

South Carolina Court of Appeals

Appeal From Administrative Law Court

Hon. H.W. Funderburk, Jr

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Appeal case No. 2019-001410

DEC 02 2019

SC Court of Appeals

Gregory Perille # 312332, Appellant
✓

SC Dept of Corrections, Respondant

Notice to Court

Gregory Perille, 312332

Evans CJ F4A253

610 Hwy 9 west

Bennettsville, SC 29512

Appellant, Pro Se

Christian Latoe Biegelar

Dept. of General Counsel, SCDC

P.O. Box 21787

Columbia, SC 29221

Attorney for Respondant

In the above entitled case the Appellant addresses the Court by way of Notice, that Pursuant to Rule 208(2) SCACR, Brief of Respondant, Within (30) thirty days after service of appellants brief, respondent shall serve one copy of his brief on all parties to the appeal...

The Appellant's Initial Brief was served and filed with certificate of service October 16th, 2019. By affirmation of Respondant, Respondant's Initial Brief was due to be served and filed on November 16th, 2019. Respondant's request to file out of time states respondent failed to file timely "Due to an oversight". This reason in no form can be considered as (Good Cause) shown. The Respondant is represented by a professional attorney and should be held to that professional standard. And as such, Appellant states as follows:

"Pursuant to Rule 208(a)(4), Upon failure of respondent to timely file a brief, the appellate court may take such action as it deems proper. The South Carolina Courts have recognized the failure of a respondent to file a brief could justify a reversal. Turner v. Santee Cement Carriers, Inc., 272 S.C. 91, 96, 282 S.E.2d 858, 860 (1981); Robinson v. Hassiotis, 364 S.C. 92, 93 n.3, 610 S.E.2d 858, 859 n.2. (Ct app 2005) noting the respondent

had not filed a brief and this Court may take such action as it deems proper, including reversal.

Furthermore, when respondent does not file a brief, this court has found it proper to address the issues presented by the appellant, Durham v. United Companies, Inc. Corp. 326 S. 403, 404, 483 SE2d 786 (Ct. app 1997); Wierszewski v. Tokarick, 308 S. 441, 444 n.2., 418 S.E.2d. 557, 559 n.2. (Ct. app 1992). (Stating where respondent failed to file a brief [it (was) proper to reverse on the points presented rather than to search the record for reasons to affirm].

Also, Appellant recognizes to this court the redundancy as to which the respondent has argued through this case's progression. Facts remain that previous decisions to appellants substantive rights have been prejudiced by the findings, conclusions, and decisions in violation to S.C. Code Ann § 1-23-610(B) (a-f). And under equal protection of the U.S. and state const. had appellant failed to timely file his initial Brief [Pro Se] this court would have dismissed his appeal.

Therefore, appellant prays this court reverses the decision of the Administrative Law Judge and requires the Dept. to recalculate Percille's Sentence from Nov. 5th, 2005, and remove added

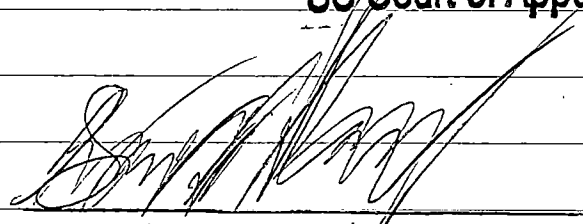
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Sentence conditions."

Date: Nov 27th, 2019



Gregory Perille 312332
Appellant, Pro Se

Certificate of Service

I hereby certify that Gregory Perille, Appellant, on the 27th day of November, 2019 in Bennettsville, South Carolina served all parties in this matter a copy of Appellant's Notice to Court by depositing the same in the US mail, postage paid, or in the undersigned's institutional mailroom.

Date: Nov 27th, 2019



Gregory Perille, 312332
Appellant Pro Se.

Gregory Kerelle 312332
Evans & F4A253
610 Hwy 9 West
Bennettsville SC. 29512

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CERTIFIED MAIL

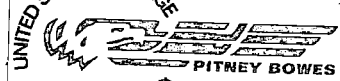


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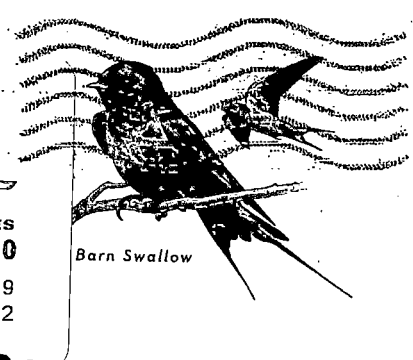
Honorable Jenny A. Ketchings
Clerk of Court, SC. Court of Appeals
P.O. Box 11629
Columbia SC. 29211

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