

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

RECEIVED

OCT 30 2019

SC Court of Appeals

ISIAH JAMES, JR.,

APPELLANT,

V.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RECORD ON APPEAL

Isiah James, Jr.
1810 O Street
Brunswick, Georgia 31520-5445

Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

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CURRENT LOCATION: 0232

INSTITUTIONAL RECORDS
CENTRAL RECORDS

CLASSIFICATION REPORT DATED 1-20-97

CDC # 96883 NAME: James, Isiah DORM: B5

SECURITY/CUSTODY MO

PROJ. MAXOUT DATE: 9-16-2020

TOTAL INCARC. SENT. 85 Yrs. Mos. Dys.

PROJ. PAROLE DATE: 2-21-97

EWC JOB: Canteen Operator

EDUC.PGM:

EWC LEVEL: 2&7 EEC LEVEL

ASSIGNMENT: Canteen

* * * * *

NOTICE
REVIEW

CDC NL
ENT

20

55

CM

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

01/13/99

SCDC ID: 00096883

SMITHKIM

LOC: RIDGELAND

JAMES, JR., ISIAH

OFFENDER CATEGORY: UNCLASSIFIED

CURR SENT SERVING CAT: UNCLASSIFIED

OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR...

TOTAL SENTENCE...: 085-00-000 CONSECUTIVE SENTENCE...: Y

CURRENT SENTENCE: 085-00-000 CURRENT SENT START DATE: 12/14/1978

PROJECTED COMPLETION DATES

MAXOUT DATE: 11/26/2023

CURRENT EWC ..: 3 F 5

YOA SIX YEAR DATE: / /

CURRENT EEC ..: NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE: 02/01/1988

NEXT PAROLE HEARING DATE: 03/18/2001

TOTAL GT DAYS EARNED: 004740

LABOR CREW/WORK PROG DATE: 99/99/9999

TOTAL EARNED WORK CREDITS ...: 001565

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS: 000000

OFFENSE > CAT 3

TOTAL EXTRA EARNED CREDITS ..: 000

TOTAL SERVICE TIME EARNED ...: 007229

PFKEYS: 5: HISTORY OF DATE CHANGES

3

Due:

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

INMATE NAME: ISIAH JAMES, JR.

SCDC NUMBER: 96883

INSTITUTION: RIDGELAND

SEP 08 2011

HOUSING UNIT: 6A-52

WORK ASSIGNMENT: EDUCATION - LIBRARY

INMATE GRIEVANCE

Office Use Only

Grievance No. RCI-0503-11

Code: General CL/PL

Policy

Disc. Hear.

Class.

Date Received 8/31/11

IGC Initials n/r

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. SCDG, 665 S.E.2d 231, 235 (S.C. App. 2008). JAMES WAS TRANSFERRED FROM BUTCHER CORRECTIONAL INSTITUTION (BCI) 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 ARBITRARY. 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.

Grievant Signature

Date 8-21-11

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.

Therefore, your grievance is resolved.

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.

Signature

Date 2/15/12

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 2-23-12

IGC Signature M.E. Montoya

Date 2/23/12

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Isiah JAMES, Jr.SCDC NUMBER: 096883INSTITUTION: WALDEN C.I.HOUSING UNIT: 1C 6BWORK ASSIGNMENT: Food Service Warehouse

Office Use Only

Grievance No. 0886-16

Code: General

Policy

Disc. Hear.

Class.

Date Received 10/31/16IGC Initials BB

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy indicate which policy)

Grievant # 187
 grieves about his max-out date calculation which is
 to be wrong, no even pointing to Bo. V. Moore SE2d
(199); see also Al-SHAHAZZ v. SCDC, SE2d
(2600); Audit; 38 years x 5 = 190 days; 366 days in
 leap year; 1 day every 4 years from 1980 to 2010 = 10 days; 60 days
 time created on 206 days set forth above herein equal 4 2/3 months
 RSTM # 16-264140, 10.21.16 12:43pm. He points EWC's is wrong.

a. ACTION REQUESTED: Do audit, calculate correct max-out date;
 computer calculated date on 360 days year. There must be
 correct adjustment(s). The Moore set forth correct calculation(s).

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

RSTM # 16-264140

Isiah James, Jr. 10.23.16
 Grievant Signature Date

ACTION TAKEN BY IGC:

This is in reference to Inmate Grievance No. 0886-16:

Central Classification will review your record and make a determination as to whether
 your max-out time warrants recalculation. Once the process has been completed, you
 will be notified of the outcome.

- ☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

SCDC 10.5 (Rev. November 1997)

Betty Jordan 12/5/16
 IGC Signature Date

Isiah James, Jr.
 Grievant Signature Date

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

Exhibit 8

INMATE NAME: Isiah JAMES, Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service DetailGrievance No. GLI 0020-17

Code: General

Policy

Disc. Hear.

Class.

PREA

Date Received

IGC Initials

BB 2/21/17

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant gripes about max-out (sentence expiration) date which has been wrongfully calculated for a long time: 1. Thereby, it caused James to be illegally classified under Al-SHAHAZZ v. State, 527 S.E.2d 742, 7 (2000) (citing Burke v. Moore) Moore set forth the proper calculation of goodtime credit(s) which has not been applied to grievant; the computer computes goodtime, earn work credit(s)* on 360 days year where James served 365 days year for 38 years (or nearly 38) $\times 5 = 190$ days; 366 days in a leap year; 1 day every 4 years from 1980-2016 = 10 days; total 200 days @ 20 days per month = 140 days or 4 2/3 months which has not been deducted.

EWG's are wrongfully calculated without adjustment(s); he was denied K01B custody when he was eligible through liberty interest; as well as level(s)

credit(s) wrongfully under mis-calculated sentence expiration date;

*EWG's 440 SE 2nd 883 C

ACTION REQUESTED: Correct & give notice of release date.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

TSN # 16-264140; 10.21.16 12:43 PM

16-370660

17-455081

Isiah James, Jr. 2-16-17

Grievant Signature

Date

(CONTINUE ON REVERSE SIDE)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

ME BY: 4/11/17
Exhibit 7

INMATE NAME: JAMES, Isaiah Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service Warehouse

Office Use Only
Grievance No. GCT 0020-17
Code: General _____
Policy _____
Disc. Hear. ☒ _____
Class. ☒ _____
Date Received 4/10/17
IGC Initials BB

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): It is apparent the institutional head is not inform of SCDC year of 366 days or 30 days per month. As it is set forth in the step 1 when James serves a year it is 365 and 366 days a year, he has documents from years back when his sentence expiration date was in 2018, 2020, 2022; it must be simple mathematics — there are not adjustments on days serve, days worked 21 & 22 days per month and failure to award extra goodtime what he has earned over the last 3-4 decades. But see Step 1 grievance for claims)

Isiah James Jr. 4-8-17
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that your max-out date has been calculated incorrectly. The Warden responded to your concern on SCDC 10-5, Inmate Grievance Form Step 1 dated March 31, 2017. You have been informed that SCDC is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. You have further been informed that any sentence recalculation that you are entitled to will be conducted after informing you of such. You are advised to wait until this process is completed so that any and all sentence corrections that may be required in your case will be made.

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.

Guth D. Aguiar 5/15/17
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. 5-23-17
Grievant Signature Date

K Heil 5/23/17
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

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SCDC 10-5 (Rev. May 2013)

WARDEN'S DECISION AND REASON:

This is in reference to Inmate Grievance No. 0020-17.

Each institution received a list of names of inmates whose case pertain to Hayes v. State 2017. The institutions Records Division will determine if your case is eligible by conducting an audit and recalculation of your sentence if warranted. Once this process has taken place, you will be notified of any changes by your case manager or caseworker.

If your name is not on the list received by Records Division that would mean you do not qualify under Hayes v. State 2017.

Therefore, your grievance is denied.

If you are not satisfied with my decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

Ken A. B. Warden 3/31/17
Warden Signature Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.

Grievant Signature

4/6/17
Date

Billy Parker
IGC Signature

4/6/17
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant.

Docket No. 17-ALJ-04-0300-AP
Grievance No.: GCI 20-17

vs.

South Carolina Department of Corrections,

Respondent.

ORDER OF REMAND

This matter is before the South Carolina Administrative Law Court ("the Court" or "the ALC") pursuant to the appeal filed by Isiah James, Jr. ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("the Department" or "SCDC"). Appellant filed a step 2 grievance with the Department on April 8, 2017 contending that his max-out date has been calculated incorrectly. On May 23, 2017, the Department issued a final agency response denying Appellant's grievance on the basis that the Department is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. On June 6, 2017, Appellant filed an appeal with this Court to the Department's decision asserting that his sentence was calculated incorrectly.

Because the Department denied Appellant's Step 2 grievance, it was procedurally proper for Appellant to appeal the matter before this Court. However, the Department has not truly made a final decision on the matter as the Department is in the process of reviewing inmates' sentencing sheets and NCIC reports. Therefore, it would be premature for the Court to decide on this matter prior to the Department completing the process of recalculating the Appellant's sentence. See Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Based on the foregoing,

IT IS HEREBY ORDERED that this matter is REMANDED.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

June 15, 2017
Columbia, South Carolina

FILED

JUN 15 2017

SC ADMIN. LAW COURT

Exhibit 4

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

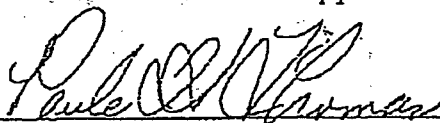
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

The appellant filed a notice of appeal from an order of the Administrative Law Court remanding this case to the Department of Corrections for further action. *See The Charlotte-Mecklenburg Hospital Auth. v. S.C. Dep't of Health & Envi'l Control*, 387 S.C. 265, 267; 692 S.E.2d 894, 894 (2010) ("If there is some further act which must be done by the court prior to a determination of the rights of the parties, the order is interlocutory."). The Supreme Court transferred this appeal to this Court for disposition. Accordingly, this appeal is dismissed.¹ The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


_____, J.
FOR THE COURT

Columbia, South Carolina

cc:

Isiah James, Jr., 096883
Salley W. Elliott, Esquire

FILED

June 30, 2017

¹ Based on this disposition, we decline to consider the appellant's motion to proceed in forma pauperis.

Exhibit 2

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

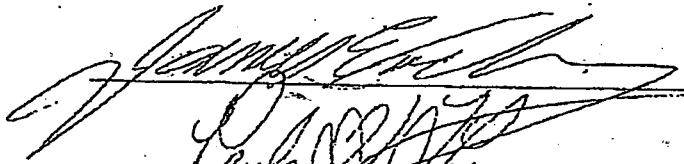
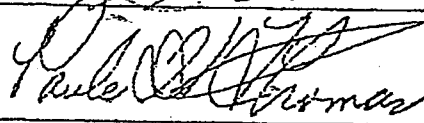
v.

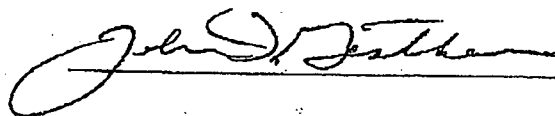
South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence; there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.


C.J.

J.


J.

Columbia, South Carolina

cc:

Isiah James, Jr., 096883

Salley W. Elliott, Esquire

FILED

August 9, 2017

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Exhibit 1

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
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 19, 2017

The Honorable Jana E. Shealy
1205 Pendleton Street
Columbia SC 29201

RECEIVED

SEP 21 2017

REMITTITUR

GENERAL COUNSEL

Re: Isiah James, Jr. v. SC Dept. of Corrections
Lower Court Case No. 2017ALJ040300AP
Appellate Case No. 2017-001446

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Isiah James, Jr., 096883
Christina Catoe Bigelow, Esquire

//

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH
INMATE CORRESPONDENCE

INMATE: Isiah James, Jr. | 096883
INSTITUTION: Goodman Correctional Institution | B-2-0039-B
FROM: Atty. Sherman L. Anderson, Chief
Inmate Grievance Branch | Office of General Counsel
SUBJECT: Update Sentence Calculation – Court Order of Remand
DATE: October 23, 2017

This is an update on your sentence calculation that was the subject matter of Judge Robinson's Order dated June 15, 2017. It appears that your SCDC incarcerated sentence has been adjusted. Your Projected Release Date is 12/06/2022 and your Projected Parole Date is 10/18/2019.

If you have any questions, please feel free to contact me.

Thank you.

EXHIBIT 2

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-IJ
Grievance No.: GCI 20-17

ORDER OF DISMISSAL

RECEIVED
JAN 11 2018
SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). On October 23, 2017, the Department notified Appellant of an update to his sentence calculation which resulted in an adjustment to his projected release date. Appellant did not appeal the matter by filing a step 1 or step 2 grievance, but instead, he filed an appeal with the ALC.

Section 1-23-380 of the South Carolina Code (Supp. 2017) provides "[a] party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review." See Al-Shabazz v. State, 338 S.C. 354, 376, 527 S.E.2d 742, 754 (2000) ("An inmate may, however, seek review of the Department's final decision by an ALJ in a non-collateral or administrative matter."); Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Because the Appellant failed to exhaust his administrative remedies prior to filing his appeal, the ALC lacks jurisdiction to review this matter, and the appeal must be dismissed.

THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED**.

AND IT IS SO ORDERED.

December 29, 2017
Columbia, South Carolina


SHIRLEY C. ROBINSON
Administrative Law Judge

FILED

DEC 29 2017

SC ADMIN. LAW COURT

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-IJ

Grievance No.: GCI 20-17

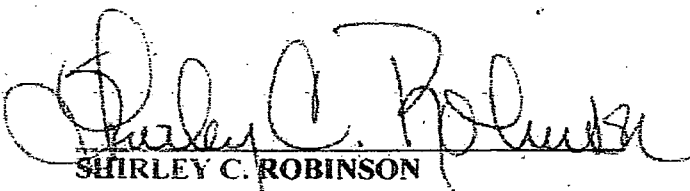
ORDER

This matter was before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate previously incarcerated with the South Carolina Department of Corrections (Department). On December 29, 2017, the Court issued an order dismissing this matter for Appellant's failure to exhaust his administrative remedies. Following entry of the dismissal order, the Department informed the Court that Appellant had gone through the Department's internal grievance process prior to filing his appeal with this court. Although, the dismissal of Appellant's appeal was based on an incorrect assumption that because no step-2 grievance decision was included with the appeal, Appellant failed to exhaust his administrative remedies, this Court's order will not be rescinded.

In the notice of appeal, Appellant wrote the following as his general statement of the grounds for appeal: "He set forth claims, grounds, issues in 6-1-17 notice of appeal." Also, the grievance number shown on Appellant's appeal notice is the same grievance number associated with an earlier appeal filed by Appellant. The earlier appeal was decided by this Court and an Order was entered on June 15, 2017.

Because it is apparent that Appellant is appealing a matter that has already been decided, I find that the appeal was properly dismissed.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

January 12, 2018
Columbia, South Carolina

FILED

JAN 12 2018

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.

RESPONDENT.

CERTIFICATE OF APPELLANT

Appellant hereby certifies that the Record on Appeal contains all of the material(s) proposed to be included by any of the parties and not any other material(s).

This 16 day of October
2019

/s/ Isiah James, Jr.
Isiah JAMES, Jr.

PROOF OF SERVICE

James certifies he served SCDC by forwarding a copy of the 'RECORD' to respondent's counsel Christina C. Bigelow, POB 21787, Columbia, SC 29221 this 18 day of October 2019.

/s/ Isiah James, Jr.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

V.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RECORD ON APPEAL

**Isiah James, Jr.
1810 O Street
Brunswick, Georgia 31520-5445**

**Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508**

ATTORNEY FOR RESPONDENT

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REVIEW

JAMES IR.

SCDC NUMBER: 96883

RECLASSIFICATION REVIEW: 12/15/74

CURRENT LOCATION: 0232

PROJECTED RELEASE AND PROGRAM ELIGIBILITY DATES AS OF: 04/15/94

- A) SENTENCE EXPIRATION (MAXOUT) 04/25/22
- B) INITIAL PAROLE ELIGIBILITY 02/01/88
- C) NEXT SCHEDULED PAROLE HEARING 03/02/95
- D) WORK RELEASE ELIGIBILITY 02/01/86
- E) INMATE WORKER ELIGIBILITY 09/24/82

DATES (ABOVE) ARE BASED ON THE FOLLOWING INFORMATION:

- A) CURRENT SENTENCE SERVING YRS MO DYS 85 0 0
- B) SENTENCE START DATE 12/14/78
- C) CURRENT END LEVEL/ASSIGNMENT 02

3) RECLASSIFICATION REVIEW:

- A) YOUR CUSTODY/SECURITY LEVEL PRIOR TO REVIEW AL2
- B) YOUR REVIEW RESULTED IN A NET SCORE OF 305 WHICH INDICATES AL3
- C) THE CLASSIFICATION COMMITTEE:

4) THE PROPOSED ACTION REQUIRES FURTHER APPROVAL BY THE FOLLOWING AUTHORITIES:
WARDEN *Override to remain in AL2 custody.*

(YOUR CLASSIFICATION CASEWORKER WILL NOTIFY YOU WHEN A FINAL DECISION IS MADE)

5) YOUR NEXT RECLASSIFICATION REVIEW HAS NOT BEEN SCHEDULED

6) RECOMMENDATIONS FOR YOUR NEXT REVIEW PERIOD ARE AS FOLLOWS:

Problem Solving

7) COMMENTS: *Recommendation for program to remain in AL2 custody.*

S/ _____ DATE _____
CLASSIFICATION SUPERVISOR OR CASEWORKER

INSTITUTIONAL RECORDS
CENTRAL RECORDS

CLASSIFICATION REPORT DATED 1-20-97

CDC # 96883 NAME: James Isiah DORM: B5

SECURITY/CUSTODY MO

PROJ. MAXOUT DATE: 9-16-2020

TOTAL INCARC. SENT 85 Yrs. Mos. Dys.

PROJ. PAROLE DATE: 2-21-97

EWC JOB: Canteen Operator

EDUC.PGM:

EWC LEVEL: 2F7 EEC LEVEL

ASSIGNMENT: Canteen

* * * * *

STION
REVIEW

CDC NL
NT

Case: 1:17-cv-01837-TLW-SVM Document #: 3-2 Date Filed: 06/06/2017 Page 12 of 14
20 55

CM

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

01/13/99

SMITHKIM

SCDC ID: 00096883

LOC: RIDGELAND

JAMES, JR., ISIAH

OFFENDER CATEGORY: UNCLASSIFIED

CURR SENT SERVING CAT: UNCLASSIFIED

OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR...:

TOTAL SENTENCE...: 085-00-000 CONSECUTIVE SENTENCE...: Y

CURRENT SENTENCE: 085-00-000 CURRENT SENT START DATE: 12/14/1978

PROJECTED COMPLETION DATES

MAXOUT DATE: 11/26/2023 CURRENT EWC : 3 F 5

YOA SIX YEAR DATE: / / CURRENT EEC : NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE: 02/01/1988 NEXT PAROLE HEARING DATE: 03/18/2001

TOTAL GT DAYS EARNED: 004740

LABOR CREW/WORK PROG DATE: 99/99/9999

TOTAL EARNED WORK CREDITS ...: 001565

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS: 000000

OFFENSE > CAT 3

TOTAL EXTRA EARNED CREDITS ..: 000

TOTAL SERVICE TIME EARNED ...: 007229

PFKEYS: 5: HISTORY OF DATE CHANGES

3

Due:

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

INMATE NAME: ISIAH JAMES, JR.

SCDC NUMBER: 96883

INSTITUTION: RIDGELAND

SEP 08 2011

HOUSING UNIT: 6A-52

WORK ASSIGNMENT: EDUCATION - LIBRARY

INMATE GRIEVANCE

Office Use Only

Grievance No. RCI-0503-1

Code: General CL/PL

Policy

Disc. Hear.

Class.

Date Received 8/31/11

IGC Initials

10-14-11

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): GRIEVANT APPEALS AND 'GRIPE'S 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 BUTCHER 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 ARBITRARY. 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.

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.

Therefore, your grievance is resolved.

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.

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)

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Isiah JAMES, JR.
 SCDC NUMBER: 096883
 INSTITUTION: WALDEN C. I.
 HOUSING UNIT: 1C 6B
 WORK ASSIGNMENT: Food Service Warehouse

Office Use Only
 Grievance No. 0886-16
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received 10/31/16
 IGC Initials BB

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant #
 grieves about his max-out date calculation which is
 to be wrong, no even pointing to Bo. V. Moore SE2d
(199); see also AL-SHAHAZZ V. SCDC SE2d
(2800); Audit; 38 years $\times 5 = 190$ days; 366 days in
 leap year; 1 day every 4 year, from 1980 to 2010 = 10 days; 60 days
 time created on 1206 days set forth above herein equal 4 $\frac{2}{3}$ months
 RSTM # 16-264140, 10.21.16 12:43pm, He points EWC's is wrong for
 a. ACTION REQUESTED: Do audit calculate correct max-out date;
 computer calculated date on 360 days year. There must be
 correct adjustment(s). The Moore set forth correct calculation(s).

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

RSTM # 16-264140

Isiah James, Jr. 10.23.16
 Grievant Signature Date

ACTION TAKEN BY IGC:

This is in reference to Inmate Grievance No. 0886-16.

Central Classification will review your record and make a determination as to whether
 your max-out time warrants recalculation. Once the process has been completed, you
 will be notified of the outcome.

- ☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal

Betty Borden 10/5/16
 IGC Signature Date

Grievant Signature Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

Exhibit 8

INMATE NAME: Isiah JAMES, Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service DetailGrievance No: GC I 01837-17Code: General

Policy: _____

Disc. Hear. _____

Class. _____

PREA _____

Date Received _____

IGC Initials BB 2/21/17

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant gripes about max-out (sentence expiration) date which has been wrongfully calculated for a long time: 1. Thereby, it caused James to be illegally classified under Al-SHAHAZZ v. State, 527 S.E.2d 742, 7 (2000) (citing Burke v. Moore) Moore set forth the proper calculation of goodtime credit(s) which has not been applied to grievant; the computer computes goodtime, earn work credit(s)* on 360 days year where James served 365 days year for 38 years (or nearly 38) $\times 5 = 190$ days; 366 days in a leap year; 1 day every 4 years from 1980-2016 = 10 days; total 200 days @ 20 days per month = 140 days or 4 2/3 months which has not been deducted.

EWG's are wrongfully calculated without adjustment(s); he was denied KOLB custody when he was eligible through liberty interest; as well as level(s) 2/5 2/7 credit(s) wrongfully under mis-calculated sentence expiration date;

*EWG's 448 SE 24 883 C

ACTION REQUESTED:

Correct & give notice of release date.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

TFSN # 16-264140; 10.21.16 12:43 PM

#16-370660#17-455081Isiah James, Jr. 2-16-17

Grievant Signature

Date

(CONTINUE ON REVERSE SIDE)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

DUE BY: 4/11/17
Exhibit 7

Office Use Only

Grievance No. 601-0020-17

Code: General

Policy

Disc. Hear.

Class.

Date Received 4/10/17IGC Initials BBINMATE NAME: JAMES, Isaiah Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service Warehouse

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

It is apparent the institutional head is not inform of SCDC year of 366 days or 30 days per month. As it is set forth in the step 1 when James serves a year it is 365 and 366 days a year, he has documents from years back when his sentence expiration date was in 2018, 2020, 2022; it must be simple mathematics — there are not adjustments on days serve, days worked 21 & 22 days per month and failure to award extra goodtime what he has earned over the last 3-4 decades. But see Step 1 grievance for claim(s)

Grievant Signature Isiah James Jr.Date 4-8-17

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that your max-out date has been calculated incorrectly. The Warden responded to your concern on SCDC 10-5, Inmate Grievance Form Step 1 dated March 31, 2017. You have been informed that SCDC is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. You have further been informed that any sentence recalculation that you are entitled to will be conducted after informing you of such. You are advised to wait until this process is completed so that any and all sentence corrections that may be required in your case will be made.

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 John D. AguiarDate 5/15/17

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 Isiah James Jr.Date 5-23-17IGC Signature K HeilDate 5/23/17

(SEE REVERSE SIDE FOR INSTRUCTIONS)

7

SCDC 10-5 (Rev. May 2013)

WARDEN'S DECISION AND REASON:

This is in reference to Inmate Grievance No. 0020-17.

Each institution received a list of names of inmates whose case pertain to Hayes v. State 2017. The institutions Records Division will determine if your case is eligible by conducting an audit and recalculation of your sentence if warranted. Once this process has taken place, you will be notified of any changes by your case manager or caseworker.

If your name is not on the list received by Records Division that would mean you do not qualify under Hayes v. State 2017.

Therefore, your grievance is denied.

If you are not satisfied with my decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

Ken E. B. Warden 3/31/17
Warden Signature

Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.

Grievant Signature

4/6/17
Date

Billy Padgett
IGC Signature

4/6/17
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant.

Docket No. 17-ALJ-04-0300-AP

Grievance No.: GCI 20-17

vs.

South Carolina Department of Corrections,

Respondent.

ORDER OF REMAND

This matter is before the South Carolina Administrative Law Court ("the Court" or "the ALC") pursuant to the appeal filed by Isiah James, Jr. ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("the Department" or "SCDC"). Appellant filed a step 2 grievance with the Department on April 8, 2017 contending that his max-out date has been calculated incorrectly. On May 23, 2017, the Department issued a final agency response denying Appellant's grievance on the basis that the Department is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. On June 6, 2017, Appellant filed an appeal with this Court to the Department's decision asserting that his sentence was calculated incorrectly.

Because the Department denied Appellant's Step 2 grievance, it was procedurally proper for Appellant to appeal the matter before this Court. However, the Department has not truly made a final decision on the matter as the Department is in the process of reviewing inmates' sentencing sheets and NCIC reports. Therefore, it would be premature for the Court to decide on this matter prior to the Department completing the process of recalculating the Appellant's sentence. See Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Based on the foregoing,

IT IS HEREBY ORDERED that this matter is REMANDED.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

June 15, 2017
Columbia, South Carolina

FILED

JUN 15 2017

SC ADMIN. LAW COURT

Exhibit 4

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

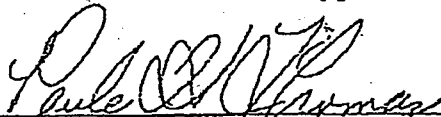
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

The appellant filed a notice of appeal from an order of the Administrative Law Court remanding this case to the Department of Corrections for further action. *See The Charlotte-Mecklenburg Hospital Auth. v. S.C. Dep't of Health & Envt'l Control*, 387 S.C. 265, 267; 692 S.E.2d 894, 894 (2010) ("If there is some further act which must be done by the court prior to a determination of the rights of the parties, the order is interlocutory."). The Supreme Court transferred this appeal to this Court for disposition. Accordingly, this appeal is dismissed.¹ The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:

Isiah James, Jr., 096883
Salley W. Elliott, Esquire

¹ Based on this disposition, we decline to consider the appellant's motion to proceed in forma pauperis.

Exhibit 2

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

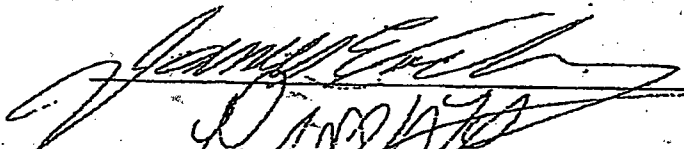
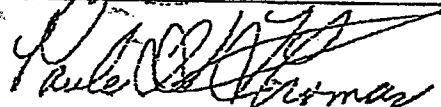
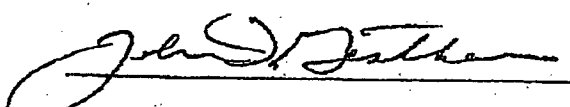
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence; there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.
 J.
 J.

Columbia, South Carolina

cc:

Isiah James, Jr., 096883
Salley W. Elliott, Esquire

FILED

August 9, 2017

10



Exhibit 1

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
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 19, 2017

The Honorable Jana E. Shealy
1205 Pendleton Street
Columbia SC 29201

RECEIVED

SEP 21 2017

REMITTITUR

Re: Isiah James, Jr. v. SC Dept. of Corrections
Lower Court Case No. 2017ALJ040300AP
Appellate Case No. 2017-001446

GENERAL COUNSEL

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Isiah James, Jr., 096883
Christina Catoe Bigelow, Esquire

//

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH
INMATE CORRESPONDENCE

INMATE: Isiah James, Jr. | 096883
INSTITUTION: Goodman Correctional Institution | B-2-0039-B
FROM: Atty. Sherman L. Anderson, Chief
Inmate Grievance Branch | Office of General Counsel
SUBJECT: Update Sentence Calculation – Court Order of Remand
DATE: October 23, 2017

This is an update on your sentence calculation that was the subject matter of Judge Robinson's Order dated June 15, 2017. It appears that your SCDC incarcerated sentence has been adjusted. Your Projected Release Date is 12/06/2022 and your Projected Parole Date is 10/18/2019.

If you have any questions, please feel free to contact me.

Thank you.

EXHIBIT 2

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-IJ
Grievance No.: GCI 20-17

ORDER OF DISMISSAL

RECEIVED
JAN 11 2018
SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). On October 23, 2017, the Department notified Appellant of an update to his sentence calculation which resulted in an adjustment to his projected release date. Appellant did not appeal the matter by filing a step 1 or step 2 grievance, but instead, he filed an appeal with the ALC.

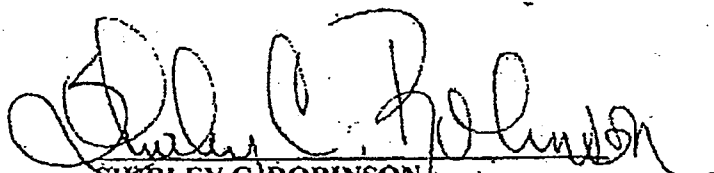
Section 1-23-380 of the South Carolina Code (Supp. 2017) provides "[a] party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review." See Al-Shabazz v. State, 338 S.C. 354, 376, 527 S.E.2d 742, 754 (2000) ("An inmate may, however, seek review of the Department's final decision by an ALJ in a non-collateral or administrative matter."); Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Because the Appellant failed to exhaust his administrative remedies prior to filing his appeal, the ALC lacks jurisdiction to review this matter, and the appeal must be dismissed.

THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED**.

AND IT IS SO ORDERED.

December 29, 2017
Columbia, South Carolina


SHIRLEY C. ROBINSON
Administrative Law Judge

FILED

DEC 29 2017

SC ADMIN. LAW COURT

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-II

Grievance No.: GCI 20-17

ORDER

This matter was before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate previously incarcerated with the South Carolina Department of Corrections (Department). On December 29, 2017, the Court issued an order dismissing this matter for Appellant's failure to exhaust his administrative remedies. Following entry of the dismissal order, the Department informed the Court that Appellant had gone through the Department's internal grievance process prior to filing his appeal with this court. Although, the dismissal of Appellant's appeal was based on an incorrect assumption that because no step-2 grievance decision was included with the appeal, Appellant failed to exhaust his administrative remedies, this Court's order will not be rescinded.

In the notice of appeal, Appellant wrote the following as his general statement of the grounds for appeal: "He set forth claims, grounds, issues in 6-1-17 notice of appeal." Also, the grievance number shown on Appellant's appeal notice is the same grievance number associated with an earlier appeal filed by Appellant. The earlier appeal was decided by this Court and an Order was entered on June 15, 2017.

Because it is apparent that Appellant is appealing a matter that has already been decided, I find that the appeal was properly dismissed.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

January 12, 2018
Columbia, South Carolina

FILED

JAN 12 2018

14

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.

RESPONDENT.

CERTIFICATE OF APPELLANT

Appellant hereby certifies that the Record on Appeal contains all of the material(s) proposed to be included by any of the parties and not any other material(s).

This 16 day of October
2019

/s/

Isiah JAMES, Jr.

PROOF OF SERVICE

James certifies he served SCDC by forwarding a copy of the 'RECORD' to respondent's counsel Christina C. Bigelow, POB 21787, Columbia, SC 29221 this 16 day of October 2019.

S/

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

V.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RECORD ON APPEAL

Isiah James, Jr.
1810 O Street
Brunswick, Georgia 31520-5445

Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

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REVIEW

JAMES IR.

SCDC NUMBER: 96883

RECLASSIFICATION REVIEW: 12/15/94

CURRENT LOCATION: 0232

SUBJECT RELEASE AND PROGRAM ELIGIBILITY DATES AS OF: 04/15/94

- A) SENTENCE EXPIRATION (MAXOUT) 04/25/22
- B) INITIAL PAROLE ELIGIBILITY 02/01/88
- C) NEXT SCHEDULED PAROLE HEARING 03/02/95
- D) WORK RELEASE ELIGIBILITY 02/01/86
- E) INMATE WORKER ELIGIBILITY 09/24/82

DATES (ABOVE) ARE BASED ON THE FOLLOWING INFORMATION:

- A) CURRENT SENTENCE SERVING YRS MO DYS 85 0 0
- B) SENTENCE START DATE 12/14/78
- C) CURRENT SEC LEVEL/ASSIGNMENT 02

3) RECLASSIFICATION REVIEW:

- A) YOUR CUSTODY/SECURITY LEVEL PRIOR TO REVIEW AL2
- B) YOUR REVIEW RESULTED IN A NET SCORE OF 305 WHICH INDICATES AL3
- C) THE CLASSIFICATION COMMITTEE:

4) THE PROPOSED ACTION REQUIRES FURTHER APPROVAL BY THE FOLLOWING AUTHORITIES:
WARDEN *Override to remain in AL2 custody.*

(YOUR CLASSIFICATION CASEWORKER WILL NOTIFY YOU WHEN A FINAL DECISION IS MADE)

5) YOUR NEXT RECLASSIFICATION REVIEW HAS NOT BEEN SCHEDULED

6) RECOMMENDATIONS FOR YOUR NEXT REVIEW PERIOD ARE AS FOLLOWS:

Problem Solving

7) COMMENTS: *Recommendation to remain in AL2 custody and to continue with problem solving.*

S/ _____
CLASSIFICATION SUPERVISOR OR CASEWORKER

DATE

INSTITUTIONAL RECORDS
CENTRAL RECORDS

CLASSIFICATION REPORT DATED 1-20-97

EDC # 96883 NAME: James, Isiah DORM: B5

SECURITY/CUSTODY NO

PROJ. MAXOUT DATE: 9-16-2020

TOTAL INCARC. SENT. 85 Yrs. Mos. Dys.

PROJ. PAROLE DATE: 2-21-97

EWC JOB: Control Operator

EDUC.PGM:

EWC LEVEL: 257 EEC LEVEL

ASSIGNMENT: Control

* * * * *

ATTENTION
REVIEW

CDG NL
NT

CM

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

01/13/99

SMITHKIM

SCDC ID: 00096883

LOC: RIDGELAND

JAMES, JR., ISTAH

~~OFFENDER CATEGORY: UNCLASSIFIED~~

CURR SENT SERVING CAT: UNCLASSIFIED

OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR...:

TOTAL SENTENCE...: 085-00-000 CONSECUTIVE SENTENCE...: Y

CURRENT SENTENCE: 085-00-000 CURRENT SENT START DATE: 12/14/1978

PROJECTED COMPLETION DATES

MAXOUT DATE: 11/26/2023

CURRENT EWC ..: 3 F 5

YOA SIX YEAR DATE: / /

CURRENT EEC ..: NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE: 02/01/1988

NEXT PAROLE HEARING DATE: 03/18/2001

TOTAL GT DAYS EARNED: 004740

LABOR CREW/WORK PROG DATE: 99/99/9999

TOTAL EARNED WORK CREDITS ...: 001565

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS: 000000

OFFENSE > CAT 3

TOTAL EXTRA EARNED CREDITS ..: 000

TOTAL SERVICE TIME EARNED ...: 007229

PFKEYS: 5: HISTORY OF DATE CHANGES

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

Due:

STEP 2

INMATE NAME: ISIAH JAMES, JR.

SCDC NUMBER: 96883

INSTITUTION: RIDGELAND

SEP 08 2011

HOUSING UNIT: 6A-52

WORK ASSIGNMENT: EDUCATION - LIBRARY

INMATE GRIEVANCE

Office Use Only

Grievance No. RCI-0503-11

Code: General CL/PL

Policy

Disc. Hear.

Class.

Date Received 8/3/11

IGC Initials

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 BUTCHER 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 ARBITRARILY. 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.

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.

Therefore, your grievance is resolved.

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.

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)

INMATE GRIEVANCE FORM
STEP 1

Office Use Only

INMATE NAME: Isiah JAMES, Jr.SCDC NUMBER: 096883INSTITUTION: WALDEN C.I.HOUSING UNIT: 1C 6BWORK ASSIGNMENT: Food Service WarehouseGrievance No. 0886-16

Code: General

Policy

Disc. Hear.

Class.

Date Received

IGC Initials

10/31/16BB

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant #
 grieves about his max-out date calculation which is
 to be wrong, no even pointing to Bo. V. Moore #
 (199); see also Al-SAHABAZZ v. SCDC, # SEZD
 (2000); Audit; 38 years x 5 = 190 days; 366 days in
 leap year; 1 day every 4 years, from 1940 to 2010 = 10 days; 60 days
 time created on 206 days set forth above herein equal 4 2/3 months
 RTSM # 16-264140; 10.21.16 12:43pm, He points EWL's is wrongfu.
 a. ACTION REQUESTED: Do audit, calculate correct max-out date;
 computer calculated date on 360 days year. There must be
 correct adjustment(s). The Moore set forth correct calculation(s).

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

RTSM # 16-264140

Isiah James, Jr. # 10.23.16

Grievant Signature

Date

ACTION TAKEN BY IGC:

This is in reference to Inmate Grievance No. 0886-16.

Central Classification will review your record and make a determination as to whether
 your max-out time warrants recalculation. Once the process has been completed, you
 will be notified of the outcome.

- ☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

Betty Sadler # 10/5/16

IGC Signature

Date

Grievant Signature

Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

Exhibit 8INMATE NAME: Isiah JAMES, Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service DetailGrievance No. GI 0020-17

Code: General

Policy

Disc. Hear.

Class.

PREA

Date Received

IGC Initials

BB 2/21/17

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant gripes about max-out (sentence expiration) date which has been wrongfully calculated for a long time: 1. Thereby, it caused James to be illegally classified under Al-SHAZZ v. State, 527 S.E.2d 742, 7 (2000) (citing Moore v. Moore) Moore set forth the proper calculation of goodtime credit(s) which has not been applied to grievant; the computer computes goodtime, earn work credit(s)* on 360 days year where James served 365 days year for 38 years (or nearly 38) $\times 5 = 190$ days; 366 days in a leap year; 1 day every 4 years from 1980-2016 = 10 days; total 200 days @ 20 days per month = 11 2/3 months which has not been deducted.

EWG's are wrongfully calculated without adjustment(s); he was denied X01B custody when he was eligible through liberty interest; as well as level (n) 2/5

2/7

credit(s) wrongfully under mis-calculated sentence expiration date;

*EWG's 448 SE 2nd 003 C

ACTION REQUESTED:

Correct & give notice of release date.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

TSN # 16-264140; 10.21.16 12:43 PM

#16-370666

#17-455081

Isiah James, Jr. # 2-16-17

Grievant Signature

Date

(CONTINUE ON REVERSE SIDE)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Exhibit 7

Office Use Only

Grievance No. 601-0020-17
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 4/10/17
IGC Initials BB

INMATE NAME: JAMES, Isaiah Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service Warehouse

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): It is apparent the institutional head is not inform of SCDC year of 366 days or 30 days per month. As it is set forth in the step 1 when James serves a year, it is 365 and 366 days a year, he has documents from years back when his sentence expiration date was in 2018, 2020, 2022; it must be simple mathematics — there are not adjustments on days serve, days worked 21 & 22 days per month and failure to award extra goodtime what he has earned over the last 3-4 decades. But see Step 1 grievance for claims.

Isiah James 4-8-17
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that your max-out date has been calculated incorrectly. The Warden responded to your concern on SCDC 10-5, Inmate Grievance Form Step 1 dated March 31, 2017. You have been informed that SCDC is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. You have further been informed that any sentence recalculation that you are entitled to will be conducted after informing you of such. You are advised to wait until this process is completed so that any and all sentence corrections that may be required in your case will be made.

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.

John D. [Signature] 5/15/17
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 5-23-17
Grievant Signature Date

K Heil 5/23/17
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

7

SCDC 10-5 (Rev. May 2013)

WARDEN'S DECISION AND REASON:

This is in reference to Inmate Grievance No. 0020-17.

Each institution received a list of names of inmates whose case pertain to Hayes v. State 2017. The Institutions Records Division will determine if your case is eligible by conducting an audit and recalculation of your sentence if warranted. Once this process has taken place, you will be notified of any changes by your case manager or caseworker.

If your name is not on the list received by Records Division that would mean you do not qualify under Hayes v. State 2017.

Therefore, your grievance is denied.

If you are not satisfied with my decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

Ken A. B. Warden 3/31/17
Warden Signature

Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.

Grievant Signature

4/6/17
Date

Betty Parker
IGC Signature

4/6/17
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant.

Docket No. 17-ALJ-04-0300-AP
Grievance No.: GCI 20-17

vs.

South Carolina Department of Corrections,

Respondent.

ORDER OF REMAND

This matter is before the South Carolina Administrative Law Court ("the Court" or "the ALC") pursuant to the appeal filed by Isiah James, Jr. ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("the Department" or "SCDC"). Appellant filed a step 2 grievance with the Department on April 8, 2017 contending that his max-out date has been calculated incorrectly. On May 23, 2017, the Department issued a final agency response denying Appellant's grievance on the basis that the Department is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. On June 6, 2017, Appellant filed an appeal with this Court to the Department's decision asserting that his sentence was calculated incorrectly.

Because the Department denied Appellant's Step 2 grievance, it was procedurally proper for Appellant to appeal the matter before this Court. However, the Department has not truly made a final decision on the matter as the Department is in the process of reviewing inmates' sentencing sheets and NCIC reports. Therefore, it would be premature for the Court to decide on this matter prior to the Department completing the process of recalculating the Appellant's sentence. See Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Based on the foregoing,

IT IS HEREBY ORDERED that this matter is REMANDED.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

June 15, 2017
Columbia, South Carolina

FILED

JUN 15 2017

SC ADMIN. LAW COURT

Exhibit 4

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

The appellant filed a notice of appeal from an order of the Administrative Law Court remanding this case to the Department of Corrections for further action. *See The Charlotte-Mecklenburg Hospital Auth. v. S.C. Dep't of Health & Env'tl Control*, 387 S.C. 265, 267; 692 S.E.2d 894, 894 (2010) ("If there is some further act which must be done by the court prior to a determination of the rights of the parties, the order is interlocutory."). The Supreme Court transferred this appeal to this Court for disposition. Accordingly, this appeal is dismissed.¹ The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


_____, J.
FOR THE COURT

Columbia, South Carolina

cc:

Isiah James, Jr., 096883
Salley W. Elliott, Esquire

FILED

June 30, 2017

¹ Based on this disposition, we decline to consider the appellant's motion to proceed in forma pauperis.

Exhibit 2

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

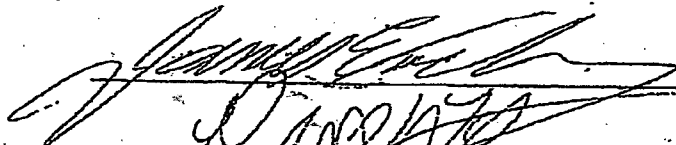
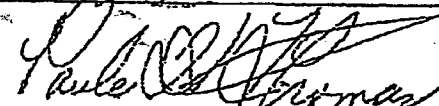
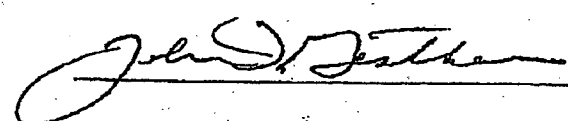
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.
 J.
 J.

Columbia, South Carolina

cc:

Isiah James, Jr., 096883
Salley W. Elliott, Esquire

FILED

August 9, 2017

10



Exhibit 1

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
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 19, 2017

The Honorable Jana E. Shealy
1205 Pendleton Street
Columbia SC 29201

RECEIVED

SEP 21 2017

REMITTITUR

Re: Isiah James, Jr. v. SC Dept. of Corrections
Lower Court Case No. 2017ALJ040300AP
Appellate Case No. 2017-001446

GENERAL COUNSEL

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Isiah James, Jr., 096883
Christina Catoe Bigelow, Esquire

//

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH
INMATE CORRESPONDENCE

INMATE: Isiah James, Jr. | 096883
INSTITUTION: Goodman Correctional Institution | B-2-0039-B
FROM: Atty. Sherman L. Anderson, Chief
Inmate Grievance Branch | Office of General Counsel
SUBJECT: Update Sentence Calculation – Court Order of Remand
DATE: October 23, 2017

This is an update on your sentence calculation that was the subject matter of Judge Robinson's Order dated June 15, 2017. It appears that your SCDC incarcerated sentence has been adjusted. Your Projected Release Date is 12/06/2022 and your Projected Parole Date is 10/18/2019.

If you have any questions, please feel free to contact me.

Thank you

EXHIBIT 2

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Docket No.: 17-ALJ-04-0591-IJ

Grievance No.: GCI 20-17

Appellant,

vs.

ORDER OF DISMISSAL

South Carolina Department of Corrections,

Respondent.

RECEIVED

JAN 11 2018

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). On October 23, 2017, the Department notified Appellant of an update to his sentence calculation which resulted in an adjustment to his projected release date. Appellant did not appeal the matter by filing a step 1 or step 2 grievance, but instead, he filed an appeal with the ALC.

Section 1-23-380 of the South Carolina Code (Supp. 2017) provides "[a] party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review." See Al-Shabazz v. State, 338 S.C. 354, 376, 527 S.E.2d 742, 754 (2000) ("An inmate may, however, seek review of the Department's final decision by an ALJ in a non-collateral or administrative matter."); Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Because the Appellant failed to exhaust his administrative remedies prior to filing his appeal, the ALC lacks jurisdiction to review this matter, and the appeal must be dismissed.

THEREFORE, IT IS HEREBY ORDERED that this appeal is DISMISSED.

AND IT IS SO ORDERED.

December 29, 2017
Columbia, South Carolina


SHIRLEY C. ROBINSON
Administrative Law Judge

FILED

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-IJ

Grievance No.: GCI 20-17

ORDER

This matter was before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate previously incarcerated with the South Carolina Department of Corrections (Department). On December 29, 2017, the Court issued an order dismissing this matter for Appellant's failure to exhaust his administrative remedies. Following entry of the dismissal order, the Department informed the Court that Appellant had gone through the Department's internal grievance process prior to filing his appeal with this court. Although, the dismissal of Appellant's appeal was based on an incorrect assumption that because no step-2 grievance decision was included with the appeal, Appellant failed to exhaust his administrative remedies, this Court's order will not be rescinded.

In the notice of appeal, Appellant wrote the following as his general statement of the grounds for appeal: "He set forth claims, grounds, issues in 6-1-17 notice of appeal." Also, the grievance number shown on Appellant's appeal notice is the same grievance number associated with an earlier appeal filed by Appellant. The earlier appeal was decided by this Court and an Order was entered on June 15, 2017.

Because it is apparent that Appellant is appealing a matter that has already been decided, I find that the appeal was properly dismissed.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

January 12, 2018
Columbia, South Carolina

FILED

JAN 12 2018

14

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.

RESPONDENT.

CERTIFICATE OF APPELLANT

Appellant hereby certifies that the Record on Appeal contains all of the material(s) proposed to be included by any of the parties and not any other material(s).

This 16 day of October

2019

/s/

Isiah JAMES, Jr.

PROOF OF SERVICE

James certifies he served SCDC by forwarding a copy of the 'RECORD' to respondent's counsel Christina C. Bigelow, POB 21787, Columbia, SC 29221 this 18 day of October 2019.

S/

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

V.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RECORD ON APPEAL

**Isiah James, Jr.
1810 O Street
Brunswick, Georgia 31520-5445**

**Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508**

ATTORNEY FOR RESPONDENT

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REVIEW

JAMES IR.

SCDC NUMBER: 96883

RECLASSIFICATION REVIEW: 12/15/94

CURRENT LOCATION: 0232

SUBJECT RELEASE AND PROGRAM ELIGIBILITY DATES AS OF: 04/15/94

- A) SENTENCE EXPIRATION (MAXOUT) 04/25/22
- B) INITIAL PAROLE ELIGIBILITY 02/01/88
- C) NEXT SCHEDULED PAROLE HEARING 03/02/95
- D) WORK RELEASE ELIGIBILITY 02/01/86
- E) INMATE WORKER ELIGIBILITY 09/24/82

DATES (ABOVE) ARE BASED ON THE FOLLOWING INFORMATION:

- A) CURRENT SENTENCE SERVING YRS MO DYS 85 0 0
- B) SENTENCE START DATE 12/14/78
- C) CURRENT EMO LEVEL/ASSIGNMENT 02

3) RECLASSIFICATION REVIEW:

- A) YOUR CUSTODY/SECURITY LEVEL PRIOR TO REVIEW AL2
- B) YOUR REVIEW RESULTED IN A NET SCORE OF 305 WHICH INDICATES AL3
- C) THE CLASSIFICATION COMMITTEE: CUSTODY/SECURITY LEVEL

4) THE PROPOSED ACTION REQUIRES FURTHER APPROVAL BY THE FOLLOWING AUTHORITIES:
WARDEN *Override to remain in AL2 custody.*

(YOUR CLASSIFICATION CASEWORKER WILL NOTIFY YOU WHEN A FINAL DECISION IS MADE)

5) YOUR NEXT RECLASSIFICATION REVIEW HAS NOT BEEN SCHEDULED

6) RECOMMENDATIONS FOR YOUR NEXT REVIEW PERIOD ARE AS FOLLOWS:

Problem Solving

7) COMMENTS: *Recommended for continued custody in AL2 custody.*

S/ _____
CLASSIFICATION SUPERVISOR OR CASEWORKER

DATE

INSTITUTIONAL RECORDS
CENTRAL RECORDS

CLASSIFICATION REPORT DATED

1-20-97

DC # 96883

NAME: James Isiah

DORM: B5

SECURITY/CUSTODY MO

PROJ. MAXOUT DATE: 9-16-2020

TOTAL INCARC. SENT 85 Yrs. Mos. Dys.

PROJ. PAROLE DATE: 2-21-97

EWC JOB: Canteen Operator

EDUC.PGM:

EWC LEVEL: 287 EEC LEVEL

ASSIGNMENT: Canteen

* * * * *

STATION
REVIEW

CDG NL
TNT

2

CM

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

01/13/99

SCDC ID: 00096883

SMITHKIM

LOC: RIDGELAND

JAMES, JR., ISIAH

OFFENDER CATEGORY: UNCLASSIFIED

CURR SENT SERVING CAT: UNCLASSIFIED

OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR...:

TOTAL SENTENCE...: 085-00-000 CONSECUTIVE SENTENCE...: Y

CURRENT SENTENCE: 085-00-000 CURRENT SENT START DATE: 12/14/1978

PROJECTED COMPLETION DATES

MAXOUT DATE: 11/26/2023 CURRENT EWC ..: 3 F 5

YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE: 02/01/1988 NEXT PAROLE HEARING DATE: 03/18/2001

TOTAL GT DAYS EARNED: 004740

LABOR CREW/WORK PROG DATE: 99/99/9999

TOTAL EARNED WORK CREDITS ..: 001565

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS: 000000

OFFENSE > CAT 3

TOTAL EXTRA EARNED CREDITS ..: 000

TOTAL SERVICE TIME EARNED ...: 007229

PFKEYS: _ 5: HISTORY OF DATE CHANGES _

3

Due:

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

INMATE NAME: ISIAH JAMES, JR.

SCDC NUMBER: 96883

INSTITUTION: RIDGELAND

HOUSING UNIT: 6A-52

WORK ASSIGNMENT: EDUCATION - LIBRARY

SEP 08 2011

INMATE GRIEVANCE

Office Use Only

Grievance No. RCI-0502-11

Code: General CL/PL

Policy

Disc. Hear.

Class.

Date Received 8/31/11

IGC Initials n/r

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 BUTCHMEN 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 ARBITRARILY. THE 1997 TRANSFER WAS FROM GOODMAN CORRECTIONAL INSTITUTION (CCI) 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 MAXIMUM DATE WAS REDUCED FROM 2014 or 2015 or 2016 or 2017 or 2018 to 2023.

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.

Therefore, your grievance is resolved.

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.

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)

INMATE GRIEVANCE FORM

STEP 1

Office Use Only

INMATE NAME: Isiah JAMES, JR.SCDC NUMBER: 096883INSTITUTION: WALDEN C. I.HOUSING UNIT: 1C 6BWORK ASSIGNMENT: Food Service WarehouseGrievance No. 0886-16

Code: General

Policy

Disc. Hear.

Class.

Date Received

10/31/16

IGC Initials

BR

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant #
 grieves about his max-out date calculation which is
 to be wrong, no even pointing to BO - V. Moore
 (199); see also AL-SHAHAZZ v SCDC - SE2d
 (2000); Audit; 38 years x 5 = 190 days; 366 days in
 leap year; 1 day every 4 years, from 1940 to 2016 = 10 days; 60 days
 time created on 1206 days set forth above herein equal 4 2/3 months
 RTSM # 16-264140, 10.21.16 12:43pm. He points EWC's is wrongfu.
 a. ACTION REQUESTED: Do audit calculate correct max-out date;
 computer calculated date on 360 days year. There must be
 correct adjustment(s). The Moore set forth correct calculation(s).

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

RTSM # 16-264140

Isiah James, Jr. 10.23.16
 Grievant Signature Date

ACTION TAKEN BY IGC:

This is in reference to Inmate Grievance No. 0886-16.

Central Classification will review your record and make a determination as to whether
 your max-out time warrants recalculation. Once the process has been completed, you
 will be notified of the outcome.

- ☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

Betty Darden 10/5/16
 IGC Signature Date

Grievant Signature Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Exhibit 8

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Isiah JAMES, Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service DetailGrievance No. GC I 0020-17

Code: General

Policy

Disc. Hear.

Class.

PREA

Date Received

IGC Initials

BB 2/21/17

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant gripes about max-out (sentence expiration) date which has been wrongfully calculated for a long time: 1. Thereby, it caused James to be illegally classified under Al-SHAHAZZ v. State, 527 S.E.2d 742, 7 (2000) (citing Moore v. Moore) Moore set forth the proper calculation of goodtime credit(s) which has not been applied to grievant; the computer computes goodtime, earn work credit(s)* on 360 days year where James served 365 days year for 38 years (or nearly 38) x 5 = 190 days; 366 days in a leap year; 1 day every 4 years from 1980-2016 = 10 days; total 200 days @ 20 days per month = 140 days or 4 2/3 months which has not been deducted.

EWG's are wrongfully calculated without adjustment(s); he was denied EOB custody when he was eligible through liberty interest; as well as level(s) credit(s) wrongfully under mis-calculated sentence expiration date;

*EWG's; 498 SE 2nd 883 C

ACTION REQUESTED:

Correct & give notice of release date.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

TTSN # 16-264140; 10.21.16 12:43 PM

#16-370660#17-455081Isiah James, Jr. 2-16-17

Grievant Signature

Date

(CONTINUE ON REVERSE SIDE)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Exhibit 7

INMATE NAME: JAMES, Isaiah Jr.

SCDC NUMBER: 096883

INSTITUTION: Goodman

HOUSING UNIT: B-2-39B

WORK ASSIGNMENT: Food Service Warehouse

Office Use Only
Grievance No. 603,0020-17
Code: General _____
Policy _____
Disc. Hear. _____
Class. ✓
Date Received 4/10/17
IGC Initials BB

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): It is apparent the institutional head is not inform of SCDC year of 366 days or 30 days per month. As it is set forth in the step 1 when James serves a year it is 365 and 366 days a year, he has documents from years back when his sentence expiration date was in 2018, 2020, 2022, it must be simple mathematics — there are not adjustments on days serve, days worked 21 & 22 days per month and failure to award extra goodtime what he has earned over the last 3-4 decades. But see Step 1 grievance for claims)

Isiah James Jr. 4-8-17
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that your max-out date has been calculated incorrectly. The Warden responded to your concern on SCDC 10-5, Inmate Grievance Form Step 1 dated March 31, 2017. You have been informed that SCDC is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. You have further been informed that any sentence recalculation that you are entitled to will be conducted after informing you of such. You are advised to wait until this process is completed so that any and all sentence corrections that may be required in your case will be made.

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.

John D. Aguiar 5/15/17
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. 5-23-17
Grievant Signature Date

K Heil 5/23/17
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

7

SCDC 10-5 (Rev. May 2013)

WARDEN'S DECISION AND REASON:

This is in reference to Inmate Grievance No. 0020-17.

Each institution received a list of names of inmates whose case pertain to Hayes v. State 2017. The institutions Records Division will determine if your case is eligible by conducting an audit and recalculation of your sentence if warranted. Once this process has taken place, you will be notified of any changes by your case manager or caseworker.

If your name is not on the list received by Records Division that would mean you do not qualify under Hayes v. State 2017.

Therefore, your grievance is denied.

If you are not satisfied with my decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

Ken A. Warden 3/31/17
Warden Signature Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.

Brian Jones, Jr.
Grievant Signature

4/6/17
Date

Billy Parker
IGC Signature

4/6/17
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant.

Docket No. 17-ALJ-04-0300-AP

Grievance No.: GCI 20-17

vs.

South Carolina Department of Corrections,

Respondent.

ORDER OF REMAND

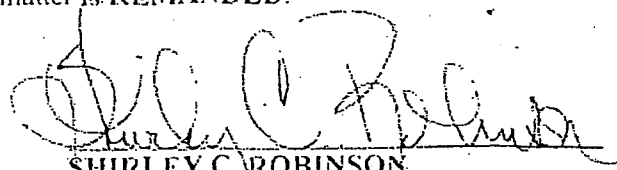
This matter is before the South Carolina Administrative Law Court ("the Court" or "the ALC") pursuant to the appeal filed by Isiah James, Jr. ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("the Department" or "SCDC"). Appellant filed a step 2 grievance with the Department on April 8, 2017 contending that his max-out date has been calculated incorrectly. On May 23, 2017, the Department issued a final agency response denying Appellant's grievance on the basis that the Department is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. On June 6, 2017, Appellant filed an appeal with this Court to the Department's decision asserting that his sentence was calculated incorrectly.

Because the Department denied Appellant's Step 2 grievance, it was procedurally proper for Appellant to appeal the matter before this Court. However, the Department has not truly made a final decision on the matter as the Department is in the process of reviewing inmates' sentencing sheets and NCIC reports. Therefore, it would be premature for the Court to decide on this matter prior to the Department completing the process of recalculating the Appellant's sentence. See Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Based on the foregoing,

IT IS HEREBY ORDERED that this matter is REMANDED.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

June 15, 2017
Columbia, South Carolina

FILED

JUN 15 2017

SC ADMIN. LAW COURT

Exhibit 4

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

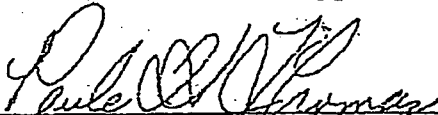
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

The appellant filed a notice of appeal from an order of the Administrative Law Court remanding this case to the Department of Corrections for further action. See *The Charlotte-Mecklenburg Hospital Auth. v. S.C. Dep't of Health & Envi'l Control*, 387 S.C. 265, 267; 692 S.E.2d 894, 894 (2010) ("If there is some further act which must be done by the court prior to a determination of the rights of the parties, the order is interlocutory."). The Supreme Court transferred this appeal to this Court for disposition. Accordingly, this appeal is dismissed.¹ The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:

Isiah James, Jr., 096883

Salley W. Elliott, Esquire

¹ Based on this disposition, we decline to consider the appellant's motion to proceed in forma pauperis.

Exhibit 2

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

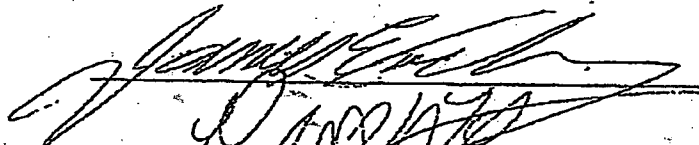
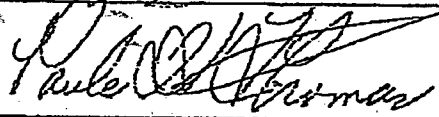
v.

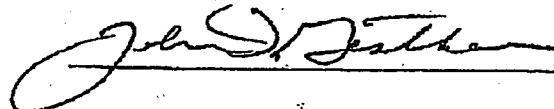
South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence; there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.


C.J.

J.


J.

Columbia, South Carolina

cc:

Isiah James, Jr., 096883

Salley W. Elliott, Esquire

FILED

August 9, 2017

10



Exhibit 1

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
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 19, 2017

The Honorable Jana E. Shealy
1205 Pendleton Street
Columbia SC 29201

RECEIVED

SEP 21 2017

REMITTITUR

Re: Isiah James, Jr. v. SC Dept. of Corrections
Lower Court Case No. 2017ALJ040300AP
Appellate Case No. 2017-001446

GENERAL COUNSEL

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Isiah James, Jr., 096883
Christina Catoe Bigelow, Esquire

//

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH
INMATE CORRESPONDENCE

INMATE: Isiah James, Jr. | 096883
INSTITUTION: Goodman Correctional Institution | B-2-0039-B
FROM: Atty. Sherman L. Anderson, Chief
Inmate Grievance Branch | Office of General Counsel
SUBJECT: Update Sentence Calculation – Court Order of Remand
DATE: October 23, 2017

This is an update on your sentence calculation that was the subject matter of Judge Robinson's Order dated June 15, 2017. It appears that your SCDC incarcerated sentence has been adjusted. Your Projected Release Date is 12/06/2022 and your Projected Parole Date is 10/18/2019.

If you have any questions, please feel free to contact me.

Thank you.

EXHIBIT 2

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Docket No.: 17-ALJ-04-0591-IJ

Grievance No.: GCI 20-17

Appellant,

vs.

ORDER OF DISMISSAL

South Carolina Department of Corrections,

Respondent.

RECEIVED

JAN 11 2018

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to

Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). On October 23, 2017, the Department notified Appellant of an update to his sentence calculation which resulted in an adjustment to his projected release date. Appellant did not appeal the matter by filing a step 1 or step 2 grievance, but instead, he filed an appeal with the ALC.

Section 1-23-380 of the South Carolina Code (Supp. 2017) provides "[a] party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review." See Al-Shabazz v. State, 338 S.C. 354, 376, 527 S.E.2d 742, 754 (2000) ("An inmate may, however, seek review of the Department's final decision by an ALJ in a non-collateral or administrative matter."); Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Because the Appellant failed to exhaust his administrative remedies prior to filing his appeal, the ALC lacks jurisdiction to review this matter, and the appeal must be dismissed.

THEREFORE, IT IS HEREBY ORDERED that this appeal is DISMISSED.

AND IT IS SO ORDERED.

December 29, 2017
Columbia, South Carolina


SHIRLEY C. ROBINSON
Administrative Law Judge

FILED

DEC 29 2017

SC ADMIN. LAW COURT

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-IJ

Grievance No.: GCI 20-17

ORDER

This matter was before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate previously incarcerated with the South Carolina Department of Corrections (Department). On December 29, 2017, the Court issued an order dismissing this matter for Appellant's failure to exhaust his administrative remedies. Following entry of the dismissal order, the Department informed the Court that Appellant had gone through the Department's internal grievance process prior to filing his appeal with this court. Although, the dismissal of Appellant's appeal was based on an incorrect assumption that because no step-2 grievance decision was included with the appeal, Appellant failed to exhaust his administrative remedies, this Court's order will not be rescinded.

In the notice of appeal, Appellant wrote the following as his general statement of the grounds for appeal: "He set forth claims, grounds, issues in 6-1-17 notice of appeal." Also, the grievance number shown on Appellant's appeal notice is the same grievance number associated with an earlier appeal filed by Appellant. The earlier appeal was decided by this Court and an Order was entered on June 15, 2017.

Because it is apparent that Appellant is appealing a matter that has already been decided, I find that the appeal was properly dismissed.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

January 12, 2018
Columbia, South Carolina

FILED

JAN 12 2018

14

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.

RESPONDENT.

CERTIFICATE OF APPELLANT

Appellant hereby certifies that the Record on Appeal contains all of the material(s) proposed to be included by any of the parties and not any other material(s).

This 16 day of October
2019

/s/

Isiah JAMES, Jr.

PROOF OF SERVICE

James certifies he served SCDC by forwarding a copy of the 'RECORD' to respondent's counsel Christina C. Bigelow, POB 21787, Columbia, SC 29221 this 16 day of October 2019.

S/

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

V.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RECORD ON APPEAL

**Isiah James, Jr.
1810 O Street
Brunswick, Georgia 31520-5445**

**Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508**

ATTORNEY FOR RESPONDENT

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REVIEW

JAMES IR.

SCDC NUMBER: 96883

RECLASSIFICATION REVIEW: 12/15/94

CURRENT LOCATION: 0232

REJECTED RELEASE AND PROGRAM ELIGIBILITY DATES AS OF: 04/15/94

- A) SENTENCE EXPIRATION (MAXOUT) 04/25/22
- B) INITIAL PAROLE ELIGIBILITY 02/01/88
- C) NEXT SCHEDULED PAROLE HEARING 03/02/95
- D) WORK RELEASE ELIGIBILITY 02/01/86
- E) INMATE WORKER ELIGIBILITY 09/24/82

DATES (ABOVE) ARE BASED ON THE FOLLOWING INFORMATION:

- A) CURRENT SENTENCE SERVING YRS MO DYS 85 0 0
- B) SENTENCE START DATE 12/14/78
- C) CURRENT KNO LEVEL/ASSIGNMENT 02

3) RECLASSIFICATION REVIEW:

- A) YOUR CUSTODY/SECURITY LEVEL PRIOR TO REVIEW AL2
- B) YOUR REVIEW RESULTED IN A NET SCORE OF 305 WHICH INDICATES AL3
- C) THE CLASSIFICATION COMMITTEE: CUSTODY/SECURITY LEVEL

4) THE PROPOSED ACTION REQUIRES FURTHER APPROVAL BY THE FOLLOWING AUTHORITIES:
WARDEN *Override to remain in AL2 custody.*

(YOUR CLASSIFICATION CASEWORKER WILL NOTIFY YOU WHEN A FINAL DECISION IS MADE)

5) YOUR NEXT RECLASSIFICATION REVIEW HAS NOT BEEN SCHEDULED

6) RECOMMENDATIONS FOR YOUR NEXT REVIEW PERIOD ARE AS FOLLOWS:

Problem Solving

7) COMMENTS: *Recommendation for continued custody in AL2*

S/ _____
CLASSIFICATION SUPERVISOR OR CASEWORKER

DATE

INSTITUTIONAL RECORDS
CENTRAL RECORDS

CLASSIFICATION REPORT DATED 1-20-97

CDC # 96883 NAME: James Isiah DORM: B5

SECURITY/CUSTODY MO

PROJ. MAXOUT DATE: 9-16-2020

TOTAL INCARC. SENT. 85 Yrs. ____ Mos. ____ Dys.

PROJ. PAROLE DATE: 2-21-97

EWC JOB: Canteen Operator

EDUC.PGM: ____

EWC LEVEL: 257 EEC LEVEL ____

ASSIGNMENT: Canteen

* * * * *

ATTN:
REVIEW

CDC NL
NT

2

CM

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

01/13/99

SMITHKIM

SCDC ID: 00096883

LOC: RIDGELAND

JAMES, JR., ISIAH

OFFENDER CATEGORY: UNCLASSIFIED

CURR SENT SERVING CAT: UNCLASSIFIED

OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR...:

TOTAL SENTENCE...: 085-00-000 CONSECUTIVE SENTENCE...: Y

CURRENT SENTENCE: 085-00-000 CURRENT SENT START DATE: 12/14/1978

PROJECTED COMPLETION DATES

MAXOUT DATE: 11/26/2023

CURRENT EWC ..: 3 F 5

YOA SIX YEAR DATE: / /

CURRENT EEC ..: NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE: 02/01/1988

NEXT PAROLE HEARING DATE: 03/18/2001

TOTAL GT DAYS EARNED: 004740

LABOR CREW/WORK PROG DATE: 99/99/9999

TOTAL EARNED WORK CREDITS ...: 001565

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS: 000000

OFFENSE > CAT 3

TOTAL EXTRA EARNED CREDITS ..: 000

TOTAL SERVICE TIME EARNED ...: 007229

PFKEYS: _ 5: HISTORY OF DATE CHANGES _

3

Due:

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

INMATE NAME: ISIAH JAMES, JR.

SCDC NUMBER: 96883

INSTITUTION: RIDGELAND

HOUSING UNIT: 6A-52

WORK ASSIGNMENT: EDUCATION - LIBRARY

SEP 08 2011

INMATE GRIEVANCE

Office Use Only

Grievance No. RCI-0502-11

Code: General CL/PL

Policy

Disc. Hear.

Class.

Date Received 8/3/11

IGC Initials

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 BUTCHERMAN 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 ARBITRARILY. 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.

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.

Therefore, your grievance is resolved.

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.

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)

INMATE GRIEVANCE FORM

STEP 1

Office Use Only

INMATE NAME: Isiah JAMES, Jr.SCDC NUMBER: 096803INSTITUTION: WALDEN C. I.HOUSING UNIT: 1C 6BWORK ASSIGNMENT: Food Service WorkerGrievance No. 0886-16

Code: General

Policy

Disc. Hear.

Class.

Date Received 10/31/16IGC Initials BB

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievance #
 grieves about his max-out date calculation which is
 to be wrong, no even pointing to Bo. V. Moore
 (199); see also Al-SHAHAZZ v. SCDC, SEZd
 (2000); Audit; 38 years x 5 = 190 days; 366 days in
 leap year; 1 day every 4 year, from 1980 to 2016 = 10 days; 60 days
 time created on 206 days set forth above herein equal 4 2/3 months
 RSTM # 16-264140; 10.21.16 12:43 PM. He points EWC's is wrong.
 ACTION REQUESTED: Do audit, calculate correct max-out date;
 computer calculated date on 360 days year. There must be
 correct adjustment(s). The Moore set forth correct calculation(s).

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

RSTM # 16-264140

Isiah James, Jr. 10.23.16
 Grievant Signature Date

ACTION TAKEN BY IGC:

This is in reference to Inmate Grievance No. 0886-16.

Central Classification will review your record and make a determination as to whether
 your max-out time warrants recalculation. Once the process has been completed, you
 will be notified of the outcome.

- ☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

Betty Dodson 10/5/16
 IGC Signature Date

Grievant Signature Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Exhibit 8

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Isiah JAMES, Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service DetailGrievance No. GI 1820-17

Code: General

Policy

Disc. Hear.

Class.

PREA

Date Received

IGC Initials

BB 2/21/17

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant gripes about max-out (sentence expiration) date which has been wrongfully calculated for a long time; 1. Thereby, it caused James to be illegally classified under Al-SHAHAZZ v. State, 527 S.E.2d 742, 7 (2000) (citing Burke v. Moore) Moore set forth the proper calculation of goodtime credit(s) which has not been applied to grievant; the computer computes goodtime, earn work credit(s)* on 360 days year where James served 365 days year for 38 years (or nearly 38) x 5 = 190 days; 366 days in a leap year; 1 day every 4 years from 1980-2016 = 10 days; total 200 days @ 20 days per month = 140 days or 4 2/3 months which has not been deducted.

EWG's are wrongfully calculated without adjustment(s); he was denied 2018 custody when he was eligible through liberty interest; as well as level(s) 2/5 2/7 credit(s) wrongfully under mis-calculated sentence expiration date;

#EWG's; 498 SE 2nd 883 C

ACTION REQUESTED:

Correct & give notice of release date.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

TSV # 16-264140; 10.21.16 12:43 PM

#16-370666

#17-455081

Isiah James, Jr. # 2-16-17

Grievant Signature

Date

(CONTINUE ON REVERSE SIDE)

P.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

ME BY: 4/11/17
Exhibit 7

Office Use Only

Grievance No. 601,0020-17

Code: General

Policy

Disc. Hear.

Class.

Date Received 4/10/17IGC Initials BBINMATE NAME: JAMES, Isaiah Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service Warehouse

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): It is apparent the institutional head is not inform of SCDC year of 366 days or 30 days per month. As it is set forth in the step 1 when James serves a year, it is 365 and 366 days a year, he has documents from years back when his sentence expiration date was in 2018, 2020, 2022; it must be simple mathematics — there are not adjustments on days serve, days worked 21 & 22 days per month and failure to award extra goodtime what he has earned over the last 3-4 decades. But see step 1 grievance for claims)

Isiah James Jr. 4-8-17
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that your max-out date has been calculated incorrectly. The Warden responded to your concern on SCDC 10-5, Inmate Grievance Form Step 1 dated March 31, 2017. You have been informed that SCDC is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. You have further been informed that any sentence recalculation that you are entitled to will be conducted after informing you of such. You are advised to wait until this process is completed so that any and all sentence corrections that may be required in your case will be made.

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.

J. D. [Signature] 5/15/17
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. 5-23-17
Grievant Signature Date

K. Heil 5/23/17
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

7

SCDC 10-5 (Rev. May 2013)

WARDEN'S DECISION AND REASON:

This is in reference to Inmate Grievance No. 0020-17.

Each institution received a list of names of inmates whose case pertain to Hayes v. State 2017. The institutions Records Division will determine if your case is eligible by conducting an audit and recalculation of your sentence if warranted. Once this process has taken place, you will be notified of any changes by your case manager or caseworker.

If your name is not on the list received by Records Division that would mean you do not qualify under Hayes v. State 2017.

Therefore, your grievance is denied.

If you are not satisfied with my decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

Kent B. Warden 3/31/17
Warden Signature

Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.

Brian Jones
Grievant Signature

4/6/17
Date

Billy Batten
IGC Signature

4/6/17
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant.

Docket No. 17-ALJ-04-0300-AP
Grievance No.: GCI 20-17

vs.

South Carolina Department of Corrections,

Respondent.

ORDER OF REMAND

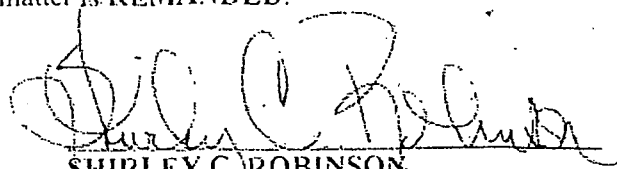
This matter is before the South Carolina Administrative Law Court ("the Court" or "the ALC") pursuant to the appeal filed by Isiah James, Jr. ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("the Department" or "SCDC"). Appellant filed a step 2 grievance with the Department on April 8, 2017 contending that his max-out date has been calculated incorrectly. On May 23, 2017, the Department issued a final agency response denying Appellant's grievance on the basis that the Department is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. On June 6, 2017, Appellant filed an appeal with this Court to the Department's decision asserting that his sentence was calculated incorrectly.

Because the Department denied Appellant's Step 2 grievance, it was procedurally proper for Appellant to appeal the matter before this Court. However, the Department has not truly made a final decision on the matter as the Department is in the process of reviewing inmates' sentencing sheets and NCIC reports. Therefore, it would be premature for the Court to decide on this matter prior to the Department completing the process of recalculating the Appellant's sentence. See Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Based on the foregoing,

IT IS HEREBY ORDERED that this matter is **REMANDED**.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

June 15, 2017
Columbia, South Carolina

FILED

JUN 15 2017

SC ADMIN. LAW COURT

Exhibit 4

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

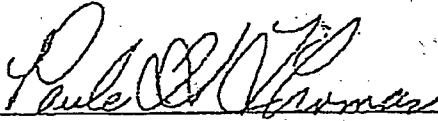
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

The appellant filed a notice of appeal from an order of the Administrative Law Court remanding this case to the Department of Corrections for further action. See *The Charlotte-Mecklenburg Hospital Auth. v. S.C. Dep't of Health & Envt'l Control*, 387 S.C. 265, 267; 692 S.E.2d 894, 894 (2010) ("If there is some further act which must be done by the court prior to a determination of the rights of the parties, the order is interlocutory."). The Supreme Court transferred this appeal to this Court for disposition. Accordingly, this appeal is dismissed.¹ The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:

Isiah James, Jr., 096883
Salley W. Elliott, Esquire

FILED

June 30, 2017

¹ Based on this disposition, we decline to consider the appellant's motion to proceed in forma pauperis.

Exhibit 2

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

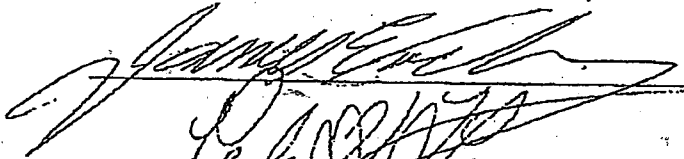
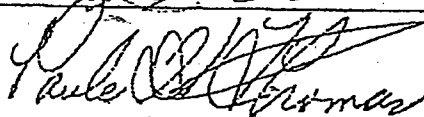
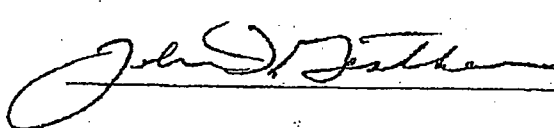
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence; there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.
 J.
 J.

Columbia, South Carolina

cc:

Isiah James, Jr., 096883
Salley W. Elliott, Esquire

FILED

August 9, 2017

10



Exhibit 1

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
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
WWW.SCCOURTS.ORG

September 19, 2017

The Honorable Jana E. Shealy
1205 Pendleton Street
Columbia SC 29201

RECEIVED

SEP 21 2017

REMITTITUR

GENERAL COUNSEL

Re: Isiah James, Jr. v. SC Dept. of Corrections
Lower Court Case No. 2017ALJ040300AP
Appellate Case No. 2017-001446

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Isiah James, Jr., 096883
Christina Catoe Bigelow, Esquire

//

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH
INMATE CORRESPONDENCE

INMATE: Isiah James, Jr. | 096883
INSTITUTION: Goodman Correctional Institution | B-2-0039-B
FROM: Atty. Sherman L. Anderson, Chief
Inmate Grievance Branch | Office of General Counsel
SUBJECT: Update Sentence Calculation – Court Order of Remand
DATE: October 23, 2017

This is an update on your sentence calculation that was the subject matter of Judge Robinson's Order dated June 15, 2017. It appears that your SCDC incarcerated sentence has been adjusted. Your Projected Release Date is 12/06/2022 and your Projected Parole Date is 10/18/2019.

If you have any questions, please feel free to contact me.

Thank you.

EXHIBIT 2

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr. 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-IJ

Grievance No.: GCI 20-17

ORDER OF DISMISSAL

RECEIVED

JAN 11 2018

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to a Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). On October 23, 2017, the Department notified Appellant of an update to his sentence calculation which resulted in an adjustment to his projected release date. Appellant did not appeal the matter by filing a step 1 or step 2 grievance, but instead, he filed an appeal with the ALC.

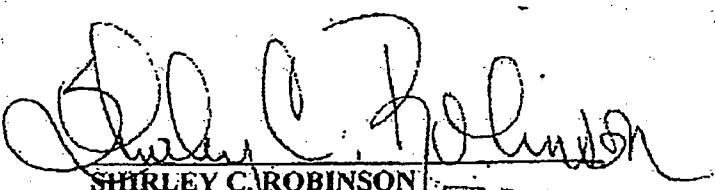
Section 1-23-380 of the South Carolina Code (Supp. 2017) provides "[a] party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review." See Al-Shabazz v. State, 338 S.C. 354, 376, 527 S.E.2d 742, 754 (2000) ("An inmate may, however, seek review of the Department's final decision by an ALJ in a non-collateral or administrative matter."); Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Because the Appellant failed to exhaust his administrative remedies prior to filing his appeal, the ALC lacks jurisdiction to review this matter, and the appeal must be dismissed.

THEREFORE, IT IS HEREBY ORDERED that this appeal is DISMISSED.

AND IT IS SO ORDERED.

December 29, 2017
Columbia, South Carolina


SHIRLEY C. ROBINSON
Administrative Law Judge

FILED

DEC 29 2017

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-IJ

Grievance No.: GCI 20-17

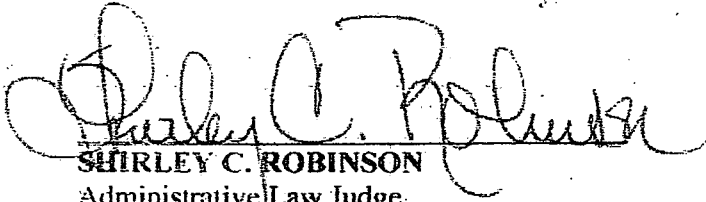
ORDER

This matter was before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate previously incarcerated with the South Carolina Department of Corrections (Department). On December 29, 2017, the Court issued an order dismissing this matter for Appellant's failure to exhaust his administrative remedies. Following entry of the dismissal order, the Department informed the Court that Appellant had gone through the Department's internal grievance process prior to filing his appeal with this court. Although, the dismissal of Appellant's appeal was based on an incorrect assumption that because no step-2 grievance decision was included with the appeal, Appellant failed to exhaust his administrative remedies, this Court's order will not be rescinded.

In the notice of appeal, Appellant wrote the following as his general statement of the grounds for appeal: "He set forth claims, grounds, issues in 6-1-17 notice of appeal." Also, the grievance number shown on Appellant's appeal notice is the same grievance number associated with an earlier appeal filed by Appellant. The earlier appeal was decided by this Court and an Order was entered on June 15, 2017.

Because it is apparent that Appellant is appealing a matter that has already been decided, I find that the appeal was properly dismissed.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

January 12, 2018
Columbia, South Carolina

FILED

JAN 12 2018

14

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.

RESPONDENT.

CERTIFICATE OF APPELLANT

Appellant hereby certifies that the Record on Appeal contains all of the material(s) proposed to be included by any of the parties and not any other material(s).

This 16 day of October
2019

/s/ Isiah James, Jr.
Isiah JAMES, Jr.

PROOF OF SERVICE

James certifies he served SCDC by forwarding a copy of the 'RECORD' to respondent's counsel Christina C. Bigelow, POB 21787, Columbia, SC 29221 this 18 day of October 2019.

/s/ Isiah James, Jr.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

V.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RECORD ON APPEAL

**Isiah James, Jr.
1810 O Street
Brunswick, Georgia 31520-5445**

**Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508**

ATTORNEY FOR RESPONDENT

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REVIEW

· JAMES IR.

, I'...

SCDC NUMBER: 96883

CURRENT LOCATION: 0232

DECLASSIFICATION REVIEW: 12/15/94

PROJECTED RELEASE AND PROGRAM ELIGIBILITY DATES AS OF: 04/15/94

- .) SENTENCE EXPIRATION (MAXOUT) 04/25/22
B) INITIAL PAROLE ELIGIBILITY 02/01/88
C) NEXT SCHEDULED PAROLE HEARING 03/02/95
D) WORK RELEASE ELIGIBILITY 02/01/86
E) INMATE WORKER ELIGIBILITY 09/24/82

1) DATES (ABOVE) ARE BASED ON THE FOLLOWING INFORMATION:

- | | YRS | MO | DYS |
|---------------------------------|----------|----|-----|
| A) CURRENT SENTENCE SERVING | 85 | 0 | 0 |
| B) SENTENCE START DATE | 12/14/78 | | |
| C) CURRENT SMO LEVEL/ASSIGNMENT | 02 | | |

3) AT LARGE LOCATION REVIEW:

- 2) YOUR CUSTODY/SECURITY LEVEL PRIOR TO REVIEW AL2
3) YOUR REVIEW RESULTED IN A NET SCORE OF 305 WHICH INDICATES AL3
CUSTODY/SECURITY LEVEL
C) THE CLASSIFICATION COMMITTEE:

4) THE PROPOSED ACTION REQUIRES FURTHER APPROVAL BY THE FOLLOWING AUTHORITIES:

Override to remain in AL2 custody.

(YOUR CLASSIFICATION CASEWORKER WILL NOTIFY YOU WHEN A FINAL DECISION IS MADE)

5) YOUR NEXT RECLASSIFICATION REVIEW HAS NOT BEEN SCHEDULED

6) RECOMMENDATIONS FOR YOUR NEXT REVIEW PERIOD ARE AS FOLLOWS:

Problem Solving

7) COMMENTS: Recommended for adoption as proposed. 3 and 4 are the same.

S/ _____
CLASSIFICATION SUPERVISOR OR CASEWORKER

DATE

INSTITUTIONAL RECORDS
CENTRAL RECORDS

CLASSIFICATION REPORT DATED 1-20-97

CDC # 46883 NAME: James, Isiah DORM: B5
SECURITY/CUSTODY MO PROJ. MAXOUT DATE: 9-16-2020
TOTAL INCARC. SENT. 85 Yrs. _____ Mos. _____ Dys. PROJ. PAROLE DATE: 2-21-97
EWC JOB: Canteen Operator EDUC.PGM: _____
EWC LEVEL: 257 EEC LEVEL _____ ASSIGNMENT: Canteen

* * * * *

STIC
REVIEW

CDC NL
NT

2

CM

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

01/13/99

SCDC ID: 00096883

SMITHKIM

LOC: RIDGELAND

JAMES, JR., ISIAH

OFFENDER CATEGORY: UNCLASSIFIED

CURR SENT SERVING CAT: UNCLASSIFIED

OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR...:

TOTAL SENTENCE...: 085-00-000 CONSECUTIVE SENTENCE...: Y

CURRENT SENTENCE: 085-00-000 CURRENT SENT START DATE: 12/14/1978

PROJECTED COMPLETION DATES

MAXOUT DATE: 11/26/2023

CURRENT EWC ..: 3 F 5

YOA SIX YEAR DATE: / /

CURRENT EEC ..: NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE: 02/01/1988

NEXT PAROLE HEARING DATE: 03/18/2001

TOTAL GT DAYS EARNED: 004740

LABOR CREW/WORK PROG DATE: 99/99/9999

TOTAL EARNED WORK CREDITS ...: 001565

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS: 000000

OFFENSE > CAT 3

TOTAL EXTRA EARNED CREDITS ..: 000

TOTAL SERVICE TIME EARNED ...: 007229

PFKEYS: 5: HISTORY OF DATE CHANGES

3

Due:

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

INMATE NAME: ISIAH JAMES, JR.

SCDC NUMBER: 96883

INSTITUTION: RIDGELAND

HOUSING UNIT: 6A-52

WORK ASSIGNMENT: EDUCATION - LIBRARY

SEP 08 2011

INMATE GRIEVANCE

Office Use Only

Grievance No. RCI-0502-11

Code: General CL/PL

Policy

Disc. Hear.

Class.

Date Received 8/31/11

IGC Initials n/n

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 BUTCHMEN 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 ARBITRARILY. THE 1997 TRANSFER WAS FROM GOODMAN CORRECTIONAL INSTITUTION (CCI) 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.

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.

Therefore, your grievance is resolved.

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.

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)

INMATE GRIEVANCE FORM

STEP 1

Office Use Only

Grievance No. 0886-16

Code: General

Policy

Disc. Hear.

Class.

Date Received 10/31/16

IGC Initials BB

INMATE NAME: Isaiah JAMES, JR.

SCDC NUMBER: 096883

INSTITUTION: WALDEN C.I.

HOUSING UNIT: 1C 6B

WORK ASSIGNMENT: Food Service Worker

WLF
10/27/16
B

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant #
gripes about his max-out date calculation which is
to be wrong, no even pointing to Bo. V. Moore
(199); see also AL-SHAHAZZ v. SCDC, SE2d
(2000); Audit; 38 years x 5 = 190 days; 366 days in
leap year; 1 day every 4 year, from 1980 to 2010 = 10 days; 600
time created on 206 days set forth above herein equal 4 2/3 months
RSTM # 16-264140, 10.21.16 12:43pm. He points EWC's is wrong.

a. ACTION REQUESTED: Do audit, calculate correct max-out date;
computer calculated date on 360 days year. There must be
correct adjustment. The Moore set forth correct calculations.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

RSTM # 16-264140

Isiah James, Jr. 10.23.16

Grievant Signature

Date

ACTION TAKEN BY IGC:

This is in reference to Inmate Grievance No. 0886-16.

Central Classification will review your record and make a determination as to whether
your max-out time warrants recalculation. Once the process has been completed, you
will be notified of the outcome.

- ☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

SCDC 10.5 (Rev. November 1997)

Betty Parker 10/5/16

IGC Signature

Date

Grievant Signature

Date

5

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

Exhibit 8

INMATE NAME: Isiah JAMES, Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service DetailGrievance No. GI 0020-17Code: General

Policy: _____

Disc. Hear. _____

Class. _____

PREA _____

Date Received _____

IGC Initials _____

BB 2/21/17

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant gripes about max-out (sentence expiration) date which has been wrongfully calculated for a long time: 1. Thereby, it caused James to be illegally classified under Al-SHAZZ v. State, 527 S.E.2d 742, 7 (2000) (citing Burke v. Moore) Moore set forth the proper calculation of goodtime credit(s) which has not been applied to grievant; the computer computes goodtime, earn work credit(s)* on 360 days year where James served 365 days year for 38 years (or nearly 38) $\times 5 = 190$ days; 366 days in a leap year; 1 day every 4 years from 1980-2016 = 10 days; total 200 days @ 20 days per month = 140 days or 4 2/3 months which has not been deducted.

EWG's are wrongfully calculated without adjustment(s); he was denied vote custody when he was eligible through liberty interest; as well as level(s) 2/5

2/7 credit(s) wrongfully under mis-calculated sentence expiration date;

*EWG's 498 SE 2nd 003 C

ACTION REQUESTED:

Correct & give notice of release date.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

TSV # 16-264140; 10.21.16 12:43 PM

16-370666

17-455081

Isiah James, Jr. 2-16-17

Grievant Signature

Date

(CONTINUE ON REVERSE SIDE)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

ME BY: 4/11/17
Exhibit 7

INMATE NAME: JAMES, Isaiah Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service Warehouse

Office Use Only
Grievance No. GCJ 0020-17
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received 4/10/17
IGC Initials BB

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): It is apparent the institutional head is not inform of SCDC year of 360 days or 30 days per month. As it is set forth in the step 1 when James serves a year, it is 365 and 366 days a year, he has documents from years back when his sentence expiration date was in 2018, 2020, 2022; it must be simple mathematics — there are not adjustments on days serve, days worked 21 & 22 days per month and failure to award extra goodtime what he has earned over the last 3-4 decades. But see Step 1
Grievance for claim(s)

Isiah James 4-8-17
Grievant Signature Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that your max-out date has been calculated incorrectly. The Warden responded to your concern on SCDC 10-5, Inmate Grievance Form Step 1 dated March 31, 2017. You have been informed that SCDC is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. You have further been informed that any sentence recalculation that you are entitled to will be conducted after informing you of such. You are advised to wait until this process is completed so that any and all sentence corrections that may be required in your case will be made.

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.

John D. [Signature] 5/15/17
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 5-23-17
Grievant Signature Date

K Heil 5/23/17
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

7

SCDC 10-5 (Rev. May 2013)

WARDEN'S DECISION AND REASON:

This is in reference to Inmate Grievance No. 0020-17.

Each institution received a list of names of inmates whose case pertain to Hayes v. State 2017. The institutions Records Division will determine if your case is eligible by conducting an audit and recalculation of your sentence if warranted. Once this process has taken place, you will be notified of any changes by your case manager or caseworker.

If your name is not on the list received by Records Division that would mean you do not qualify under Hayes v. State 2017.

Therefore, your grievance is denied.

If you are not satisfied with my decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

1. [Signature] 3/31/17
Warden Signature

Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.

[Signature]
Grievant Signature

4/6/17
Date

[Signature]
IGC Signature

4/6/17
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant.

Docket No. 17-ALJ-04-0300-AP
Grievance No.: GCI 20-17

vs.

South Carolina Department of Corrections,

Respondent.

ORDER OF REMAND

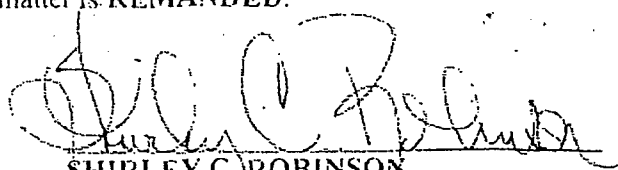
This matter is before the South Carolina Administrative Law Court ("the Court" or "the ALC") pursuant to the appeal filed by Isiah James, Jr. ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("the Department" or "SCDC"). Appellant filed a step 2 grievance with the Department on April 8, 2017 contending that his max-out date has been calculated incorrectly. On May 23, 2017, the Department issued a final agency response denying Appellant's grievance on the basis that the Department is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. On June 6, 2017, Appellant filed an appeal with this Court to the Department's decision asserting that his sentence was calculated incorrectly.

Because the Department denied Appellant's Step 2 grievance, it was procedurally proper for Appellant to appeal the matter before this Court. However, the Department has not truly made a final decision on the matter as the Department is in the process of reviewing inmates' sentencing sheets and NCIC reports. Therefore, it would be premature for the Court to decide on this matter prior to the Department completing the process of recalculating the Appellant's sentence. See Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Based on the foregoing,

IT IS HEREBY ORDERED that this matter is **REMANDED**.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

June 15, 2017
Columbia, South Carolina

FILED

JUN 15 2017

SC ADMIN. LAW COURT

Exhibit 4

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

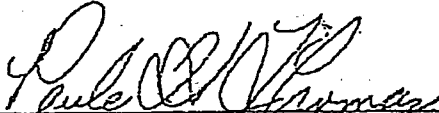
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

The appellant filed a notice of appeal from an order of the Administrative Law Court remanding this case to the Department of Corrections for further action. *See The Charlotte-Mecklenburg Hospital Auth. v. S.C. Dep't of Health & Envi'l Control*, 387 S.C. 265, 267; 692 S.E.2d 894, 894 (2010) ("If there is some further act which must be done by the court prior to a determination of the rights of the parties, the order is interlocutory."). The Supreme Court transferred this appeal to this Court for disposition. Accordingly, this appeal is dismissed.¹ The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:

Isiah James, Jr., 096883
Salley W. Elliott, Esquire

FILED

June 30, 2017

¹ Based on this disposition, we decline to consider the appellant's motion to proceed in forma pauperis.

Exhibit 2

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

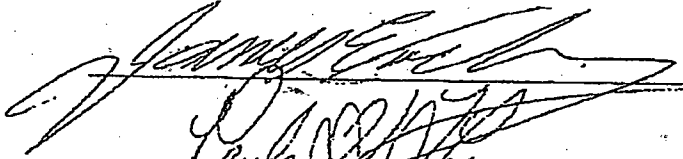
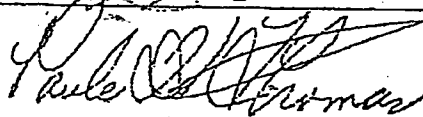
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence; there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.
 J.
 J.

Columbia, South Carolina

cc:

Isiah James, Jr., 096883

Salley W. Elliott, Esquire

FILED

August 9, 2017

10



Exhibit 1

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
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccouris.org

September 19, 2017

The Honorable Jana E. Shealy
1205 Pendleton Street
Columbia SC 29201

RECEIVED

SEP 21 2017

REMITTITUR

GENERAL COUNSEL

Re: Isiah James, Jr. v. SC Dept. of Corrections
Lower Court Case No. 2017ALJ040300AP
Appellate Case No. 2017-001446

Dear Clerk of Court:

Enclosed.

Enclosure

cc: Isiah James, Jr., 096883
Christina Catoe Bigelow, Esquire

//

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH
INMATE CORRESPONDENCE

INMATE: Isiah James, Jr. | 096883
INSTITUTION: Goodman Correctional Institution | B-2-0039-B
FROM: Atty. Sherman L. Anderson, Chief
Inmate Grievance Branch | Office of General Counsel
SUBJECT: Update Sentence Calculation – Court Order of Remand
DATE: October 23, 2017

This is an update on your sentence calculation that was the subject matter of Judge Robinson's Order dated June 15, 2017. It appears that your SCDC incarcerated sentence has been adjusted. Your Projected Release Date is 12/06/2022 and your Projected Parole Date is 10/18/2019.

If you have any questions, please feel free to contact me.

Thank you.

EXHIBIT 2

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-II

Grievance No.: GCI 20-17

ORDER OF DISMISSAL

RECEIVED
JAN 11 2013
SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). On October 23, 2017, the Department notified Appellant of an update to his sentence calculation which resulted in an adjustment to his projected release date. Appellant did not appeal the matter by filing a step 1 or step 2 grievance, but instead, he filed an appeal with the ALC.

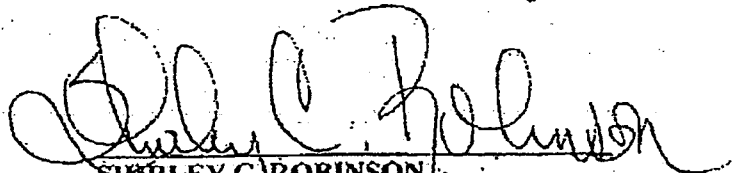
Section 1-23-380 of the South Carolina Code (Supp. 2017) provides "[a] party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review." See Al-Shabazz v. State, 338 S.C. 354, 376, 527 S.E.2d 742, 754 (2000) ("An inmate may, however, seek review of the Department's final decision by an ALJ in a non-collateral or administrative matter."); Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Because the Appellant failed to exhaust his administrative remedies prior to filing his appeal, the ALC lacks jurisdiction to review this matter, and the appeal must be dismissed.

THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED**.

AND IT IS SO ORDERED.

December 29, 2017
Columbia, South Carolina


SHIRLEY C. ROBINSON
Administrative Law Judge

FILED

DEC 29 2017

SC ADMIN. LAW COURT

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-IJ

Grievance No.: GCI 20-17

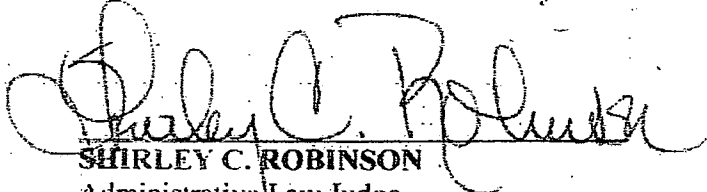
ORDER

This matter was before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate previously incarcerated with the South Carolina Department of Corrections (Department). On December 29, 2017, the Court issued an order dismissing this matter for Appellant's failure to exhaust his administrative remedies. Following entry of the dismissal order, the Department informed the Court that Appellant had gone through the Department's internal grievance process prior to filing his appeal with this court. Although, the dismissal of Appellant's appeal was based on an incorrect assumption that because no step-2 grievance decision was included with the appeal, Appellant failed to exhaust his administrative remedies, this Court's order will not be rescinded.

In the notice of appeal, Appellant wrote the following as his general statement of the grounds for appeal: "He set forth claims, grounds, issues in 6-1-17 notice of appeal." Also, the grievance number shown on Appellant's appeal notice is the same grievance number associated with an earlier appeal filed by Appellant. The earlier appeal was decided by this Court and an Order was entered on June 15, 2017.

Because it is apparent that Appellant is appealing a matter that has already been decided, I find that the appeal was properly dismissed.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

January 12, 2018
Columbia, South Carolina

FILED

JAN 12 2018

14

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.

RESPONDENT.

CERTIFICATE OF APPELLANT

Appellant hereby certifies that the Record on Appeal contains all of the material(s) proposed to be included by any of the parties and not any other material(s).

This 16 day of October
2019

/s/ Isiah James, Jr.
Isiah JAMES, Jr.

PROOF OF SERVICE

James certifies he served SCDC by forwarding a copy of the 'RECORD' to respondent's counsel Christina C. Bigelow, POB 21787, Columbia, SC 29221 this 16 day of October 2019.

S/ Isiah James, Jr.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

SHIRLEY C. ROBINSON, ADMINISTRATIVE LAW JUDGE

Appellate Case No. 2018-000035

Docket No. 17-ALJ-04-0591-LJ

ISIAH JAMES, JR.,

APPELLANT,

V.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

RECORD ON APPEAL

**Isiah James, Jr.
1810 O Street
Brunswick, Georgia 31520-5445**

**Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508**

ATTORNEY FOR RESPONDENT

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REVIEW

JAMES IR.

SCDC NUMBER: 96883

RECLASSIFICATION REVIEW: 12/15/94

CURRENT LOCATION: 0232

SUSPECTED RELEASE AND PROGRAM ELIGIBILITY DATES AS OF: 04/15/94

- A) SENTENCE EXPIRATION (MAXOUT) 04/25/22
- B) INITIAL PAROLE ELIGIBILITY 02/01/88
- C) NEXT SCHEDULED PAROLE HEARING 03/02/95
- D) WORK RELEASE ELIGIBILITY 02/01/86
- E) INMATE WORKER ELIGIBILITY 09/24/82

D) DATES (ABOVE) ARE BASED ON THE FOLLOWING INFORMATION:

- A) CURRENT SENTENCE SERVING YRS MO DYS 85 0 0
- B) SENTENCE START DATE 12/14/78
- C) CURRENT KNO LEVEL/ASSIGNMENT 02

3) ST. LARSEN LOCATION REVIEW:

- A) YOUR CUSTODY/SECURITY LEVEL PRIOR TO REVIEW AL2
- B) YOUR REVIEW RESULTED IN A NET SCORE OF 305 WHICH INDICATES AL3
- C) CUSTODY/SECURITY LEVEL
- D) THE CLASSIFICATION COMMITTEE:

4) THE PROPOSED ACTION REQUIRED FURTHER APPROVAL BY THE FOLLOWING AUTHORITIES:
WARDEN *Override to remain in AL2 custody.*

(YOUR CLASSIFICATION CASEWORKER WILL NOTIFY YOU WHEN A FINAL DECISION IS MADE)

5) YOUR NEXT RECLASSIFICATION REVIEW HAS NOT BEEN SCHEDULED

6) RECOMMENDATIONS FOR YOUR NEXT REVIEW PERIOD ARE AS FOLLOWS:

*Problem Solving*7) COMMENTS: *Recommendation for AL2 custody is based on the fact that the inmate is a problem solver and has no other issues.*S/ _____
CLASSIFICATION SUPERVISOR OR CASEWORKER

DATE

INSTITUTIONAL RECORDS
CENTRAL RECORDS

CLASSIFICATION REPORT DATED 1-20-97

DC # 46883 NAME: James Isiah DORM: B5
SECURITY/CUSTODY MO PROJ. MAXOUT DATE: 9-16-2020
TOTAL INCARC. SENT 85 Yrs. _____ Mos. _____ Dys. PROJ. PAROLE DATE: 2-21-97
EWC JOB: Canteen Operator EDUC.PGM: _____
EWC LEVEL: 287 EEC LEVEL _____ ASSIGNMENT: Canteen

* * * * *

STIC
REVIEW

CDC NL
NT

CM

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

01/13/99

SMITHKIM

SCDC ID: 00096883

LOC: RIDGELAND

JAMES, JR., ISIAH

~~OFFENDER CATEGORY: UNCLASSIFIED~~

CURR SENT SERVING CAT: UNCLASSIFIED

OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR...:

TOTAL SENTENCE...: 085-00-000 CONSECUTIVE SENTENCE...: Y

CURRENT SENTENCE: 085-00-000 CURRENT SENT START DATE: 12/14/1978

PROJECTED COMPLETION DATES

MAXOUT DATE: 11/26/2023 CURRENT EWC ..: 3 F 5

YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE: 02/01/1988 NEXT PAROLE HEARING DATE: 03/18/2001

TOTAL GT DAYS EARNED: 004740

LABOR CREW/WORK PROG DATE: 99/99/9999

TOTAL EARNED WORK CREDITS ...: 001565

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS: 000000

OFFENSE > CAT 3

TOTAL EXTRA EARNED CREDITS ..: 000

TOTAL SERVICE TIME EARNED ...: 007229

PFKEYS: 5: HISTORY OF DATE CHANGES

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

STEP 2

INMATE NAME: ISIAH JAMES, JR.

SCDC NUMBER: 96883

INSTITUTION: RIDGELAND

SEP 08 2011

HOUSING UNIT: GA-52

WORK ASSIGNMENT: EDUCATION - LIBRARY

INMATE GRIEVANCE

Office Use Only

Grievance No. RCI-0503-11

Code: General CL/PL

Policy

Disc. Hear.

Class.

Date Received 8/31/11

IGC Initials

10-14-11

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): GRIEVANT APPEALS AND CRIPES 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. SCDG, 665 S.E.2d 231, 235 (S.C. App. 2008). JAMES WAS TRANSFERRED FROM BUTCHER 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 ARBITRARY. 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.

Grievant Signature

Date 8-21-11

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.

Therefore, your grievance is resolved.

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.

Signature

Date 2/15/12

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 2/23/12

IGC Signature M.E. Montoya

Date 2/23/12

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Isiah JAMES, Jr.SCDC NUMBER: 096883INSTITUTION: WALDEN C. I.HOUSING UNIT: 1C 6BWORK ASSIGNMENT: Food Service Worker

Office Use Only

Grievance No. 0886-16

Code: General

Policy

Disc. Hear.

Class.

Date Received

IGC Initials

10/31/16BB

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy indicate which policy)

Grievant #
 grieves about his max-out date calculation which is
 to be wrong, no even pointing to Bo. V. Moore # 107
 (199); see also AL-SHAHAZZ v. SCDC, SE2d
 (2000); Audit; 38 years x 5 = 190 days; 366 days in
 leap year; 1 day every 4 year, from 1980 to 2016 = 10 days; 60 days
 time created on 206 days set forth above herein equal 4 2/3 months
 RTSM # 16-264/40; 10.21.16 12:43 pm, He points EWC's is wrong.
 a. ACTION REQUESTED: Do audit, calculate correct max-out date;
 computer calculated date on 360 days year. There must be
 correct adjustment. The Moore set forth correct calculations.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

RTSM # 16-264/40

Isiah James, Jr. 10/23/16
 Grievant Signature Date

ACTION TAKEN BY IGC:

This is in reference to Inmate Grievance No. 0886-16.

Central Classification will review your record and make a determination as to whether
 your max-out time warrants recalculation. Once the process has been completed, you
 will be notified of the outcome.

- ☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

Betty Borden 10/5/16
 IGC Signature Date

Grievant Signature Date

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Exhibit 8

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: Isiah JAMES, JR.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food (Service Detail)Grievance No. GI 1820-17

Code: General

Policy

Disc. Hear.

Class.

PREA

Date Received

IGC Initials

BB 2/21/17

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

Grievant gripes about max-out (sentence expiration) date which has been wrongfully calculated for a long time: 1. Thereby, it caused James to be illegally classified under Al-SHAHAZZ v. State, 527 S.E.2d 742, 7 (2000) (citing Burke v. Moore) Moore set forth the proper calculation of goodtime credit(s) which has not been applied to grievant; the computer computes goodtime, earn work credit(s) on 360 days year where James served 365 days year for 38 years (or nearly 38) $\times 5 = 190$ days; 366 days in a leap year; 1 day every 4 years from 1980-2016 = 10 days; total 200 days @ 20 days per month = 140 days or 4 2/3 months which has not been deducted.

EWG's are wrongfully calculated without adjustment(s); he was denied MOLE custody when he was eligible through liberty interest; as well as level(s) 2/5 2/7 credit(s) wrongfully under mis-calculated sentence expiration date;

*EWG's 448 SE 2nd 883 C)

ACTION REQUESTED:

Correct & give notice of release date.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

TSM # 16-264140; 10.21.16 12:43 PM

16-370666

17-455081

Isiah James, Jr. 2-16-17

Grievant Signature

Date

(CONTINUE ON REVERSE SIDE)

P.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Exhibit 7

Office Use Only

Grievance No. 601-0020-17
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class. ✓
 Date Received 4/10/17
 IGC Initials BB

INMATE NAME: JAMES, Isaiah Jr.SCDC NUMBER: 096883INSTITUTION: GoodmanHOUSING UNIT: B-2-39BWORK ASSIGNMENT: Food Service Warehouse

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

It is apparent the institutional head is not inform of SCDC year of 366 days or 30 days per month. As it is set forth in the step 1 when James serves a year it is 365 and 366 days a year, he has documents from years back when his sentence expiration date was in 2018, 2020, 2022; it must be simple mathematics — there are not adjustments on days serve, days worked 21 & 22 days per month and failure to award extra goodtime what he has earned over the last 3-4 decades. But see Step 1 grievance for claims.

Grievant Signature

Date

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

I have reviewed your concern. In your grievance you stated that your max-out date has been calculated incorrectly. The Warden responded to your concern on SCDC 10-5, Inmate Grievance Form Step 1 dated March 31, 2017. You have been informed that SCDC is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. You have further been informed that any sentence recalculation that you are entitled to will be conducted after informing you of such. You are advised to wait until this process is completed so that any and all sentence corrections that may be required in your case will be made.

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

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)

7

SCDC 10-5 (Rev. May 2013)

WARDEN'S DECISION AND REASON:

This is in reference to Inmate Grievance No. 0020-17.

Each institution received a list of names of inmates whose case pertain to Hayes v. State 2017. The Institutions Records Division will determine if your case is eligible by conducting an audit and recalculation of your sentence if warranted. Once this process has taken place, you will be notified of any changes by your case manager or caseworker.

If your name is not on the list received by Records Division that would mean you do not qualify under Hayes v. State 2017.

Therefore, your grievance is denied.

If you are not satisfied with my decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

Kenneth B. Weaver 3/31/17
Warden Signature

Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.

Graham Jones, II
Grievant Signature

4/6/17
Date

Billy Parker
IGC Signature

4/6/17
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant.

Docket No. 17-ALJ-04-0300-AP
Grievance No.: GCI 20-17

vs.

South Carolina Department of Corrections,

Respondent.

ORDER OF REMAND

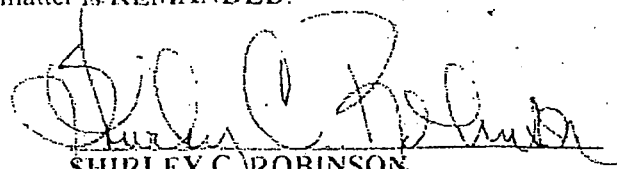
This matter is before the South Carolina Administrative Law Court ("the Court" or "the ALC") pursuant to the appeal filed by Isiah James, Jr. ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("the Department" or "SCDC"). Appellant filed a step 2 grievance with the Department on April 8, 2017 contending that his max-out date has been calculated incorrectly. On May 23, 2017, the Department issued a final agency response denying Appellant's grievance on the basis that the Department is in the process of reviewing affected inmates' sentencing sheets and NCIC reports. On June 6, 2017, Appellant filed an appeal with this Court to the Department's decision asserting that his sentence was calculated incorrectly.

Because the Department denied Appellant's Step 2 grievance, it was procedurally proper for Appellant to appeal the matter before this Court. However, the Department has not truly made a final decision on the matter as the Department is in the process of reviewing inmates' sentencing sheets and NCIC reports. Therefore, it would be premature for the Court to decide on this matter prior to the Department completing the process of recalculating the Appellant's sentence. See Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Based on the foregoing,

IT IS HEREBY ORDERED that this matter is REMANDED.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

June 15, 2017
Columbia, South Carolina

FILED

JUN 15 2017

SC ADMIN. LAW COURT

Exhibit 4

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

The appellant filed a notice of appeal from an order of the Administrative Law Court remanding this case to the Department of Corrections for further action. *See The Charlotte-Mecklenburg Hospital Auth. v. S.C. Dep't of Health & Env'tl Control*, 387 S.C. 265, 267; 692 S.E.2d 894, 894 (2010) ("If there is some further act which must be done by the court prior to a determination of the rights of the parties, the order is interlocutory."). The Supreme Court transferred this appeal to this Court for disposition. Accordingly, this appeal is dismissed.¹ The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


_____, J.
FOR THE COURT

Columbia, South Carolina

cc:

Isiah James, Jr., 096883
Salley W. Elliott, Esquire

FILED

June 30, 2017

¹ Based on this disposition, we decline to consider the appellant's motion to proceed in forma pauperis.

Exhibit 2

The South Carolina Court of Appeals

Isiah James, Jr., Appellant,

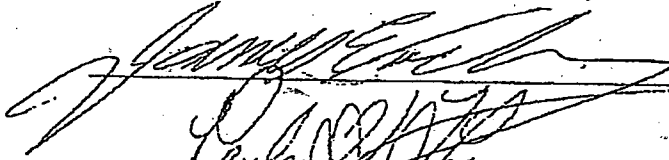
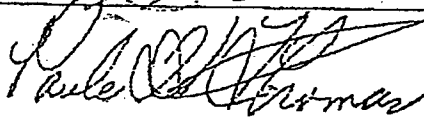
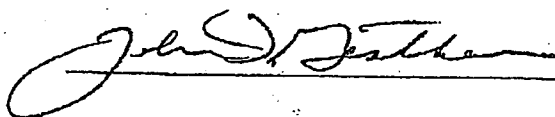
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001446

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence; there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.
 J.
 J.

Columbia, South Carolina

cc:

Isiah James, Jr., 096883
Salley W. Elliott, Esquire

FILED

August 9, 2017

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Exhibit 1

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
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 19, 2017

The Honorable Jana E. Shealy
1205 Pendleton Street
Columbia SC 29201

RECEIVED

SEP 21 2017

REMITTITUR

GENERAL COUNSEL

Re: Isiah James, Jr. v. SC Dept. of Corrections
Lower Court Case No. 2017ALJ040300AP
Appellate Case No. 2017-001446

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Isiah James, Jr., 096883
Christina Catoe Bigelow, Esquire

//

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL—INMATE GRIEVANCE BRANCH
INMATE CORRESPONDENCE

INMATE: Isiah James, Jr. | 096883
INSTITUTION: Goodman Correctional Institution | B-2-0039-B
FROM: Atty. Sherman L. Anderson, Chief
Inmate Grievance Branch | Office of General Counsel
SUBJECT: Update Sentence Calculation – Court Order of Remand
DATE: October 23, 2017

This is an update on your sentence calculation that was the subject matter of Judge Robinson's Order dated June 15, 2017. It appears that your SCDC incarcerated sentence has been adjusted. Your Projected Release Date is 12/06/2022 and your Projected Parole Date is 10/18/2019.

If you have any questions, please feel free to contact me.

Thank you.

EXHIBIT 2

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-IJ

Grievance No.: GCI 20-17

ORDER OF DISMISSAL

RECEIVED

JAN 11 2018

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to a Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). On October 23, 2017, the Department notified Appellant of an update to his sentence calculation which resulted in an adjustment to his projected release date. Appellant did not appeal the matter by filing a step 1 or step 2 grievance, but instead, he filed an appeal with the ALC.

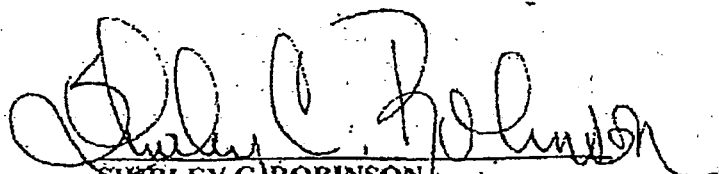
Section 1-23-380 of the South Carolina Code (Supp. 2017) provides "[a] party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review." See Al-Shabazz v. State, 338 S.C. 354, 376, 527 S.E.2d 742, 754 (2000) ("An inmate may, however, seek review of the Department's final decision by an ALJ in a non-collateral or administrative matter."); Bennett v. S.C. Dep't of Corr., 305 S.C. 310, 313, 408 S.E.2d 230, 231-32 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

Because the Appellant failed to exhaust his administrative remedies prior to filing his appeal, the ALC lacks jurisdiction to review this matter, and the appeal must be dismissed.

THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED**.

AND IT IS SO ORDERED.

December 29, 2017
Columbia, South Carolina


SHIRLEY C. ROBINSON
Administrative Law Judge

FILED

DEC 29 2017

SC ADMIN. LAW COURT

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Isiah James, Jr., 096883,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No.: 17-ALJ-04-0591-II

Grievance No.: GCI 20-17

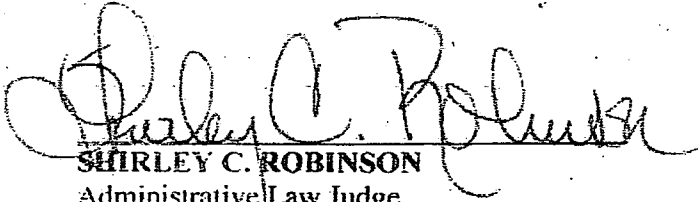
ORDER

This matter was before the South Carolina Administrative Law Court (ALC) pursuant to the Notice of Appeal filed November 21, 2017 by Isiah James, Jr. (Appellant), an inmate previously incarcerated with the South Carolina Department of Corrections (Department). On December 29, 2017, the Court issued an order dismissing this matter for Appellant's failure to exhaust his administrative remedies. Following entry of the dismissal order, the Department informed the Court that Appellant had gone through the Department's internal grievance process prior to filing his appeal with this court. Although, the dismissal of Appellant's appeal was based on an incorrect assumption that because no step-2 grievance decision was included with the appeal, Appellant failed to exhaust his administrative remedies, this Court's order will not be rescinded.

In the notice of appeal, Appellant wrote the following as his general statement of the grounds for appeal: "He set forth claims, grounds, issues in 6-1-17 notice of appeal." Also, the grievance number shown on Appellant's appeal notice is the same grievance number associated with an earlier appeal filed by Appellant. The earlier appeal was decided by this Court and an Order was entered on June 15, 2017.

Because it is apparent that Appellant is appealing a matter that has already been decided, I find that the appeal was properly dismissed.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

January 12, 2018
Columbia, South Carolina

FILED

JAN 12 2018

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