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Jul 25 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Administrative Law Judge Shirley C. Robinson

Opinion No. 2022-UP-276 (S.C. Ct. App. filed 6/29/22)
Appellate Case No. 2021-001025

Isiah James,

APPELLANT,

v.

South Carolina Department of Corrections,

RESPONDENT.

RETURN TO PETITION FOR REHEARING

On June 29, 2022, this Court affirmed the decision of the Administrative Law Court regarding the calculation of Appellant's sentences. On July 12, 2022, Appellant submitted a Petition for Rehearing, raising three issues. In issue one, he argues that this Court erred in concluding (in a footnote) that he abandoned the issue of the proper calculation of his work and good time credits because his "point was set forth" on page six of the Record on Appeal, which he asserts states "MAXOUT DATE 9.16.20" and that there was a "change in classification in 1996." Page six of the Record on Appeal contains a classification report dated January 20, 1997. (See R. p. 6). Among other things, this classification report lists, **as of that date**, Appellant's custody level, projected maxout date and projected parole date, and Appellant's job. (R. p. 6). These things are subject to change based upon various circumstances.

Appellant's reference to page six of the Record does nothing to explain his unsubstantiated assertion that SCDC miscalculated his sentence or how SCDC allegedly miscalculated it. Likewise, it does nothing to show this Court any points overlooked or misapprehended. Accordingly, the Petition for Rehearing should be denied as to this issue.

In issue two, Appellant merely states as follows: "Change in criminal laws, rehabilitation v. punishment, eliminations of parole release eligibility-85%." Again, this does nothing to show this Court any points overlooked or misapprehended. The Petition for Rehearing should be denied as to this issue.

In issue three, Appellant merely states as follows: "The Court indicated that Busby v. State ___ S.E.2d __ () which should be applicable to the change of the law (s)." Once again, this does nothing to show this Court any points overlooked or misapprehended. The Petition for Rehearing should be denied as to this issue.

CONCLUSION

For the reasons set forth above, Respondent respectfully requests that this Court deny Appellant's Petition for Rehearing and his request for rehearing *en banc*.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 
CHRISTINA CATOE BIGELOW

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ATTORNEY FOR RESPONDENT

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the Respondent's **Return to Petition for Rehearing** to Appellant, addressed as follows: **Isiah James, 1810 O Street, Brunswick, Georgia 31520.**



Christina Catoe Bigelow
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SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

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SC Court of Appeals

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The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Isiah James, Jr. v. South Carolina Department of Corrections
Appellate Case No. 2021-001025

Dear Ms. Kitchings:

Enclosed please find the Respondent's **Return to Petition for Rehearing**, along with a **Certificate of Service**.

Thank you for your attention to this matter, and please do not hesitate to contact me should there be any questions or concerns.

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections
S.C. Bar No. 73562

cc: Isiah James, Jr.
1810 O Street
Brunswick, Georgia 31520