

The South Carolina Court of Appeals

Appeal from Administrative Law Court

Hon. H.W. Funderburk Jr.

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Appeal No. 2019-001410

JAN 22 2020

SC Court of Appeals

Gregory Penille, #312532, Appellant

V.

SC. Dept. of Corrections, Respondant

MOTION TO AMEND AND FILE "LETTER
TO CLERK" AS MOTION FOR DEFAULT JUDGEMENT/
MOTION TO COMPEL RESPONSE OF PREVIOUS
FILINGS

This motion comes as a response to the courts letter dated December 5th, 2019, in which the Deputy Clerk, V. Clarie Allen states, "Our records reflect" as a response or affirmation to questions or issues that appellants filings have created. My factual response to these affirmations is they are wrong. The Appellant respectfully requests that this court slows down its responses to the respondent due

to the fact that appellant must use archaic forms of mailing and allow appellant as a layman and Pro Se litigant the right to equal protection under the Law.

The respondent and this court use electronic communications and filing methods while the appellant is forced by the respondent to use a slower means of communication with this court. This prejudices and biases the appellant and pursuant to Rule 208 SCACR. Reply Brief. appellant can file a reply within (10) ten days after the respondent's brief. See also. Rule 262(2); Rule 263(a) SCACR. As proven by the attachments, Respondent drafted the brief Nov. 21, 2019 and appellant received the brief Nov. 26, 2019, Appellant's first reply was mailed Nov. 27, 2019 [(1) one day after receipt] and a second reply was mailed Dec 5th, 2019, both responses within (10) ten days of receipt.

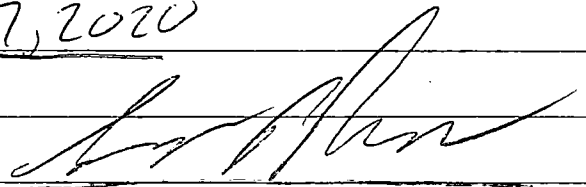
In the first response appellant challenged the validity of the respondent's request to file out of time. This court hastily granted respondent's request (5) five days after the court received it. Appellant did not receive the respondent's request to file out of time until the day this court granted it. All this proves the "court's reflection of the records" is wrong. This court must address the merits of a timely

filed reply. Appellant Sternly argued against the reasoning and timeliness of respondents initial brief pursuant to Rule 208 SCACR. Where the rules of court are clear and the appellant should not have to quote them to this court because the court should already be proficient with the rules and impartial in dispensing justice. It seems obvious that the respondents "bad faith" actions pursuant to Rule 11(a) SCRCP and are causing this court to act in prejudicial and deficient ways in error of Law.

The Appellant demands this court to review rules 208, 262(e), 263(a) and correct the deficiencies and deny respondents motion to file out of time and Order on this Courts own motion for default judgment in favor of the appellant in the interest of justice.

originally Filed: Dec, 11, 2019

Amended Filing Date: Jan 17, 2020



Gregory Perille #312332
Evens CE PHA 275
610 Hwy 9 west
Barnettville, SC. 29512

seen to and subscribed before me

the 17 day of January 2020

J. Perille
(Notary Public of South Carolina)

Commission Expires 2/17/24



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

~~December-05, 2019~~

Gregory Pencille, 00312332
Evans Correctional Institution
610 Highway #9, West
Bennettsville SC 29512

Re: Gregory Pencille, #312332 v. SCDC
Appellate Case No. 2019-001410

Dear Mr. Pencille:

~~Our records reflect~~ the respondent's motion to serve and file its initial brief and designation of matter out of time has been granted. ~~Our records reflect~~ the time to file an initial reply brief has passed. Accordingly, you must serve a copy of the record on appeal on the respondent and provide proof of service to the Court within 30 days of the date of this letter or your appeal will be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Kensey Evans, Esquire



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

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

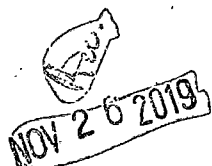
cc: Gregory Pencille, 312332
Evans Correctional Institution
4A-0253-B
610 Highway 9 West
Bennettsville, SC 29512



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS

Office of General Counsel

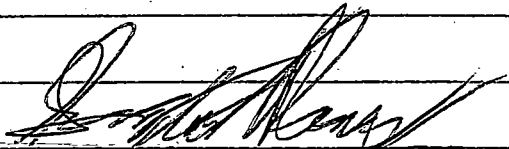
P.O. Box 21787 - 4444 Broad River Road - Columbia, SC 29221-1787



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

and requires the Dept. to recalculate Perot's sentence from Nov. 5th, 2005, and remove added sentence conditions."

Date Nov 27th 2019



Gregory Perot, 312332
Appellant, Pro Se

Certificate of Service

I hereby certify that Gregory Perot on the 27th day of November 2019 served all parties listed on cover page of Appellate Notice to Court ~~a copy of~~ depositing the same in the U.S. mail, postage paid, or in the undersigned's institutional mailbox



Gregory Perot, 312332
Appellant, Pro Se

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JAN 22 2020

Certificate of Service

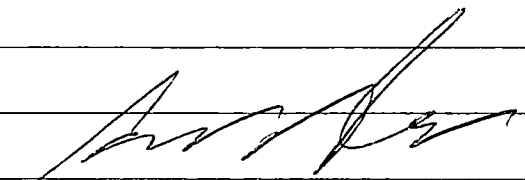
SC Court of Appeals

I hereby certify that the undersigned on the 17th day of January, 2020 in Bennettsville South Carolina served a copy of appellants motion to amend and file "Letter to Clerk" as motion for default judgement/motion to compel response of previous filings on all parties in this matter by depositing the same in the U.S. mail, postage paid, or in the institutions mailroom and addressed as follows:

Kersey Evans
Dept. of General Counsel, SLIX
P.O. Box 21787
Columbia, SC 29221

Jenny A. Hitchings, clerk
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Date: Jan 17, 2020



Gregory Perilla, #312532

Appellant, Pro. Se

Gregory Perette, 312352
Evans, GA, 31127
610 Hwy 9 west
Bennettsville, SC, 29512

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



7016 0750 0000 0779 6317

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

COLUMBIA SC 290

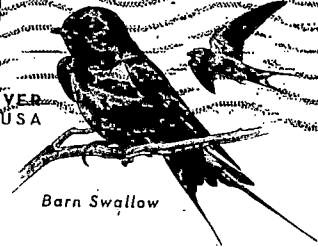
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USA



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SC Court of Appeals