

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE Dorchester County Court of Common
Plea

DORCHESTER County Common Plea JUDGE Maite
Murphy

RECEIVED

JUN 30 2022

SC Court of Appeals

Case No 2022 - CP - 1800 - 388

Appellate Case No. 2022 - 000 819

James Anthony Primus 252315

Plaintiff

v

Solicitor First Judicial Circuit

Defendants

Michael Pascoe, Margaret McDonald

Application To Proceed IN South Carolina Court of Appeals

Without Prepaying Fees or Costs

I am a plaintiff in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this Application I answer the following question under Penalty of Perjury

I am being held at MacDougall Correctional Institution 1516 Old Gilliard Road Ridgeville I have attached to this document a statement certified by the appropriate institutional officer

Declaration I declare under Penalty of Perjury that the above information is true and understand that a false statement may result in dismissal of my claim Date June 23 2022

James Anthony Primus 252315

James Anthony Primus Prose

MacDougall

**INMATE TRUST FUND ACCOUNT REPORT
for SOUTH CAROLINA COURT FILING FEES**

INSTRUCTIONS TO INMATE: Complete top portion then give to your mailroom. When returned from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): James Anthony Primus

SCDC# Z52315 INMATE SIGNATURE: James Anthony Primus
Z52315

I plan to file this action in the SC County of DORCHESTER.

The section below is for SCDC - Financial Accounting Branch's use ONLY.

- (1) Total deposits to inmate's account for preceding six months' period* \$ 0
- (2) Twenty percent (20%) of line 1 \$ 0
- (3) Account balance - current date \$ 2.76
- (4) PAYMENT AMOUNT **
(lesser of line 2 or line 3)
Enclosed check # — \$ 0

****NOTE to COURT:** If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections
Financial Accounting - Room 234
PO Box 21787
Columbia, SC 29221-1787

*Admission date is noted here if inmate incarcerated less than six months / /

Peggy Carter
Prepared by Financial Accounting Branch - SCDC

4/11/2022
Date efilectrusts/prepared 7/97

James Anthony Primus

CERTIFIED COPY

2022 MAR -3 PM 4:44
Plaintiff(s)

CIVIL ACTION COVERSHEET

2022-CP-18-388

-CP - - - -

vs.

Cheryl Wilson
CLERK OF COURT
DORCHESTER COUNTY

Solicitor Michael Pascoe
Margarette McDonald

Defendant(s)

Submitted By: James Anthony Primus
Address: 1516 Old Gilliard Road
Ridgeville S.C. 29472

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|--|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Interpleader (690) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input checked="" type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20 -NI- _____ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) _____ | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) _____ <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Incapacitated Adult Settlement (790) <input type="checkbox"/> Other (799) _____ | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) _____ <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) |
|---|---|--|--|
- Submitting Party Signature: James Anthony Primus Date: March 1 2022

STATE OF SOUTH CAROLINA,)
)
COUNTY OF Dorchester)
)
James Anthony Primus 252315)
)
Plaintiff,)
)
vs.)
)
Solicitor)
)
Michael Pascoe)
)
Margaret MacDonald Defendant.)

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. 2022-CP-18-388

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

, South Carolina

Dated: March 1 2022

Address:
OFFICE OF Solicitor
100 Ridge Street
2nd Floor
Saint George S.C. 29477

David Pascoe
Margaret MacDonald

James Anthony Primus 252315
Plaintiff/Attorney for Plaintiff

James Anthony Primus Pro Se
MacDougall Correctional Insts
1516 Old Billiard Road
Ridgeville S.C. 29872

David Pascoe
CLERK OF COURT
DORCHESTER COUNTY

2022 MAR -3 PM 4:44

CERTIFIED COPY

STATE OF SOUTH CAROLINA

County of DORCHESTER

IN THE COURT OF

Common PLEAS

2022-CP-18-388

Complaint

James Anthony Primus 252315
Plaintiff

TRIAL By JURY

v
Dorchester County solicitor David Barcoe
Margaret McDonald
Defendant

CERTIFIED COPY
MAR - 3 PM 1:44
DORCHESTER COUNTY
CLERK OF COURT
David McLeod

Now Comes Plaintiff James Anthony Primus 252315 Pro Se a

STATE Prisoner litigant without legal training complains of
The Defendant herein would respectfully show unto this Court
as follows

JURISDICTION

1 Jurisdiction is found upon the South Carolina Tort Claim
Act Pursuant to South Carolina TORT claim Act Pursuant to
South Carolina Code of Law 15-78-10 thru 15-78-110 seeking

2 Plaintiff James Anthony Primus 252315 is a state prisoner
currently incarcerated at the MacDougel Correctional Institution
1516 old Gilliard Road Ridgeville S.C. 29472

3 Defendant Margaret McDonald is a citizen of the United
STATES and practice Law IN THE STATE OF South Carolina
OFFICE OF SOLICITOR First Judicial Circuit 101 Ridge St.
2nd Floor Saint George S.C. 29477

4 Margaret MacDonald and Assistant Solicitor Dorchester County For the State South Carolina Seeks Injunctive Relief and Compensatory Damages For Negligence and Malpractice

5 on September 1 1998 Assistant Solicitor Defendant signed Plaintiff sentence sheet as Plaintiff Attorney plead Plaintiff Guilty to assault & Battery of and High and Aggravated Nature without Plaintiff knowledge or consent

6 Plaintiff James Anthony Primus Filed Four post conviction Each time every Judge Refuse to give Plaintiff a ruling on this one specific issue to preserve issue for Appeal

7 after repeated Request By Grievances and Post conviction Finally February 9 2022 WH 389641 Appellate Case No. 2019 001277 S.C. Court of Appeals acknowledge that the assault and Battery of and High and Aggravated Nature is Improper

CLAIMS

FIRST CAUSE OF ACTION

PROFESSIONAL MALPRACTICE / Breach of Fiduciary Duty

I The Acts and omission of Defendant Stated in this Complaint Violated S.C. Code of LAW 15-78-10 Thru 15-78-110 Rules of Professional Conduct Rules 2-110 A (2) S.C. Code and other State Laws and regulations

II Plaintiff Alleges that Defendant Violated S.C. Tort Claim act 15-78-10 Thru 15-78-110 Professional malpractice Rules 2-40 A(2

SECOND CAUSE OF ACTION

NEGLECT

I on June 11 2014 S.C. Attorney General Dorchester County Solicitor and Dorchester County clerk of court was made aware of Plaintiff complications and did nothing to insure Plaintiff sentence sheets would be corrected resulted from Racial Inhumanity violated S.C. Code of Law 15-78-110

Date February 16 2022

Respect Fully Submitted

James Anthony Primus 252315

James Anthony Primus P.O. Box

1516 Old Gilliard Rd

Ridgewood S.C. 29472

RELIEF

Where Fore Plaintiff Request this Honorable Court
Grant the Following Relief

- A Actual Damages and Compensatory Damages Against
Margaret McDonald In the Following Amount
Actual Damages one Hundred Thousand Dollars
- B Exemplary Damages Against Margaret McDonald Permanent
Lost one Hundred Thousand Dollars
- C Mental Anguish in the Sum of twenty-Five Thousand
dollars
- D Incidental Damages in the Sum of twenty-Five Thousand
dollars Court Cost attorney Fee Service Cost
- E Grant This and any other Relief it may Appear

DATE February 16 2022

Respectfully Submitted

James Anthony Primus 252315

James Anthony Primus P.O. Box
1516 old Gilliard Rd
Ridgerville S.C. 29472

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF GENERAL SESSIONS

CERTIFIED COPY

INDICTMENT/CASE #

STATE VS. James A. Berman 2007 JAN 30 PM 3:58

97-GS-18-1045

2022-CP-18-388

AKA: James A. Berman
Race: B Sex: M
DOB: _____
SSN: _____
DL#: _____
SID#: _____

A/W#: E 091978
Date of Offense: 7-13-97
S.C. CODE §: 16-3-630
CDR Code #: 13

CLERK OF COURT
DORCHESTER COUNTY

SENTENCE BY
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or CHARGED
TO: Armed + Dangerous Assault on a Person
in violation of § _____ of the S.C. Code of Laws, bearing CDR Code # 13

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury

The plea is: Without Negotiations or Recommendation Negotiated Sentence

Recommendation by the State

ATTEST:

Margaret M. Bare
Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
or Under Youthful Offender Act for a term of 10 days/months/years and/or to pay a fine of \$ _____;
provided the sentence be suspended upon the service of _____ days/months/years and/or payment of
\$ _____ plus costs and assessments as applicable*; the balance suspended with probation for _____
months/years:

CONCURRENT or CONSECUTIVE to sentence on: 97-65-18-1046

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered

PTUP

Total: \$ _____

_____ days/hours Public Service Employment

Pay Terms: _____

Obtain GED

Recipient: _____

Attend Voc Rehab. or Job Corps

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

Other: Credit for jail time

Other: Since July 15, 1997

*Fine..... \$ _____
§14-1-206 - Assessments 100%..... \$ _____
§14-1-211 - Surcharge..... \$ 100.00
(Exceptions: See §14-1-211)
§56-5-2995 (DUI)..... \$ _____
TOTAL..... \$ 100.00

PRESIDING JUDGE

Sentence Date: 9-1-98

Deal E. Sturge
Clerk of Court/Deputy Clerk

Judge Code: 090

Court Reporter: R. Keil

SCCA/217 (12/97)

The State of South Carolina

In the Dorchester County Court of Common
Plea

2022-CP-18-388

James Anthony Primus 252315

Plaintiff

v

Margaret McDonald

Respondent

Certificate of Service

Undersigned Pro Se Plaintiff James Anthony Primus 252315
certifies that on today's date I mailed a copy of the
Summons and Complaint to Respondent along with proof of service
to defendant as follows

S.C. Attorney General office
P.O. Box 11549
Columbia S.C. 29211
Margaret McDonald
Dorchester County Solicitor office
101 Bridge Street 2nd Floor
Saint George S.C. 29477

Date February 16 2022

CERTIFIED COPY
2022 MAR -3 PM 4:44
DORCHESTER COUNTY
CLERK OF COURT

Respectfully Submitted
James Anthony Primus 252315
James A. Primus Pro Se
1516 Old Gilliard Road
Ridgeville S.C. 29472

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From the Dorchester County Court of

Dorchester County Common Pleas

Case Number 2022 CP 1800 388

CERTIFIED COPY
2022 JUN 13 PM 3:49

Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY
Judge *Cheryl Graham* Murphy

James Anthony Primus 252315

Plaintiff

v

Solicitor First Judicial Circuit David Pascoe Margarette McDonald

Defendants

CERTIFICATE OF SERVICE

Under signed pro se Plaintiff James Anthony Primus 252315
Certifies that on Today's date June 4 2022 I mailed
a copy of the Notice of Appeal to Defendant addressed as
follows
IN forma pauperis to Court

S.C. Court of APPEALS

Clerk office

1220 Senate Street
Columbia S.C. 29201

Judge Maite Murphy

Clerk of Court Cheryl Graham

5200 East Jim Bilton Blvd.

Saint George S.C. 29477

RECEIVED

JUN 30 2022

SC Court of Appeals

By

James Anthony Primus 252315

James Anthony Primus pro se

1516 Old Gilliland Rd

Ridgeville S.C. 29472

James Anthony Primus 252315
MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville S. C. 29472
June 23 2022

South Carolina Court of Appeal
Clerk OFFICE
1220 Senate Street
Columbia S.C. 29201

RECEIVED

JUN 30 2022

SC Court of Appeals

Dear Honorable Clerk

Please find enclosed James Anthony Primus Motion for
to proceed in forma - pauperis in the enclosed cases
Please file in your office
I would like to thank you in advanced

Sincerely

James Anthony Primus Pro se

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEAL

APPEAL FROM DORCHESTER County Court of Common Plea

DORCHESTER County Common Plea Judge Maite Murphy

Case no 2022 - CP - 1800 - 388

Appellate Case No. 2022 - 000819

James Anthony Primus 252315

Appellant

V

First Judicial Circuit Solicitor

Defendant

Michael Pascoe, Margaret McDonald

CERTIFICATE OF ~~Counsel~~ SERVICE

Undersigned Appellant pro se hereby certifies on Today's Date

June 23 2022 I mailed a copy of the Informa. Pauperis

addressed as follows

S. C. Court of Appeals

1220 Senate Street

Columbia S.C. 29201

RECEIVED

JUN 30 2022

SC Court of Appeals

James Anthony Primus 252315

James Anthony Primus pro se

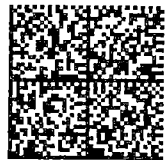
1516 Old Gilliard Rd

Ridgeville S.C. 29472

James Anthony
MEDICAL CORR. INST.
1516 OLD BILLIARD RD.
RIDGEBILE NC 29472

Primus 252315

FIRST-CLASS



US POSTAGE IMPITNEY BOWES



ZIP 29472 \$ 001.96⁰
02 7H
0001338913 JUN 28 2022

RECEIVED

JUN 30 2022

SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS

CLERK OFFICE

1220 Senate Street

Columbia S.C. 29201

SCDC
JUN 24 2022
MAIL ROOM

29201#9769 0076

