

The South Carolina Court of Appeals

In the South Carolina Court of Appeals

James Anthony Primus 252315 Appellate

v.

South Carolina Department of Corrections
Respondent

RECEIVED
OCT 24 2019
SC Court of Appeals

Appellate Case No 2019 - 001277

Initial Brief

Designation of matter to be

Included In Record on appeal

1 True billed Indictments

2 Sentence sheet

3 S.C. Admin Law Court Records

4 I certify that this designation
contains no matter which is irrelevant
to this Appeal

October 21 2019

Respectfully Submitted

James Anthony Primus 252315

1516 Old Gilliard Road
Ridgeville S.C. 29472



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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www.sccourts.org

October 07, 2019

James A. Primus, 252315
MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville SC 29472

Re: James Primus, #252315 v. SCDC
Appellate Case No. 2019-001277

Dear Mr. Primus:

Enclosed is the Court's decision on the motion to proceed in forma pauperis. The appellant's initial brief and designation of matter must be served and filed within thirty (30) days from the date of this letter. Failure to comply with the Court's request will result in the dismissal of this appeal.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: Christina Catoe Bigelow, Esquire

The South Carolina Court of Appeals

James Anthony Primus, #252315, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2019-001277

ORDER

The motion to proceed *in forma pauperis* is granted pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995).



FOR THE COURT

Columbia, South Carolina

cc:

James A. Primus, 252315

Christina Catoe Bigelow, Esquire

FILED

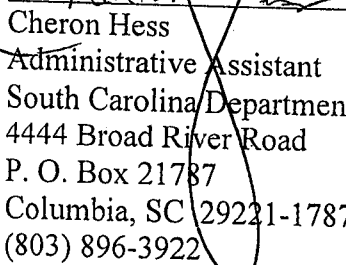
October 7, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was this date served upon the following individual(s) by placing a copy of the same via mail to his/her last known address as follows:

Inmate James A. Primus
Inmate Number: 252315
MacDougall Correctional Institution
Dorm-Room-Bunk: M2D-0024-A

Columbia, South Carolina
May 29, 2018


Cheron Hess
Administrative Assistant
South Carolina Department of Corrections
4444 Broad River Road
P. O. Box 21787
Columbia, SC 29221-1787
(803) 896-3922

Due 2/28/17

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

RECEIVED
NOV 30 2017

Office Use Only
Grievance No. MACD-0146-17
Code General
Policy _____
Disc. Hear. _____
Class. ✓
Received 11/30/17
IGC Initials 300

INMATE NAME: James Anthony Primus
BY: SCDC NUMBER: 252315
INSTITUTION: Mac Dougall
HOUSING UNIT: Magnolia Unit 2 DSA
WORK ASSIGNMENT: CHART

RECEIVED

DEC 04 2017

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

In Tant vs state SCDC That if and Inmate is
dissatisfied with the re interpretation SCDC must
Bring and Declaratory Judgment in the Circuit
Court and Furthermore This is not the Inmate
Responsibility This Responsibility is on SCDC

So please bring and Declaratory Judgment James A. Primus 11-29-17
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that you disagree with the manner in which your ABHAN conviction is being interpreted by SCDC. You would like SCDC to bring a Declaratory Judgement in Circuit Court, General Session based on SC Code of Laws 15-53-20 (2005). The Warden responded to your concern on SCDC Step 1 Inmate Grievance Form 10-5 dated 11/24/17. SCDC will not petition the court in the form of a Declaratory Judgment. Any legal action that you wish to pursue must be done on your own and not by SCDC. SCDC cannot change, modify or interpret laws that are inconsistent with the letter and/or spirit of the laws. You were convicted of violating SC Code of Laws 44-53-375 (A) and sentenced on 9/1/1998, offense Cocaine Possession; for violating SC Code of Laws 1317, Assault and Battery - High and Aggravated Nature, and for violating SC Code of Laws 1000, Kidnapping. You were sentenced to 1, 10 and 30 years. Your last offense was classified as violent and no parole eligible. Your projected release date is 4/20/2028. If you still do not understand your incarcerated sentence, you are advised to speak to your local Classification Case worker.

Therefore, your grievance is denied.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must complete the attached Notice of Appeal Form (Form) and submit it as instructed on the Form within thirty (30) days of receipt.

[Signature] 2/2/18
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.

Grievant Signature _____ Date _____ IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: MRS. Francis Johnson	TITLE: Grievance	DATE: 10 6 2017
INMATE'S NAME: James Primus	SCDC #: 252305	
INSTITUTION: MacDougall	LIVING QUARTERS: M2 USA	
<p>I would appreciate if you would attached this Document to my Grievance that was filed on October 2 2017 Duty to warn Policy This Document came from the Clerk of Court In Darchester County Ms Cheryl Graham Received by mail room 10-5-17</p>		
DISPOSITION BY STAFF MEMBER:		
DATE:	SIGNATURE:	



Offender Management System

File Inmate Non-Inmate Settings Tools Reports Help

File Image Available

Name: PRIMUS, JAMES A
DOB: 00-00-0000
Sex:
Race: B

Release:
Adm:
SS#: SCDC#: 292315

Location:
Block: M2D
Cell: Bed: 0005 A

Form #: 292315
CID #:
Bkg Date: 05/02/2013
Class#:

RTSMs

RTSMs

RTSMs

RTSMs

Request Type:	Reference: 17 679421 Number:
Date Requested: 09/25/2017 15:34	
Requested By: Kiosk	
Request Details: Is the interpretation of my conviction for a b h a n. sentence being interpreted by the statute or is it being interpreted by the c d r. code on my sentence sheet in the law library I read that in 2007 the s.c.d.c. of appeals stated that the interpretation of and sentence is by the statute and not the judge c d r code so which one do my sentence fall under for interpretation	
Review Level:	
Disposition: Complete	
Officer: KIOSK	
Disposition Date: 09/25/2017 14:54	

Date	Author	Note
09/25/2017 15:00	Howard Tucker	statue, its the law



CMTI700M
CMTI700D
SCDC# > 252315
PRIMUS, JAMES A

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
COMPLETED SCDC PRIORS

04/17/18
C052640

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CURR LOC: MACDOUGA
SCDC CLASSIFICATION...: VIOLENT

NUM	C S	A E	T X	CONV OFFENSE	INCARC SENT	YRS	MO	DYS	SENT DATE	SENT START	PROJ COMP	STAT IND
-----	-----	-----	-----	--------------	-------------	-----	----	-----	-----------	------------	-----------	----------

00142691												
S00001	2	N		UNAUTHORIZED	001	00	000	08/21/87	08/21/87	/	/	COM N N

00184810												
S00002	2	N		VEHICLE THEFT	000	03	000	01/28/92	09/21/91	11/21/1991		COM N N
S00001	2	N		FAIL TO STOP	008	00	000	01/28/92	09/21/91	10/03/1995		PAR N N

MAKE A SELECTION AND PRESS <ENTER>...
PF4-MODCONV PF6-NON-SCDC PRIORS

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

04/17/18
C052640

SCDC ID: 252315

DISPLAY INMATE OFFENSE HISTORY

PRIMUS, JAMES A

CURR LOC: MACDOUGALL

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV
SERIOUS MENTAL ILLNESS: N

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00007	DISRESPECT	ADMINIST	04/08/13	04/16/13	00000	CONVICTED	3
00005	INTERFERING WITH COUN	ADMINIST	06/01/06	/ /	00000	CONVICTED	3
00004	OUT OF PLACE	OTHER AC	12/27/02	/ /	00000	CLOSED	3
00003	REFUSING TO WORK	OTHER AC	10/08/01	/ /	00000	CLOSED	3
00002	REFUSING OR FAILING O	MINOR DI	09/21/01	09/28/01	00000	CONVICTED	3
00001	FIGHTING WITHOUT A WE	MAJOR DI	04/21/01	04/30/01	00000	CONVICTED	3

END OF LIST

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

CERTIFIED COPY

97-GS-18-1045

#252315
Stoore

STATE VS.

2014 JUN 11 AM 11:37

James A. Pinnus
AKA _____
Race: _____ Sex: _____
DOB: _____ Age: _____
SSN: _____
DL#: _____
SID#: _____

CLERK OF COURT
DORCHESTER COUNTY

A/W#: E 09178
Date of Offense: 7-13-97
S.C. CODE §: 16-3-652
CDR Code #: 113

SENTENCE TRIAL 6-11-14

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Domestic Battery of a High and Aggravated Nature
in violation of § _____ of the S.C. Code of Laws, bearing CDR Code # 113

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury
The plea is: Without Negotiations or Recommendation Negotiated Sentence
 Recommendation by the State

ATTEST:
Margaret Anne Grace Solicitor
_____ Defendant
_____ Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
or Under Youthful Offender Act for a term of 10 days/months/years and/or to pay a fine of \$ _____;
provided the sentence be suspended upon the service of _____ days/months/years and/or payment of
\$ _____ plus costs and assessments as applicable*; the balance suspended with probation for _____
months/years.

CONCURRENT or CONSECUTIVE to sentence on: 97-GS-18-1046

SPECIAL CONDITIONS:

- RESTITUTION Heard, Waived, Ordered
- PTUP
- _____ days/hours Public Service Employment
- Obtain GED
- Attend Voc Rehab. or Job Corps
- May serve W/E beginning _____
- Substance Abuse Counseling
- Random Drug/Alcohol Testing
- Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
- Other: Credit for time served since July 15, 1997
- Other: _____

*Fine.....	\$	_____
§14-1-206 - Assessments 100%.....	\$	_____
§14-1-211 - Surcharge.....	\$	<u>100.00</u>
(Exceptions: See §14-1-211)		
§56-5-2995 (DUI).....	\$	_____
TOTAL.....	\$	<u>100.00</u>

Dea E. George
Clerk of Court/Deputy Clerk
Court Reporter: R. Keil

PRESIDING JUDGE
Sentence Date: 9-1-98

Judge Code: 090 SCCA/217 (12/97)

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

STATE VS.

James A. Ramirez
Clerk of Court
DORCHESTER COUNTY
2000 MAR 13 PM 5:00

IN THE COURT OF GENERAL SESSIONS

97 INDICTMENT/CASE #:
-GS- 18 - 1046

A/W#: E091999
Date of Offense: 7-13-97
S.C. CODE §: 16-3-910
CDR Code #: 95

SENTENCE
 PLEA TRIAL

Disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
Kidnapping

Violation of § _____ of the S.C. Code of Laws, bearing CDR Code # 95
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

Charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
Plea is: Without Negotiations or Recommendation Negotiated Sentence
 Recommendation by the State

EST: James A. Ramirez
Clerk of Court

William Ramirez
Attorney for Defendant

HEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 Under Youthful Offender Act for a term of 30 days/months/years and/or to pay a fine of \$ _____;
provided the sentence be suspended upon the service of _____ days/months/years and/or payment of _____
plus costs and assessments as applicable*; the balance suspended with probation for _____
months/years.

CONCURRENT or CONSECUTIVE to sentence on: _____

RESTITUTION Heard, Waived, Ordered
Total: \$ _____
Pay Terms: _____
Recipient: _____

SPECIAL CONDITIONS:
 PTUP
 _____ days/hours Public Service Employment
 Obtain GED
 Attend Voc Rehab. or Job Corps
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol Testing
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
 Other: Admit for good home
 Other: Sum of \$15,000

..... \$ _____
206 - Assessments 100%..... \$ _____
211 - Surcharge..... \$ 100.00
Fees: Sec §14-1-211)..... \$ _____
2995 (DUI)..... \$ _____
..... \$ 100.00

Deal S. Thomas
Clerk/Deputy Clerk
Reporter: Deal

PRESIDING JUDGE
Sentence Date: 09-1-98
Judge Code: 0001

ROAI200D
ROAI200M
OMROAUDA

SCDC OFFENDER MANAGEMENT SYSTEM
RECORD AUDIT APPLICATION
DISPLAY RECORD AUDIT

04/13/18
C056427

SCDC#: 00252315
NAME.: PRIMUS, JAMES A

CURR STATUS.: INCARCERATED
CURR LOC..... MACDOUGALL
CURR CUSTODY: MI2

AUDIT TYPE: 01 RECORDS AUDIT

AUDIT DATE: 09/26/98

UPDATED BY: JOHNSON, BERNICE

DATE: 09/26/98

RECORD AUDIT DISPLAYED...
CLEAR: SUMMARY

ENTER: DISPLAY NOTES

PF8: FORWARD

ROAI200D
ROAI200M
OMROAUDA

SCDC OFFENDER MANAGEMENT SYSTEM
RECORD AUDIT APPLICATION
DISPLAY RECORD AUDIT

04/13/18
C056427

SCDC#: 00252315
NAME.: PRIMUS, JAMES A

CURR STATUS.: INCARCERATED
CURR LOC.....: MACDOUGALL
CURR CUSTODY: MI2

AUDIT TYPE: 06 HAYES

AUDIT DATE: 04/04/17

UPDATED BY: SCOTT, CHERYL

DATE: 05/23/17

RECORD AUDIT DISPLAYED...
CLEAR: SUMMARY

ENTER: DISPLAY NOTES

PFS: FORWARD

CMTI100D
@MCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

04/13/18
C056427

SCDC# > 00252315

PRIMUS, JAMES A

CURR LOC: MACDOUGA

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

SCDC CLASSIFICATION... VIOLENT

NUM	CONVICTION OFFENSE	INCARC YRS MO DYS	SENT DYS	SENT DATE	SENT START	PROJ	COMP	STAT	VIO
S00003	COCAINE POSSESS	001 00	000	09/01/98	09/06/97	04/19/1998	SER	N N	
* S00002	ASSLT&BATTERY-HIGH&AG	010 00	000	09/01/98	07/15/97	04/20/2028	ACT	N N	
S00001	KIDNAPPING	030 00	000	09/01/98	07/15/97	01/07/2023	ACT	V V	

MAKE A SELECTION AND PRESS <ENTER>...

PF3-ADD

PF4-MODIFY/REVOKE

PF6-DISPLAY CONSEC

PF9-DETAIN

PF12-SUMREPT

PAGE: 0001

The South Carolina Court of Appeals

James Anthony Primus 252315
MacDougal Correctional Inst.
1516 Old Gilliard Road
Ridgeville S.C. 29472
October 21 2019

S.C. Court of Appeals
Jenay ABBOTT Kitchings clerk
Post Office Box 11629
Columbia S.C. 29211

RECEIVED

OCT 24 2019

SC Court of Appeals

RE: James Anthony Primus 252315 U.S.C.
Department of Corrections
Case No 2019 - 001297

Dear Honorable Clerk

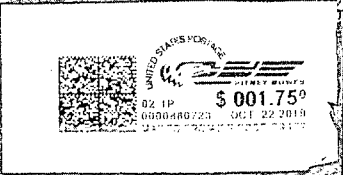
Enclosed for service on you please find Appellate
initial Brief and motion for appointment of Counsel
and Certificate of Service

With kindest regards

Sincerely

James Anthony Primus
pro se

FROM
James Anthony Pinnas, 252315
MacDougal Correctional Institution
1516 Old Gullward Road
Ridgeville, SC 29472



MacDougal Correctional Inst
Mailroom
OCT 21 2019
RECEIVED

Mr. Terry A. Burt, Kitchin's Clerk
TO: South Carolina Court of Appeals
Post Office Box 111629
Columbia, SC 29211

RECEIVED
OCT 24 2019
SC Court of Appeals

