THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM HORRY COUNTY

Court of Common Pleas

Honorable William H Seals, Jr Circuit Judge

Case No.: 2018-CP-26-6065

Gregory Pencille 312332.....PETITIONER

V.

State of South Carolina.....RESPONDENT

NOTICE OF APPEAL

The Petitioner Gregory Pencille appeals the Honorable William H Seals, Jr's August 30, 2021 Order of Dismissal and October 7, 2021 Order Denying Applicant's Motion for Reconsideration. Undersigned counsel received notice of entry of the October 7, 2021 Order on December 7, 2021. Copies of the orders on appeal are attached hereto.

James K Falk
Falk Law Firm
PO Box 1058
Charleston, SC 29402

December 7, 2021

Chelsey Marto, Esq.
Office of S.C. Attorney General
PO Box 11549
Columbia, SC 29211-1549

Clerk of Court- Horry County CP
PO Box 677
Conway, SC 29526

STATE OF SOUTH CAROLINA COUNTY OF HORRY	IN THE COURT OF COMMON PLEAS FOR THE FIFTEENTH JUDICIAL CIRCUIT
Gregory Pencille, #312332, Applicant, v. State of South Carolina, Respondent.	Case No.: 2018-CP-26-6065 **ORDER OF DISMISSAL**

This matter comes before this Court by way of Applicant's post-conviction relief application filed October 29, 2018. Respondent made its return on January 8, 2019. A hearing on the State's motion to dismiss was held on Tuesday, June 22, 2021.Applicant was present and represented by James K. Falk, Esquire, represented Applicant. Assistant Attorney General Chelsey F. Marto represented Respondent.

Following argument from both parties, including testimony from Applicant, and a thorough review of the record, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

Procedural History

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Horry County Clerk of Court. Applicant was indicted at the November 2008 term of the Horry County Grand Jury for first degree criminal sexual conduct (2008-GS-26-04686). G. Scott Bellamy, Esquire represented Applicant, and Candice A. Lively, Esquire, of the Fifteenth Circuit Solicitor's Office, prosecuted the case. On August 9, 2010, Applicant pled guilty at indicted. Consistent with the State's recommendation, the Honorable Larry B. Hyman,

Jr. sentenced Applicant to imprisonment for a term of thirty years.[1]

Applicant filed a motion for reconsideration on August 10, 2010.[2] Applicant thereafter filed a motion to relieve counsel and requested appointment of new counsel. Applicant appeared before Judge Hyman on March 14, 2012, still represented by Bellamy, who was relieved during the proceeding. By written order dated and filed on April 3, 2012, Judge Hyman denied the motion, but amended the sentencing sheet to relieve Applicant of lifetime GPS tracking.

Applicant filed a timely notice of appeal and a direct appeal was perfected by Robert M. Pachak, Esquire filing a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). The South Carolina Court of Appeals granted Pachak's motion to be relieved and dismissed Applicant's appeal by unpublished opinion. *State v. Pencille*, Op. No. 2013-UP-235 (S.C. Ct. App. filed June 5, 2013). The remittitur was issued on June 21, 2013.

First PCR Application: 2012-CP-26-00639

Applicant filed his first application for post-conviction relief on January 26, 2012. Respondent made its return on April 30, 2012. Applicant appeared before the Honorable Steven H. John on November 14, 2012. Applicant was represented by Daniel A. Selwa, II. T. Andrew Johnson, of the South Carolina Attorney General's Office, represented Respondent. By consent order signed December 11, 2012, and filed December 12, 2012, Judge John dismissed the application without prejudice due to the then-pending appeal.

---

[1] At the conclusion of the plea proceeding, the State made clear to the Court that Applicant was not served warrants charging him with the crime until October 9, 2008. Applicant was already incarcerated at that time pursuant to a twelve year sentence for kidnapping, imposed on November 7, 2005. (2005-GS-26-02054).

[2] Applicant also filed a notice of appeal, which was dismissed without prejudice on February 9, 2011, as premature in light of the pending motion for reconsideration.

Second PCR Application: 2013-CP-26-07463

Applicant filed his second application for post-conviction relief on November 8, 2013 (2013-CP-26-07463). Respondent made its return on June 10, 2014, and an evidentiary hearing into the matter was convened on November 9, 2015, before the Honorable Thomas A. Russo. At the hearing, Applicant proceeded only with the following allegations:

1. Involuntary Guilty Plea:
    a. Counsel failed to object to inflammatory testimony at Applicant's sentencing;
    b. Applicant did not understand the plea.
2. Ineffective assistance of counsel.

Applicant testified on his own behalf, and G. Scott Bellamy, Esquire, also testified. By written order dated January 15, 2016,[3] and filed January 25, 2016, Judge Russo denied and dismissed the application.

Applicant filed a timely notice of appeal and a petition for writ of certiorari was perfected by Kathrine H. Hudgins, Esquire filing a brief pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988). Thereafter, the Supreme Court of South Carolina filed an order dated March 2, 2016, transferring jurisdiction over the case to the South Carolina Court of Appeals. The Court of Appeals granted Hudgins' motion to be relieved and denied Applicant's petition by unpublished order. *Pencille v. State*, S.C. Ct. App. Order filed June 6, 2016. The remittitur was issued on June 22, 2016.

Federal Habeas Petition: 1:18-2904-RMG-SVH

Applicant subsequently filed a *pro se* petition for habeas corpus under 28 United States Code Section 2254 on October 25, 2018 (C.A. No. 1:18-2904-RMG-SVH). Respondent filed its return and motion for summary judgment on February 22, 2019. On May 16, 2019, Magistrate

[3] The Order is technically dated January 15, 2015, but such appears to be a New Year's scrivener's error.

Judge Antony issued the report and recommendation that Respondent's motion for summary judgment be granted and Applicant's petition be denied. *Gregory Pencille v. Aaron Joyner*, 1:18-2904-RMG-SVH (D.S.C. May 16, 2019). Applicant's objection to the report and recommendation was filed on October 31, 2019.

On June 10, 2019, the Court Judge adopted the Magistrate's report and recommendation granting Respondent's motion for summary judgement and dismissed Applicant's petition. *Gregory Pencille v. Aaron Joyner*, 1:18-2904-RMG-SVH (D.S.C. June 10, 2019). This was appealed to the United States Court of Appeals for the Fourth Circuit on August 15, 2019, and dismissed by unpublished opinion on February 5, 2020. An order recalling the mandate was issued April 9, 2020, and recalled April 20, 2020 as improvidently granted.

Summary of Relevant Facts

On June 3, 2004, the victim was walking along the beach towards the vacation home other family members were staying at. (Tr. 8). Applicant approached her a couple of times while she was on the beach, and at one time he placed his hand on her mouth and began fondling her breasts and vaginal area. (Tr. 8). He forced her under a nearby condo, where he removed her clothes and assaulted her. (Tr. 8). He digitally penetrated her and was about to penetrate her with his penis, at which point she claimed she had an STD to avoid the assault. (Tr. 8-9). The victim said he sucked her breast and then left. (Tr. 9). A sexual assault kit was completed at the hospital and her breast swabbed. (Tr. 9). A CODIS hit was made through SLED, leading law enforcement back to Applicant. (Tr. 9).

Current Action before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully because of ineffective assistance of counsel in that:

1. Pencille was denied due process of law under the Fourteenth Amendment to the United States Constitution when the trial court refused to give him full credit for time served on his concurrent sentence. Pencille was arrested in 2005, but the Court of General Sessions in Horry County marked his sentencing sheet to count time served from October 2008. This illegal modification prospectively delays Pencille's release date for the three years difference between the time of his arrest and the time marked upon the sentencing sheet.

Applicant, through Counsel, filed an amendment on May 24, 2021, alleging:

1. "Applicant's guilty plea was involuntary because it was the result of inaccurate advice from his counsel and therefore was not entered knowingly:
   a. "Counsel provided ineffective assistance of counsel by providing inaccurate advice that Applicant could receive an LWOP sentence under S.C. Code § 17-25-45."
   b. "Applicant is informed and believes that the warrants issued in 2001 and 2004 were invalid because the affiant on the warrants was the same individual that executed the warrants, therefore the issuance and execution of the warrants was contrary to the provisions of S.C. Code § 22-5-180."
2. "Prosecutorial Misconduct. Applicant alleges that the solicitor knew or should have known that Applicant would not have been LWOP eligible and therefore acted in bad faith by using the threat of LWOP sentence in its plea negotiations."
3. Applicant herein alleges ineffective assistance of Appellate Counsel. Robert Pachak failed to properly investigate meritorious issues for which Applicant sought appellate review. In support of this allegation, Applicant would show that only seven days elapsed from the date on which applicant first received an introductory letter from Mr. Pachak and when he received Mr. Pachak's letter advising that he was filing an *Anders* brief."
4. "Applicant alleges ineffective assistance of PCR Counsel. The transcript from Applicant's PCR hearing reveals that a substantial portion of Applicant's PCR hearing was devoted to PCR counsel's request to be removed from Mr. Pencille's case. As a result of poor communication between Applicant and PCR Counsel, PCR Counsel failed to raise meritorious issues regarding the trial counsel's ineffective performance."
5. "Applicant alleges ineffective assistance of Appellate counsel on the appeal from Applicant's PCR Hearing. Instead of alleging that the PCR Judge erred in his decision not to remove PCR Counsel, Katherine Hudgins filed a *Johnson* petition alleging that trial counsel failed to advise Appellant that a conviction for CSC could expose Applicant to a subsequent civil commitment under the SVP statutes."

Applicant proceeded forward on all of the above allegations at the hearing on the State's motion to dismiss. All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

Summary of the Arguments

At the motion to dismiss hearing, Applicant, through Counsel Falk, asserted he filed his *pro se* response primarily concerning the credit for time served issue. Counsel Falk spoke with him regarding additional issues raised, specifically concerning disagreement with his prior PCR Counsel concerning whether they should go forward or if should get a new judge over a dispute about issues raised. Specifically, Counsel Selwa was only willing to raise the issues he believed were meritorious, but Applicant disagreed. Applicant wanted to pursue this successive application due to counsel's failure to raise the issues he wanted raised.

Counsel Falk acknowledged that there was a plea agreement but stated he did not get a fair consideration for the bargain because he was not LWOP eligible. Counsel Falk stated that he had his first conviction in 2005, which was used with his 2008 conviction in rendering him LWOP eligible. However, because he was charged in 2004, Counsel Falk stated that the 2005 conviction was improperly used as a prior conviction before this bolstering in the sentence was permissible by law, dating the ability to use priors in sentencing dates back to when he was initially charged, not convicted. Further, Counsel Falk stated Applicant took the plea to avoid a life sentence, and the solicitor should have known that LWOP did not apply to this factual situation. Counsel Falk stated Direct Appellate Counsel only spent one week reviewing the facts and did not communicate with Applicant and that PCR Appellate Counsel should have alleged that the PCR judge erred in allowing hybrid representation or not substituting counsel. Further, Counsel Falk stated he did not get his bite at the apple because the issues he wants raised have not been raised.

Respondent stated that the sentencing issue is an administrative issue properly handled by SCDC, not PCR Court, as per *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000).

Respondent stated Appellate counsel does not have to raise every issue and these claims are untimely and ineffective assistance of PCR counsel is not a colorable claim. Respondent stated he is not entitle to *Austin* relief because he has enjoyed a PCR appeal. Further, claims concerning prosecutorial misconduct and ineffective assistance of counsel remain barred for untimeliness and successiveness.

Applicant then spoke on his own behalf. Applicant did not receive proper review of his case on appeal and did not know about claims now raised until he did his own personal research in the law library, rendering the claims timely under South Carolina Code Section 17-27-45(c). Specifically, he did not discover until within a year of filing this application that Trial Counsel Bellamy made errors and withheld exculpatory evidence. Applicant claims *Al-Shabazz* does not apply to his credit for time served issue because the issue was concerning a Judge's miscalculation, not SCDC's. Applicant states that there was a two year delay in indicting him upon two warrants because someone's name was crossed off, which Applicant states amounts to felonious false statement before the court by a detective. Applicant states there is a question of other evidence yet to be turned over, and a delay in indictments under 17-19-90 requires filed extensions. These do not exist, or he does not have a copy of these. He stated he tried get a copy of the unsigned warrant, claiming it would prove that they changed the affiant and it would change the validity of the warrant and requested grand jury empaneling documents. He believes that there was foul play from the 2008 indictments because of the dates that they were signed by the jury foreperson and doubts it was a scrivener's error because this amounts to a full year. Instead, he claims the delay was tactical and constituted foul play from the prosecution. Counsel Falk introduces exhibit of Rule 5 discovery.

Findings of Fact and Conclusions of Law

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. Before this Court are the Horry County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the direct appeal, PCR, and habeas records, and this PCR action's records. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by South Carolina Code Annotated Section 17-27-80 (2003).

Failure to State a Claim

The Court finds this allegation concerning credit for time served must be dismissed for failure to state a claim cognizable under the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. An applicant may commence a PCR action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20(A).

However, because an application for post-conviction relief is not a substitute for a direct

appeal of trial court error, and because of the modern simplification of criminal jurisdiction jurisprudence in South Carolina, the *overwhelming* majority of cognizable claims fall under the broad umbrella of "ineffective assistance of counsel," a contention under the Sixth Amendment to the Constitution of the United States. *See Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) ("Allegations of trial court error are not cognizable on PCR."); *State v. Gentry*, 363 S.C. 93, 101, 610 S.E.2d 494 499 (2005) ("Circuit courts obviously have subject matter jurisdiction to try criminal matters.").

Applicant's allegations do not support a cognizable claim for post-conviction relief under any of the statutory grounds. Post-conviction relief is only proper when the application collaterally attacks the validity of the conviction or sentence. *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). Claims that affect only the duration of the sentence or quality of the inmate's confinement do not affect the validity of the conviction or sentence and therefore are considered non-collateral attacks on the conviction. *Cooper v. State*, 338 S.C. 202, 525 S.E.2d 886 (2000). A claim for time served is a non-collateral attack of a conviction and may only be pursued under the Administrative Procedures Act (S.C. Code Ann. §§ 1-23-10 to -160, 1-23-310 to -400, 1-23-500 to -660). *Id.* As stated in *Cooper*, by challenging the duration of the sentence, the Applicant is in fact trying to enforce the sentence and is therefore not making a collateral attack on the conviction.

In his post-conviction relief application, the only facts Applicant offers in support of his claim for ineffective assistance of counsel is credit related: he believes he is entitled for time spent incarcerated prior to the service of the arrest warrants.[4] Applicant offers no attack upon the

[4] He is not so entitled. *See* S.C. Code Ann. § 24-13-40 ("[C]redit for time served prior to trial and sentencing shall not be given: . . . (2) when the prisoner is serving a sentence for one offense

conviction itself, but instead seeks its enforcement. Therefore, the Court shall dismiss the application for failing to state a claim cognizable under the Uniform Post-Conviction Procedure Act.

Statute of Limitations

The Court finds that this application must be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Specifically, the act requires as follows:

> An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.
>
> S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. *McDonnell v. Consolidated School District of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, South Carolina Code Annotated Section 17-27-70(c) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

Applicant pled guilty to all charges on August 9, 2010, and the remittitur from the direct appeal was issued June 21, 2013. The application was therefore due on June 22, 2014. This application was filed on October 29, 2018, well beyond the statutory filling period. Therefore,

---

and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in reduction of his sentence for the second offense."

the application should be summarily dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

Successiveness

The application shall be summarily dismissed because it is successive to Applicant's previous PCR application. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. *Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415 (1981); *Arnold v. State*, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code states:

> All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Under this statute, successive PCR applications are forbidden unless an applicant can indicate a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. *Aice v. State*, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised ... in the previous application." *Id.* at 450, 409 S.E.2d at 394. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. *Id.* Applicant bears the burden of showing the allegations could not have been previously raised. *Land v. State*, 274 S.C. 243, 262 S.E.2d 735 (1980).

Applicant's current allegations were or could have been raised in the proceedings based on Applicant's prior PCR application; thus, the current application is successive and barred

under South Carolina Code Annotated Section 17-27-90. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous PCR application. Therefore, he has failed to meet the burden imposed upon him, and the application shall be dismissed as successive to Applicant's previous PCR application.

Ineffective Assistance of PCR Counsel

Applicant's claim he is entitled to relief on grounds that his prior PCR and PCR Appeals counsels were ineffective are not cognizable in a PCR action. There is no constitutional right to appointed counsel for collateral review of a conviction. *Pennsylvania v. Finley*, 481 U.S. 551 (1987). The Sixth Amendment right to effective assistance of counsel does not extend to state PCR actions. *Coleman v. Thompson*, 501 U.S. 722 (1991). Once a PCR applicant obtains a complete adjudication on the merits of his original application, including an appeal, he may not make successive applications based on ineffective assistance of PCR counsel. *Aice v. State*, 305 S.C. 448, 452, 409 S.E.2d 392, 395 (1991).

The only recognized exception to the rule barring claims of ineffective assistance of PCR counsel is found in *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). *Austin* recognizes a general exception to this rule where prior PCR counsel fails to appeal the denial of the application. *Id. Austin* "is limited to its particular factual situation" and is only applicable in limited circumstances to correct procedural defects where an applicant is denied his "one full bite at the apple." *Id.*; *Aice*, 305 S.C. at 452, 409 S.E.2d at 394; *see also Odom v. State*, 337 S.C. 256, 523 S.E.2d 753 (1999).

Here, Applicant received a hearing in his first PCR action and timely appealed therefrom. Applicant further enjoyed to exhaustion the federal habeas corpus procedures. It is clear Applicant enjoyed a complete adjudication on the merits of his original application—"one full

bite at the apple." Therefore, Applicant's ineffective assistance of PCR and PCR Appellate counsel allegations do not fall within any exception to the rule barring such claims, and the allegations should be dismissed for failing to state a claim cognizable under the Uniform Post-Conviction Procedure Act.

Conclusion

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry's written notice to secure appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate appellate procedures.

IT IS THEREFORE ORDERED:

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 30 day of Aug, 2021.

WILLIAM H. SEALS, JR.
Presiding Judge
Fifteenth Judicial Circuit

Marion, South Carolina.

STATE OF SOUTH CAROLINA COUNTY OF HORRY	IN THE COURT OF COMMON PLEAS IN THE FIFTEENTH JUDICIAL CIRCUIT
Gregory Pencille, #312332, Applicant, v. State of South Carolina, Respondent.	Case No.: 2018-CP-26-06066 **ORDER DENYING APPLICANT'S MOTION FOR RECONSIDERATION**

The matter before this Court by way of an application for post-conviction relief (hereafter "PCR") filed October 29, 2018. This Court convened a hearing on the State's motion to dismiss on June 22, 2021, at the Horry County Courthouse. Applicant was present at the hearing and represented by James K. Falk. Respondent was represented by Chelsey F. Marto, Esquire, of the South Carolina Attorney General's Office. The Court denied relief by written order dated August 30, 2021. On September 22, 2021, Applicant made a *pro se* "amended motion for new trial/alter or amend judgment [Rule 59(b)(e)]." Applicant, through Counsel Falk, made a motion to alter or amend the sentence on September 26, 2021.

After careful consideration of the arguments of Counsel and review of the record, this Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded, and further finds no error of law or fact not appropriately considered. The order of dismissal issued by this Court contains the appropriate findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code of Laws and Rule 52(a) of the South Carolina Rules of Civil Procedure. Accordingly, Applicant's motion for reconsideration is **DENIED.**

IT IS THEREFORE ORDERED that Applicant's motion is hereby **DENIED AND DISMISSED.**

AND IT IS SO ORDERED this 7 day of Oct, 2021.

The Honorable William H. Seals, Jr.
Circuit Court Judge
Fifteenth Judicial Circuit

Marion, South Carolina

State of South Carolina
The Circuit Court of the Twelfth Judicial Circuit

William H. Seals, Jr.
Judge

103 North Main Street
Marion, SC 29571
Phone: (843) 423-0446
Fax: (843) 423-0535
wsealsj@sccourts.org

October 8, 2021

To Whom it May Concern:

Please find attached the signed Order Denying Applicant's Motion for Reconsideration for Case # 2018-CP-26-06065: Gregory Pencille v. State of South Carolina.

Sincerely,

O. Larkin Skinner

O. Larkin Skinner
Clerk for the Hon. William H. Seals Jr.