

IN THE COURT OF APPEAL

APPEAL FROM THE ADMINISTRATIVE LAW COURT

ADMINISTRATIVE LAW JUDGE S. Phillip Lenski.

ALC case no. 21-ALJ-04-0164-AP

Appellate case no 2021 - 000 879

James Anthony Primus 252315

APPELLANT

v

South Carolina Department of Corrections

Respondent

CORRECTED RECORD ON APPEAL

ANTHONY Primus 252315

at Pro se

Wall Correctional Institution

and Gilliard Road

Wade S.C. 29472

CHRISTINA CATOE BIGELOW

Deputy General Counsel

OFFICE OF GENERAL COUNSEL

SOUTH CAROLINA DEPARTMENT OF

CORRECTIONS

P.O. Box 21787 - 4444 Broadriver B

Columbia S.C. 29221-1787

RECEIVED

APR 11 2022

SC Court of Appeals

INDEX

SCDC Inmate Grievance Step 2	MACD 0006-21	1
SCDC Inmate Grievance Step 1		2
Inmate Request General		3
Inmate Request General		4
Inmate Request General		5
Inmate Request General		6
SCDC Inmate Grievance Step 2	MACD 0128-20	7
Inmate Grievance Form Step 1	MACD 0128-20	8
Warden Decision and Reason	MACD 0128-20	9
SCDC offender management system commitment Application		10
SCDC offender management system commitment Application		11
James A Primus 252315 Sentence sheet Kidnapping		12
SCDC offender management system commitment Application		13
James A. Primus 252315 Sentence sheet ABNAN Plea		14
SCDC offender management system commitment Application		15
Case Reverse and Remanded S. C. Court of Appeals	440 SE2d 128	
S. C. D.C. offender management system disciplinary system offense history		16
SCDC General Counsel		17
Correction MACD 0006-2021		18
MACD 0006-21 Correction		19
Respondent Motion Supplement the Record		20
order Supplemental Brief		21
Respondent motion to Supplement the Record		22

INDEX

Final order	23 =
	- 24
	25
Original Trial Transcript State v Primus	26
Fraudulent Sentence sheet Forged Margaret McDonald was solicitor William Runyon was my attorney	27
Original Trial Transcript Jail time credit	28



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

July 15, 2021

The Honorable Sebastien Phillip Lenski
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

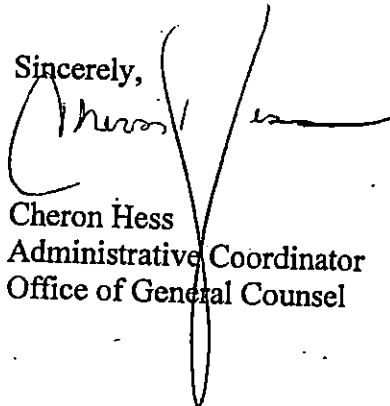
Reference: Inmate James A. Primus, #252315, vs. SCDC
Docket No(s). 21-ALJ-04-0164-AP & 21-ALJ-04-0165-AP

Dear Judge Sebastien Phillip Lenski:

Find the enclosed *Record on Appeal* for the above referenced case. The Record for this case, relating to Inmate Grievance(s) MACCI 6-21 and MACCI 128-20, consists of the Inmate Grievance Form(s) and other supporting documents.

Please file the original and return a clocked-in copy of the cover letter in the enclosed self-addressed envelope. If you have any questions or concerns, do not hesitate to contact me at (803) 896-3922.

Sincerely,



Cheron Hess
Administrative Coordinator
Office of General Counsel

Enclosures

cc: Inmate James A. Primus, #252315
File

INMATE GRIEVANCE FORM

STEP 2

MAR 08 2021

Office Use Only

clear date 3/11/21

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: CP

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 9-2-1998 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 Scott Robinson 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

Mac Dougall



JAN 25 2021

STEP 1

JAN 27 2021

INMATE NAME: James Anthony Primus
 SCDC NUMBER: 252315
 INSTITUTION: MacDougall
 HOUSING UNIT: Birch 1 B 13 B
 WORK ASSIGNMENT: CHAPEL

OFFICE USE ONLY
 Grievance No. Mac 0000-21
 Code: General
 Policy: _____
 Disc. Hear: _____
 Class: PREA
 Date Received 1/27/2021
 IGC Initials SD

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
 office of General Counsel Imani Diane
 Byas staff attorney S.C.O.C. admitted
 that SCDC 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. White 3/1/2021
 IGC Signature Date

(CONTINUE ON REVERSE SIDE)

04/28/21 11:44

PRIMUS, JAMES A
252315
252315

20-01587048
id: 04/22/20 22:45
Classification
Kiosk

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

te: 04/27/20 15:26

ponses

Author	Note
c029391	You were not given any jail time credits

04/20/21 11:44

PRIMUS, JAMES A
252315
252315

20-01588108

d: 04/24/20 10:15
Inmate Records
Kiosk

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

le: 04/27/20 15:28

ponses

Author	Note
c029391	

05/28/21 11:44

PRIMUS, JAMES A
252315
252315

20-01593447

id: 05/03/20 10:19
Inmate Records
Kiosk

s: 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

Complete

te: 05/04/20 11:19

Responses

Author	Note
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

INMATE NAME: JAMES ANTHONY PRIMUS

Grievance No. MACCI 0128-20

SCDC NUMBER: 252315

Code: General _____

INSTITUTION: MACDOUGALL ✓

Policy _____

HOUSING UNIT: Birch 1 B 13 B

Disc. Hear. _____

WORK ASSIGNMENT: Chapel

Class

PREA _____

Date Received: 3/08/2021

IGC Initials: W

Date Received: _____

IGA Initials: _____

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 Stacey 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)

MacDougall
0128-2020

DEC 02 2020

STEP 1

DEC 08 2020

INMATE NAME: James Anthony Primus	INMATE NO.: 252315	OFFICE USE ONLY
SCDC NUMBER: 252315		Grievance No.: MAC 012820
INSTITUTION: Mac Dougall		Code: General: <input type="checkbox"/>
HOUSING UNIT: CHATEL Birch 1		Policy: <input type="checkbox"/>
WORK ASSIGNMENT: Chapel		Disc. Hear.: <input type="checkbox"/>
		Class.: <input checked="" type="checkbox"/>
		PREA: <input type="checkbox"/>
		Date Received: 12/08/2020
		IGC Initials: JW

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 20-01778330 12-1-2020

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

James Anthony Primus
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. Whitt 2/22/2021
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

11:00:49 Monday, July 12, 2021

CMT1100D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

07/1:
C0520

SCDC# > 252315
PRIMUS, JAMES A

CURR LOC: MACD

SCDC CLASSIFICATION...: VIOL

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

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

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

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

20

11:00:51 Monday, July 12, 2021

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 07/1
 OMCOMITA COMMITMENT APPLICATION C052
 SCDC #: 252315 INQUIRY CURR LOC: MACDO
 PRIMUS, JAMES A NONCONFORM SENT: N RTRN TO COUR
 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 SE
 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: 0000
 RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00000 EXTRA CRED: 0000
 CONVICTION STATUS: AC ACTIVE SENT START DATE: 07/15/1997 DOM. INT
 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/
 NO PAROLE: NO PAROLE CREATED BY.: R SPAIN DATE: 09/03/

PFS-NEXT CONVICTION PF9-DETAIN PF4-RESTITUTION PAID(FA ONLY)

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

VS.

IN THE COURT OF GENERAL SESSION

INDICTMENT/CASE #:

97 -GS- 102

A/W#:

E 091999

Date of Offense:

7-13-97

S.C. CODE §:

16-3-912

CDR Code #:

93

SENTENCE

PLEA

TRIAL

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

MILD

VIOLENT

SERIOUS

MOST SERIOUS

As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grant

Without Negotiations or Recommendation

Negotiated Sentence

Recommendation by the State

Defendant

Attorney for Defendant

is committed to the State Department of Corrections, County Jail

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

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

the 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 Employ

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 wks
pmts. of \$ beginning

Other: Order for probation

Other: fines \$100.00

Total \$

Pay Term:

Recipient:

\$

14-206 - Assessments 100% \$

14-206 - \$ 100.00

\$

\$

\$ 100.00

CMTI200D : SCDC OFFENDER MANAGEMENT SYSTEM 07/12/21
 OMCOMITA : COMMITMENT APPLICATION C052640
 SCDC #: 252315 INQUIRY CURR LOC: MACDOUGA
 PRIMUS, JAMES A NONCONFORM SENT: N RTRN TO COURT: N
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 CONVICTION NUM: S00002 INDICT NUM: 97-18-1045 WARRANT NUM: E091998
 DATE SENTENCED...: 09/01/1998 JUDGE LAST...: BROWN FI: L
 STATUTE: CDR CODE.: 0013 GPS IND: N
 OFFENSE: 1317 ASSLT&BATTERY-HIGH&AGG NAT 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...: 010 00 000 MAND SERV REQMT...: 000 00 000
 INCARC SENTENCE...: 010 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
 PROBATION SENT...: 000 00 000 PAROLE SERV REQMT: 000 00 000
 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:
 CONSECUTIVE IND...: Y SPOUSE ABUSE: STATUTE CLASS: NON-VIOLENT
 DNA OFFENSE IND...: Y EEC ELIG: Y DEATH UTERO: SCDC CLASS...: NON-VIOLENT
 SEX REG: N PRED OFF: N LAST UPDATE: M STOBBER DATE: 10/03/17
 NO PAROLE: NOT APPLIC 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

STATE VS.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

97-GS-18-1045

James B. Primus
AKA: [Redacted]
Race: [Redacted] Sex: [Redacted]
DOB: [Redacted] Age: [Redacted]

A/W#: E. D. [Redacted]
Date of Offense: 7-13-97
S.C. CODE §: 16-3-652
CDR Code #: [] [] [] 13

SENTENCE:

PLEA TRIAL

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

to Battery of a High and Respectable Person
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
 Without Negotiations or Recommendation Negotiated Sentence
 Recommendation by the State

[Signature] Defendant [Signature] Attorney for Defendant

WHETHER OR NOT the Defendant is committed to the State Department of Corrections, County Detention Center,
or Under Juvenile 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
- 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: Credit for good time
- Other: since July 15, 1997

*Fine	\$	
\$14-1-206 - Assessment	\$	
\$14-1-211 - Fine	\$	100.00
(Beckwith § 17-1-211)	\$	
\$63-2-90 (DUI)	\$	
TOTAL	\$	100.00

[Signature]
Court Reporter: [Signature]

PRESIDING JUDGE
Sentence Date: 9-1-98
Judge Code: [] [] [] []

CMTI700M

SCDC OFFENDER MANAGEMENT SYSTEM

07/12/21

CMTI700D

COMMITMENT APPLICATION

C052640

SCDC# 252315

COMPLETED SCDC PRIORS

PRIMUS, JAMES A

CURR LOC: MACDOUGA

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

SCDC CLASSIFICATION...: VIOLENT

C S

A E

NUM

T X CONV OFFENSE

INCARC SENT
YRS MO DYS

SENT
DATE

SENT
START

PROJ COMP

CONV VIO
STAT 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

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	DHO	OFF LOST DECISION 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

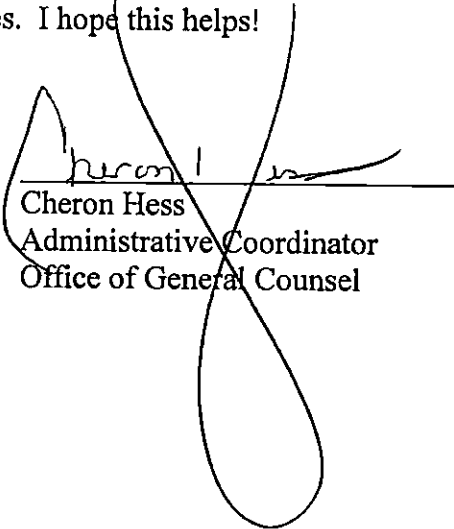
SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
RESPONSE TO INMATE CORRESPONDENCE**

TO: Inmate James Anthony Primus
SCDC #: 252315
INSTITUTION: MacDougall CI
DORM-ROOM-BUNK: B1B-0013-A
FROM: Cheron Hess
DATE: December 1, 2021
RE: Record on Appeal for 21-ALJ-04-0164-AP

Mr. Primus,

In your KIOSK request, reference number 21-02336209, you indicate that the Record on Appeal for the above referenced case, dated July 15, 2021, did not include the completed Step 1. Specifically, it was missing the Warden's Decision and Reason. You also have a duplicate request, reference number 21-02342585, in which Ms. Szabo has indicated that she "will send you a copy of your Step 1 and 2 grievances with the decisions". Due to this case being dismissed per the Order of Dismissal from the Administrative Law Court dated August 3, 2021, the Record on Appeal will stay as is. I have enclosed a copy of the completed/final Step 1 for your records/files. I hope this helps!


Cheron Hess
Administrative Coordinator
Office of General Counsel

0000-2021
MacDougall

INMATE GRIEVANCE FORM

JAN 25 2021

STEP 1

JAN 27 2021

INMATE NAME: James Anthony Primus
SCDC NUMBER: 252315
INSTITUTION: MacDougall
HOUSING UNIT: Birch-1-B-13 B
WORK ASSIGNMENT: CHAPEL

OFFICE USE ONLY
Grievance No. MacC1 0006-21
Code: General
Policy
Disc. Hear.
Class.
PREA
Date Received 1/27/2021
IGC Initials AS

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 19 2020
office 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 SCOC 3293.43 entirely

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See Warden's Response

M. W. H. 3/1/2021
IGC Signature Date

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 Mantell 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.

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.

GRANTED

[Signature]

S. Phillip Lenski
SC Administrative Law Judge

August 27, 2021
Date

Respectfully submitted,

[Signature]

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

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

[Signature]
Judicial Law Clerk

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

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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

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

ORDER FOR SUPPLEMENTAL
BRIEF

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed by James A. 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 this court on April 21, 2021. The Appellant is appealing the Department's denial of his grievance in which the Appellant alleges that the Department has not applied any time jail credit to his kidnapping sentence. The Department filed the Record on Appeal on July 16, 2021 and the case has been briefed by the parties.

Upon further review of the file, the court is unable to ascertain how the Department arrived at its decision in this case, and is therefore unable to provide a meaningful review of the issue presented. Specifically, the Department should address whether any of the Appellant's 3,043 days of Earned Work Credits has been applied to his sentence and how the Department arrived at the Appellant's projected release date of January 1, 2028. Without this information, the court cannot determine whether the Department's calculations are correct. Based upon the foregoing,

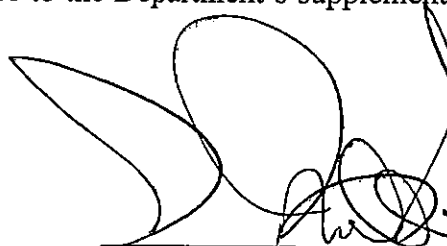
IT IS HEREBY ORDERED that the Department shall supplement its brief with the above information within fifteen (15) days from the date of this order.

The Appellant may submit a response to the Department's supplemental brief within ten (10) days of the its filing.

AND IT IS SO ORDERED.

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 delivery system of the State of South Carolina, or their attorney(s).
This 13th day of September 2021

Judicial Law Clerk


S. Phillip Lenski
Administrative Law Judge

The State of South Carolina
FILED
SEP-13 2021
Administrative Law Court

**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**

This matter is before the South Carolina Administrative Law Court (Court) pursuant to the Notice of Appeal filed by James Primus (Appellant), an inmate currently in the custody of the South Carolina Department of Corrections (Respondent or Department). In Appellant's Step 1 and Step 2 Grievance, Appellant grieved the application of jail time credit. Respondent filed its brief on August 24, 2021. On September 13, 2021, the Court ordered the Department to provide a supplemental brief addressing Appellant's earned work credits and how the Department arrived at a projected release date of January 1, 2028 for Appellant.

In order to fully address these issues, Respondent respectfully requests to supplement the record with Appellant's disciplinary history, earned work credits history, and earned education credits history to fully address the issues. The information contained in the documents is relevant to the issues raised in the September 13, 2021 Order.

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 inter-agency Mail Service addressed to the party(ies) or their attorney(s) this 16 day of October 2021

Respectfully submitted,

[Signature]

Annie Laurie Rumler
 Deputy General Counsel
 S.C. Department of Corrections
 4444 Broad River Road Columbia
 Columbia, South Carolina 29221
 (803) 896-8508

The State of South Carolina
FILED
 SEP 28 2021
 Administrative Law Court

GRANTED
[Signature]
 S. Phillip Lenski
 SC Administrative Law Judge
 Date Oct 1, 2021

September 28, 2021
 Columbia, South Carolina

[Handwritten marks]

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

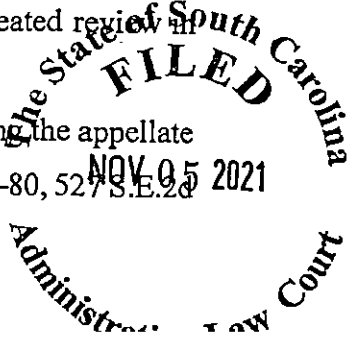
James A. Primus, #252315,)	Docket No.: 21-ALJ-04-0165-AP
)	
Appellant,)	
)	
v.)	FINAL ORDER
)	
South Carolina Department of Corrections,)	
)	
Respondent.)	
)	

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed by James A. 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 this court on April 21, 2021. The Appellant is appealing the Department’s denial of his grievance in which the Appellant alleges that the Department has not applied any time jail credit to his kidnapping conviction sentence.

STANDARD OF REVIEW

The court’s jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). The *Al-Shabazz* decision explained that “procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment’s protection of liberty and property.” *Wicker v. S.C. Dep’t of Corrs.*, 360 S.C. 421, 424, 602 S.E.2d 56, 58 (2004) (citation omitted). Such a liberty interest is at stake in the calculation of an inmate’s sentence. *Tant v. S.C. Dep’t of Corrs.*, 408 S.C. 334, 341, 759 S.E.2d 398, 401 (2014) (citation omitted) (“There can be no doubt the length of an inmate’s incarceration implicates a constitutional liberty interest.”); *see also Sullivan v. S.C. Dep’t of Corrs.*, 355 S.C. 437, 441–42, 586 S.E.2d 124, 126 (2003) (quoting *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750) (recognizing that *Al-Shabazz* created review of the ALC for sentence calculation cases).

In sentence calculation cases, the court sits in an appellate capacity, applying the appellate standard of the Administrative Procedures Act (APA). *Al-Shabazz*, 338 S.C. at 377–80, 527 S.E.2d



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

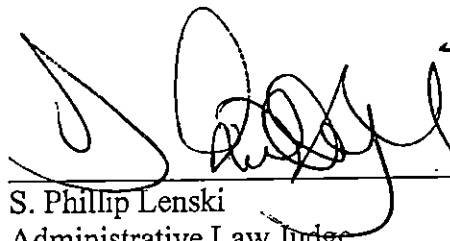
The Appellant claims that the Department has failed to apply any jail time credits to his kidnapping sentence when it is stated on his sentencing sheet that he is to get credit for jail time. On September 1, 1998, the Appellant was sentenced to thirty (30) years for Kidnapping and ten (10) years for 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

Judicial Law Clerk

1 THE COURT: All right. Appears to be in
2 order. You may publish it.

3 THE CLERK: Indictment number
4 97-GS-18-1045, the State of South Carolina versus
5 James Anthony Primus indicted for criminal sexual
6 conduct first degree. Verdict: Guilty of assault
7 and battery of a high and aggravated nature.

8 Indictment number 97-GS-18-1046, the State of
9 South Carolina versus James Anthony Primus, indicted
10 for kidnapping. Verdict: Guilty.

11 Indictment number 97-GS-18-1043, the State of
12 South Carolina versus James Anthony Primus indicted
13 for burglary in the second degree. Verdict: Not
14 guilty of burglary. Signed by Samuel Joyner, Jr.

15 If this is your verdict, would you please all
16 raise your right hand?

17 (All jurors raise their right hand.)

18 THE COURT: Appears to be in order.
19 Anything further from the State?

20 MS. MCDONALD: Nothing from the State,
21 your Honor.

22 THE COURT: Defense?

23 MR. RUNYON: Waive polling, Judge.
24

STATE OF SOUTH CAROLINA

SOUTH CAROLINA

COUNTY OF DORCHESTER

STATE

IN THE COURT OF GENERAL SESSIONS

CERTIFIED COPY

INDICTMENT/CASE #

97-GS-18-1045

2001 JAN 30 PM 3:58

A/W#

E 09178

Date of Offense

7-13-97

S.C. CODE S.

16-3-652

CDR Code #

13

CLERK OF COURT
DORCHESTER COUNTY

SENTENCE

PLEA

TRIAL

CONVICTED OF OF

PLEAD

Violation of Article 17, Chapter 1, Section 1 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

Defendant: William D. Brown
Attorney for Defendant: [Signature]

HEREFORE, the Defendant is committed to the State Department of Corrections, County Detention
 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 payn
plus costs and assessments as applicable*; the balance suspended with probation for _____
months/years.

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

RESTITUTION Heard, Waived, Ordered
Total: \$ _____
Pay Terms: _____
Recipient: _____
206 - Assessments 100% \$ _____
211 - Surcharge \$ 100.00
Fees: See §14-1-211) _____
1995 (DUP) \$ _____

SPECIAL CONDITIONS:
 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/mor
pmts. of \$ _____ beginning _____
 Other: Credit for good term
 Other: Since July 15, 19

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

MR. RUNYON: Thank you very much,

honor.

THE COURT: Get credit for the jai

time.

MR. RUNYON: Thank you very much.

- - - ooo - - -

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEAL

APPEAL FROM THE ADMINISTRATIVE LAW COURT

ADMINISTRATIVE LAW JUDGE S. PHILIP LENSKI

APPELLATE CASE NO. 2021-000879

James Anthony Primus 252315

Appellant

v

South Carolina Department of Corrections

Respondent

CERTIFICATE OF COURSE

Appellant certifies that this record on appeal contains all material proposed to be included by any parties and not any other material corrected record on appeal

DATE April 7 2022

James Anthony Primus
252315

James Anthony Primus Pro Se
1516 Old Gilliard Road
Ridgeville S.C. 29972

RECEIVED

APR 11 2022

SC Court of Appeals