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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Cordell J. Maddox, Jr., Circuit Court Judge
Appellate Case No. 2017-00050

ISIAH JAMES, JR., Petitioner,

vs.

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

SUPPLEMENTAL PETITION FOR REHEARING

Petitioner James supplements the SCACR 221(a) petition for rehearing as follows:

6. Further, the 3-9-05 'notice of rejection' stated,

"The reason(s) for rejection are:
Nature And Seriousness Of Current Offense
Indication Of Violence In This Or Previous Offense
Use Of Deadly Weapon In This Or Previous Offense"

There is no difference in the Cooper's and James's [3- -01] order(s) than what is set forth above herein and the 2005 order or notice of rejection (App. p. 1) is defective or arbitrary and capricious; more, James has never had an order from respondent SCDPPPS which complied with the due process requirement(s) announced in Cooper;

7. So why does not James's Rule 60(b)(5) motion require that Judge Lee's 3-29-06 order be set aside and/or vacated and relief, a proper order be issued after ten (10) defective orders of rejection;

The 3-29-16 order averred, "the decision of Judge Lee never being reversed" 9p. 3) (app. p. 24) if the lower court is suggesting petitioner did not appeal specific issue; he appealed and argued against being "barred by the doctrine of res judicata" 656 S.E.2d401, Id. at FN2;

STATE HABEAS CORPUS

8. Furthermore, this Court issued the *Simmons v. State*, 471 S.E.2d 456 (1993) decision or rule; "A sentence imposed by a court without jurisdiction is void. Whereas a sentence imposed by a court with jurisdiction is voidable only." *Ibid.* The 3-29-16 'order' amplified: Under the doctrine of *res judicata*, "a litigant is barred from raising any issues which were adjudicated in the former suit" (p. 4) (App. p. 25) Evermore, it set forth, "Plaintiff was indicted by the Sumter County Grand Jury for the offense of armed robbery" (p. 3) (App. p. 24) neglecting intentionally to note, reflect there was a joint indictment. *State v. Mack et al.*,

9. More specific, indictment number 79GS43-141 demonstrates and shows an armed robbery charge of October 1978, indicted at the 3-19-79 term of court which is affixed thereto petition; indictment number 79GS43-139 shows 3-26-79 joint arraignment on homicide offense; it was annexed to the petition; 6-1-79 motion(s) proceeding (tr. p. 35 ll. 2-4) shows government's (State's) position at joint motion(s) hearing, ["the information for his defense in the armed robbery case, the case has been called and will be called as murder"]; so if court rule(s) has jurisdictional effect(s) and Rule 4(b) of SCORCP (formerly Rule 60 of Circuit Court Rules of Practice) references "void" and void denote jurisdictional; see also Rule 609B(4) of SCRPC; 'void'

Petitioner urges the court to set aside the 25 year consecutive sentence, law of the case doctrine, *res judicata*, collateral estoppel and etc. supports the request herein; it is useless to granted anew absence of due process-no law hearing.

This 12 day of March 2017

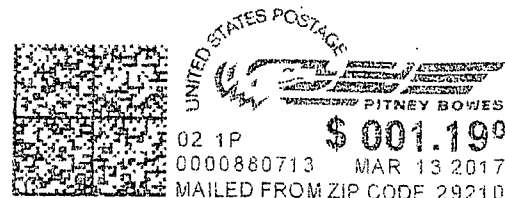
/s/ 
Isiah James, Jr., 096883
B-2-39B, GCI
4556 Broad River Road
Columbia, SC 29210

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served the respondent's attorney, SCDPPPS GENERAL COUNSEL, Tommy Evans, Jr., POB 50666, Columbia, SC 29250, with the supplemental petition, etc, by mail, postage prepaid, this 1st day of March 2017.

/s/ Isiah James

Isiah JAMES, Jr., 096893
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