

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF DORCHESTER  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2011CP1802455

James Anthony Primus	Department of Corrections South Carolina
PLAINTIFF(S)	DEFENDANT(S)
Submitted by: Alissa Robyn Collins 123 Meeting Street Charleston, SC 29401	Attorney for: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

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 2012 DEC 20 PM 4:13  
 Clerk of Court  
 DORCHESTER COUNTY

**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), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;  Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- 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: \_\_\_\_\_

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk:  
 \_\_\_\_\_

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MAR 18 2014

**SC Court of Appeals**

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:--

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Diane S. Goodstein  
Circuit Court Judge

2112  
Judge Code

*12-3-12*  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on 12-20-2012, and a copy mailed first class or placed in the appropriate attorney's box on 12-20-2012, to attorneys of record or to parties (when appearing pro se) as follows:

James Anthony Primus # 252315 Macdougall Correctional  
Inst 1516 Old Gilliard Road, Mag. Unit 2 D5A Ridgeville, SC  
29472

ATTORNEY(S) FOR THE PLAINTIFF(S)

James A. Stuckey Jr. 123 Meeting Street Charleston, SC  
29401  
Alissa Robyn Collins 123 Meeting Street Charleston, SC  
29401

ATTORNEY(S) FOR THE DEFENDANT(S)

*Cheryl Graham*

Cheryl Graham - Clerk of Court

Court Reporter

STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )

IN THE COURT OF COMMON PLEAS  
Case No. 2011-CP-18-2455

JAMES ANTHONY PRIMUS, # 252315, )  
Plaintiff, )  
-versus- )  
SOUTH CAROLINA DEPARTMENT )  
OF CORRECTIONS, )  
Defendant. )

**ORDER**

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Karyl Hickson  
CLERK OF COURT  
DORCHESTER COUNTY

*Pro se* inmate plaintiff James Anthony Primus is suing South Carolina Department of Corrections for being listed on the Sexual Offender Registry. His complaint is that the defendant has misinterpreted "Section 23-3-340 of the South Carolina Code of Laws that all kidnapping convictions has to be put into the Sexual Offender Registry whether court order or not" (Complaint, ¶ 4) and that "on July 2, 2010, without proper notification or legal authorization the South Carolina Department of Corrections placed plaintiff on the Sexual Offender Registry." (Complaint, First Amendment, ¶ 5)

Defendant is before the Court on its motion for summary judgment. The Court has considered the pleadings, evidence presented in accordance with Rule 56, SCRPC, the oral presentations of counsel and plaintiff Primus, and has reviewed the legislative history of S.C. Code § 23-3-340.

Defendant asserts summary judgment is proper, and this action should be dismissed because S.C. Code § 23-3-340 mandates that when a person is convicted of kidnapping, as plaintiff was, he must be placed on the Sex Offender Registry "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”, and that the court made no such finding concerning plaintiff. The pertinent portion of the applicable statute is:

**SECTION 23-3-430. Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration.**

(A) Any person, regardless of age, residing in the State of South Carolina who in this State has been convicted of, adjudicated delinquent for, pled guilty or nolo contendere to an offense described below, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere, or found not guilty by reason of insanity in any comparable court in the United States, or a foreign country, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere, or found not guilty by reason of insanity in the United States federal courts of a similar offense, or who has been convicted of, adjudicated delinquent for, pled guilty or nolo contendere, or found not guilty by reason of insanity to an offense for which the person was required to register in the state where the conviction or plea occurred, shall be required to register pursuant to the provisions of this article. . . .

\* \* \* \*

(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.

Defendant has supported its motion for summary judgment with court documents and documentation. In September, 1997, a Dorchester County grand jury indicted *pro se* plaintiff for kidnapping. The Indictment, in Case No. 97-GS-18-1046, alleged:

That James Anthony Primos [sic] did in Dorchester County on or about July 13, 1997, did wilfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or, carry away one Nikki M. Scott, without authority of law. Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

The case came on for trial before the Honorable Luke N. Brown, Jr. at the September, 1998 term of the Court of General Sessions of Dorchester County. Plaintiff was defended by William L. Runyon, Esquire. plaintiff was convicted of kidnapping, a violation of S.C. Code §

16-3-910. On the sentencing, sheet Judge Brown noted that the offense was "violent" and "most serious" and sentenced plaintiff to thirty (30) years confinement in the State Department of Corrections. The Court also takes judicial notice of the opinion of the Supreme Court of South Carolina in plaintiff's appeal of his case, in which the Court states:

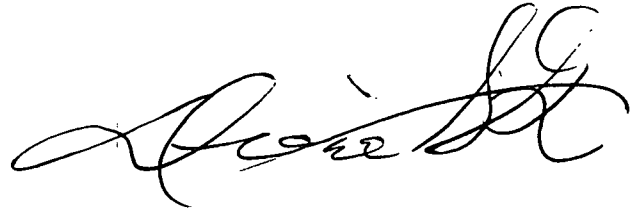
James Anthony Primus was convicted of kidnapping and assault and battery of a high and aggravated nature (ABHAN). He was sentenced to thirty years for kidnapping and ten consecutive years for ABHAN.

*The State v. James Anthony Primus*, Op. No. 3214, filed July 10, 2000.

As there was no finding on the record by the Court that the offense did not include a criminal sexual offense or an attempted criminal sexual offense the Court finds that plaintiff is appropriately classified under S.C. Code § 23-3-340 and can properly be listed on the Sexual Offender Registry. Accordingly, it is

ORDERED that summary judgment is GRANTED to defendant South Carolina Department of Corrections, and this action is DISMISSED.

AND IT IS SO ORDERED.



DIANE S. GOODSTEIN  
Chief Administrative Judge, First Judicial Circuit

St. George, South Carolina--

~~November~~ <sup>December</sup> 3, 2012

THE SOUTH CAROLINA COURT OF APPEALS

James Anthony Primus 252315 Appellant

V.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RESPONDENT

Appellate Case No. 2013 - 2447

CERTIFICATE OF SERVICE

I Certify that I have served a copy of  
this Judge Goodstein Final Order, dated December  
3 2013 by depositing a copy in the United States  
mail postage prepaid on all parties listed below on  
the Dated listed March 12 2014

Mr. James A. Stuckey  
Ms. ALISSA R. COLLINS  
123 Meeting Street  
Charleston S.C. 29401

MS U. Claire Allen  
S.C. Court of Appeals  
P.O. Box 116 29  
Columbia S.C. 29211

~~James Anthony Primus 252315~~  
James Anthony Primus  
MacDougall Corr. Inst  
Magnolia Unit 2 OSA  
1516 Old Gilliard Rd  
Ridgelyville S.C. 29472

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SC Court of Appeals

James Anthony Primus 252315  
MacDougall Correctional Institution  
Magnolia unit 2 USA  
1516 Old Gilliard Road  
Ridgeville S.C. 29472  
march 12 2014

South Carolina Court of Appeals  
Ms. U. Claire Allen Clerk  
P.O. Box 11629  
Columbia S.C. 29211

RE James Anthony Primus vs. S.C.  
Dept of Corrections  
Case 2013 - 2447  
Lower court case no. 2011-CP-18-2455

Dear Honorable Clerk

Please find enclosed Judge Goodstein Final

order.

Please accept this with my kindest regards

Sincerely

James Anthony Primus

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MAR 18 2014

**SC Court of Appeals**

James Anthony Primes 252315  
MacDougall Correctional Institution  
Magnolia unit 2 D 5A  
1516 Old Gilliland Road  
Ridgeville S.C. 29472

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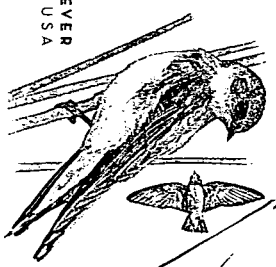
**SC Court of Appeals**

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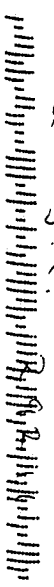


Bank Swallow

SOUTH CAROLINA COURT OF APPEALS  
MS. U. Claire Allen (Clerk)

P.O. Box 11629


Columbia S.C.



The Department of Corrections has not censored this item, therefore, the Department does not assume responsibility for its written contents - MacDougal Correctional Institution.



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