

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL From THE Administrative Law Court

Administrative Law Judge Phillip Lenski

ALC Case No 21-ALJ-04-0165-AP

Appellate Case No. 2021-001379

James Anthony Primus 252315

Appellant

v

South Carolina Department of Correction

Respondent

Amended Record on Appeal

RECEIVED

OCT 31 2022

SC Court of Appeals

James Anthony Primus 252315

Appellant Pro Se

MacDougall Correctional Institution

1516 Old Gilliard Road

Ridgeville S.C. 29472

Annie Laurie Rumber

Deputy General Counsel

Office of General Counsel

S.C. Dept. of Corrections

P.O. Box 21789-4444 Broad

River Rd

Columbia S.C. 29221-1789

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INMATE GRIEVANCE FORM

STEP 2

MAR 08 2021

Office Use Only

CLERK WORK 01/11/21

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

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

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 Assey Ireland 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: James Anthony Primus	INMATE GRIEVANCE RECEIVED	OFFICE USE ONLY
SCDC NUMBER: 252315		Grievance No. MacC 0006-21
INSTITUTION: MacDougall		Code: General
HOUSING UNIT: Birch 1 B 13 B		Policy
WORK ASSIGNMENT: CHAPEL		Disc. Hear.
		Class.
		PREA
		Date Received 1/27/2021
		IGC Initials JS

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 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 SCDC 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)

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

STEP 2

Office Use Only

MAR 08 2021

RECEIVED

INMATE NAME: James Anthony Primus

SCDC NUMBER: 252315

INSTITUTION: MACDOUGALL ✓

HOUSING UNIT: Birch 1 B 13 B

WORK ASSIGNMENT: Chapel

Grievance No. MACCI 0128-20
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
PREA _____
Date Received: 3/08/2021
IGC Initials: AP
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 Ireland 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 Primus</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>EW</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 Primus
 Grievant Signature Date 12-1-20

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

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See Warden's Response

M. White 2/23/2021
 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 Matell 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

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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.
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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

SCDC# > 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	CONV	VIO
		YRS	MO	DYS	DATE	START					
S00001	KIDNAPPING	030	00	000	09/01/98	07/15/97	01/07/2023	AC	V V		
* S00002	ASSLT&BATTERY-HIGH&AG	010	00	000	09/01/98	07/15/97	01/01/2028	AC	N N		

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MAKE A SELECTION AND PRESS <ENTER>...

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

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: 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.

Michael B. Primus

[Redacted]

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

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

CONVICTED OF or PLEADS

kidnapping

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

Defendant is committed to the State Department of Corrections, County Detention Center, or Juvenile Center under Act for a term of 30 days/months/years and/or to pay a fine of \$ _____; Defendant may 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 _____

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 pmts. of \$ _____ beginning _____

Other: *Order for good time*

Other: *Parole 1/15/98*

PRESIDING JUDGE

Sentence Date:

09-1-98

Judge Code:

000

SCCA217 (12/97)

Fine \$ _____
§ 14-206 Assessments 100% \$ _____
§ 14-211 _____ \$ 100.00
Total \$ _____
Pay Terms _____
Recipient _____

Court Reporter

Paul

CMTI200D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION

07/12/21
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 STOBBE 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 A. Perkins

AKA

Race

Sex

DOB

Age

A/W#:

Date of Offense:

S.C. CODE §:

CDR Code #:

E 09178

7-13-97

16-3-652

13

SENTENCE:

PLEA

TRIAL

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

Battery of a High and Regarded Person

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

13

NON-VIOLENT

VIOLENT

SERIOUS

MOST SERIOUS

Defenses: 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

WHEREFORE 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

Total: \$ _____

_____ days/hours Public Service Employment

Pay Terms _____

Obtain GED

Recipient: _____

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 behavior since July 15, 1997*

Other: _____

PRESIDING JUDGE

Sentence Date: *9-1-98*

Fee	\$
\$14-1-206 - Assessment	\$
\$14-1-211 - Surcharge	\$ <i>100.00</i>
\$14-1-211 - Surcharge	\$
\$14-1-211 - Surcharge	\$
\$14-1-211 - Surcharge	\$
TOTAL	\$ <i>100.00</i>

Steve E. Steyer
Clerk of Court/Deputy Clerk

Court Reporter: *Bob Keil*

Judge Code: *000*

CMTI700M
CMTI700D
SCDC# > 252315
PRIMUS, JAMES A

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
COMPLETED SCDC PRIORS

07/12/21
C052640

CURR LOC: MACDOUGA

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

SCDC CLASSIFICATION...: VIOLENT

NUM	C S	A E	T X	CONV OFFENSE	INCARC YRS	SENT MO	SENT DYS	SENT DATE	SENT START	PROJ COMP	STAT	IND
00142691												
S00001	2	N		UNAUTHORIZED	001	00	000	08/21/87	08/21/87	/ /	CO	N N
00184810												
S00002	2	N		VEHICLE THEFT	000	03	000	01/28/92	09/21/91	11/21/1991	CO	N N
S00001	2	N		FAIL TO STOP	008	00	000	01/28/92	09/21/91	10/03/1995	PA	N N

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

Notes

January 10 1999 312 S.C. 256 440 SE2d 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

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

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

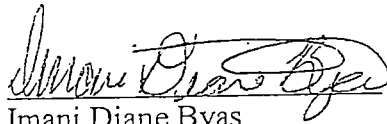
Grievance No.: MACCI-128-20

Hon. S. Phillip Lenski

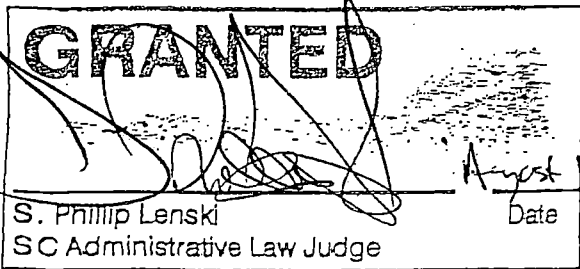
**RESPONDENT'S MOTION TO
SUPPLEMENT THE RECORD**

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



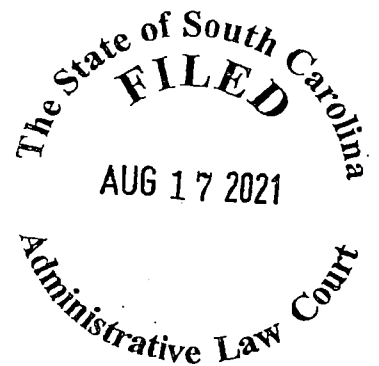
August 16, 2021
Columbia, South Carolina

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

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**

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

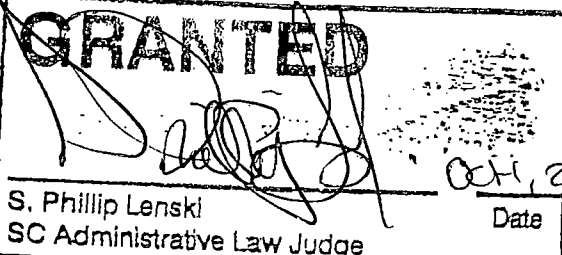
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States Mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s) this 16 day of October 2021

Respectfully submitted,



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

 S. Phillip Lenski
 SC Administrative Law Judge
 Date Oct 1, 2021

September 28, 2021
 Columbia, South Carolina

13:27:34 Monday, September 27, 2021

EWCII100D SCD C OFFENDER MANAGEMENT SYSTEM 09/27/21
EWCII100M EARNED WORK CREDIT ASSIGNMENT C058106
OMEWCA HISTORY OF EWC ASSIGNMENTS

SCDC #> 252315 CURR LOC.....: MACDOUGALL

~~PRIMUS, JAMES A~~ POP ASSIGN....: ME

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE CUSTODY LIMITATIONS...: Y

ASSIGNMENT...: 8005 CHAPEL

JOB	START DATE	END DATE	TERMINATION REASON	JOB LVL	EWC DYS	F/P	TOT EWC
CUSTODIAL WORKER	02/18/20			2	5	F	0.000
CUSTODIAL WORKER	04/26/16	02/17/20	POLICY CHANGE	2	3	5	331.666
CUSTODIAL WORKER	04/16/13	04/20/16	INSTIT TRANSFER	3	5	F	262.142
HORTICULTURE TRAINEE	01/31/13	04/15/13	DISCIPLINARY/LO	3	5	F	17.857
CUSTODIAL WORKER	12/09/10	01/30/13	INMATE REQUEST	3	5	F	186.666
LAUNDRY HELPER	09/28/10	12/08/10	INMATE REQUEST	3	5	F	17.142
CUSTODIAL WORKER	07/01/10	09/27/10	PROMOTION	3	5	F	21.190
WARDKEEPER	03/27/09	06/29/10	INSTIT TRANSFER	3	5	F	109.523
MATERIAL HANDLING EQ	01/31/08	03/24/09	INSTIT TRANSFER	3	5	F	99.761
BAKER	10/18/07	01/30/08	INMATE REQUEST	3	5	F	25.000
FOOD SERVICE AIDE	08/14/07	10/17/07	LATERAL TRANSFE	3	5	F	15.476
MACHINE OPERATOR	01/16/07	08/13/07	INMATE REQUEST	3	5	F	50.000

PAGE.> 0001

PF3:ASSIGN EWC

PF4:MODIFY EWC

PF5:TERMINATE EWC

PF6:HDQS ADD EWC

24

200

21

EWCI100D SCDC OFFENDER MANAGEMENT SYSTEM 09/27/21
EWCI100M EARNED WORK CREDIT ASSIGNMENT C058106
OMEWCA HISTORY OF EWC ASSIGNMENTS
SCDC #> 252315 CURR LOC.....: MACDOUGALL

PRIMUS, JAMES A POP ASSIGN....: ME
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE CUSTODY LIMITATIONS...: Y
ASSIGNMENT...: 8005 CHAPEL

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL	EWC DYS	F/P	TOT EWC
FOOD SERVICE AIDE	10/31/06	01/15/07	INMATE REQUEST	3	5	F	18.333
GENERAL WORKER	10/14/06	10/30/06	INMATE REQUEST	3	5	F	4.047
MECHANIC HELPER	10/04/06	10/12/06	INSTIT TRANSFER	3	5	F	2.142
MECHANIC HELPER	06/22/06	10/03/06	INSTIT TRANSFER	3	5	F	24.761
MECHANIC HELPER	08/06/04	06/21/06	INSTIT TRANSFER	3	5	F	163.095
MECHANIC HELPER	04/30/04	08/03/04	COURT	3	5	F	22.857
MECHANIC HELPER	01/14/04	04/29/04	INSTIT TRANSFER	3	5	F	25.476
MECHANIC HELPER	03/12/03	01/08/04	INSTIT TRANSFER	3	5	F	72.142
CUSTODIAN HELPER	11/12/02	03/11/03	INMATE REQUEST	3	5	F	28.571
HORTICULTURE TRAINEE	07/17/01	11/05/02	INSTIT TRANSFER	3	5	F	113.571
SHIPP & RECEIVING CLE	10/06/00	04/22/01	PLACED IN ST/SP	3	5	F	47.380
LANDSCAPE LABORER	09/25/99	10/05/00	INMATE REQUEST	3	5	F	89.761

PAGE.> 0002

PF3:ASSIGN EWC PF4:MODIFY EWC PF5:TERMINATE EWC PF6:HDQS ADD EWC

13:40:26 Tuesday, September 28, 2021

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

09/28/21
C058106

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

26

BT

13:27:41 Monday, September 27, 2021

EWC1100D SCDC OFFENDER MANAGEMENT SYSTEM 09/27/21
EWC1100M EARNED WORK CREDIT ASSIGNMENT C058106
OMEWCA HISTORY OF EWC ASSIGNMENTS

SCDC #> 252315 CURR LOC.....: MACDOUGALL

~~PRIMUS, JAMES A~~ POP ASSIGN.... ME

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE CUSTODY LIMITATIONS...: Y

ASSIGNMENT...: 8005 CHAPEL

JOB	START	END	TERMINATION	JOB	EWC	TOT	
DESCRIPTION	DATE	DATE	REASON	LVL	DYS	F/P	EWC
CUSTODIAL WORKER	04/01/99	09/24/99	INMATE REQUEST	3	5	F	42.142

PAGE.> 0003

PF3:ASSIGN EWC

PF4:MODIFY EWC

PF5:TERMINATE EWC

PF6:HDQS ADD EWC

23 23

24

EECI230D

SCDC OFFENDER MANAGEMENT SYSTEM
EARNED WORK/EDUC CREDIT ASSIGNMENT
HISTORY OF EEC ASSIGNMENTS

09/27/21
C058106

SCDC #> 252315

CURR LOC.....: MACDOUGALL

PRIMUS, JAMES A

POP ASSIGN...: ME

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

CUSTODY LIMITATIONS...: Y

ASSIGNMENT...: 8005 CHAPEL

EEC	START DATE	END DATE	TERMINATION REASON	CREDIT
BONUS 4-7 HRS/WK	09/01/04	06/21/06	INSTIT TRANSFER	0038
BONUS 4-7 HRS/WK	08/11/03	01/08/04	INSTIT TRANSFER	0009

PAGE.> 0001

MAKE A SELECTION AND PRESS <ENTER>...

PF3: ASSIGN EEC PF4: MODIFY EEC PF5: TERMINATE EEC PF6: HDQS ADD EEC

205

TK

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,

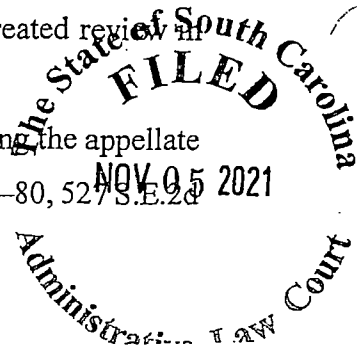
)
) Respondent.
)
)

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 in 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

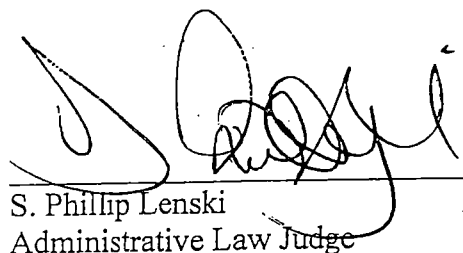
The Appellant claims that the Department has failed to apply any jail time credits to his kidnapping sentence when it is stated on his sentencing sheet that he is to get credit for jail time. On September 1, 1998, the Appellant was sentenced to thirty (30) years for Kidnapping and ten (10) years for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

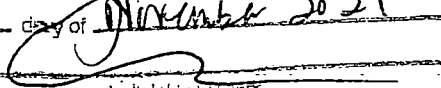


S. Phillip Lenski
Administrative Law Judge

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
By: 
Judicial Law Clerk

The South Carolina Court of Appeals

James Primus, #252315, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2021-001379

ORDER

After careful consideration, Respondent's motion to strike is granted. *See* Rule 210(c), SCACR (providing that the record on appeal shall not include any matter which was not presented to the lower court). The stricken items include (1) a September 29, 2021 notice to Appellant from an SCDC employee regarding a request for records and the attached documents; (2) two pages of the transcript of Appellant's criminal trial; and (3) a document labeled "Statement of the Case." Within thirty (30) days of the date of this order, Appellant shall serve and file an amended record on appeal that shall not contain the stricken matters.



FOR THE COURT

Columbia, South Carolina

cc:
James A. Primus, 252315
Annie Laurie Rumler, Esquire

FILED
May 24 2022

The South Carolina Court of Appeals

James Primus, #252315, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2021-001379

ORDER

Appellant has filed a motion to reinstate this appeal, after it was dismissed for failure to serve and file the amended record on appeal, pursuant to this court's May 24, 2022 order. We have now received proof from Appellant that the prison mail room confirmed his amended record on appeal was mailed on June 3, 2022. However, we have yet to receive the amended record. Accordingly, within thirty days of the date of this order, Appellant shall serve and file the amended record on appeal. The court will act upon Appellant's motion to reinstate upon receipt of the amended record or the expiration of thirty days.



FOR THE COURT

Columbia, South Carolina

cc:
James A. Primus, 252315
Annie Laurie Rumler, Esquire

FILED
Sep 29 2022

RECEIVED

OCT 14 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

ALC Case No 21-ALT-04-0165-AP

Appellate Case No. 2021-001379

James Anthony Primus 252315

Appellant

v

South Carolina Department of Correction

Respondent

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the stricken documents, have been taken from the record: (1) September 29-2021 Notice to Appellant from SCDC employee (2) Two pages of original trial transcripts (3) Document label statement of the case. Appellate complies with Rule 211(b) SCACR and also complies with the South Carolina Supreme Court April 15 2014 order entitled Revised order concerning Personal Identifying Information and other sensitive information in Appellant filing.

Date October 10 2022

James Anthony Primus 252315
James Anthony Primus Poase
1516 Old Gilliard Rd
Ridgewick S.C. 29872