

The South Carolina Court of Appeals

Appeal from the Administrative law Court

Hon. Ralph K. Anderson III

RECEIVED

MAR 19 2020

Case No. 19-ALJ-04-0277-AP

SC Court of Appeals

Gregory Pencille, #312332, Appellant

V.

South Carolina Department of Corrections, Respondent

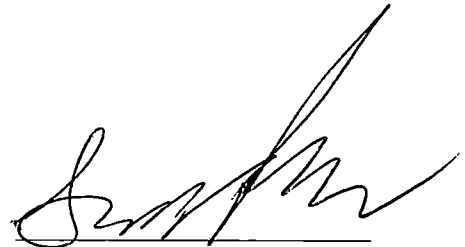
MOTION FOR CLARIFICATION OF ORDER

Appellant requests this court for clarification or to better understand the ruling appellant received on March 11th, 2020. In which Judge Lockemy, denied appellant's motion by only one line stating verbatim ("Appellant's "motion for leave to be heard on the original record" is denied.). this gives no explanation as to why it was denied, when pursuant to Rule 24 (b) **leave to proceed in forma pauperis on appeal or review of an administrative-agency proceeding.** When an appeal or review of a proceeding before an administrative agency, board, commission, or officer... proceeds directly in a court of appeals, a party may file in the court a motion for leave to proceed on appeal in forma pauperis with an affidavit prescribed by rule 24(a)(1). And, Rule 24 (c) **leave to use original record.** A party allowed to proceed on appeal in forma pauperis may request that the appeal be heard on the original record without reproducing any part.

Halo Electronics, Inc., v. Pulse Electronics Inc., 136 S.ct 1923, 195 L.Ed 2d 278 (2016),
(A) When construing a statute, the word "may" clearly connotes discretion. (B) In a system of laws, discretion is rarely without limits, even when the statute does not specify any limits upon the courts discretion. (C) motion to a court's discretion is a motion, not to its inclinations but to

its judgment, and its judgment should be guided by sound legal principles, and in light of consideration. Bultman v. Barber, 277 S.C. 5, 7 281 S.Ed. 2d 791, 792 (1981), U.S v. Read, 778 F3d 1437, 1441 (1984), Construing ambiguities in favor of the appellant makes sense in light of the parties respective bargaining power and expertise.

Appellant requests this court to consider rescinding the denial of appellant`s” motion to be heard on the original record” and prays this court grants” motion for leave to be heard on the original record” in the entitled case due to appellant`s inability to financially reproduce any part of the record in this case. Such inability to do would be to the detriment of appellant`s case.



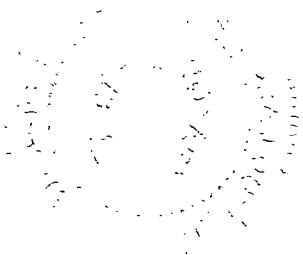
Gregory Pencille, #312332
Evans CI F4A-275
610 Hwy 9 West
Bennettsville, S.C. 29512
Appellant, Pro se

Date: March 17th, 2020

SWORN to and subscribed before me this 17
Day of March, 2020
S. Oulew (L.S.)

Notary Public

My Commission Expires: 2/17/24



Certificate of service

I hereby certify that the undersigned on the 17th day of March, 2020. In Bennettsville, South Carolina served a copy of Appellant's motion for clarification of order on all parties by depositing the same in the U.S. mail, postage paid or in the intuitions mailroom and addressed as follows:

Jenny A. Kitchings, clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211.

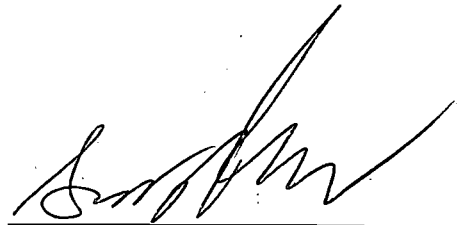
S.C. General Counsel, SCDC
P.O. Box 21787
Columbia S.C. 29221

RECEIVED

MAR 19 2020

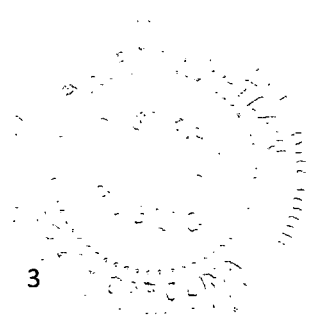
SC Court of Appeals

Date: March 17th, 2020



Gregory Pencille, #312332
Evans CI F4A-275
610 Hwy 9 West
Bennettsville, S.C. 29512
Appellant, Pro se

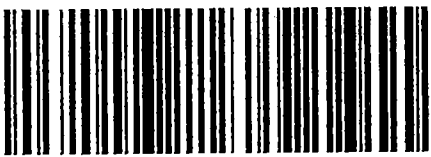
and subscribed before me
17 day of March 2020
S. Ouellet
(Notary Public of South Carolina)
Commission Expires 3/17/24



Gregory Penick 81255
Evans of F4A275
610 Hwy 9 west
Bennettsville SC 29512

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

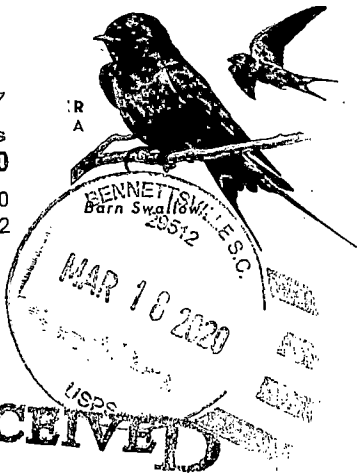
CERTIFIED MAIL



7018 2290 0001 7450 3089

Jenny H. [unclear], Clerk
SC Court of Appeals
P.O. Box 11629
Columbia SC. 29211

PITNEY BOWES
003.55⁰
MAR 17 2020
IP CODE 29512



RECEIVED

MAR 19 2020

SC Court of Appeals

COPIES
OF THIS
MAIL
WILL
BE
MAILED
TO
THE
COURT