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MAR -8 2017

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. SUPREME COURT

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS
CORDELL J. MADDOX, JR., CIRCUIT COURT JUDGE
Appellate Case No. 2017-000050

ISIAH JAMES, JR., Petitioner,
v.

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

SCACR 221(a) PETITION

Isiah James, Jr., the petitioner herein, prays the Court grants the SCACR 221(a) petition for rehearing [recognizing S.C. rule of law] in the appeal, action for extraordinary writ.

1. SCACR 221(a) set forth, "No petition for rehearing shall be allowed from an order denying a petition for writ of certiorari under Rule 242, SCACR"; herein, the exception is petitioner's 3-1-17 order orders, "we grant the petition for a writ of certiorari, dispense with further briefing" (p. 1);

2. The rehearing rule points to 'overlooked or misapprehended' some issue, rule, law or etc., going back to James's certiorari petition which raised in short question(s) therein:

(a) Whether parole liberty interest procedure in Court's precedent(s) warrant granting paper status in appellate jurisdiction/review?

(b) Did the [LANEY] Circuit Court (General Sessions of Sumter County) exceeded original jurisdiction in 1919?

3. This Court's 3-1-17 order addressed or ruled on the

issue, "any error in denying petitioner's motion to proceed in forma pauperis before the Court of Appeals is harmless" Id. and it stated, "hereby affirm the circuit court decision dismissing petitioner's Rule 60(b)(5), SCACP motion and his petitions for a writ of habeas corpus." See SCACR 203(d)(1)(B)(vi) (notice of appeal-habeas);

He stresses herein that the Court of Appeals' order denying pauper status and the effect of denying James meaningful appellate review of the 3-29-16 order of the circuit court and access to the Court(s);

4. The circuit court's 3-29-16 order (p.3) (see App p 24) pointed,

"The South Carolina Supreme Court never granted certiorari, and the Court of Appeals affirmed the decision of Judge Lee. This rule does not apply due to the decision of Judge Lee never being reversed or discharged. So this Court respectfully grants the Defendant's motion."

See Eyans v. Hunter, 366 S.E.2d 44, 46 (Ct. App, 1988) [Court holding, "Rule 60(b)(5) is based on the historical power of a court of equity to modify its decree in light of subsequent conditions."]

Surely, the circuit court relied on the aspect(s) above in denying James's said motion; further, the lower court's order failed to address his claim when he provided the court and this Court with copies of Judge Lee's 3-29-2006 Order (p.1) (pp. 3-4) where she relied, used Administrative Law Judge's [ALJ] (ANDERSON) 5-79-2005 order to rule on James's 3-9-2005 notice of rejection of application for parole release.

He raised claim, issue, cause of action decision was arbitrary and capricious at or near the same point in time Cooper

was reversed in the Circuit Court of Dorchester County when respondent (SCDPPPS) appealed to this court; it affirmed in part; Cooper v. SCDPPPS, 661 SE2d 106 (2008). James filed the Rule 60(b)(5) motion based on the Cooper decision summer of 2008; if what is set forth above herein was not clear in the initial petition; it should be clear currently;

5. More the SCRPC Rule 60(b)(5) and habeas motions were founded on Cooper - JAMES supra and what was affirmed by S.C. Court of Appeals and certiorari granted and reversed by this court which was ALT Anderson's 5-19-2005 order; Again, petitioner has previously related how Judge LEE utilized ALT Anderson's order on the 3-29-06 order, pointing to res judicata. See James v. SCDPPPS, 656 SE2d 399 (S.C. App. 2008) (res judicata point)

HABEAS CORPUS RELIEF

This court should seriously view the [BARBER] court order of 12-5-14 (See App. pp. 17-21)

6. Ex Parte State, 210 S.E.2d 600, 602 (1974) (citing State v. Harrelson, et al.). South Carolina Constitution Art. V, § 9 references the power of 'precedent'; SCAER 217 terms 'argue against precedent' State v. Centry, 610 S.E.2d 494 (2005)

One would presume petitioner made sufficient points in the petition about where the [Laney] court exceeded its jurisdiction or acted in want of jurisdiction. South Carolina law is clear because James consented entered guilty plea to armed robbery if the court had no power; he could not sufficiently waive jurisdiction nor consent to sentence judgment on 6-18-79.

CONCLUSION
* Respondent has never complied with 12-5-14 [BARBER] court order.

("This Court held that one circuit judge has no power to review, revise or reverse the action of another circuit judge.") Ex Parte State at 602. The law of the case related to doctrine of claims, res judicata and collateral estoppel apply thereto. The 25 year consecutive sentence must be set aside.

THIS 5 day of March 2017

Leiah James, II # 096893
GCI, B2-39B
4556 Broad River Road
Columbia, SC 29210

CERTIFICATE OF SERVICE

James certifies that he has served SCDPPPS's attorney, Tommy Evans, Jr., POB 50666, Columbia, SC 29250 by mail, post prepaid, this 7 day of March 2017.

S/Leiah James, II

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