

The Supreme Court of South Carolina
Appeal From the South Carolina Court of Appeals
Appellate Case No. 2021-088479

James Anthony Primus 252315 Appellant

v

South Carolina Department of Correction Respondent

Notice of Appeal

Notice is hereby given that James Anthony Primus 252315 Appellant in the above named case Appeals From the order or Judgment entered on February 9 2022 Judgment This Appeal Follows Contested Violation of equal protection Under the law Fourth Fifth Sixth and Fourteenth Amendment Under the Constitution of the United States

Dated September 13 2022

Respectfully Submitted

James Anthony Primus 252315

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

RECEIVED

SEP 21 2022

S.C. SUPREME COURT



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 01, 2022

The Honorable Jana E. Shealy
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia SC 29201

REMITTITUR

Re: James Primus, #252315 v. SCDC (5)
Lower Court Case No. 2020ALJ040470AP
Appellate Case No. 2021-000479

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Christina Catoe Bigelow, deputy
CLERK

Enclosure

cc: James A. Primus, 252315
Imani Diane Byas, Esquire
Christina Catoe Bigelow, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

James A. Primus, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2021-000479

Appeal From The Administrative Law Court
S. Phillip Lenski, Administrative Law Judge

Unpublished Opinion No. 2022-UP-046
Submitted February 1, 2022 – Filed February 9, 2022

AFFIRMED

James A. Primus, pro se.

Imani Diane Byas, of South Carolina Department of
Corrections, of Columbia, for Respondent.

PER CURIAM: James A. Primus appeals an order from the Administrative Law Court (the ALC), arguing the ALC erred by affirming the South Carolina Department of Corrections' decision that it properly reclassified his kidnapping conviction as a sexual offense on his annual review.

Because the trial court did not make a finding on the record that Primus's kidnapping offense did not include a criminal sexual offense or an attempted criminal sexual offense, we affirm pursuant to Rule 220(b), SCACR, and the following authorities: *Sanders v. S.C. Dep't of Corr.*, 379 S.C. 411, 417, 665 S.E.2d 231, 234 (Ct. App. 2008) ("Although this court shall not substitute its judgment for that of the AL[C] as to findings of fact, we may reverse or modify decisions which are controlled by error of law or are clearly erroneous in view of the substantial evidence on the record as a whole."); S.C. Code Ann. § 23-3-430(A) (2007) ("Any person, regardless of age, residing in the State of South Carolina who in this State has been convicted of . . . an offense described below . . . shall be required to register pursuant to the provisions of this article."); S.C. Code Ann. § 23-3-430(C)(15) (Supp. 2020) ("For purposes of this article, a person who has been convicted of . . . any of the following offenses shall be referred to as an offender: . . . (15) kidnapping (Section 16-3-910) of a person eighteen years of age or older except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense . . .").

AFFIRMED.¹

THOMAS, GEATHERS, and VINSON, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.