

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL From the Richland County Court of Common Plea

Richland County Common Plea Judge Jocelyn Newman

Case No 2022 CP - 400 1642

Appellate Case No. 2022 - 000 795

James Anthony Primus 252315

RECEIVED

Plaintiff

v

JUL 01 2022

S.C.D.C. Director Brian Stirling **SC Court of Appeals**

Defendants

S.C.D.C. Classification Margie Prioleau

Application To Proceed IN South Carolina Court of Appeals without

Paying 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 pro se
1516 Old Gilliard Road
Ridgeville S.C. 2972

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# ZS231S INMATE SIGNATURE: James Anthony Primus
ZS231S

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 Crowther
Prepared by Financial Accounting Branch - SCDC

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

COUNTY OF Richland

James Anthony Primus 252815
Plaintiff(s)

vs.

Director Brian Stirling Class. Margie P. Peleca
Defendant(s)

Submitted By: James Anthony Primus 252815
Address: Mac O'Connell Correctional Institution
1516 Old Gilliland Road
Bridgeville S.C. 29472

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2022-CP40011A2

FILED
MAR 30 AM 9:00
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA

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. 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.

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. (Proof of ADR/Exemption 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>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 # <u>20-NI-</u> <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) | <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/Label (380) <input type="checkbox"/> Other (399) | <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>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>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>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"/> Other (799) | <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) |
| <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 (610) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | | | |

Submitting Party Signature: _____

James Anthony Primus
prosc

March 7 2022
Date: _____

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA,

COUNTY OF Richland

James Anthony Primus 252315
Plaintiff,

vs.

S. C. Dept. of Corrections
Brian Stirling Director
Margie Prioleau Classification
Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO.

2022CP4001142

2022 MAR 30 AM 9:00
DEPT. OF CORRECTIONS
C.M.P. & C.S.
RICHLAND COUNTY
FILED

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 7 2022

Address:

James Anthony Primus 252315
Plaintiff/Attorney for Plaintiff

James Anthony Primus Pro Se
MACDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville S.C. 29472

DEFENDANTS

South Carolina Department of
Corrections
Director Brian Stirling
Classification Margie Prioleau
P.O. Box 21787 / 4444 Broadriver Rd
Columbia S.C. 29221-1787

Margie Prioleau Classification
MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville S.C. 29472

SCCA 401 (5/02)

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE Court of Common
Pleas

James Anthony Primus 252315
Plaintiff

v

MR. Brian Stirling Director S.C.D.C.
Ms. Margie Prioleau Classification
South Carolina Department of Corrections
Respondents

Case No.
2022CP400
Complaint

TRIAL BY

2022 MAR 30 PM 9:00
CLERK OF COURT
RICHLAND COUNTY

Now Comes Plaintiff James Anthony Primus 252315 Pro. Sec. a
STATE Prisoner litigant without formal legal training complaining
of the Defendants 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 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 MacDougal Correctional Institution
1516 old Gilliard Road Ridgeville S.C. 29472
- 3 DEFENDANTS S.C.D.C. Director Brian Stirling, Classification Case
Worker Margie Prioleau is and citizen of the United States and
employed by the S.C. Dept. of Corrections 4444 Broad River Rd
Columbia SC 29221-1787

4 Director Brian Stirling is the Director of the South Carolina Department of Correction appointed By the Governor Ms. Margie Prioleau is and employee of the South Carolina Department of Correction. Seeks Injunctive Relief and Compensatory Damages. For Fraudulent upkeep of Plaintiff Classification Records Just Plain Negligence and Failure of and Fiduciary Duty

5 on August 16 2021 S.C. Dept. of Corrections office of General Counsel Imani Diane Byas Staff Attorney S.C.D.C. 4444 Broadriver Road Columbia S.C. 29221 MOTION to the Admin. Law Court to update Plaintiff sentence sheet for assault and Battery of a High and aggravated nature was updated to reflect Trial instead of plea and sentence sheet for kidnappings was updated to reflect Appellant to receive Jail Time Credit From 1997 instead of 1998 August 17 2021 MOTION Granted Admin. Law Court Judge the Honorable Shirley C. Robinson (see Exhibit.

6 on September 29 2021 MacDougal Correctional Institution Case Worker Reverse it Back Being Autonomous (see exhibits

7 Plaintiff Filed and Grievance only to be denied Plaintiff Appealed to the S.C. Court of Appeals and S.C. Admin. Law Court

CLAIMS

FIRST CAUSE OF ACTION
PROFESSIONAL MAL PRACTICE / BREACH OF Fiduciary Duty

I THE ACTS and omission of Defendants 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 Defendants violated S.C. Tort Claim
act 15-78-10 Thru 15-78-110 Professional Legal
Mal Practice Rule 5 2-40 A (2) & 3

SECOND Cause of Action

NEGLECT

ON September 1 1998 SCDC Director and Classifier
Admitted and Fraudulent Sentence Sheet to Plaintiff Records
and in March 13 2000 added and Second Fraudulent
Sentence Sheet for the same crime in which there is no
arrest warrant or indictment Director SCDC Brian Stirling
Classification Margie Prioleau violated S.C. of Law 15-78-10
Thru 15-78-110

RELIEF

WHEREFORE PLAINTIFF REQUEST THIS HONORABLE COURT GRANT THE FOLLOWING RELIEF

A Actual Damages AND Compensatory DAMAGES
Against Director Brian Stirling SCDC and Classification
Margie Prioleau In the Following Amount

1 Actual Damages Hundred Thousand Dollars

B Exemplary Damages Against Director Brian Stirling SCDC

A Classification Margie Prioleau SCDC Permanent Lost
Fifty Thousand Dollars

C Mental Anguish in the Sum of Fifty Thousand Dollars

D Incidental Damages in the Sum of Fifty Thousand
Dollars Court Cost Attorney Fee Service Cost

Respectfully Submitted

James Anthony Primus 252315

James Anthony Primus Pro SC
MacDougall Correctional Institution
1516 Old Gilliard Road

Ridgeville S.C. 29472

DATE

March 24 2022

STATE OF SOUTH CAROLINA,

COUNTY OF Richland

James Anthony Primus
Plaintiff

vs.

Director Brian Stirling
Defendant.
Class. Margie Pivleca

IN THE COURT OF COMMON PLEAS

JUDICIAL CIRCUIT

MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS

2022CP4001042

FILE NO.

FILED
MAR 30 11:51:00

I, James Anthony Primus being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me
this 24th day of March, 2022

[Signature]
Notary Public for South Carolina

My Commission expires 04-12-2031

James Anthony Primus
Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

ORDER

Leave is granted to proceed in forma pauperis without payment of the filing fee.

Leave is granted to proceed in forma pauperis without payment of the service cost.

Leave is denied to proceed in forma pauperis. Plaintiff shall pay required filing fee in full by June 1, 2022, or this case shall be dismissed.

Dated: April 12, 2022
Columbia, South Carolina

Judith Neuman
JUDGE/CLERK OF COURT

RECEIVED

JUL 01 2022

SC Court of Appeals

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

SCCA 40SCP (10/10)

FILED
2022 APR 13 AM 10:12
RICHLAND COUNTY
FILED

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

2022CP4001642

FINANCIAL DECLARATION
IN SUPPORT OF
IN FORMA PAUPERIS REQUEST

James Anthony Primus 252315
Plaintiff

-vs-

Brian Stirling S.C.D.C. Director
Defendant

Margie Prioleau S.C.D.C. classification

OF _____

Case # _____

FILED
MAR 30 AM 9:00
CLERK OF COURT

GROSS MONTHLY INCOME FROM:

| | | |
|---|-----------|----------|
| Salary and wages (including commissions, bonuses and overtime) .. | \$ | 0 |
| Pensions and Retirement | \$ | 0 |
| Social Security | \$ | 0 |
| Disability and Unemployment Insurance | \$ | 0 |
| Public Assistance (AFDC payments, etc.) | \$ | 0 |
| Child/Spousal support (prior marriage, etc.) | \$ | 0 |
| Dividends and Interest | \$ | 0 |
| Rents | \$ | 0 |
| All other sources (specify) <u>one time stimulus check</u> | \$ | 3204.41 |
| _____ | \$ | 0 |
| _____ | \$ | 0 |
| TOTAL MONTHLY INCOME | \$ | 0 |

ITEMIZE DEDUCTIONS FROM GROSS INCOME:

| | | |
|--|-----------|----------|
| Income Taxes (State and Federal) | \$ | 0 |
| Social Security | \$ | 0 |
| Disability Insurance | \$ | 0 |
| Medical or other insurance | \$ | 0 |
| Union or other dues | \$ | 0 |
| Retirement or Pension Fund | \$ | 0 |
| Savings plan | \$ | 0 |
| Other (specify) _____ | \$ | 0 |
| _____ | \$ | 0 |
| _____ | \$ | 0 |
| TOTAL DEDUCTIONS | \$ | 0 |
| NET MONTHLY INCOME | \$ | 0 |

ESTIMATED MONTHLY EXPENSES:

| | | |
|--|----|---|
| Rent (residence) | \$ | 0 |
| Note or mortgage payments (residence) | \$ | 0 |
| Real property taxes (residence) | \$ | 0 |
| Real property insurance (residence) | \$ | 0 |
| Maintenance (residence) | \$ | 0 |
| Food and household supplies | \$ | 0 |
| Utilities | \$ | 0 |
| Telephone | \$ | 0 |
| Laundry and cleaning | \$ | 0 |
| Clothing | \$ | 0 |
| Medical | \$ | 0 |
| Dental | \$ | 0 |
| Insurance (Life, Health, Accident, etc.) | \$ | 0 |
| Child Care | \$ | 0 |
| Payment of child/spousal support (prior marriage, etc.) | \$ | 0 |
| School | \$ | 0 |
| Entertainment | \$ | 0 |
| Incidentals | \$ | 0 |
| Auto expenses (Insurance, gas, oil, etc.) | \$ | 0 |
| Auto payments | \$ | 0 |
| Other installment payment(s) (insert total here and itemize below) | \$ | 0 |

| <u>Creditors Name</u> | <u>For</u> | <u>Monthly Pmt</u> | <u>Balance</u> |
|-----------------------|------------|--------------------|----------------|
| _____ | | | |
| _____ | | | |
| _____ | | | |

| | | |
|-----------------------|----|---|
| Other (specify) _____ | \$ | 0 |
| _____ | \$ | 0 |
| _____ | \$ | 0 |

TOTAL EXPENSES \$ 0

Other debts and obligations NOT payable in monthly installments:

| <u>Creditors Name</u> | <u>For</u> | <u>Date Payable</u> | <u>Balance</u> |
|-----------------------|------------|---------------------|----------------|
| _____ | | | \$ 0 |
| _____ | | | \$ 0 |
| _____ | | | \$ 0 |
| _____ | | | \$ 0 |

ALL PROPERTY I OWN:

| | | |
|---|-----------|-----------------|
| Cash on hand | \$ | <u>0</u> |
| Money in checking accounts | \$ | <u>0</u> |
| Money in saving accounts | \$ | <u>0</u> |
| Money in credit union | \$ | <u>0</u> |
| Money in any other accounts or deposits | \$ | <u>0</u> |
| Retirement or pension fund | \$ | <u>0</u> |
| Life Insurance cash value | \$ | <u>0</u> |
| Value of any stocks and/or bonds | \$ | <u>0</u> |
| Value of real property | \$ | <u>0</u> |
| Value of all other property | \$ | <u>0</u> |
| TOTAL PROPERTY | \$ | <u>0</u> |

James Anthony Primus 252315
Signature

March 24, 2022
Date

James Anthony Primus Prose
MacDougall Correctional Inst.
1516 old Gilliland Road
Ridgeville S.C. 29472

Subscribed and sworn before me this
24 Day of March, 2022.

[Signature]
Notary Public for South Carolina

My commission expires: 06-12-2031

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEAL
APPEAL FROM THE RICHLAND County Court of Common Pleas
Richland County Common Pleas Judge Jocelyn Newman
Case No 2022 CP 4001642
Appellate Case No. 2022 - 000795

James Anthony Primus 252315

Appellant

V

RECEIVED

JUL 01 2022

Director SCDC Brian Stirling

S.C.D.C. Classification Magic Prioleau

SC Court of Appeals

Defendant

CERTIFICATE OF SERVICE

Undersigned Appellant Pro se hereby certifies on Today's
Date June 23 2022 I mailed a copy of the Informa
Pauper's addressed as follows

S.C. Court of Appeals
1220 Senate Street
Columbia S.C. 29201

James Anthony Primus 252315
James Anthony Primus Pro se
1516 Old Gilliard Rd
Ridgeville S.C. 29472

James Anthony Primus 252515
MacDougall Correctional Institution
1516 Old Galliard Road
Ridgeville S.C. 29472

June 23 2022

S. C. Court of Appeals
Clerk office
1220 Senate Street
Columbia S.C. 29201

RECEIVED

JUL 01 2022

SC Court of Appeals

Dear Honorable Clerk

Please find enclosed James Anthony Primus motion for to
proceed in forma - pauperis in the enclosed case

Please file in your office

I would like to thank you in advanced

Sincerely

James Anthony Primus Prose

James Anthony Primus 252315

MAGNOLIA CORR. INST.
1516 OLD MILLARD RD.
RIDGEBURY SC 29472

RECEIVED

JUL 01 2022

SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS

CLERK OFFICE

1220 SENATE STREET

Columbia S.C. 29201

2920133769 0076



FIRST-CLASS



US POSTAGE MPITNEY BOWES



ZIP 29472
02 7H
0001338913

\$ 001.76

JUN 28 2022

SCDC

MAR 05 22

MAIL ROOM