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STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

CORDELL J. MADDOX, JR., CIRCUIT COURT JUDGE

Appellate Case No. 2017-000050

2016 000945

Isiah James, Jr., Petitioner,

v.

South Carolina Department of Probation  
Parole and Pardon Service (SCDPPS), Respondent.

SCACR 221(a) PETITION

Isiah James, Jr., the petitioner herein, prays the Court grants the SCACR 221(a) petition for rehearing [recognizing § 81 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' avers, "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' certiorari petition which raised in short question(s) herein:

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

(b) Did the [LANEY] Circuit Court (General Sessions of Sumter County) exceeded original jurisdiction in 1979?

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, "thereby affirm the circuit court decision dismissing petitioner's Rule 60(b)(5), SCRPC motion and his petitions for 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 had 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 Evans 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 aspects 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 [ALJ] Anderson's 5-19-2005 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 S.E.2d 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 motion(s) 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 ALJ Anderson's order of 5-19-2005. Again, Petitioner has previously related how Judge LEE utilized ALJ Anderson's order on the 3-29-06 order, pointing to res judicata. See James v. SCPPPS, 656 S.E.2d 399 (S.C. App. 2008) (res judicata point)

### HABEAS CORPUS BELIEF

This Court should seriously view the [BARBER] court order of 12-5-14 (see App pp. 17-21);  
6. Ex Parte State, 218 S.E.2d 600, 602 (1974) (citing State v. Harrelson et al.), South Carolina Constitution Art. V § 9 references the power of 'precedent(s)'; SCACR 217 terms 'argue against precedent' State v. Gentry, 610 S.E.2d 494 (2005)

One would presume petitioner made sufficient points in the petition about where the [Raney] 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.

### CONCLUSIONS

("This Court held that one circuit judge has no power to review, ~~reverse~~ 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

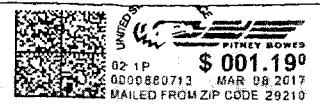
\* Respondent has never complied with 12-5-14 [BARBER] Court order.

year consecutive sentence must be set aside!

This 3 day of March 2017

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