

The South Carolina Court of Appeals

IN THE Court of Appeals

State of South Carolina

County of Dorchester

In the Court of Common Pleas

Judgment in a Civil Case

Case no. 2022 CP 1800388

Appellate Case no. 2022-000819

REMITTAR

**RECEIVED**

OCT 04 2022

**SC Court of Appeals**

James Anthony Primus

Plaintiff

✓

Solicitor First Judicial Circuit

Defendant

David Purcoe Margaret Mcowald

MOTION TO Compel Compliance with

Court of Appeals order Filed August 11 2022

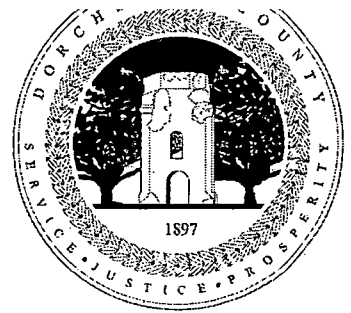
This matter comes before the Court pursuant to the order granted by the Honorable Maite Murphy Dated 6-3-2022 and ordered by the South Carolina Court of Appeals 8-11-2022 and Denied by Dorchester clerk of Court Fearing they also would allegedly become defendants in this Lawsuit 9-13-22

Dated September 20 2022

Respectfully Submitted  
James Anthony Primus 252315

James Anthony Primus Pius.  
1516 Old Gilliland Road  
Ridgelyville S.C. 29472

DORCHESTER COUNTY CLERK OF COURT  
Cheryl Graham, Clerk of Court  
5200 East Jim Bilton Blvd.  
St. George, SC 29477



September 6, 2022

**James Anthony Primus, #252315**  
McDougall Correctional Institution  
Birch 1 B 13A  
1516 Old Gilliard Road  
Ridgeville, SC 29472.

Re: James A. Primnus vs., Dorchester County Solicitor, David Pascoe and  
Margaret McDonald

Dear Mr. Primus:

Thank you for your letter which was received on August 29, 2022. This office has not received the official copy of their Remittitur from the Court of Appeals but I have obtained a copy from their website. Your case has been restored but you will need to submit a new In Forma Pauperis so that your Motion to Proceed without paying costs can be decided by a different judge. Enclosed are the forms that you will need to fill out and submit

Once you have completed all required forms, please forward your case back to us for filing.

With best regards, I am

Sincerely yours,

Clerk of Court's Office

/ras  
Enclosures: Stated



# 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

August 29, 2022

The Honorable Cheryl L. Graham  
5200 E Jim Bilton Blvd  
St George SC 29477-8020

## REMITTITUR

Re: James Primus v. Solicitor First Judicial Circuit  
Lower Court Case No. 2022CP1800388  
Appellate Case No. 2022-000819

2022 SEP -6 AM 10:44  
CERTIFIED COPY

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,

*Jenny A. Kitchings*  
CLERK

Enclosure

cc: James A. Primus, 252315  
David Michael Pascoe, Jr., Esquire

# The South Carolina Court of Appeals

James Anthony Primus, #252315, Appellant

v.

Solicitor First Judicial Circuit and Margarete McDonald,  
Respondents.

Appellate Case No. 2022-000819


2022 SEP -6 AM 10:14  
CERTIFIED COPY

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## ORDER

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Because the circuit court issued an order granting Appellant's motion to reconsider the order that is on appeal, this appeal is moot. *See Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 26, 630 S.E.2d 474, 477 (2006) ("A moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the reviewing court."). Accordingly, the appeal is dismissed. The remittitur will be sent as required by Rule 221(b), SCACR.

  
\_\_\_\_\_  
FOR THE COURT

Columbia, South Carolina

cc:  
James A. Primus, 252315  
David Michael Pascoe, Jr., Esquire

**FILED**  
**Aug 11 2022**

DORCHESTER COUNTY CLERK OF COURT  
Cheryl Graham, Clerk of Court  
5200 East Jim Bilton Blvd.  
St. George, SC 29477



September 16, 2022

James Anthony Primus #252315  
MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeville, SC 29472

Re: James Anthony Primus vs.. David Pascoe./Solicitor First Judicial Circuit

Dear Mr. Primus:

I am returning your Motion to Proceed In Forma Pauperis unfiled which was received on September 16, 2022. Your lawsuit was dismissed when a second Order Denying your right to proceed In Forma Pauperis was filed on September 13, 2022. Although a copy was immediately mailed to you, I have enclosed another copy for your records. You may wish to file with the Court of Appeals. The address for appellate filing is: **1220 Senate St, Columbia, SC, 29201.**

Sincerely yours,

Clerk of Court  
*For Dorchester County*

Enclosures: Stated

James Anthony Primus  
PLAINTIFF(S)

Solicitor First Judicial Circuit et al  
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRCP;  Rule 41(a), SCRCP (Vol. Nonsuit);  Rule 43(k), SCRCP (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):  Rule 40(j), SCRCP;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

This matter came before this Court by way of Plaintiff's Motion to Proceed In Forma Pauperis originally filed March 3, 2022. The Motion was denied by Judge Murphy on May 19, 2022, and Plaintiff filed a Motion to Reconsider on May 27, 2022. On June 3, 2022, Judge Murphy granted the Motion to Reconsider and the May 19, 2022 Order denying Plaintiff's motion was vacated. Plaintiff's Motion to Proceed In Forma Pauperis relates to an Assault and Battery High and Aggravated Nature charge he was sentenced to on September 1, 1998.

ORDER INFORMATION

This order  ends  does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 09/13/2022 .

Margarette McDonald  
Solicitor First Judicial Circuit  
James Anthony Primus for James Anthony Primus  
James Anthony Primus for James Anthony Primus

CERTIFIED COPY  
2022 SEP 13 AM 11:21  
Clerk of Court  
DORCHESTER COUNTY

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

7

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

As such, Plaintiff's filing well exceeds the statute of limitations under S.C. Code Ann. §§ 15-78-10 et seq. It is therefore ordered that Plaintiff's Motion to Proceed In Forma Pauperis is hereby DENIED.

South Carolina Administrative Law Court order  
sign by the Honorable S. Phillip Lenski will  
show that I the plaintiff is well within  
S.C. code ANN. 15-78-10 (see page 10)  
and because the solicitor office and the  
Dorchester County Clerk of Court is  
Responsible for this miss carriage of Justice  
I should be granted In forma Pauperis



Dorchester Common Pleas

**Case Caption:** James Anthony Primus VS Solicitor First Judicial Circuit , defendant,  
et al  
**Case Number:** 2022CP1800388  
**Type:** Order/Electronic Form 4

THIS ORDER IS RESPECTFULLY DENIED.

Heath P. Taylor

Electronically signed on 2022-09-13 09:50:33 page 3 of 3

ELECTRONICALLY FILED - 2022 Sep 13 10:54 AM - DORCHESTER - COMMON PLEAS - CASE#2022CP1800388

**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**  
*[Signature]*  
 S. Phillip Lenski  
 SC Administrative Law Judge  
 August 17, 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  
 \_\_\_\_\_  
 Judicial Law Clerk

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

The South Carolina Court of Appeals

IN THE COURT OF APPEALS

STATE OF South Carolina

County OF DORCHESTER

IN THE Court of Common Pleas

JUDGMENT IN A Civil Case

Case No. 2022 - CP - 1800388

Appellate Case No. 2022 - 000819

REMITTUR

**RECEIVED**

OCT 04 2022

**SC Court of Appeals**

James Anthony Primus 252315

Plaintiff

v

Solicitor First Judicial Circuit

Defendant

David Pascoe Margaret McDonald

Certificate of Service

I hereby certify that a copy of the foregoing motion was this date served upon the following individuals by placing a copy of the same via mail to his / her last known address as follows

Dorchester County Clerk of Court  
Cheryl Graham, Heath P Taylor clerk's  
5200 East Jim Biltow Blvd.  
Saint George S.C. 29477  
S.C. Court of Appeals  
1220 Senate Street  
Columbia S.C. 29201

James Anthony Primus 252315  
James Anthony Primus Pso S.  
1516 Old Gilliard Rd  
Ridgewille S.C. 29472

James Anthony Primus 252315  
MacDougall Correctional Institute  
Block 1 B 13A  
1516 Old Gilliard Road  
Ridgeville, S.C. 29472  
September 20 2022

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

**RECEIVED**

OCT 04 2022

**SC Court of Appeals**

RE James Anthony Primus 252315 v Solicitor  
First Judicial Circuit David Pascoe, Margaret  
McDonald Appellate Case No. 2022-000819  
Motion To Compel Compliance

Dear Honorable Clerk  
Please find enclosed Appellate motion to Compel in  
the above mention case I would like to Thank you in  
advanced

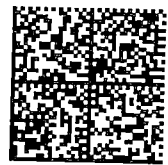
Sincerely

James Anthony Primus

James Anthony Primus 252315

MADDOUGALL CORR. INST.  
1516 OLD BILLIARD RD.  
RIVERVILLE SC 29472

FIRST-CLASS



US POSTAGE IMPITNEY BOWES



ZIP 29472 \$ 001.05<sup>0</sup>  
02 7H  
0001338913 SEP 28 2022

**RECEIVED**

OCT 04 2022

SC Court of Appeals South Carolina Court of Appeals

clerk office  
Mrs. Jenny ABBOTT Kitchings  
1220 Senate Street  
Columbia S.C. 29201

SCDC  
OCT 16 '22  
MAIL ROOM