

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From the Administrative Law Court

Administrative Law Judge S. Phillip Lenski

ALC Case No 21-ALJ-04-0164-AP

Appellate Case No. 2021-000879

James Anthony Primus 252315

Appellant

v

South Carolina Department of Correction

Respondent

Corrected Record on Appeal Supplemental
Paginated Pages numbered consecutively Old Pages
not being used

James Anthony Primus 252315

Appellant P/O

MacDougall Correctional Institution

1516 Old Gilliard Rd

Ridgeville S.C. 29472

Christina Cator Bigelow

Deputy General Counsel

Office of General Counsel

S.C. Department of Corrections

P.O. Box 21787 - 4444 Broad River Rd

Columbia S.C. 29221 - 1787

RECEIVED

AUG 22 2022

SC Court of Appeals

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INMATE GRIEVANCE FORM

MAR 08 2021

STEP 2

Office Use Only

Case 4075 0/11/21

RECEIVED
 INMATE NAME: JAMES ANTHONY PRIMUS
 SCDC NUMBER: 252315
 INSTITUTION: MACDOUGALL
 HOUSING UNIT: _____
 WORK ASSIGNMENT: _____

Grievance No. MACCT 0006-21
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class ✓
 PREA _____
 Date Received: 3/08/2021
 IGC Initials: [Signature]
 Date Received: _____
 IGA Initials: _____

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

Inmate Records for SCDC is responsible for the errors contain in my record which is numerous from the admittance 9-2-1988 in which should of been corrected by Dorchester County Sheriff office

Grievant Signature James Primus Date 3 5 2021

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Primus, Anthony 252315

MacD-0006-21

I have reviewed your concern. In your grievance you stated that jail time credits have not been calculated into your incarcerated sentence. The Warden responded to your concern on SCDC Step 1 Inmate Grievance Form 10-5 dated 3/4/21. Your projected release date as of 3/16/21 is 1/1/28. You have 3,043 days of Earned Work Credits and 8,521 days of Total Service. You have been given all the credits which you are entitled. You may confer with a Classification Caseworker should you have more concerns regarding your service time. You have not shown that SCDC Staff have failed to perform their job duties properly.

Therefore, your grievance is resolved.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (Form) and submit it as instructed on the Form within thirty (30) days of receipt.

Responsible Official Signature Anthony Primus Date 3/24/21

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature _____ Date _____

IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INMATE GRIEVANCE FORM

MacDougall

JAN 25 2021

STEP 1

JAN 27 2021



INMATE NAME: <u>James Anthony Primus</u>	INMATE GRIEVANCE NO. _____
SCDC NUMBER: <u>252315</u>	OFFICE USE ONLY Grievance No. <u>Mac1 0006-21</u>
INSTITUTION: <u>MacDougall</u>	Code: <u>General</u>
HOUSING UNIT: <u>Birch 1 B 13 B</u>	Policy _____
WORK ASSIGNMENT: <u>CHAPEL</u>	Disc. Hear. _____
	Class. <input checked="" type="checkbox"/>
	PREA _____
	Date Received <u>1/27/2021</u>
	IGC Initials <u>AS</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

12-22-2021 Inmate Restitution
 Kiosk 01827481 on August 14 2020
 officer of General Counsel Imani Diane
 Byas staff attorney S.C.O.C. admitted
 that SCOC did miscalculate James A.
 Primus Jail Time Therefore monetary
 Restitution should not be Applied
 due to Administrative errors

James Anthony Primus 252315
 Grievant Signature Date
 January 22 2021

ACTION REQUESTED: The amount of Restitution be absorbed by SCAC 3293.43 entirely

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See Warden's Response

M. U. H. D. 3/1/2021
 IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Inmate Primus, James, 252315:

MacCI-0006-21

I have reviewed your concern. In your grievance you stated that on August 14, 2020 the Office of General Counsel Staff Attorney Byas admitted that SCDC did miscalculate your jail time and you would like monetary restitution. There is no justification for you to receive monetary restitution. You are advised to follow SCDC rules, policies and procedures.

Therefore, your grievance is denied.

If you disagree with this Warden's Decision (Decision), you may file an appeal by completing SCDC Step 2 Inmate Grievance Form 10-5A provided to you while serving you this Decision and placing it in the Grievance Box at your local correctional institution within five (5) five days of your receipt of this Decision.

W McTell 3/4/21

Warden Signature Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

James Primus 3/5/21

Grievant Signature Date

[Signature] 3/5/21

IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

Inmate Request - General

Today's Date: 1/28/21 11:44

Name: PRIMUS, JAMES A

Booking #: 252315

Permanent #: 252315

Reference #: 20-01587048

Date Requested: 04/22/20 22.45

Request Type: Classification

Requested By: Kiosk

Request Details: I wpuld like to know how much jail time that i have towards my sentence served

Disposition: Complete

Officer:

Disposition Date: 04/27/20 15 26

Request Responses

Date	Author	Note
04/27/20 15:27	c029391	You were not given any jail time credits

Inmate Request - General

Today's Date: 1/28/21 11:44

Name: PRIMUS, JAMES A
Booking #: 252315
Permanent #: 252315

Reference #: 20-01588108

Date Requested: 04/24/20 10:15

Request Type: Inmate Records

Requested By: Kiosk

Request Details: How much jail time that was given to me on my conviction for kidnaping 1997 - GS-18-1046

Disposition: Duplicate

Officer:

Disposition Date: 04/27/20 15:28

Request Responses

Date	Author	Note
04/27/20 15:28	c029391	

Inmate Request - General

Today's Date: 1/28/21 11:44

Name: PRIMUS, JAMES A
Booking #: 252315
Permanent #: 252315

Reference #: 20-01593447

Date Requested: 05/03/20 10:19

Request Type: Inmate Records

Requested By: Kiosk

Request Details: Mr michael strobe i receive and a reply from author #29391 to kiosk request #20 - 01587048 i have in my original trial transcripts judge brown stated given credit for jail time #1997-gs-18-1046 also my sentence sheet also states credit for jail time starting july -15-1997 thru september -7- 1998 i can send you written verification if you need this information for your record so my central record will reflect judge brown court order giving me credit for jail time that I served in jail

Disposition: Complete

Officer:

Disposition Date: 05/04/20 11:19

Request Responses

Date	Author	Note
05/04/20 11:20	c021446	Yes sir your credit starts in July 15, 1997.

Inmate Request - General

Today's Date: 1/28/21 11:44

Name: PRIMUS, JAMES A
 Booking #: 252315
 Permanent #: 252315

Reference #: 20-01779131
 Date Requested: 12/01/20 08:58
 Request Type: Classification
 Requested By: Kiosk

Request Details: Ms prioleau you stated that my max out on kidnapping is 1-7-2023 how much jail time that i serve in pre trial detention was given to this kidnapping sentence that was court ordered by my sentenceing judge luke n. brown jr. see sentenceing sheet and original trial transcripts where there is and written order granting jail time and a oral prononciation of jail time by judge brown on the record in the original trial transcripts its is and gross error for scdc to start my kidnapping sentence on september 2 -1998 instead of july 15- 1997 as written on sentenceing sheet and trial transcripts states

Disposition: Complete
 Officer:
 Disposition Date: 12/01/20 14:34

Request Responses

Date	Author	Note
12/01/20 14 35	c029391	Your sentence start date is exactly as you say 7-15-1997.

due date 3/11/21

MacDougall Correctional Inst.
Warden's Office

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

MAR 08 2021

STEP 2

Office Use Only

RECEIVED

Grievance No. MACCI 0128-20

Code: General _____

Policy _____

Disc. Hear. _____

Class _____

PREA _____

Date Received: 3/08/2021

IGC Initials: AW

Date Received: _____

IGA Initials: _____

INMATE NAME: JAMES ANTHONY PRIMUS

SCDC NUMBER: 252315

INSTITUTION: MACDOUGALL ✓

HOUSING UNIT: Birch 1 B 13 B

WORK ASSIGNMENT: Chapel

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

on my screen shot that indicates
Jail Time there is just and lot of zeros
which indicate by my case worker no
Jail Time Applied to my sentence

Grievant Signature James Primus Date 3-5-2021

RESPONSIBLE OFFICIAL'S DECISION AND REASON:
Primus, Anthony 252315

MacD-0128-20

I have reviewed your concern. In your grievance you stated that jail time credits have not been calculated into your incarcerated sentence. The Warden responded to your concern on SCDC Step 1 Inmate Grievance Form 10-5 dated 3/4/21. Your projected release date as of 3/16/21 is 1/1/28. You have 3,043 days of Earned Work Credits and 8,521 days of Total Service. You have been given all the credits which you are entitled. You may confer with a Classification Caseworker should you have more concerns regarding your service time. You have not shown that SCDC Staff have failed to perform their job duties properly.

Therefore, your grievance is resolved.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (Form) and submit it as instructed on the Form within thirty (30) days of receipt.

Responsible Official Signature Steve Williams Date 3/24/21

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature

Date

IGC Signature

Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INMATE GRIEVANCE FORM

DEC 02 2020

STEP 1

DEC 08 2020

INMATE NAME: <u>James Anthony P. Payne</u>	INMATE NO. _____	GRIEVANCE OFFICE USE ONLY
SCDC NUMBER: <u>252315</u>		Grievance No. <u>MACC 0128-20</u>
INSTITUTION: <u>MAC Dougall</u>		Code: General _____
HOUSING UNIT: <u>CHATEL Birch 1</u>		Policy _____
WORK ASSIGNMENT: <u>Chapel</u>		Disc. Hear. _____
		Class. <input checked="" type="checkbox"/>
		PREA _____
		Date Received <u>12/08/2020</u>
		IGC Initials <u>JP</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

kiosk 20-01778 330 12-1-2020

Why There is not Any Jail
Time Applied to the kidnapping
Sentence? Sentence sheet reflect
Jail Time

James Anthony Payne
Grievant Signature Date
12-1-20

ACTION REQUESTED: Supplemented, Due Process and Corrections
Be made By and Judicial official and not an Executive
Agency

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See Warden's Response

M. Wutt 2/22/2021
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Inmate Primus, James 252315:

MacCI 0128-20

I have reviewed your grievance. In your grievance you questioned why there is no Jail Time applied the kidnapping conviction on your sentence. You further state that your sentencing sheet reflects Jail time. Your concern has been discussed with you on more than one occasion. Additionally, your convictions have been audited by the Inmate Records Office and your Jail Time is correct. You are currently serving a consecutive sentence, and once your current sentence is complete and you begin your new sentence, you may see a change in your time that you are looking towards.

Therefore, your grievance is resolved.

If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2, SCDC Form 10-5A provided to you, in the Grievance Box at your local correctional institution.

W Martell 3/4/21
Warden Signature Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

James Prim 3 5 21
Grievant Signature Date

[Signature] 3/5/21
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. ~~Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.~~
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

CMTI100D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

07/12/21
C052640

SCDCH > 252315
PRIMUS, JAMES A

CURR LOC: MACDOUGA
SCDC CLASSIFICATION..: VIOLENT

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	PROJ	COMP	STAT	IND
		YRS	MO	DYS	DATE	START			
800001	KIDNAPPING	030	00	000	09/01/98	07/15/97	01/07/2023	AC	V V
* 800002	ASSL&BATTERY-HIGH&AG	010	00	000	09/01/98	07/15/97	01/01/2028	AC	N N

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

PF3-ADD PF4-MODIFY/RVK PF5-ADD DUPL PF6-DISP CONSEC PF9-DETAIN PF12-SUMRPT

CMTI200D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION

07/12/21
C052640

SCDC #: 252315
PRIMUS, JAMES A

INQUIRY

CURR LOC: MACDOUGA
NONCONFORM SENT: N RTRN TO COURT: N

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CONVICTION NUM: 800001 INDICT NUM: 97-GS-181046 WARRANT NUM: E091999

DATE SENTENCED...: 09/01/1998 JUDGE LAST...: BROWN FI: L

STATUTE: CDR CODE.: 0095 GPS IND: N

OFFENSE: 1000 KIDNAPPING OFFENSE DATE: 07/13/1997

CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 18 DORCHESTER

PLEA...: N NOT GUILTY TYPE OF COURT...: 01 GENERAL SESSIO

TYPE SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 07/15/1997

TOTAL SENTENCE...: 030 00 000 MAND SERV REQMT...: 025 06 000

INCARC SENTENCE...: 030 00 000 PAROLE FACTOR...: 2 1/3 SENT. REQ.

PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 999 99 999

HIP SENT...: 000 00 000 HAYES CRED: 00000

RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00000 EXTRA CRED: 00000

CONVICTION STATUS: AC ACTIVE SENT START DATE: 07/15/1997 DOM.IND: Y

CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASS: VIOLENT

DNA OFFENSE IND...: Y EEC ELIG: Y DEATH UTERO: SCDC CLASS...: VIOLENT

SEX REG: Y PRED OFF: N LAST UPDATE: A CARSON DATE: 11/30/20

NO PAROLE: NO PAROLE CREATED BY.: R SPAIN DATE: 09/03/98

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID (FA ONLY)

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

VS.

W. B. Primus

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

97 -GS- 1046

A/W#:

E 091999

Date of Offense:

7-13-97

S.C. CODE §:

16-3-910

CDR Code #:

95

SENTENCE

PLEA

TRIAL

CONVICTED OF or PLEADS

of the S.C. Code of Laws, bearing CDR Code #

95

MILD

VIOLENT

SERIOUS

MOST SERIOUS

As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury

Without Negotiations or Recommendation Negotiated Sentence

Recommendation by the State

Defendant

Attorney for Defendant

is committed to the State Department of Corrections, County Detention Center,

under Act for a term of 30 days/months/years and/or to pay a fine of \$

be suspended upon the service of _____ days/months/years and/or payment of

costs and assessments as applicable; the balance suspended with probation for _____

CONCURRENT or CONSECUTIVE to sentence on:

SPECIAL CONDITIONS:

INSTITUTION Heard, Waived, Ordered

PTUP

_____ days/hours Public Service Employment

Obtain GED

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

pnms. of \$ _____ beginning _____

Other: audit in pd time

Other: probation 15, 1998

PRESIDING JUDGE

Sentence Date: 09-1-98

Judge Code: 090

SCCA/217 (12/97)

ER TYPE: ADULT-STRAIGHT SENTENCE
 TION NUM: 800002 INDICT NUM: 97-18-1045 WARRANT NUM: E091998
 ENTENCED...: 09/01/1998 JUDGE LAST...: BROWN FI: L
 E: CDR CODE.: 0013 GPS IND: N
 E: 1317 ASSL&BATTERY-HIGH&AGG NAT OFFENSE DATE: 07/13/1997
 F: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 18 DORCHESTER
 .: N NOT GUILTY TYPE OF COURT....: 01 GENERAL SESSIO
 SENTENCE... : S ADULT-STRAIGHT SCDC JURIS DATE...: 07/15/1997
 SENTENCE...: 010 00 000 MAND SERV REQMT...: 000 00 000
 SENTENCE...: 010 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
 ION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
 JT.....: 000 00 000 HAYES CRED: 00000
 ITION REQMT: N AMT: .00 JAIL CRED: 00000 EXTRA CRED: 00000
 TION STATUS: AC ACTIVE SENT START DATE: 07/15/1997 DOM.IND:
 TIVE IND...: Y SPOUSE ABUSE: STATUTE CLASS: NON-VIOLENT
 ENSE IND...: Y EEC ELIG: Y DEATH UTERO: SCDC CLASS...: NON-VIOLENT
 I: N PRED OFF: N LAST UPDATE: M STOBBE DATE: 10/03/17
 LE: NOT APPLIC CREATED BY.: R SPAIN DATE: 09/03/98
 XT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID(FA ONLY)

CMTI700M
CMTI700D
SCDC# > 252315
PRIMUS, JAMES A
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
COMPLETED SCDC PRIORS

07/12/21
C052640

CURR LOC: MACDOUGA

SCDC CLASSIFICATION...: VIOLENT

NUM	C S	A E	T X	CONV OFFENSE	INCARC YRS	SENT MO	SENT DYS	SENT DATE	SENT START	PROJ COMP	CONV STAT	VIO IND
00142691												
800001	2	N		UNAUTHORIZED	001	00	000	08/21/87	08/21/87	/ /	CO	N N
00184810												
800002	2	N		VEHICLE THEFT	000	03	000	01/28/92	09/21/91	11/21/1991	CO	N N
800001	2	N		FAIL TO STOP	008	00	000	01/28/92	09/21/91	10/03/1995	PA	N N

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...
PF4-MODCONV PF6-NON-SCDC PRIORS

Note

January 10 1994 312 S.C. 256 240 SE 2d 128

Vehicle Theft, Fail to stop

S.C. Supreme Court Reverse in Part affirmed in Part
and Remanded

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

07/12/21
C052640

SCDC ID: 252315

DISPLAY INMATE OFFENSE HISTORY

PRIMUS, JAMES A

CURR LOC: MACDOUGALL

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV
SERIOUS MENTAL ILLNESS: N

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
- 00007	DISRESPECT	ADMINIST	04/08/13	04/16/13	00000	CONVICTED	3
- 00005	INTERFERING WITH COUN	ADMINIST	06/01/06	/ /	00000	CONVICTED	3
- 00004	OUT OF PLACE	OTHER AC	12/27/02	/ /	00000	CLOSED	3
- 00003	REFUSING TO WORK	OTHER AC	10/08/01	/ /	00000	CLOSED	3
- 00002	REFUSING OR FAILING O	MINOR DI	09/21/01	09/28/01	00000	CONVICTED	3
- 00001	FIGHTING WITHOUT A WE	MAJOR DI	04/21/01	04/30/01	00000	CONVICTED	3

END OF LIST

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

RECEIVED

AUG 13 2021

SC Court of Appeals

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

James Primus, #252315,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
 _____)

Docket No.: 21-ALJ-04-0164-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed by James Primus (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Respondent or Department). After the Appellant's Step 1 and Step 2 Grievances were denied, the Appellant filed a Notice of Appeal with the court on April 21, 2021. The Appellant is appealing the Department's denial of his grievance in which the Appellant alleges that because the Department admitted to miscalculating the Appellant's jail time, monetary restitution should not be applied due to administrative errors and the Department should absorb the amount of restitution entirely.

On June 8, 2021, the Appellant filed his brief with the court, in which he argued that whenever the Department alters an inmate's sentence sheet in its record, the Department must give the inmate formal notice of the change and advise him of his right to file a grievance and obtain a hearing. On July 16, 2021, the Department filed the Record on Appeal and a Motion to Dismiss requesting the court dismiss one of the Appellant's cases, 21-ALJ-04-0164-AP or 21-ALJ-04-0165-AP, because these cases are about the same or similar issues. On July 26, 2021, the Appellant filed an Objection to Respondent's Motion to Dismiss arguing that although an issue may appear to be similar, it is still not the same issue. On July 27, 2021, the Appellant filed his brief with the court arguing that the Department has been taking the stimulus money he received out of his account for legal mail and materials and for debt which is an infringement on liberty interest for due process purposes. The court agrees that this case should be dismissed but on different grounds.

FILED

AUG 03 2021

SC ADMIN. LAW COURT

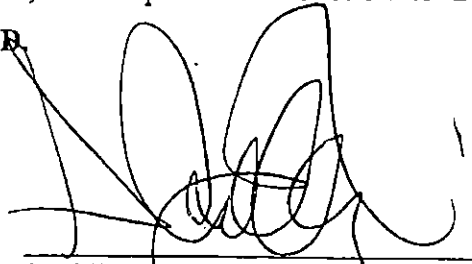
DISCUSSION

This court's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). This court's appellate jurisdiction in inmate appeals is limited to cases involving denial of state created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* Later, the South Carolina Supreme Court found that the state's statutory mandate that inmates be paid the prevailing wage made the receipt of the prevailing wage a state created liberty or property interest. *Wicker v. S.C. Department of Corrections*, 360 S.C. 421, 602 S.E.2d 56 (2004). The Court, however, noted in a footnote that "our holding today is extremely limited and is not to be viewed as expanding the jurisdiction of the ALJ in any other circumstance."

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. *Al-Shabazz*, at 756. Consequently, the review in these inmate grievance cases is limited to the Record presented. Pursuant to *Slezak*, the court is to have jurisdiction of all properly perfected inmate appeals but "[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E. 2d 506 (2004). Given the strongly worded caution in the footnote to *Wicker*, it cannot be said that *Slezak* was intended to overrule *Wicker* when referencing "property interest" and thereby extend the jurisdiction of this court to appeals involving all inmate property interests.

In this case, the Appellant is not appealing the loss of a liberty interest or a failure to receive a prevailing wage as described in *Wicker*. Consequently, the court is without jurisdiction to hear this matter. As such, this is a case in which this court must adhere to the traditional "hands off" doctrine regarding judicial involvement in prison disciplinary procedure and other internal prison matters. *See Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980) and *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) (emphasis supplied).

THEREFORE, for the foregoing reasons, the Department's Motion to Dismiss is GRANTED and this appeal is hereby DISMISSED AND IT IS SO ORDERED.



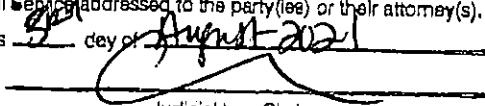
S. Phillip Lenski
Administrative Law Judge

August 3, 2021
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States Mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

This 3rd day of August 2021

By: 
Judicial Law Clerk

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

James A. Primus, #252315,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No.: 21-ALJ-04-0165-AP

Grievance No.: MACCI 128-20

Hon. S. Phillip Lenski

**RESPONDENT'S MOTION TO
SUPPLEMENT THE RECORD**

Respondent, by and through the undersigned attorney, respectfully requests to supplement the Record filed on July 15, 2021. The sentencing sheets included in the record are not the most current sentencing sheets. Respondent received updated sentencing sheets for both of Appellant's sentencing sheet. Appellant's updated sentencing sheet for Assault and Battery of a High and Aggravated Nature was updated to reflect a trial instead of a plea. The sentencing sheet for the Kidnapping offense was updated to reflect Appellant to receive jail time credit from 1997 instead of 1998. Respondent respectfully requests this Court allow the Record to be supplemented with the documents listed above and included herein to correct the record.

Respectfully submitted,

Imani Diane Byas

Imani Diane Byas
Staff Attorney
S.C. Department of Corrections
4444 Broad River Road Columbia,
Columbia, South Carolina 29221
(803) 896-8508

GRANTED
S. Phillip Lenski
S. Phillip Lenski
SC Administrative Law Judge
August 7, 2021
Date

August 16, 2021
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States Mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 17 day of August 2021

The State of South Carolina
FILED
AUG 17 2021
Administrative Law Court

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

STATE VS.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

CERTIFIED COPY

2000 MAR 13 PM 5:00

97 -GS- 18 - 1046

252315

James A. Ramirez

AKA: [Redacted] Race: [Redacted] Sex: [Redacted] Age: [Redacted] DOB: [Redacted] SSN: [Redacted] DL#: [Redacted] SID#: [Redacted]

CLERK OF COURT DORCHESTER COUNTY

A/W#: E091999 Date of Offense: 7-13-97 S.C. CODE §: 16-3-910 CDR Code #: [Redacted] 95

SENTENCE

PLEA TRIAL

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Kidnapping

in violation of § of the S.C. Code of Laws, bearing CDR Code #

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 [Redacted] Solicitor

Defendant

William [Redacted] 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 30 days/months/years and/or to pay a fine of \$ plus costs and assessments as applicable*; the balance suspended with probation for months/years.

CONCURRENT or CONSECUTIVE to sentence on:

RESTITUTION Heard, Waived, Ordered

Total: \$

Pay Terms:

Recipient:

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

Deal [Redacted] Clerk of Court/Deputy Clerk

Court Reporter: [Redacted]

- PTUP
- days/hours Public Service Employment
- Obtain GED
- 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: [Redacted]
- Other: [Redacted]

PRESIDING JUDGE

Sentence Date: 09-1-98

Judge Code: 090

SCCA/217 (12/97)

TOTAL P.02

#252315
Stare

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF GENERAL SESSIONS

CERTIFIED COPY 97-GS-18-1045

INDICTMENT/CASE#:

STATE VS. 2014 JUN 11 AM 11:37

A/W#: E 091778
Date of Offense: 7-13-97
S.C. CODE §: 16-3-652
CDR Code #: 113

James A. Primm
AKA: [Redacted]
Race: [Redacted] Sex: [Redacted]
DOB: [Redacted] Age: [Redacted]
SSN: [Redacted]
DL#: [Redacted]
SID#: [Redacted]

CLERK OF COURT
DORCHESTER COUNTY

SENTENCE
~~TRIAL~~ TRIAL 6-11-14

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Assault & Battery of a High and Heinous Nature

In violation of § [Redacted] of the S.C. Code of Laws, bearing CDR Code # 113

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:

Macione + [Redacted]
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-GS-18-1046

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered

Total: \$ _____

Pay Terms: _____

Recipient: _____

- FTIP
- _____ days/hours Public Service Employment
- Obtain GED
- 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 (DUT)	\$ _____
TOTAL	\$ 100.00

Deal [Redacted]
Clerk of Court/Deputy Clerk

Court Reporter: R. Keil

PRESIDING JUDGE
Sentence Date: 9-1-98

Judge Code: 090

SCCA/217 (12/97)

Page 2 of 2

at 754-56. Consequently, the court's review is limited to the record. S.C. Code Ann. § 1-23-380(4). Additionally, the court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact but may modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5). Substantial rights of the appellant are prejudiced when the agency's decision, including the agency's findings, inferences, and conclusions, are in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. *Id.*

DISCUSSION

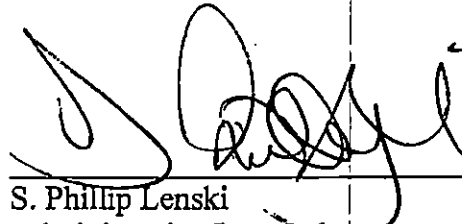
The Appellant claims that the Department has failed to apply any jail time credits to his kidnapping sentence when it is stated on his sentencing sheet that he is to get credit for jail time. On September 1, 1998, the Appellant was sentenced to thirty (30) years for Kidnapping and ten (10) years for Assault and Battery of a High and Aggravated Nature (ABHAN) to run consecutive to the Appellant's thirty-year sentence for Kidnapping. On the Appellant's sentencing sheet for the ABHAN conviction, the sentencing judge also wrote that the Appellant was to get "credit for jail time since July 15, 1997." On the Appellant's sentencing sheet for the kidnapping conviction, the sentencing judge wrote "credit for jail time since July 15, 1998." However, this date was amended and the "1998" scratched out and the year "1997" is written under it, circled, and initialed.

The Department explained that because the Appellant's sentencing judge wrote on his sentencing sheets that the Appellant is entitled to jail time credit beginning on July 15, 1997, the Department gave the Appellant this credit by entering his sentence start date as July 15, 1997, rather than entering a particular number of days on the jail time credit line. The Appellant was sentenced on September 1, 1998, therefore, by starting the Appellant's sentence on July 15, 1997 rather than September 1, 1998, the Department has applied the Appellant's jail time credit to his sentence.

The record in this case establishes that the Department's decision is supported by substantial evidence and that the Appellant has failed to prove that the Department's decision is clearly erroneous, or arbitrary or capricious, or an abuse of discretion. When reviewing the

Department's decisions in inmate grievance matters, the court sits in an appellate capacity. Consequently, the review in inmate grievance cases is limited to the Record presented. An Administrative Law Judge may not substitute their judgment for that of an agency "as to the weight of the evidence on questions of fact." S.C. Code Ann. § 1-23-380(5). In the case at hand, the court will not substitute its judgment for that of the agency because there is substantial evidence to support the Department's assertion that the Appellant has been awarded all of the jail time credit to which he is entitled. Based upon the foregoing,

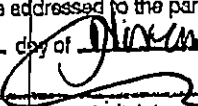
IT IS THEREFORE ORDERED the decision of the Department is **AFFIRMED**.
AND IT IS SO ORDERED.


S. Phillip Lenski
Administrative Law Judge

November 5, 2021
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States Mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

This 5th day of November 2021
By: 
Judicial Law Clerk

The State of South Carolina

IN THE Court OF APPEALS

Appeal From Administrative Law court

Administrative Law JUDGE S. Philip Lenksi

ALC Case 2021-ALJ-04-0164-A1

Appellate Case No. 2021-000879

James Anthony Primus 252315

Appellant

U

South Carolina Department of Corrections

Respondent

Certificate of Counsel

RECEIVED

AUG 22 2022

SC Court of Appeals

The undersigned hereby certifies that the Supplemental Record corrected on Appeal complies with Appellate Court Rules SCACR and paginated numbers consecutively and also complies with the South Carolina Supreme Court April 15, 2014 order entitled Revised order concerning Personal Identity Information and other Sensitive Information in Appellate Court Filings

August 16 2022

James Anthony Primus 252315
James Anthony Primus P.S.C.
1516 Old Gilliland Rd
Ridgeway S.C. 29472