

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge H. W. Funderburk, Jr.

ALC Case No. 18-ALJ-04-0547-AP
Appellate Case No. 2019-001410

GREGORY PENCILLE, # 312332,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

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NOV 25 2019

SC Court of Appeals
APPELLANT,

RESPONDENT.

MOTION TO FILE OUT OF TIME

The Initial Brief of Respondent and Designation of Matter were due to be served and filed on November 16, 2019. Due to an oversight on the part of the undersigned, Respondent has not filed its brief. Respondent is hereby requesting to file Respondent's Initial Brief out of time. No previous motions have been filed on behalf of Respondent at this time.

WHEREFORE, Respondent respectfully requests that this Court allow the Motion for Extension for Time be filed out of time.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**



Kensey E. Barrett
Deputy General Counsel
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-1805

ATTORNEY FOR RESPONDENT

November 21, 2019



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

November 21, 2019

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

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RE: Gregory Pencille, #312332 v. South Carolina Department of Corrections
Appellate Case No. 2019-001410

Dear Ms. Kitchings:

Enclosed please find the original and a copy of the **Initial Brief of Respondent, Designation of Matter to be Included in the Record on Appeal, and Motion to File Out of Time**, with six (6) copies for the Court, in the above captioned appeal, along with **Proof of Service**. Please file the originals and copies of the motion with the Court, and clock stamp and return the second set of copies to myself in the enclosed, stamped envelope.

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

Sincerely,

Kensey Evans
Deputy General Counsel
South Carolina Department of Corrections

cc: Gregory Pencille, 312332
Evans Correctional Institution
4A-0253-B
610 Highway 9 West
Bennettsville, SC 29512

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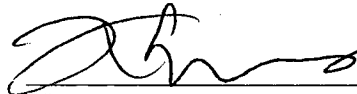
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the **Motion to File out of Time** to Appellant via U.S. Mail addressed as follows: **Gregory Pencille**, Evans Correctional Institution, 4A-0253-B, 610 Highway 9 West, Bennettsville, SC 29512.



Kensey Evans
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November 21, 2019