



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

MEMORANDUM

RECEIVED

JAN 08 2016

SC Court of Appeals

TO: Julie A. Ashbrook
FROM: Court Reporting Section
RE: Request for transcript
DATE: January 7, 2016

I have enclosed a letter from Mr. George L. Tomlin who is requesting a transcript from proceedings heard by the Honorable Daniel Hall on July 24, 2015. Our records reflect that you were assigned to Judge Hall in a term of Greenville County Common Pleas Non-Jury Court on that day. Please determine if this proceeding was recorded by you and contact Mr. Tomlin to make arrangements for payment for preparation and delivery of the transcript. Kindly copy this office on the correspondence. Thank you for your attention to this matter.

Enclosure

cc: George L. Tomlin #166361
RCI
P. O. Box 2039
Ridgeland, SC 29936

December 25, 2015

Court Reporting Section
S.C. Court Administration
1220 Senate Street, Suite 200
Columbia, South Carolina 29201

Re: George Tomlin v. SCDC(2)
Appellate Case No. 2015-002057

Re: Isiah James, Jr. & George Lee Tomlin v. SCDC
2013-CP-2302017
9:30 am hearing before Daniel Hall Circuit Court Judge
7-24-15 Court of Common Pleas of Greenville County

RECEIVED

JAN 04 2016

SC Court of Appeals

Dear Sir/Madam:

The below indented requests herein that your office please provide the name and address of Judge Hall's Court reporter concerning proceeding shown above herein.

Respectfully Requested

S/ George Lee Tomlin
George Lee Tomlin, 166361
P.O. Box 2039 RCI CA-22
Ridgeland, S.C. 29936

cc: Clerk of Court of Appeals
1220 Senate Street
Columbia, S.C. 29201

Russell Harter Jr.
14 Lavinia Avenue
Greenville, S.C. 29601

GEORGE LEE TOMLIN 166361
P.O. BOX 2039
RCI CA-22
RIDGELAND, S.C. 29936

CHARLESTON SC 294

30 DEC 2015 PM 2 T



FOREVER
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RECEIVED
CLERK OF COURT OF APPEALS
1220 SENATE STREET
COLUMBIA, S.C. 29201
JAN 04 2016
SC Court of Appeals

RIDGELAND CORRECTIONAL
INSTITUTION

DEC 20 2015

MAILROOM

SCDC
Christmas
Packet

Legal mail

29201-9769



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



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT 

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14 October 2015

Ms. Julie A. Ashbrook
Family Court Reporter
Post Office Box 757
Greenville, South Carolina 29607

Court Reporting Section
S.C. Court Administration
1220 Senate Street, Ste 200
Columbia, South Carolina 29201

- Re: 1. James et al v. SCDC, 2013CP2302017
9:30 a.m. hearing before Judge Hall of 7-24-15
2. Court Reporting Section of 9-30-15 letter
 3. 10-7-15 letter of Ms. Ashbrook

Dear Ms. Ashbrook:

Isiah JAMES, Jr., is in receipt of your letter set forth above herein; his correct and more specific information about the case transcript is set forth above herein. Thank you for the letter which was forwarded. If you could check again your record(s); he would be informed about the court proceeding.

Any information would be sincerely appreciated.

Respectfully requested,

s/

Isiah James, Jr.

Isiah James, Jr., 96883
RCI, CA-52, POB 2030
Ridgeland, S. C. 29936

Ridgeland Correctional Institution
Charleston 'A' Unit Room 52
Post Office Box 2039
Ridgeland, South Carolina 29936

14 October 2015

South Carolina Court Administration
1220 Senate Street, Suite 200
Columbia, South Carolina 29201

- Re: 1. Civil Motion Pilot Program
2015 WL 5286566 (9-10-15)
2. Rule 79(a) of SCRCP
3. 2008; 2010; 2014 prior motion(s)

Dear Sir:

The undersigned has enclosed copies of prior and current motion(s) in the Court set forth therein; however, he is not informed whether entertainment or ruling on the motion(s) is the clerk's or the Court's fault; copies of some material(s) appear at pp. 31-36 of the supporting materials to his current motion so he is inquiring whether your office could monitor the proceeding set forth herein.

Respectfully requested,

Lorah James, II 96883



State of South Carolina
The Circuit Court of the THIRTEENTH Judicial
Circuit

Julie A. Ashbrook
Family Court Reporter
Professional Reporter

P.O. Box 757
Greenville, SC 29602
Judge Kinlaw's Office
jashbrook@sccourts.org

October 7, 2015

Mr. Iseah James, Jr. #096883
RCI
P.O. Box 2039
Ridgeland, SC 29936

Re: Bruce James vs. South Carolina Department of Corrections
Case Number 2013-CP-23-2617

Dear Mr. James:

I am in receipt of your letter delivered to me on October 6, 2015, requesting the above-referenced transcript. I have reviewed my records and estimate that your transcript will be approximately 30 pages for the hearing held on July 24, 2015. Based on the current rate of \$3.25 per page, the cost will be approximately \$113.75 for the original copy. Per the rules, I have 60 days in which to complete the transcript.

Upon receipt of a certified check or money order for \$113.75, the 60 days begin. If I have underestimated the number of pages, you will be notified prior to delivery of the transcript of the balance due. If I have over estimated the number of pages, you will be refunded the overpayment.

In the event I need an extension of time to complete the transcript, I will request an extension from Court Administration. You will be notified if the extension is granted.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Ashbrook".

Julie A. Ashbrook
Family Court Reporter
Thirteenth Judicial Circuit

cc: Court Administration



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

1220 SENATE STREET SUITE 200
COLUMBIA SOUTH CAROLINA 29201

MEMORANDUM

TO: Julie A. Ashbrook
FROM: Court Reporting Section
RE: Request for transcript
DATE: September 30, 2015

I have enclosed a letter from Mr. Isiah James, Jr., who is requesting a transcript from proceedings heard by the Honorable Daniel D. Hall on July 24, 2015. Our records reflect that you were assigned to Judge Hall in a term of Greenville County Common Pleas Non-Jury Court on that day. Please determine if this proceeding was recorded by you and contact Mr. James to make arrangements for payment for preparation and delivery of the transcript. Kindly copy this office on the correspondence. Thank you for your attention to this matter.

Enclosure

cc: Isiah James, Jr. #096883
RCI
P. O. Box 2039
Ridgeland, SC 29936

23 September 2015

S. C. Court Administration
1229 Senate Street Ste. 200
Columbia, South Carolina 29201

James et al. v. SCDC, 2013-CP-23-2017
Re: 24 July 2015 hearing in Greenville County
Hon. Daniel D. Hall, Circuit Court Judge

Dear Sir:

The undersigned is corresponding with your office about who was the Court Reporter for the Judge set forth above herein the Court of Common Pleas; he is in dire need of the name and address of the court reporter for if the transcript is needed; it will have to be ordered.

Thank you for the assistance.

Respectfully requested,

1/s/ *Bruce James, Jr.*

Bruce James, Jr., 96483
POI, CA-52, P.O. 2039
Ridgeland, S. C. 29936

Bruce James vs. SC. Department of corrections

jc

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
Case No. 05-CP-40-1931

Isaiah James, Jr.,)
)
Plaintiff,)

v.)

MOTION TO DISMISS

South Carolina Department of)
Probation, Parole and Pardon)
Services,)
)
Defendant.)
_____)

The Defendant provides this motion to dismiss the Plaintiff's supplemental rule 60(B)(5) motion. The Defendant will show that he is entitled to a dismissal of the Plaintiff's motion pursuant to Rule 12(b) of the South Carolina rules of civil procedure. It is the position of the Defendant that the Plaintiff have submitted a motion that goes beyond the jurisdiction of the Court, and he has also failed to present facts sufficient to constitute a cause of action. The Defendant would respectfully show this Court the following.

PROCEDURAL HISTORY

On October 25, 1978, the Plaintiff and his co-defendant Maurice Mack robbed Mr. Gary Cusamano, and Mr. Norman Guest Reames with a pistol taking a quantity of marijuana. Upon the conclusion of this robbery the defendant shot and killed both victims. The Plaintiff was later caught and arrested for two counts of murder, and armed robbery. The Plaintiff later appeared before the Honorable Dan. F. Laney to pled guilty. He was sentenced to a thirty (30) year period of incarceration for two counts of voluntary manslaughter, and twenty-five (25) years for one

ARGUMENT

The Plaintiff argues that the South Carolina Supreme Court case of Cooper v. South Carolina Department of Probation, Parole and Pardon Services, 352 S.C. 594, 576 S.E.2d 146 (2002), allows him a reversal of the decision of the circuit court pursuant to rule 60(b)(5) of the South Carolina rules of civil procedure. The rules of civil procedure specifically state:

On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order or proceeding for a judgment that has been satisfied, released or discharge, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application.

Rule 60(b)(5) SCRPC

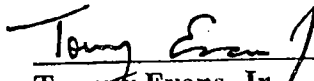
In Cooper, the Parole Board was accused of not following the mandated criteria. This accusation stems from the order of denial not mentioning any conclusions of law as to how the decision to deny parole was made. The Supreme Court decided "If a Parole Board fails to consider an apply the statutory-created parole criteria, it has the effect of rendering an inmate parole ineligible which under Furtick warrants review by the ALC." Cooper, at 502. It is the position of the Plaintiff that due to the Cooper decision Rule 60 allows an reversal of his March 9, 2005, denial of parole.

The Court in Cooper held that the Administrative Law Court (ALC) has jurisdiction to determine if the criteria was followed. The Plaintiff argues that since we have not proven that the criteria was followed upon the denial in 2005 he is entitled to a reversal. However, Cooper allows the ALC jurisdiction to determine if the procedures were followed it does not automatically reverses a denial of parole. In Furtick v. The South Carolina Department of

CONCLUSION

Based on the forgoing reasons the Defendant respectfully requests the denial of the Plaintiff motion for reversal of his 2005 denial of parole pursuant to rule 60 of the South Carolina rules of civil procedure.

Respectfully submitted,



Tommy Evans, Jr.
Legal Counsel

South Carolina Department of Probation,
Parole and Pardon Services
P.O. Box 50666
Columbia, South Carolina 29250
(803) 734-9220

Attorney for the Defendant

Columbia, South Carolina
March 24, 2010

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Isiah James, Jr.

Plaintiff

S.C. Department of PPP Services

Defendant

IN THE COURT OF COMMON PLEAS

CASE NO.

2005CP401931

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Plaintiff's Attorney: Pro Se. Bar No. <u>Isiah James, Jr., 66883</u> Address: <u>RCI, CA-52, P.O. 2039</u> <u>Ridgeland, S.C. 29936</u> phone: fax: e-mail: other:	Defendant's Attorney: See motion please attached Address: fax: e-mail: other:
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: Estimated Time Needed: 15 mins. Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the Court as set forth in the attached proposed order.	
Signature of Attorney for <input type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant	Date submitted
SECTION III: Motion Fee	
<input type="checkbox"/> PAID - AMOUNT: <input checked="" type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court: or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input checked="" type="checkbox"/> Other: Inmate vs. State agency	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	JUDGE: _____ CODE: _____ Date: _____
CLERK'S VERIFICATION	
Date Filed: _____ Collected by: _____ <input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
2005-CP-40-1931

ISIAH JAMES, JR.,)
)
Plaintiff,)

-versis-

NOTICE OF MOTION [FOR RULE 69(b)(5)]
AND MOTION [FOR RULE 65(e)(1)]
HABEAS CORPUS RELIEF

SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE AND PARDON)
SERVICES [SCDPPPS].)

Defendant. }

TO: Tommy Evans, Jr.
General Counsel of SCDPPPS
POB 50666
Columbia, S.C. 29250

YOU WILL PLEASE TAKE NOTICE that 14 October 2015 the undersigned will
move before the Court of Common Pleas, Fifth Judicial Circuit, in Richland
County, South Carolina for an order granting relief from 'order' of 3-29-2006
(see supporting material) and Remedial Writ-habeas corpus on the grounds South
Carolina Rules of Civil Procedure (SCRPC) set forth above herein and see
memorandum [memo] annexed hereto.

October 14, 2015

/s/ Isiah James, Jr.

Isiah James, Jr., 26883
PCT, CA-52, POB 2030
Richland, S. C. 29936

July 10, 2008

Administrative Judge of the Court
of Common Pleas in the Fifth
Judicial Circuit
1791 Main Street, Room 205
Columbia, South Carolina 29202

Re: James v. SCDPPPS, 656 S.E.2d 399 (2008)
C/A No. 2005-CP-40-1931 (Rule 60 Motion)

2005CP4002795
2006CP4004722

Dear Administrative Judge:

The undersigned will outline herein the procedural history of the case 2005CP4002795 which is an appeal from the Administrative Law Court (ALC) before Administrative Law Judge (ALJ) Andersen who issued his 'Order' on 5-19-05. James attempted to bring the action before the ALC in April 2001 but the ALC would not file his action, claiming the lack of jurisdiction wrongfully. see Furtick v. SCDPPPS, 576 S.E.2d 145 (2003); but see James v. SCDPPPS, _____ S.E.2d _____, Op. No. 4365 (S.C. App. filed 4-1-08). When he discovered Furtick, supra. He re-submitted the issue(s) to the ALC. See documents annexed hereto.

The case was assigned to ALJ Andersen under docket no. 03-ALJ-15-00032-AP; ALJ Andersen procrastinated concerning a ruling so James had a 2005 parole release hearing and he filed C/A No. 2005-CP-40-1931 (which requested a remedial writ against the ALC). ALJ Andersen subsequently ruled on James's appeal - he appealed to Richland County Court of Common Pleas (No. 2005CP4002795); he never did get a hearing or Order regarding said appeal. When section 1-23-610 under 2005-2006 Bill 3285 ('This act takes effect on July 1, 2006') was ratified 5-7-06 and approved 6-9-06. He attempted to have ALC appeal pending in Richland County Circuit Court transferred to S.C. Court of Appeals

This is how No. 2006CP4004722 appears. see Document dated 8-17-06 from defendant's attorney Aplin. James respectfully requests that this Court will please issue a final disposition in the appeal whether it is by rule 60 motion herein or a ruling in the appeal from ALJ Andersen—it would be appropriate if Court rules without oral argument and issue form Order. Thank you for prompt attention and cooperation in this matter.

Respectfully submitted,
Isiah James, Jr.
Isiah James, Jr., 096883
RCI-CA-31, P. O. Box 2039
Ridgeland, S. C. 29936

cc: J. Eric Kaufmann
Lovee M. Watts

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
2005-CF-40-1931

ISIAH JAMES, JR.,)
Plaintiff,)

MOTION UNDER RULE 60(b)(5) OF
SOUTH CAROLINA RULES OF
CIVIL PROCEDURE (SCRCP)

-versus-

SOUTH CAROLINA DEPARTMENT
OF PROBATION, PAROLE AND
PARDON SERVICES (SCDPPS),)
Defendant(s).)

TO: J. Eric Kaufmann
Daniel R. Settana, Jr.
McKay, Cauthen, Settana & Stubley, P.A.
1301 Gervais Street, Suite 901
P. O. Drawer 7217
Columbia, S. C. 29802

Lovee McKinney Watts
P. O. Box 50566
Columbia, S. C. 29250

YOU WILL PLEASE TAKE NOTICE the undersigned will move before the Circuit Court and/or Administrative Judge of the Court of Common Pleas for Richland County of the Fifth Judicial Circuit on the Fourth (4th) day thereafter this motion under rule 60(b)(5) of SCRCP is filed or as soon as he may be heard for a hearing or order which will be entertaining or granting him relief from the (entered 10-20-06) and 9-28-06 order of this Court (annexed hereto). The grounds are set forth below herein for said motion:

1. Rule 60(b)(5) of SCRCP provides "a prior judgment upon which it is based has been reversed or otherwise vacated"

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
ISIAH JAMES, JR.,)
Plaintiff,)
-versus-)
SOUTH CAROLINA DEPARTMENT)
OF PROBATION, PAROLE AND)
PARDON SERVICES (SCDPPPS),)
Defendant.)

IN THE COURT OF COMMON PLEAS
CASE NO. 2005-CP-40-1931

SUPPLEMENTAL RULE 60(b)(5)
MOTION

TO: General Counsel, SCDPPPS
2221 Devine Street, Suite 600
Columbia, S. C. 29250

Erin Farrell, Esquire
1303 Blanding Street
Columbia, S. C. 29201

Please take notice the undersigned moves on March
(8), 2010 before this Court for an Order granting him re-
lief from Judgment (dated 3-29-06) which stated, "insofar as
Plaintiff is arguing that the Parole Board's decision to reject him
for parole at his regularly scheduled hearing was arbitrary and ca-
pricious, such a claim does not involve a determination by the De-
partment that he is permanently ineligible for parole and therefore
not a cognizable cause of action under Furtick." (p. 2 Order att
tached hereto) based on attached 7-10-08 Motion Under Rule 60
(b)(5) of South Carolina Rules of Civil Procedure (SCRPC) and Rule
60(b)(5) of SCRPC. His memorandum is attached hereto that sum-
marizes the motion herein.

March 10, 2010

Is/ Isiah James, Jr.

Isiah James, Jr., 95853
POI, CA-31, P. O. Box 2039
Ridgeland, S. C. 29936

2. The undersigned has annexed hereto his 'Memorandum', attachment(s) and etc. which supports his motion herein.

WHEREFORE, James respectfully requests that this Court grants him appropriate relief herein.

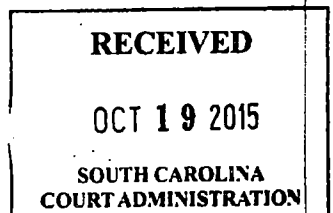
Respectfully submitted this 10 day of July 2008.

/s/ Isiah James, Jr.
In Propria Persona
Isiah James, Jr.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused true and correct copies of the 'MOTION UNDER RULE 60(b)(5) OF SCRPC', 'Memorandum' and attachment(s) to be mailed, postage prepaid, to SGDPPPS's attorney(s) whose name(s) and address(es) are set forth above herein this _____ day of July 2008.

/s/ Isiah James, Jr.



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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SOUTH CAROLINA
COURT ADMINISTRATION

Probation, Parole and Pardon Services, 352 S.C. 594, 576 S.E.2d 146 (2003), the Supreme Court decided that the ALC has jurisdiction to review a Department decision denying parole eligibility. The Cooper, decision expanded this jurisdiction to allow the ALC to determine if the criteria was followed. Due to these two decisions the circuit court no longer has jurisdiction over parole hearings, any reversal of a parole hearing must be made by the ALC.

The Plaintiff had the opportunity to present his case before the ALC once the decision was made in 2005, he failed to do so. This motion for a 2005 denial of parole goes beyond the thirty day limit allowed under the rules.¹ Since the Plaintiff waived his last two opportunities to appear before the Court it is the defendant's position that he waived his right to appeal.

The Plaintiff argues he is entitled a reversal of the decision of the circuit court due to the Cooper decision. He argues that due to this decision the previous decision should be reversed or vacated. In his previous cause of action the Plaintiff was seeking a reversal of the denial of parole due to an accused violation of ex post facto, and a quorum not being present at his hearing. The Plaintiff never raised an issue regarding the criteria not being followed by the board. Due to his failure to raise these issues in his previous complaint, it is the position of the defendant that he is not entitled to a reversal pursuant rule.60.

¹The notice of appeal from the final decision to be heard by the Administrative Law Court shall be filed with the Court and a copy served on each party including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken. Rule 59 S.C.A.C.

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OCT 19 2015
SOUTH CAROLINA
COURT ADMINISTRATION

35

count of armed robbery. The court ordered that both of these sentences were to be served consecutively. Pursuant to South Carolina law the Plaintiff initially became eligible for parole on February 17, 1988. He appeared before the Parole Board and was denied parole. Since this initial denial the Plaintiff has appeared and additional eight (8) times each resulting in a denial of parole. On March 4, 2009, the Plaintiff was scheduled for another appearance before the Parole Board. The Plaintiff decided to waive his right to a parole hearing.

Upon being denied parole on March 8, 2005, the Plaintiff filed a complaint in the court of common pleas for Richland County. Within this complaint the Plaintiff alleged that the Defendant improperly denied him parole by commencing a hearing without a quorum. The Plaintiff also argued that being allowed to appear before the board bi-annually is in violation of ex post facto. The Defendant immediately filed a motion for summary judgment. On February 2, 2006, all interested parties appeared before the Honorable Alison R. Lee for a hearing regarding the Defendants motion for summary judgment. Upon conclusion of this hearing, Judge Lee decided to grant the Defendant's motion. Upon receiving Judge Lee's order granting summary judgment, the Plaintiff filed a notice of appeal before the South Carolina Court of Appeals. In the case of James v. South Carolina Department of Probation, Parole and Pardon Services, 376 S.C. 392, 656 S.E.2d 399 (2008), the decision of the lower court was affirmed.

The Plaintiff has now filed a motion under rule 60(b)(5) of the South Carolina rules of civil procedure. Within this motion the Plaintiff is seeking a declaratory judgment against the practices of the Parole Board. The Defendant will show that parole decisions are not under the jurisdiction of the Circuit Court, and the Plaintiff no longer has the ability to seek a reversal of the decision to deny parole due to the statute of limitations expiring.

