



The Supreme Court of South Carolina

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May 30, 2014

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: Isiah James, #96883 v. SCDPPPS (5)
Lower Court Case No. 2005CP4002795
Appellate Case No. 2013-000028

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 along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,



CLERK

cc: Tommy Evans, Jr., Esquire
Isiah James, Jr., 00096883

**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 Supreme Court**

Isiah James, Jr., Petitioner,

v.

South Carolina Department of Probation, Parole and
Pardon Services, Respondent.

Appellate Case No. 2013-000028
Lower Court Case No. 2005-CP-40-02795

Appeal From Richland County
The Honorable DeAndrea G. Benjamin,
Circuit Court Judge

Memorandum Opinion No. 2014-MO-012
Submitted May 6, 2014 – Filed May 14, 2014

REVERSED AND REMANDED

Isiah James, Jr., pro se petitioner, of Ridgeland.

Tommy Evans, Jr., of South Carolina Department of
Probation, Parole, and Pardon Services, of Columbia, for
Respondent.

PER CURIAM: Petitioner seeks a writ of certiorari to review the Court of
Appeals' decision in James v. S.C. Dep't of Probation, Parole and Pardon Servs.,

Op. No. 2012-UP-503 (S.C. Ct. App. filed Sept. 5, 2012). We grant the petition, dispense with further briefing, reverse the Court of Appeals' opinion, and remand the case to the circuit court for a decision on petitioner's appeal.

In 2003, the South Carolina Department of Probation, Parole and Pardon Services (SCDPPPS) denied petitioner's request for parole. The Administrative Law Court affirmed the denial. On June 13, 2005, petitioner appealed the denial to the circuit court and simultaneously sought to have his appeal transferred to the Court of Appeals. The SCDPPPS opposed the transfer, and the transfer was denied.

In 2011, SCDPPPS moved to dismiss petitioner's appeal pending in the circuit court, arguing the Court of Appeals, rather than the circuit court, had subject matter jurisdiction over petitioner's appeal. The circuit court dismissed the appeal, and the Court of Appeals affirmed.

Because petitioner filed the appeal in the circuit court on June 13, 2005, prior to the effective date of 2006 Act No. 387¹ the circuit court had jurisdiction to hear petitioner's appeal. Accordingly, we reverse the Court of Appeals' opinion and remand the case to the circuit court for a decision on petitioner's appeal.

REVERSED AND REMANDED.

**TOAL, C.J., PLEICONES, KITTREDGE and HEARN, JJ., concur.
BEATTY, J., not participating.**

¹ Act 387, which was signed into law on June 9, 2006, and became effective on June 1, 2006, provided a uniform procedure for contested cases and appeals from administrative agencies. The Act amended § 1-23-610, but indicated that petitions for judicial review that were pending before the circuit court at that time would be heard in accordance with the former law.

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EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

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

Isiah James, Jr., Appellant,

v.

South Carolina Department of Probation, Parole and
Pardon Services, Respondent.

Appellate Case No. 2011-199967

Appeal From Richland County
DeAndrea G. Benjamin, Circuit Court Judge

Unpublished Opinion No. 2012-UP-503
Submitted September 4, 2012 – Filed September 5, 2012

AFFIRMED

Isiah James, Jr., pro se.

Tommy Evans, Jr., of the South Carolina Department of
Probation, Parole and Pardon Services, of Columbia; for
Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities:

1. As to whether the circuit court lacked jurisdiction to hear an appeal from the Administrative Law Court: S.C. Code Ann. § 14-8-200(a) (Supp. 2011) ("[The court of appeals] has jurisdiction over any case in which an appeal is taken from . . . a final decision of [the Administrative Law Court]"); *State v. Stahlnecker*, 386 S.C. 609, 619, 690 S.E.2d 565, 570 (2010) ("A change in the law does not violate the ex post facto clause if it merely affects a mode of procedure and does not alter substantial personal rights.").

2. As to whether the circuit court erred in refusing to reverse James's 1979 convictions: *Futch v McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (noting an appellate court need not address remaining issues when the determination of a prior issue is dispositive of an entire appeal).

AFFIRMED.¹

FEW, C.J., WILLIAMS and PIEPER, JJ., concur.

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