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MAY 14 2020
SC Court of Appeals

The South Carolina Court of Appeals

Appeal from the Administrative law Court

Hon. H.W. Funderburk, Jr.

Case No. 2019-001410

Gregory Pencille, #312332, Appellant

V.

South Carolina Department of Corrections, Respondent

REPLY TO RESONSE FROM THIS COURT

Comes now, Gregory Pencille, #312332, ^{AP}~~we~~ ^{who} duly swears and deposes the following; Appellant Pencille requests explanation of the letter dated April, 23rd, 2020 and received by appellant on April 28th, 2020. In which the court states that no action will be taken on the appellant's "Motion to strike the respondent's Initial brief and Amended Designation of matter" filed on March 1st, 2020 Pursuant to rule 221(c) SCACR. Rule 221(c) clearly states that it pertains to petitions for rehearing. Appellant clearly points out the prejudice of granting the brief and designation filings. And this court only responded to part of appellant's filing. By the court not addressing the original responses of the appellant from "way back" this court has acted in a prejudicial manner and has voided justice. The court is acting outside the scope of the judicial system in this matter and ruling on the matter as a whole in the favor of the appellant is the only way to bring this case back inside its bounds of the law. By the order filed on March 12th, 2020 in which the court allowed illegal and prejudicial filings of the respondent's and allowing the appellant to file a reply brief it allowed the previous briefs to again be heard and properly be

ruled on but also allowed the motion to strike to be timely filed and this court to "take action" on the motion.

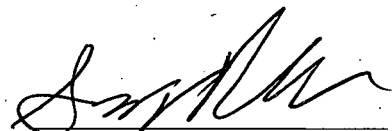
Appellant does not understand 1) why the court would use a rule that does not apply to the situation, rule 12(f) SCRCP motion to strike is plainly not a motion for rehearing. 2) even if rule 221(c) did apply "which it does not", the action this court would take on the motion would have the effect of dismissing or finally deciding a party's appeal. Respondent would not have admissible evidence and this court would decide the case based on the appellant's filings alone as is just.

The only reasoning appellant can arrive at ^{is} ~~if~~ this court has abused its discretion in this matter. An abuse of discretion occurs when the conclusions of the court are either controlled by an error of law or are based on unsupported factual conclusions Belle Hall Plantation Homeowner's Association, Inc V. Murray, 419 S.C. 605, 799 S.E.2d 310. An error of law by the court is by definition an abuse of discretion, Gannett Co., Inc v. Clark const. Group, Inc. 286 F3d 737 (2002). A court's ruling on the admissibility of evidence (or properly filed motions and petitions) will not be reversed on appeal absent an abuse of discretion or the commission of legal error which results in prejudice. State v. Horton, 359 S.C. 555, 598 S.E.2d 279 (2004). In which both an abuse of discretion and legal error has occurred in this case.

As it stands the appellant does not know where or at what point this case is at and would like guidance as to the next proper filing.

Appellant requests this court take action on previous proper and timely filed motion.

Cc: Kensey Evans, Esquire



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

Date: May 7, 2020

SWORN to and subscribed before me this 7th
Day of May, _____ (L.S.)
Southern
Notary Public
My Commission Expires: 2/17/24

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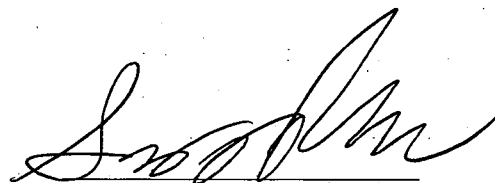
SC Court of Appeals

Certificate of service

I hereby certify that Gregory Pencille on the 5th day of May, 2020. In
Bennettsville S.C. Served reply to response of this court on all parties by depositing the same in
the U.S. mail, postage prepaid or in the institutions 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



Gregory Pencille, #31233
Evans CI F4A-275
610 Hwy 9 West
Bennettsville, S.C. 29512

Gregory Penille, 31233 Z
Evans Ct F4A 275
610 Hwy 9 west
Berrettville, SC 29512

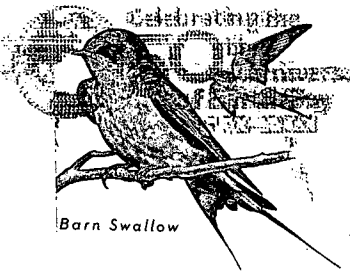
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CERTIFIED MAIL



7018 2290 0001 7450 3188

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