

The South Carolina Court of Appeals

Appeal from Administrative Law Court.

Hon. H.W. Funderburk, Jr.

Appeal case No. 2019-001410

Gregory Penelle, 312332, Appellant
✓

SC. Dept. of Corrections, Respondent

SC Court of Appeals

RECEIVED

JUL 13 2020

MOTION OF LIABILITY

Appellant requests that respondent be held liable for the delay in mail service in this case. Appellant has acted with due diligence in trying to meet the courts deadlines. As seen by the notary date of the enclosed documents. But, the respondent through actions of its staff has delayed, stopped, and/or mishandled the appellants legal papers in a vindictive, negligent, or incompetent way to subvert justice, and deny access to the courts.

Appellant is housed at Evans CF and at current the yard is locked down due to the National Guard monitoring Covid-19 cases. Appellant

is housed in a unit that remains covid free but still suffers the hardships of the incompetent staff's operations, legal copies, access to the mail room, legal envelopes, and other mundane activities are near impossible at the moment and have been for over (1) one month so far. SDC has operations to handle legal issues but Evans continues to not implement any of them.

Please excuse the appellants delay and allow filing and potential future delayed filings due to the hardships appellant suffers and may suffer due to the respondent.

Date: July 07, 2020

Gregory Penille, 312332
Evans CF F4A275
610 Hwy 9 west
Bennettsville, SC. 29512

Nancy

~~CONFIDENTIAL~~
8th day of July 2020
S. Outlaw
Notary Public of South Carolina
2020
2117/24

RECEIVED

JUL 13 2020

AFFIDAVIT OF EVENTS

SC Court of Appeals

On June 12, 2020 I, Gregory Perille, Appellant received a letter from the Court of Appeals dated June 05, 2020 in which the court request correcting of deficiencies within (10) ten days.

On June 14, 2020 Appellant had response prepared and only needed copies of evidence for Record on Appeal and to have the response notarized. Appellant wrote a request to staff to request said copies, notary, and supply of envelopes and mailing services and turned request into staff.

On June 17, 2020 mailroom staff picked up copy materials and mail. The mailroom noticed the appropriate papers, Appellant requested papers returned for addressing on the 17, 18, 19th of June from the mailroom and expressed the concern of the mailing deadline, Appellant was assured.

On June 19, 2020 at 5:30 pm Friday after mailroom staff leaves for the day, the on duty dorm officer dropped off the original papers (un copied) and mail (un processed) to the Appellant. Enclosed with the unprocessed mail was a typed note from the mailroom staff stating, "Cpl. Davis, in education would have to

make the copies and that the mailroom does not sell envelopes". Note, that education had been closed for a month this far, so no copies could be made by education. Also, the institutions canteen had been closed for 3 weeks so no envelopes could be purchased in that time. By policy, the mail room will supply "legal" supplies when needed.

Appellant attempted daily to gain assistance from staff to get copies and to have my legal mail processed to the court.

On June 24, 2020 the Education officer, Cpl Davis came to appellants cell and picked up legal material for copying and expressed she would copy it when she could as she (the agency) had her posted elsewhere. Appellant expressed to her the importance of time frame to process copies as by this time Appellant was passed deadline by the court letter.

Also, on the 24, 2020 Appellant was able to speak to Associate warden (AW) Gause to explain the issue of delay of copies and that the mailroom had denied to process mail or supply legal envelopes for deadline. she said she would "handle" the mail room. The following day AW Gause was not present at the institution.

On June 26, 2020 now the following

Friday after deadline, Appellant was again able to speak to AWR Gause, she explained that the mailroom responded to her that since I had funds in my account I would just need to send a request and my account would be debited for legal services. I told AWR Gause that is what I had done in the first place and showed her the note from the mailroom denying such services. AWR Gause took the note.

On July 02, 2020 the mailroom officer (Mrs Outlaw) delivered additional legal mail to my cell and when Appellant attempted to get additional legal papers notarized, General Appellant as if she did not hear.

On July 03, 2020, Appellant sent another request to AWR Gause/Hubbard/Warner Storebrecher again explaining my issue of being denied/rebused legal mailing services, by officer at morning medical rounds at 6:30 am.

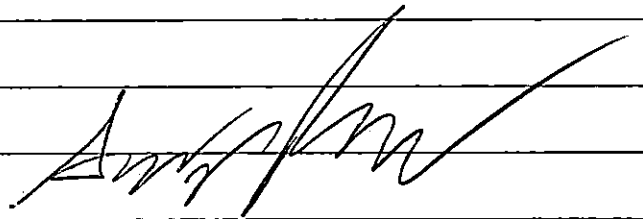
On July 06, 2020 Appellant asked in the morning for mail service and about Cpl. Davis as to appellants copies. It was informed that Cpl. Davis was out due to Covid-19, meaning my legal originals for copying are "out of reach" for the length of her absence. (This is why staff is not to "hold" legal material of inmates,

by policy).

On July 07, 2020 copies of legal material were completed and returned to appellant at approx. 10:30 am. Appellant requested staff contact the mail room again to request mail staff to come Notarize and post all pending mail. By the Notary signature and date, will be the day Appellant posts through the mail room staff.

The above affidavit, Appellant Gregory Perille, Swears and deposes all is true and correct to the best of his knowledge in support of Appellant's Motion for Liability under penalty of perjury.

Date: July 07, 2020



Gregory Perille 312332
Evens CS FUA 275
610 Hwy 9 West
Bennettsville SC. 29512

Notary

