PENCILLE V. THE STATE, NO. 2013-CP-26-07463, etc. REQUEST.

DEAR MS. WARD:

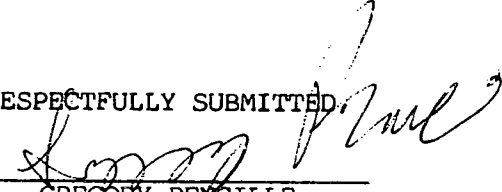
PLEASE ALLOW MY CORRESPONDENCE TO SERVE AS MY FORMAL REQUEST FOR A COPY OF THE ORDER OF DISMISSAL IN MY CASE MATTER ABOVE MENTIONED. I HAD PREVIOUSLY REQUESTED FOR YOUR RESPECTFUL OFFICE TO PROVIDE ONE TO ME IN THE ABOVE CASE SIGNED BY THE HONORABLE JUDGE RUSSO IN THE POST CONVICTION RELIEF CASE MATTERS.

AS I HAVE STATED THE ATTORNEY DID NOT GIVE ME A COPY OF THIS ORDER AND NOR DID THE APPELLATE COURT WHEN HE FILED THE PAPERS HE FILED IN THE APPELLATE COURT.

THE FACT OF THE MATTERS IS THE ORDER OF DISMISSAL WAS NOT CONTESTED BY THE ATTORNEY AS IT SHOULD HAVE BEEN AND THIS IS EVIDENT BY THE CLEAR FACTS THAT THE PROPOSED ORDER WAS NOT PROVIDED TO ME ALSO. AND THIS IS ALSO A SHOWING OF INCONSISTENCIES AS WELL WHEN IT COMES TO THE RULE 59(e) MOTION SUBJECTS OF ERRORS COMMITTED IN MY CASE AS NOT BEING FILED TO HAVE ALL ISSUES ADDRESSED ACCORDINGLY TO THE RULES OF PCR, etc.

I DO APPRECIATE YOUR TIME AND ASSISTANCE IN THIS MATTER GIVEN TO ME AND I LOOK FORWARD IN HEARING FROM YOU IN THIS VERY NEAR FUTURE AND AGAIN THANK YOU SO VERY MUCH.

02/22/16

RESPECTFULLY SUBMITTED
S/ 
GREGORY PENCILLE
990 WISACKY HWY.
BISHOPVILLE, S.C. 29010
REQUESTER

cc: FILES/gp

22 OK 22

Gregory Pencille 312332
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

15 August 2016

Katherine H. Hudgins, Appellate Defender
1330 Lady Street, Suite 401
Columbia, SC 29201

Re: 2013-CP-26-07463

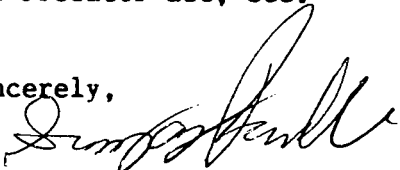
Ms. Hudgins;

I am in receipt of your June 6, 2016 letter. In regards to that letter recently I have tried to call several times but cannot get through because the recording says it is disconnected.

I have come up with a few ideas/grounds for the writ of certiorari:

1. Judge's failure to accept counsel's request for removal prejudiced me at PCR.
2. Judge's reason for dismissing PRC after agreeing with my issues, ie, "decided on the safe side to dismiss."
3. All issues properly raised in PCR and evidentiary hearing should be preserved/ Att. failing to file 59c upon my request (Ineffective Assistance.)
4. State's counterargument raises only one issue which is trust/belief of statements only disproves their arguments ("If they can't believe me then how can they use anything I say as fact? Which they try to use statements I made to discredit me.)
5. Where "me being unhappy" is just an opinion. The fact remains that by the prosecutor's deceitful argument she tricked me and included judgments/outcomes that I didn't understand or intend to plead to, ie, ATU, the Predator act, etc.

Sincerely,



G Pencille

PS: SCDC has disconnected my ability to call your office. I have been attempting to fix this. Also, I am currently perfecting 60(a)(b) of court's errors written in order to dismiss PCR. And need transcript of record to perfect.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

JAN - 3 2017

Certiorari to Horry County

S.C. SUPREME COURT

Hon. Thomas A. Russo, Circuit Court Judge

GREGORY PENCILLE,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

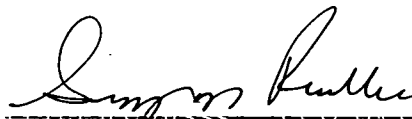
RESPONDENT

APPELLATE CASE NO 2016-000412

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the following

PRO-SE RESPONSE AND PRO-SE APPENDIX
in the above titled case has been served upon Caitlin Hastings, Esquire, at
the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia SC 29201
on December 30th, 2016.



Gregory Pencille
990 Wisacky Highway
Bishopville, SC 29010

PETITIONER