

The Supreme Court of South Carolina

James Anthony Primus 252315
Appellate

IN The Supreme Court of S. C.

RECEIVED

Appellate Case No. 2019-000961

VS

JUN 24 2019

Lower court Case No. 2018-CP-18-060

STATE OF SOUTH CAROLINA
SC SUPREME COURT

RESPONDENT

Do not Prohibit Appellate
From Courts objection

① Appellate who is currently incarcerated at the MacDougall Correctional Institution in Ridgville S.C. South Carolina Dept. of Corrections respectfully objects under Rule 243(c) (SCACR) that will decide to prohibit Appellate from filing a Post Conviction Relief Application, habeas Corpus action or any other action motion or Petition in the Circuit Court challenging this conviction in Appellate era in sentencing including a motion under Rule 29 of the South Carolina Rules of Criminal Procedure

② Appellate respectfully request of this court to adhere to the 4th fifth and sixth and fourteenth amendment clearly should mean something to this court that emotional decision should not override the United States Constitution and the S.C. Bill of Rights just because African Americans are underrepresented in the State of South Carolina and the County of Dorchester

③ While Pro Se Complaints are held to less stringent standards than those drafted by attorneys, the fact remains that the majority of prisoners are laymen not versed in the science of Law. ~~Plaintiff~~ ^{Appellate} vice lies in his inability to express himself clearly in describing Respondent's Action:

④ This is further complicated by:

A The affects of Appellate incarceration,

B Inaccessibility to Rule 5

C No High School Diploma

D Appellate literacy score is low

E not given credit for 15 months of jail time

F Changing Appellate sentencing sheet with a false claim that Appellate pled guilty

G Non-disclosure by Appellate

Lawyers and Court Appointed

lawyer all that was sought from Appellate by attorneys

Appointed was and blind

Trust, which Appellate had

No choice but to allow

Himself to be taken

advantage of.

5) The omission of the above-mentioned (Complications) allow Appellate to give a meticulous detailed explanation in order to prevent misconstrual. This is the only way he can try to explain

6 IT appears that on September 1 1998 The Scales of Justice was maneuvered to the favor of Respondents

7 after Numerous Appeals Appellate Sentence and Convictions Have been Red Flagged by the Judicial System as being Unjust Yet Appellate Just ask Let Appellate Sentence and Conviction Reflect The True Jury Verdict

8 It Appears that in this Bermuda Triangle Appellate Have Been sent back and fourth through the courts for Justice consistent with Appellate Conviction Appellate. Identify this Technique as getting lost in the shuffle

9 with all the injustice Appellate has already suffered still take parts in Programs that beneficial to the Appellate Jump Start Fresh Start and other Programs that The Governor of South Carolina and the Director of South Carolina Dept. of Corr. have implemented to Rehabilitation of Appellate in South Carolina

Finally Appellate wants an explanation for not getting Jail Time Approximate Fifteen months and a explanation for changing Appellate Sentence sheet To and Plea of Guilty Instead The True Jury Verdict

Conclusion

Do not Prohibit Appellate to challenge sentence & conviction For all The Fore going reasons the Appellate objects to allow Plaintiff Appellate to Get what is legally His the Start with stop taking advantage of Illiterate African Americans with this emotional Justice abide By The Fourth, Fifth Sixth and Fourteenth Amendment

Date

6-19-2019

CC Benjamin Limbaugh

James Anthony Primus Pro Se
James Anthony Primus 252315
MacDougal Correctional Institution
Birch Unit 2 C 13 B
1516 Old Gilliam Road
Ridgeville S.C. 29472

The Supreme Court of South Carolina

James Anthony Primus 252315
Appellate

In the S.C. Supreme Court

Appellate Case No. 2019-000962

v.

Lower Court Case No. 2018-CP

18-00604

STATE OF SOUTH CAROLINA

RESPONDENT

Written explanation Required By Rule 243(c)

Follows

Appellate James Anthony Primus 252315 is incarcerated
in the S.C. Dept. of Corr. at the MacDougall
Corr. Inst. in Ridgville S.C. In September 1997
Appellate was indicted for criminal sexual
conduct CSC in the first degree kidnapping
possession of crack cocaine and burglary
in the second degree in Dorchester County S.C.

September 1 1998 Appellate was found guilty
of kidnapping, assault and battery of and
high and aggravated nature and possession
of crack cocaine

Appellate received 30 years for Kidnapping 10
years For ABHAM To run consecutive and
1 year for possession of Crack Cocaine to

run concurrent
Based upon the Dorchester County clerk of
Court and Jury decision and verdict was
changed from Trial to Guilty plea so the
Case would not be overturned on Appeal

Indictment 97-GS-18-1045 Warrant No. E091998

This was done by Margie Carn McKissick at
that time was Dorchester County Clerk of Court
and The Honorable Judge Luke W. Brown Jr.

Rule 8(a)(2) SCRCP provides that a Pleading
must contain a short and plain statement which
is Appellate did not plead Guilty showing that

Appellate is entitled to relief and the Court
must construe a pro se pleading the United

STATES Supreme Court has made clear that a
Appellate must do the mandated liberal construction

afforded to Pro se Pleading is state a claim means
That if the Court can reasonably read the Pleading

on which the Appellate could prevail it should do so

Finding of Fact

Appellate James Anthony Primus 252315 is incarcerated in the South Carolina Department of Corrections at the MacDougal Correctional Institution in Ridgeville S.C. In September of 1997 Appellate was indicted for Criminal Sexual Conduct (CSC) First degree Kidnapping, Possession of Crack Cocaine and Burglary in the Second degree in Dorchester County South Carolina on September 1 1998 Appellate was found guilty of Kidnapping Assault and Battery of a high and aggravated nature (ABHAN) and Possession of Crack Cocaine. Appellate received sentences of 30 years for kidnapping 10 years for ABHAN to run consecutive and 1 year for possession of Crack Cocaine to run ~~consecutive~~ concurrent.

Based upon the administrative Law Court decision attached to Appellate PCR Complaint it appears that Appellate Sentencing Sheet for Indictment 97-GS-18-1045 Warrant No. E091998 incorrectly indicated that Appellate had pled guilty to the ABHAN charge. This was corrected by Dorchester County Clerk of Court Cheryl Graham office to reflect that Appellate had

in fact Pled not Guilty to the ABHAN Charge
But Appellate was ultimately convicted by Jury Trial
This information was sent to the S.C. Dept of Corr.
In Appellate PCR Complaint and this written explanation
Appellate states that S.C.D.C. employee Stobbe updated
Appellant Record on January 14 2015 by changing the Plea
from Guilty to not Guilty The Indictment No. 97-GS-18-1045
Warrant No. E091998 (errors in original) Appellate
agrees that S.C.D.C. employee Stobbe made this
correction in the S.C.D.C. records system and Appellate
also points out there was no change by the Solicitor
for Dorchester County on Appellate Sentence or
Appellate conviction by the Dorchester clerk's office

Live Controversy

Ziegler v. Dorchester County

- ① SOUTH CAROLINA courts will not reach the merits of
a case absent a Justiciable Controversy
Jowers v. S.C. Dept of Health & environ control 423 S.C.
343, 353, 815 S.E.2d 446-451 2018
- ② Appellant contends the circuit court erred in granting
a Judgment on the Pleadings because there was a Factual
Issue as to whether Applicant Pled Guilty

3 A Justiciable Controversy is a real and Substantial Controversy which is ripe and appropriate for Judicial determination as distinguished from a Contingent hypothetical or abstract dispute

Colleton County Tax payers assn. v. School

Dist. of Colleton County The Supreme court of S.C.

12-11-2006 371 S.C. 224 638 SE2d 685

The concept of Justiciability encompasses the doctrines of ripeness mootness and Standing

S.C. Court of Appeals Tracy v. Tracy 384 S.C. 91 682

SE. 2d 14 6-12-2009 Supreme court is obligated

to inquire in every action whether a Justiciable

Controversy exists in a matter which is real and

Substantial Controversy that is ripe and Appropriate

For Judicial determination as distinguishing from a

Contingent Hypothetical or abstract dispute

In Re Treatment and Care of Lucka baugh

Supreme court of S.C. 7-22-2002 351 S.C. 122, 568

Tilley v State 511 SE2d 689 (1999)

In mates Fourth application for PER in which he challenged his Guilty Plea as involuntary

on Ground that he did not know that he would
be ineligible for Parole due to Sequence of his
Sentence was not successive inmate learned of his
ineligibility in letter from Parole Board he filed
his Fourth application less than one month later
Respondent testified at the Plea Hearing that the
reason he never testified about his Parole
eligibility is because he simply did not know
the order in which his sentence was to be served
Respondent filed his PCR Application one month
after he found out about his Parole from the
Parole Board A B HAW Do not Support a Crime

564 SE 2d 103 - 109

Kidnapping absent written Indictment A B HAW
Does not Support Kidnapping no abduction
No Threats or coercion State v. Phillips 314 SE 2d 313
Primer v state

564 S.E. 2d 103 - 109 overruled by Dean

Dinkins v United States

213 F Supp 3d 784

Conclusion

Appellate S. C. R. C. P. 59e should be
Granted and under A1- Shabazz v. State
527 S.E.2d 742 sentence correction
Appellate actions are proper under Both
The Facts and law and because Appellate
Sentence sheet was changed no reasonable
person could ever foresee the miscarriage
of Justice that if the Appellate have
experience Justice delayed is Justice
Denied

Date

6-16-2019

cc

Benjamin Limbaugh

Respect Fully Submitted

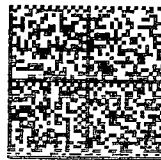
James Anthony Primus Pro Se

James Anthony Primus 252825

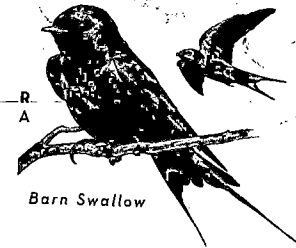
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