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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT
SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

ISIAH JAMES, JR., #096883, Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS (SCDC), Respondent.

Appellate Case No. 2021-001025

BRIEF OF APPELLANT

Isiah James, Jr.
1810 O Street
Brunswick, Georgia 31520-5445

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STATEMENT OF ISSUE(S) ON APPEAL

I. HAS THE ADMINISTRATIVE LAW COURT (ALC) ERRED "ADDRESS THE MERITS" OF APPELLANT'S APPEAL IN SCDC?

STATEMENT OF THE CASE

There were grievance(s) (complaints) within the Department on/about 2-15-12, 10-23-16, 2-16-17, 5-15-17, 2-13-17 (R. pp. 8, 9, 10, 12, 13) step 1's, step 2's, etc. Which were denied or etc so appellant appealed to the ALC, South Carolina Court of Appeals, South Carolina Supreme Court, on remand from South Carolina Court of Appeals Unpublished Opinion No. 2021-UP-097 (submitted January 1, 2021-Filed March 24, 2021).

ARGUMENT(S)

1. The S. 23-21 "Order" (R. p. 29) set forth "citing v. Moore, contends that for more than 40 years the Department incorrectly calculated his sentence". (R. p.) Specifically, the Agency should have set years at 365 and/or 360 days, applying goodtime and earned work credits (EWC) based thereon. For every extra 30 days served, he should have received statutory goodtime credits (SGC) which was denied by respondent; there is due process violation(s) concerning liberty interest therewith.
2. The "Order" Id. (R. p. 29) mentioned "a careful review of the record shows that the Department properly credited Appellant with earned work credits and goodtime credits." This is incorrect, wrong, err; the record shows otherwise. 2-15-12 (R. P. 8) showed "Your projected release date has moved from 12/12/23 to 5/18/23". More the "CLASSIFICATION REPORT DATED 1-20-97 set "FROM MAXOUT DATE: 9-16-2020" (R. p. 6) Now how was appellant's (EWC)'s relegated, decreased base on SCDC's classification modification contrary not to the due process and ex post facto clause?
3. The "Order" Id. (R. P. 29) stressed "Appellant also contends the Department violated his due process rights by delaying the change of his custody status" The issue cannot be met where

se as to infer, the ALC as a matter of law does not rule thereon for SCDC's classification on or thereafter 1.20.97 reference EWC's there- with custody if James was classified under the anew SCDC's classi- fication sysytem which he was, is. Penal statutes are construed a- gainst agency and the government. Agency policies are interpreted as statutes. Brown v. State, 540 S.E.2d 846 (2001).

CONCLUSION

Wherefore, the computation(s) announced in Busby should be ap- plied compared to the new no-parole reduced credits and classification system.

This 1th day of February 2022

Isiah James, Jr.

CERTIFICATE OF APPELLANT

The undersigned certifies that the appellant's Final Brief' complies with Rule 211(b), SCACR.

February 8th, 2022

/s/ Isiah James, II

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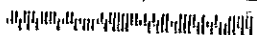
SC Court of Appeals

CERTIFICATE OF SERVICE

Appellant certifies the Brief of Appellant, was forward to respondent's counsel by mail, postage prepaid, at POB 21787, Columbia, SC 29221-1787 this 8th day of February 2022.

/s/ Isiah James, II

Attn: Christina C. Bigelow



J

Idah James
1810 O St.
Brunswick, GA 31520



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to: South Carolina Court of Appeals
JENNY A. KITCHINGS, Clerk
Post Office Box 11629
1220 senate Street (29201)
Columbia South Carolina 29211