

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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AUG 30 2016

APPEAL FROM RICHLAND COUNTY
CORDELL J. MADDOX, JR., CIRCUIT COURT JUDGE

SC Court of Appeals

Appellate Case No. 2016-000945

Trial Court No. 05-CP-40-1931

Isiah James, Jr., Appellant,

vs.

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

NOTICE OF MOTION(S) FOR PAUPER STATUS RECONSIDERATION,
REHEARING AND REINSTATEMENT OF APPEAL

HEREIN COMES James moves for reconsideration and rehearing under Rule 240(j) of South Carolina Appellate Court Rules (SCACR) and Rule 260(a) of SCACR for reinstatement herein. There was the 6-24-16 'Order' issued for the Court which in short granted prisoner pro se status "pursuant to Ex parte Martin, 321 S.C. 533, 471 S.E.2d 134 (1995)." Ex parte Martin v. State, 471 S.E.2d 134, 135 (1995) set forth, "Further, where certain fundamental rights are involved, the Constitution requires that an indigent be allowed access to the courts, Compare Boddie v. Connecticut, 401 U.S. 371". It is further apparent the court overlooked the aspect(s) and concept(s) of law set forth above herein and the order of the lower court.

The 3-29-16 'Order' stated, "Plaintiff have since filed a motion for relief under rule 60(b)(5) of the South Carolina Rules of Civil Procedure" (p. 2) Further, the Court erred holding, he "is also not entitled relief pursuant to Rule 60 due to the length of time expired from the court's decision" (p. 3) James raised the initial James-Cooper claim via 7-10-2008 Rule 60(b)(5) Motion where Judge Lee's 3-29-06 order stressed:

Insofar as Plaintiff is arguing that the Parole Board's decision to reject him for parole at his regular scheduled hearing was arbitrary and capricious (see p. 2 attached 8-18-16 motion)

Furthermore, "a valid judgment decided on the merits, was issued by the Honorable Ralph King Anderson, III in the South Carolina Administrative Law Court, dated May 19, 2005. (footnote omitted) Such judgment dismissed the identical claim which Plaintiff attempts herein to reassert against the South Carolina Department of Probation, Parole and Pardon Services. Plaintiff did not appeal that decision and it has become final." (See pp. 3-4 attached to 8-18-16 motion) Rule 60(b)(5) strongly concerns the event or situation where a prior decision or etc. was reversed, overturned or set aside.

This is what appellant has accomplished with 5-19-05 ALC's Order versus Judge Lee's 3-29-06 order. See Justice Cureton's 3-1-16 Order which points to 5-19-05 order of ALJ Anderson. The Cooper and James decisions point to the liberty (interests) annexed thereto issues. Wherefore, pauper status should be reconsidered and granted; reinstatement given without consideration of habeas issue 2.

This 28th day of August 2016.

Respectfully submitted,

/s/ Leah James, Jr.

Isiah JAMES, Jr., 096883
WCI, 1C 6B, 4340 Broad River Road
Columbia, SC 29210

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APPEAL FROM RICHLAND COUNTY

CORBELL J. MADDOX, JR., CIRCUIT COURT JUDGE

Appellate Case No. 2016-0000945
Trial Court No. 05CP401931

Isiah James, Jr., Appellant,

vs.

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

PROOF OF SERVICE

Appellant hereby certifies that he served SCDPPPS's attorney,
Tommy Evans, Jr., General Counsel, at POB 50666, Columbia, SC 29250,
by U.S. Postal Service (mail) first-class postage, with the 'Notice
of Motion(s) etc.' this 29 day of August 2016.

/s/ Isiah James, Jr.

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Friah JAMES, Jr, 09/6883
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SC Court of Appeals

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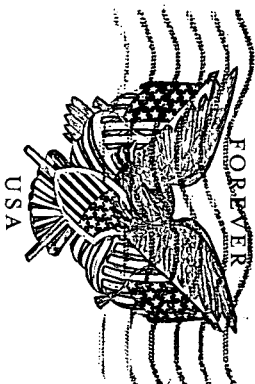
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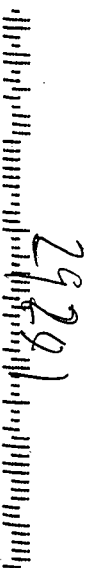
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