

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ISIAH JAMES, Appellant,

v.
SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS (SCDC) Respondent.

RECEIVED

JUL 11 2017

SC Court of Appeals

Appellate Case No. 2017-001446

The Honorable Shirley C. Robinson

2017A1J 040300 AP

TO: Salley W. Elliott
POB 11549
Columbia, SC 29211

PETITION FOR REHEARING UNDER
SCAeR 221, 240 (i) & (j)

Isiah James, Jr., asks the Court's panel to rehear, re-visit the 6-30-17 'order' for the Court that "decline to consider the" "motion to proceed in forma pauperis" (n. 1); which held, "this appeal is dismissed". James points that the ALC's Order was issued in error from more than one point of view for it suggested, SCDC has not had time to recalculate, correct the sentence computation(s); he attaches and submits the 2012 prior grievance appeal which shows there were complaints 5 years ago and the Agency has had 38 years to get it correct or right.

Anyway, SCDC policy set forth time limit(s) for completion of grievance's procedure(s) and they have had sufficient time limit(s) to comply and they continue to misapply policy and law, going against the rule(s) of law. Where the court cites The Charlotte-Mecklenburg Hospital v. SC DHEC, 692 S.E.2d 894 (2010); he stresses such is misplaced; James invoked the appellate jurisdiction of the ALC, not a contested case so order cannot be interlocutory.

This 9 day of July 2017.

S/ Leah James, Jr

Isiah James, Jr., 096883, B2 39B
ECT, 4556 Broad River Road
Columbia, SC 29210

CERTIFICATE OF SERVICE

James hereby certifies that he has forwarded the Petition For Rehearing etc. attachment, etc to respondent's attorney who name and address are set forth above herein by mail, postage prepaid first-class, this 10 day of July 2017.

S/ Leah James, Jr

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**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2**

Due:

INMATE NAME: ISIAH JAMES, JR.
 SCDC NUMBER: 96883
 INSTITUTION: RIDGELAND
 HOUSING UNIT: 6A-52
 WORK ASSIGNMENT: EDUCATION - LIBRARY

RECEIVED

SEP 08 2011

Office Use Only
 Grievance No. RCI-0503-11
 Code: General CL/PL
 Policy _____
 Disc. Hear. _____
 Class. ✓
 Date Received 8/3/11
 IGC Initials nm

10-14-11

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): GRIEVANT APPEALS AND GRIPES AGAINST CLASSIFICATION CUSTODY (CHANGE) (1985) AND MAJOR CLASSIFICATION POLICY CHANGE UNDER DUE PROCESS CLAUSE (REPRISAL-VINDICTIVENESS) AND EX POST FACTO CLAUSE(S) VIOLATION(S). Sanders v. SCDC, 665 S.E.2d 231, 235 (S.C. App. 2008). JAMES WAS TRANSFERRED FROM DUTCHMEN CORRECTIONAL INSTITUTION (DCI) TO KIRKLAND CORRECTIONAL INSTITUTION (KCI) THE SUMMER OF 1985; HIS CUSTODY WAS REDUCED - LATER USED IN VINDICTIVE WAY(S) AGAINST HIM (SEE BURKE "Badge # 905" REPORT); HIS WORK CREDIT(S) WERE REDUCED IN VIOLATION OF DUE PROCESS OR ARBITRABLY. THE 1997 TRANSFER WAS FROM GOODMAN CORRECTIONAL INSTITUTION (GCI) TO RIDGELAND CORRECTIONAL INSTITUTION (RCI) WHERE HE WAS SUBJECTED TO CUSTODY REDUCTION AND WORK CREDIT(S) REDUCTION CONTRARY TO DUE PROCESS AND EX POST FACTO CLAUSE(S) OF SOUTH CAROLINA AND UNITED STATES CONSTITUTION(S). HIS MAX-OUT DATE WAS REDUCED FROM 2014 or 2015 or 2016 or 2017 or 2018 to 2023.

Isiah James Jr 8-27-11
 Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your concerns have been reviewed. Prior to 1996, an inmates work credits were determined by his/her job assignment. In reviewing your records, I see no errors in your work credits or custody assignments under the classification system prior to 1996. You were permitted to retain your EWC rate when the new classification system was implemented in 1996. Per OP-21.07 Earned Work Credits, section 2.1 "Each inmate who was allowed to keep his/her earned work credit rate upon implementation of the pilot Classification System on September 16, 1996, will continue to earn EWCs at that rate as long as the inmate is not convicted of a disciplinary rules violation." It is noted you were not convicted of a disciplinary rules violation after the implementation of the new Classification System until September 2006. Your EWC credits from your transfer to Ridgeland CI in 1997 until your disciplinary rules violation in 2006 has been corrected to reflect EWC level 2. Your projected release date has moved from 12/12/23 to 5/18/23. Your custody changes show no need for modification as they were appropriate based on the criteria established under the new Classification System.

RESOLVED

Therefore, your grievance is resolved.

JUL 11 2017

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

John S. Spivey 2/15/12
 Signature Date

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

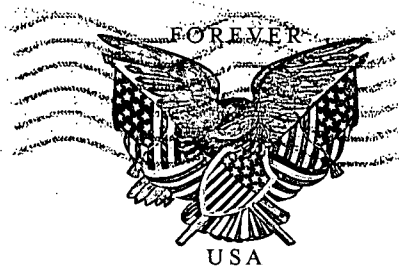
Isiah James Jr 2/23/12 M.E. Montoye 2/23/12
 Grievant Signature Date IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Isiah James, Jr., 096893
GOODMAN C.I., B2 39B
4556 Broad River Road
Columbia, SC 29210

COLUMBIA SC 290

10 JUL 2017 PM 11



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SC Court of Appeals

S.C. COURT OF APPEALS

JENNY A. KITCHINGS, CLERK

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29211-162929

