

March 17, 2014

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MAR 21 2014

S.C. SUPREME COURT

Hon. Daniel Shearouse

S.C. Supreme Court

Post Office Box 11330

Columbia, South Carolina 29211

Dear Clerk:

Enclosed please find a corrected page of the December 2012 petition; he assumes the Court has not acted on the legal questions; please add it to the file for consideration by the Court.

Respectfully submitted,

S

Isiah James, II

Isiah James, Jr., 96883

Rt. CA-52, P.O.B. 2039

Ridgeland, S.C. 29930

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused true and correct copies of the 'corrected' pp. 5 & 6 of the December 2012 petition identified on the reverse side of document to be mailed, postage prepaid, to respondent's attorney who is set forth therein this 19 day of March 2014.

s/ Brian James, Esq.

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MAR 21 2014

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

DeANDREA G. BENJAMIN, CIRCUIT COURT JUDGE

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Unpublished Opinion No. 2012-UP-503  
(Filed 9-5-12)  
Appellate Case No. 2013-000028

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ISIAH JAMES, JR.,

PETITIONER,

V.

SOUTH CAROLINA DEPARTMENT OF  
PROBATION, PAROLE AND PARDON  
SERVICES (SCDPPPS),

RESPONDENT.

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PETITION FOR WRIT OF CERTIORARI TO S.C. COURT  
OF APPEALS OF 12-31-12

Other Counsel of Record:

Tommy Evans, Jr.  
General Counsel  
POB 50666  
Columbia, S.C. 29250

Isiah James, Jr., 96883, PRO PER  
RCI, CA-52, POB 2039  
Ridgeland, S.C. 29936

subject to ~~de~~ novo review.")

The court of appeal's panel issued unpublished opinion no. 2012-UP-503 that declared, "S.C. Code Ann.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] ...')." (App. p. 72) This would be a general statutory law that does not go back to June 2005 when petitioner filed and served a timely notice of appeal. (App. p. 26) While section 1-23-610(A)(1) of S.C. Code was amended under 2006 Act No. 367, §5, eff. July 1, 2006.

*[Handwritten initials]* Petitioner filed a timely 7 June 2005 notice of appeal after the 19 May 2005 order of the ALJ. Allison v. W.L. Gere & Associates, 714 S.E. 2d 547, 549 (2011) ("We now clarify that the question of compliance with rules, regulations, and statutes governing an appeal is one of appellate jurisdiction, see In re November 4, 2008 Bluffton Town Council Election, 385 S.C. 632, 686 S.E.2d 683 (2009)"). Section 1-23-610(A) of S.C. Code Ann. (2005) which was amended as it is set forth above herein 2006.

It contained a savings clause:

Section 55. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal does not affect pending actions, rights, duties, or liabilities founded thereon, or alters discharge, ...

More, unpublished opinion no. 2012-UP-503 failed to comply with IN RE MEMORANDUM DECISIONS BY COURT OF APPEALS, 471 S.E.2d 457 (1993) (it stresses, "the Court of Appeals may only do so when an issue is manifestly without merit").

II. THE COURT OF APPEALS DID ERR AFFIRMING THE CIRCUIT COURT'S GRANT OF RESPONDENT'S MOTION TO DISMISS AND CITING State v. Stahlnecker, 690 S.E.2d 565, 570 (2010) WHICH IS IN CONFLICT AND/OR CONTRARY TO SUPREME COURT'S DECISION Chem-Nuclear Systems, LLC v. South Carolina Bd. of Health and Environmental Control, 648 S.E.2d 601, 602, 603 (2007)

The court of appeals erred affirming the circuit court's grant of respondent's motion to dismiss citing State v. Stahlnecker, 690 S.E. 2d 565, 570 (2010) which is in conflict and/or contrary to Supreme Court's decision Chem-Nuclear System, LLC v. South Carolina Bd. of Health and ..., 648 S.E.2d 601, 604 (2007) (noting section 55, savings clause). The panel's unpublished opinion declared, "A change in the law does not violate the ex post facto clause" (App. p.72). James did not raise an ex post facto issue while it cited Stahlnecker.

The court of appeal's decision is in conflict with Chem-Nuclear System, LLC supra which was first addressed in the South Carolina Supreme Court ("We accepted this case in our original jurisdiction to determine the application and effect of Act No. 387, 2006 S.C. Act 387 ('Act 387')" at 602). Moreover, it mentioned, "Generally, the repeal of a statute without a savings clause operates retroactively to expunge pending claims, but a proper savings clause will have the effect of preserving a pending suit". Ibid at 601.

Furthermore, "Section 55 ... ..  
After the effective date of this act, all laws repealed or amended by this act must be taken as if they remained in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rig-

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**RIDGELAND CORRECTIONAL  
INSTITUTION**

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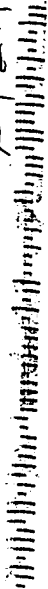
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29211



**THE DEPARTMENT OF CORRECTIONS HAS NEITHER  
CENSORED NOR INSPECTED THIS ITEM. THEREFORE  
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENTS.**

**RIDGELAND CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS**