

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

RECEIVED
DEC 20 2019
SC Court of Appeals

GREGORY PENCILLE, # 312332,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**RESPONDENT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

The Respondent submits that the following should be included in the Record on Appeal:

- (1) Appellant's Administrative Law Court Notice of Appeal dated November 15, 2018
- (2) Record filed with the Administrative Law Court dated January 31, 2019
- (3) Appellant's Administrative Law Court Brief dated December 7, 2018
- (4) Respondent's Administrative Law Court Brief dated March 19, 2019
- (5) Appellant's Status Request to the Administrative Law Court dated July 3, 2019
- (6) Administrative Law Judge Funderburk's Order dated July 24, 2019.
- (7) Appellant's Response to Judge Funderburk's Order dated August 6, 2019

The undersigned hereby certifies this Designation contains no matter that is irrelevant to this appeal.



Kensey Evans
Deputy General Counsel
South Carolina Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508
ATTORNEY FOR RESPONDENT

December 19, 2019

STATE OF SOUTH CAROLINA
In The Court of Appeals

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the **Amended Designation of Matter to be Included in the Record on Appeal** 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
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
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December 19, 2019



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

December 19, 2019

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

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

Dear Ms. Kitchings:

Pursuant to this Court's letter dated December 10, 2019, please accept this letter as an informal return to Appellant's December 2, 2019 letter. While Respondent does not think that the original Designation of Matter to be Included in the Record on Appeal is ambiguous, as the Administrative Law Court record is limited, for clarity of all parties involved, enclosed find the original and a copy of the **Amended Designation of Matter to be Included in the Record on Appeal** in the above captioned appeal, along with **Proof of Service**. Please file the original in your office and return the copy to my office in the self-addressed, postage pre-paid 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
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The Honorable Jenny A. Kitchings
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