

James Anthony Primus 252315  
MacDougall Correctional Institution  
Magnolia Unit 2 DSA  
1516 Old Gilliard Road  
Bridgville S.C. 29472  
June 6 2014

**RECEIVED**

JUN 09 2014

**S.C. SUPREME COURT**

The Supreme Court of South Carolina  
Clerk of Court  
P.O. Box 11330  
Columbia S.C. 29211

RE: James Anthony Primus 252315 V. STATE

Appellate Case No. 2014 - 001147

Written Explanation to clerk Request dated  
May 30 2014 date received June 2 2014  
In compliance with 243(c) S.C.A.C.R.

Dear Honorable Clerk

Appellate Primus challenged his guilty plea as  
involuntary on ground that Appellate Primus did  
not know he pled guilty and did not know CSC  
first degree cannot be expunged from Appellate Record

McCoy v. STATE 401 S.C. 363, 737 S.E.2d 623 S.C. (2013)

Tilly v. STATE 511 S.E.2d 689 (1999)

Primus v. STATE 564 S.E.2d 103 (2002)

Please accept this with my kindest regards

sincerely

James Anthony Primus

MCLOY V. STATE 401 S.C. 363, 737 S.E.2d 623 S.C. 2013

February 06 2013 ( APPROX 7 Pages

Primus argues his second P.C.R. Application should not have been dismissed and ask this S.C. Appellate Court to reverse and remand this matter for a hearing dismissal was error because genuine issues of material fact exist as to whether petitioner claim is successive or barred by the statute of limitation. However Section 17-27-45 (c) provides that if a P.C.R. applicant discovers material facts not previously (369) presented and heard that require vacation of his conviction or sentence he may file a PCR Application within one year after the date of actual discovery or after the date when the facts could have been ascertained by the exercise of reasonable diligence on August 30 2013 Appellate Primus received and letter from the Dorchester County asst. Solicitor Ms. Stacey Cook informing Primus that I pled guilty to A.B.H.A.N. which is NOT True I was found guilty on August 31 - Sept 1 1998 Term of Court Appellate Primus original trial transcripts are on file with the Dorchester County clerk of Court Mrs Cheryl Graham that the written transcripts can be compared to the sentence sheet I received can conclusively be refuted

By the Record before the P.C.R. Court a question of fact is raised which can only be resolved by a hearing C.F. Delaney v. STATE 269 S.C. 555 556 238 S.E. 2d 679, 679 (1977)

Written Explanation Primus v. STATE 2014-001147  
Second Application for Post Conviction Relief in which he challenged his guilty plea as involuntary on ground that he did not know CSC First degree could not be Expunged from Appellate Arrest Record to 17-22-130 34-11-90 (S) 44-53-450 22-5-910 56-5-750 due to Guilty Plea Inmate Primus learned of his guilty plea August 30 2013 in letter from solicitor office he filed his second P.C.R. less than one year and he could not have raised his claim in any earlier P.C.R. Application because he was unaware of such claim Also now Guilty Plea now which supports kidnapping absent written indictment Tilly v. STATE 334 S.C. 24 511 S.E. 2d 689 S.C. (1999) January 25 1999 Approx 4 Pages Inmate Fourth Application for P.C.R. in which he challenged his guilty plea as involuntary on ground he did not know he would be ineligible for Parole due to Sequence of his Sentence was not successive Inmate learned of his ineligibility in letter from

from Parole Board he filed his fourth P.C.R. Application less than one month and he could not have raised his claim in any earlier P.C.R. because he was unaware of such claim Code 1976

17-27-90

Appellate Proposed the following be included in the Record for the written Explanation 243(c) S.C.A.C.R.

- 1 Letter From Solicitor OFFICE
- 2 Sentencing Sheet that does not have Appellate Signature or appellate Attorney of Record Signature

I certify that this designation contains no matter which is irrelevant to Appellate written Explanation 243(c) S.C.A.C.R.

June 6 2014

cc

Megan E. Harrington

Respectfully Submitted

James Anthony Primus 252315

James Anthony Primus Pro Se  
MacDougall Correctional Institution  
Magnolia unit 2 DSA  
1516 Old Gilliard Road  
Ridgeville S.C. 29472

# The State of South Carolina

OFFICE OF SOLICITOR  
First Judicial Circuit



**DAVID M. PASCOE**  
Solicitor

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St. Matthews, SC 29135  
(803) 874-1978  
FAX (803) 874-1242

August 30, 2013

James Anthony Primus #252315  
MacDougall Correctional Institute  
Magnolia Unit 2 DSA  
1516 Old Gilliard Road  
Ridgeville, SC 29472

RE: Expungement Request

Dear Mr. Primus:

This letter is in response to the expungement request that was submitted to our office. The order you submitted to our office requesting the Criminal Sexual Conduct 1<sup>st</sup> Degree charge to be expunged is not eligible to be expunged. Although you pled guilty to a lesser included offense of Assault and Battery of a High and Aggravated nature, you still pled guilty on the same warrant number you were originally charged with. You can't just expunge the charge itself. I apologize for any inconvenience this may cause you.

Should you have any questions or need additional information, please feel free to contact me at (843) 871-2640.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey Cook".

Stacey Cook  
First Judicial Circuit Solicitor's Office  
Expungement Coordinator

STATE OF SOUTH CAROLINA )

COUNTY OF DORCHESTER )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

97-GS-18-1045

STATE VS.

FEB 20 PM 2:39

James A. Primm

AKA

Race: B Sex: M

DOB: 6-10-59 Age:

SSN: 248-12-6872

DL#:

SID#:

A/W#:

E091778

Date of Offense:

7-13-97

S.C. CODE §:

16-3-652

CDR-Code #:

113

SENTENCE

PLEA TRIAL

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

TO: Assault + Battery of a High and Aggravated Nature in violation of § of the S.C. Code of Laws, bearing CDR Code # 113

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury

The plea is: Without Negotiations or Recommendation Negotiated Sentence

Recommendation by the State

ATTEST:

Margaret A. Moore

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, or Under Youthful 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

Total: \$

Pay Terms:

Recipient:

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: Credit for jail time since July 15, 1997

\*Fine... \$
§14-1-206 - Assessments 100%... \$
§14-1-211 - Surcharge... \$ 100.00
(TOTAL) \$ 100.00

Debra E. ... Clerk of Court/Deputy Clerk

Court Reporter: R. Keel

PRESIDING JUDGE

Sentence Date: 9-1-98

Judge Code: 090

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT OF SOUTH CAROLINA

Written Explanation according to Rule 243 (C) S.C.A.C.R.

Clerk The Honorable Daniel E. SHEAROUSE clerk of Court

Case No. 2014 - 001147

James Anthony Primus 252315 . . . . . Appellate

v.

STATE OF SOUTH CAROLINA . . . . . Respondent

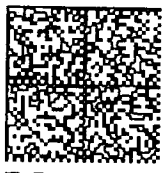
PROOF OF SERVICE

I THE undersigned do hereby that on this 6 day of June 2014 I served the foregoing ~~notice of Appeal~~ written Explanation according to Rule 243 (C) S.C.A.C.R. as well as proof of service in this matter by depositing a true copy of same in the United States mail postage prepaid on 6 6 2014 mail address as follow:

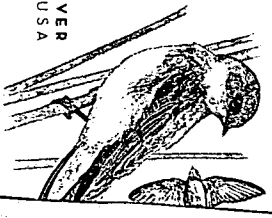
MS. MEGAN ELIZABETH HARRINGAN  
ASST ATTORNEY GENERAL S.C.  
P. O Box 11549  
Columbia S.C. 29211  
Supreme Court S.C.  
P.O Box 11330  
Columbia S.C. 29211

By  
James Anthony Primus 252315  
James Anthony Primus pro se  
MacDougal Correctional Inst.  
Magnolia unit 2 PSA  
1516 Old Gilliard Road  
Ridgeway S.C. 29472

James Anthony Primus 252315  
Mac Dougall Correctional Institution  
Magnolia Unit 2 DSA  
1516 Old Billiard Road  
Ridgelyville S.C. 29472



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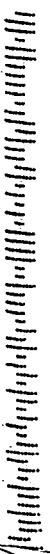
MR. Daniel E. Shearouse (clerk)

The Supreme Court of South Carolina

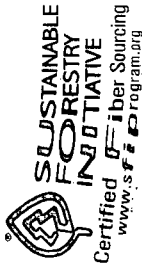
P.O. Box 11330


Columbia S.C. 29211

29211-1330



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



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