

South Carolina Court of Appeals

Appeal from the Administrative Law Court

Hon. Ralph K. Anderson III

Case No. 2019-002115

RECEIVED  
MAY 29 2020  
SC Court of Appeals

Gregory Pencille 312332 Appellant

v.

SC Dept. of Corrections, Respondant

MOTION TO CORRECT COURT RECORDS

If this court reviews its records it will note that Appellants filed a third motion for extension of time March 17th 2020 requesting (30) thirty days to file Initial Brief and Resignation of Member. This Court never responded to that motion [enclosed]

Furthermore, deadlines were extended due to COVID-19 through Executive Order (Appeal case no. 2020-000447 §§(a)(1)(c)(4)(i)(2)(n) as follows:  
as applies:

§§(i) Appellant Court will continue to send

Paper correspondence by US Mail to persons who are  
Self-represented...

§(k) Closure of Court of Appeals Buildings will result in  
the closure days being treated as "Holidays" in the computation  
of time.

§(i)(1) Extension of time... (note underlined portion of order)

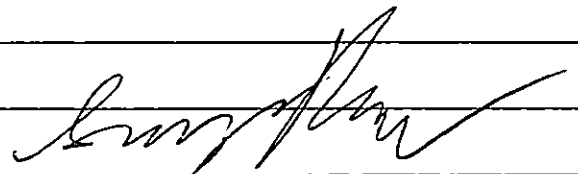
(2) forgiveness of procedural defaults since March 13, 2020

(note underlined portion of order)

[enclosed copy of order § k-n]

Therefore, Appellant faithfully believes having filed his  
Initial Brief and Designation of Matter, May 5, 2020, has not  
defaulted pursuant to Rule 208 and 209 of SCACR and has filed  
timely. No motion to file out of time should be needed. But, due  
to these unprecedented times if this court still finds a motion is  
required please inform and allow appellant time to file motion  
accordingly

May 27<sup>th</sup> 2020



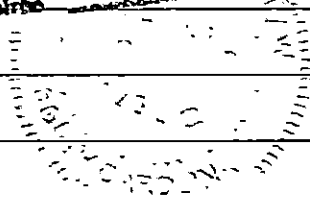
Gregory Pencille, 312332

Appellant Pro Se

27 day of May 2020

S. Decker  
(Notary Public of South Carolina)

Commission Expires 2/17/24



Certificate of Service

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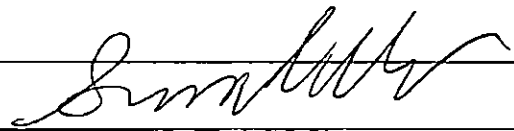
MAY 29 2020  
SC Court of Appeals

I hereby certify that the undersigned on the 27<sup>th</sup> day of May, 2020 in Bennettsville, South Carolina served a copy of Appellants motion to correct Court records on all parties by depositing the same in the U.S. mail, postage paid or in the institutions mail room and addressed as follows:

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

Christina C. Biselow, Esq.  
SC General Council, SCDC  
PO Box 21787  
Columbia, SC 29221

May 27<sup>th</sup> 2020



Gregory Paxille, 312332  
Evans Ct F4A 275  
610 Hwy 9 West  
Bennettsville, SC 29512



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF 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](http://www.sccourts.org)

May 13, 2020

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

Re: Gregory Pencille, #312332 v. SCDC (2)  
Appellate Case No. 2019-002115

Dear Mr. Pencille:

Our records reflect that the time for serving and filing the appellant's initial brief and designation of matter has expired. Within ten days of the date of this letter, you must serve and file the initial brief and designation of matter, along with a motion requesting permission to serve and file the appellant's initial brief and designation of matter outside of the filing deadlines set by Rules 208 and 209 of the SCACR. Your initial brief and designation of matter will not be considered and your appeal will be dismissed if no motion is made within ten days of the date of this letter.

Very truly yours,

*V. Claire Allen*

CLERK

cc: Christina Catoe Bigelow, Esquire

# The South Carolina Court of Appeals

Appeal from the Administrative law Court

Hon. Ralph K. Anderson III

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

Gregory Pencille, #312332, Appellant

v.

South Carolina Department of Corrections, Respondent

RECEIVED  
MAY 29 2020  
SC Court of Appeals

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## THIRD MOTION FOR EXTENSION OF TIME


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Comes now, Gregory Pencille, Appellant, Pro Se, to request his second motion for extension of time in the above matter to file Appellant's initial brief. The Brief is due on March 23<sup>th</sup>, 2020 and appellant requests a (30) thirty day extension to allow the Brief to be due on or before April 23<sup>th</sup>, 2020. For the following reasons:

Appellant has limited access to the Law library and due to the complexities of this case and being Pro Se, is struggling to perfect a competent and cohesive Brief.

Appellant also has several cases pending in various courts and is preparing for an upcoming court hearing and a Federal deadline appellant must meet.

Appellant prays that this Court will grant the extension of (30) thirty days so that Appellant's Initial Brief will be due on or before April 23<sup>th</sup>, 2020.



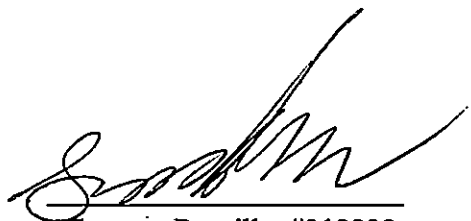
Gregory Pencille, #312332  
Appellant, Pro Se

**Certificate of service**

I hereby certify that the undersigned on the 17<sup>th</sup> day of March, 2020. In Bennettsville, South Carolina served a copy of Appellant's third motion for extension of time 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



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

Date: March 17<sup>th</sup>, 2020

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

Notary Public  
My Commission Expires: 2/17/24

**RECEIVED**  
MAY 29 2020  
SC Court of Appeals





**South Carolina Court of Appeals**

JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA

SC 292

13 MAY 20

PM 2 L



*Rec May 21/20*  
*479 0275*  
*MAY 20 2020*

GREGORY PENCILLE, 00312332  
EVANS CORRECTIONAL INSTITUTION  
610 HIGHWAY #9, WEST  
BENNETTSVILLE SC 29512

010010-218010



**(1) Supreme Court Building.** Until further order of this Court, the public will not be allowed to enter the Supreme Court Building. This restriction does not apply to persons entering the building to make filings in the Lobby under (c)(1) above. If appropriate, the Chief Justice or the Clerk of the Supreme Court may authorize entry.

**(2) Calhoun Building.** In an order supplementing this order (see (m) below), the Court of Appeals, in coordination with the Office of Court Administration, may issue guidance regarding public access to the Calhoun Building.

~~(k) Closure of the Supreme Court and Court of Appeals Buildings.~~ In the event a directive is received to close the Supreme Court and Calhoun Buildings, it is anticipated that this ~~will result in the~~ ~~closure days being treated as "holidays"~~ in the ~~computation of time~~ under Rule 263(a), SCACR. This is consistent with prior practice when a hurricane or other disaster has resulted in the closure of the Appellate Court Buildings. The restriction on public access in (j) above is not a closure of either building, and does not affect the computation of time under Rule 263(a), SCACR.

~~(l) Extensions of Time and Forgiveness of Procedural Defaults.~~

~~(1) Extensions of Time.~~ Both the Supreme Court and Court of Appeals are aware that this crisis will increase the need for extensions to be granted.

While this order remains in effect, no filing fee will be required for a motion for an extension. Further, since it is important for lawyers and self-represented litigants appearing before the Appellate Courts to have time to take actions to protect themselves and their families, the due dates for all Appellate Court filings due on or after the effective date of this order are hereby extended for twenty (20) days. ~~Lawyers and litigants are warned that this extension does not extend the time to serve a notice of appeal under Rules 203, 243, and 247, SCACR.~~

~~(2) Forgiveness of Procedural Defaults Since March 13, 2020.~~ In the event a party to a case or other matter pending before an Appellate Court was required to take certain action on or after March 13, 2020, but failed to do so, that procedural default is hereby forgiven, and the required action shall be taken within twenty (20) days of the date of this order. If a dismissal order has been issued based on this default, the clerk of the Appellate Court shall rescind that dismissal order. ~~This forgiveness does not apply to the failure of a party to timely serve the notice of appeal under Rules 203, 243, and 247, SCACR.~~

**(m) Supplemental Order by the Court of Appeals.** The Court of Appeals may issue an order supplementing this order. This order is not effective until approved by the Chief Justice.

~~(n) Effective Date.~~ This order is effective immediately. It ~~shall remain in effect until modified or rescinded by this Court.~~

<sup>1</sup> Cf. *South Bridge Props., Inc. v. Jones*, 292 S.C. 198, 355 S.E.2d. 535 (1987) (delivery to a third party mailing service is not mailing).

South Carolina Court of Appeals

Appeal from Administrative Law Court

Hon. Ralph K. Anderson III

Appeal Case No. 2019-062115

Gregory Percille, 312332, Appellant  
V.

SC Dept of Corrections, Respondent

MOTION REQUESTING TO SERVE AND FILE  
APPELLANTS INITIAL BRIEF AND DESIGNATION  
OF MATTER OUTSIDE OF DEADLINE

If it is deemed necessary to file a motion  
requesting to file initial brief and Designation of Matter (DOM)  
out of time, Appellant hereby requests permission to  
file Appellants initial brief and DOM outside of  
filing deadlines. Appellant has served and filed his Initial  
Brief and DOM on all parties May 05<sup>th</sup>, 2020.

May 17<sup>th</sup>, 2020

~~APPELLANT'S INITIAL BRIEF AND DESIGNATION OF MATTER~~

the 17<sup>th</sup> day of May, 2020

S. [Signature]

(Notary Public of South Carolina)

Commission Expires

[Signature]

Gregory Percille, 312332



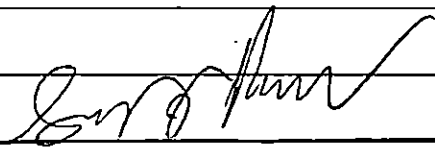
## Certificate of Service

I hereby certify that the undersigned on the 27<sup>th</sup> day of May, 2020, in Bennettsville, South Carolina served a copy of Appellants motion requesting to file and serve Appellants Initial brief and designation of matters outside of deadline on all parties by depositing the same in the U.S. mail, postage paid or in the institutions mail room and addressed as follows:

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

SC General Counsel, SCDC  
P.O. Box 21787  
Columbia, SC, 29221

May 27<sup>th</sup>, 2020

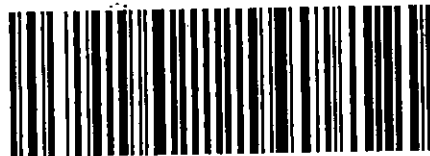


Gregory Powell, 31233E  
Evans CI F4A275  
610 Hwy 9 west  
Bennettsville, SC, 29512

Gregory Kenneth 51252L  
Evens CR P4A275  
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**



7019 2280 0001 2295 2633

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

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MAY 29 2020

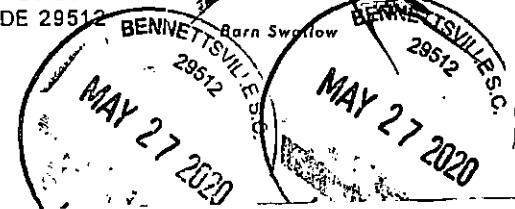
SC Court of Appeals

COLUMBIA SC 290

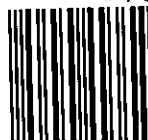


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MAY 27 2020  
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