

THE SOUTH CAROLINA COURT OF APPEALS

IN THE COURT OF APPEALS

Initial Brief Appellate First Amend

TO THE COURT OF APPEALS

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NOV 07 2019

SC Court of Appeals

Appeal From South Carolina Administrative Law Court

Honorable Milton G. Kimpson South Carolina

Administrative Law Court Judge

Filed November 6 2019

James Anthony Primus 252315 Appellate Pro Se

v.

SOUTH CAROLINA Department of Correction Respondent

MOTION FOR Leave to File Amended Case File
motion to ReLay

Record Docket 18-ALJ-04-0100 AP/2019-001277

Initial Brief Amend

James Anthony Primus 252315

James Anthony Primus Pro Se

MacDougal Correctional Inst.

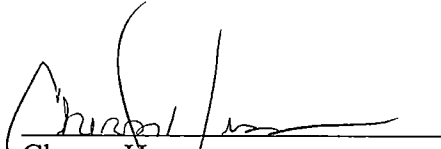
1516 Old Gilliard Road

Ridgeville S.C. 29472

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
RESPONSE TO INMATE CORRESPONDENCE**

TO: Inmate James Primus
SCDC #: 252315
INSTITUTION: MacDougall Correctional Institution
FROM: Cheron Hess
DATE: October 21, 2019
RE: Docket# 18-ALJ-04-0100-AP/2019-001277

It is my understanding, per your Request to Staff we received via the Kiosk dated October 14, 2019 (Kiosk Reference Number 19-01408555), that due to various reasons you are missing documentation pertaining to the above referenced case. I am forwarding a copy of our case file for your records.


Cheron Hess
Administrative Coordinator

Attachments – Case File of 18-ALJ-04-0100-AP

James Anthony Primus
Maconougall Correctional Inst
Magnolia Unit 2 D24A
1516 old Gilliard Rd
Ridgeville S.C 29472
3-29-18

S.C. Dept of Corrections
Office General Counsel
P.O. Box 21787
Columbia S.C. 29221

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MAR 29 2018
GENERAL COUNSEL

Dear Counsel

Please find enclosed Appellant Brief

Please accept this with my kindest regards

Sincerely
James Anthony Primus

STATE OF SOUTH CAROLINA
Administrative Law Court

James Anthony Primus 252315
Appellant

CIA 18 CO 100

V.

Grievance NO. MACD 146-17

South Carolina Department of
Corrections

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RESPONDENT

GENERAL COUNSEL

This matter is before the South Carolina Administrative Law Court (ALC or COURT) Pursuant to Notice of Appeal filed by Appellant James Anthony Primus 252315 above named who is incarcerated in the South Carolina Department of Corrections (Department or SCDC) Inmate is appealing a Step two decision that upheld his Appeal and modified re interpretation of Inmate A B HAW Sentence Inmate now request that he should be entitled to a Declaratory action in Circuit Court As will be stated below Appellant Has not received the Due process he is entitled to

~~Standard of Review~~

~~This Court Jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court~~

Over view

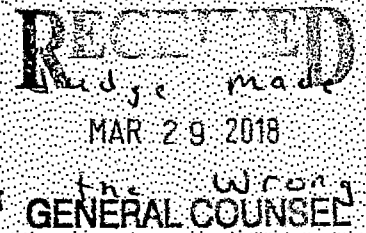
Appellant was sentenced on 1 September 1998 to thirty years for kidnapping plus ten years for ABHAW consecutively. Sentence Appellate is now serving Appellate sentencing a scrivener's error by checking the wrong box on Appellant sentencing sheet Judge Brown check the box PLEA instead of Trial Appellant filed Grievance IS AJS-04 0257-AP now SCOC want to interpret ABHAW by the statute 16-3-652 which is and violent statute that would change Appellant to 85 per cent which Appellate would be incarcerated for and longer period of time that would be fraud and attempt to deceive Appellant ABHAW conviction do not support a crime kidnapping there was no abduction no threats no coercion victim left of her own free will

Primus v. State 535 S.E.2d 152 ct. 2000

Primus v. State 564 S.E.2d 103-109

Validity of sentence Eagle v. OHES 755 S.E.2d 444-449

Hicks v. State 659 S.E.2d 499 4



In Trial original transcripts Judge Brown instructed the Jury to Deliberate the Sexual Conduct offenses First and then charge the Jury with kidnapping which Judge Brown explain how another crime come out of and Greater crime Judge Brown charge the Jury with another ABHAN No arrest warrant No Indictment Just using the metaphor that another crime can come out of the kidnapping Phillip v. State 314 S.E.2d 313

Step 1 and 2 States that Appellate Sentence for Abhan was modified and His Due Process rights were violated and is entitled to and Declaratory Judgment
Judicial Official

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BY END
MAR 29 2018

GENERAL COUNSEL

Conclusion

Appellant Sentence Has been Reinterpreted Four times Since His Incarceration without And Declaratory Judgment Tant v. SCOC 759 SE2d 30 state it is not the Inmate Responsibility

When the Appellant is not satisfied with
the Reinterpretation of sentence it is
the S.C. Dept of Correction Responsibility

March 27 2018

Respectfully Submitted

James Anthony Finner 2523
1516 Old Gilliard Rd
Ridgeville S.C. 29472

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MAR 29 2018
GENERAL COUNSEL

STATE OF SOUTH CAROLINA

COUNTY OF DORCH

10-7-17
10

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

MAGDOUGALL CI
0146-17

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>James Anthony Primus</u>	OFFICE USE ONLY
SCDC NUMBER: <u>252315</u>	Grievance No. <u>MACD-046-17</u>
INSTITUTION: <u>Mac Dougall</u>	Code: General
HOUSING UNIT: <u>magnolia unit 2 D5A</u>	Policy
WORK ASSIGNMENT: <u>CHAPEL</u>	Disc. Hear.
	Class. <input checked="" type="checkbox"/>
	PREA
	Date Received <u>10/2/17</u>
	IGC Initials <u>JP</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCD Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) 9-27-2017

Challenge to S.C.D.C. Policy GA-01-13 Duty to warn Kiosk 2018

17-679421 I spoke to MR Tucher in classification

I was informed by MR Tucher that my A.B.HAW conviction is being interpreted by the Judge CDR Code and He explain this was being done by S.C.D.C. since 1997 and now I see my A.B.HAW sentence is being interpreted by the Statute I disagree with this Analogy due to the fact A.B.HAW is and lesser included offense of CSC 1 in which I went to trial and a jury acquitted me of CSC 1 statute charged in this offense 16-3-652 and all other greater offenses I believe that this interpretation must be made by a judicial officer and not by an executive Agency.

James Anthony Primus
Grievant Signature Date 9-27-17

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GENERAL COUNSEL

ACTION REQUESTED: S.C.D.C. to bring a Declaratory action in the Circuit Court of General Session S.C. Code Ann. 15-53-20 (2005)

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

Frances Johnson 10/2/17
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Inmate James Primus 252315:

This is in response to MacD-0146-17 your concern has been reviewed. You state that you're ABHAN conviction is being interpreted by the Judge CDR code and he explained this was being done by SCDC since 1997 and now you see your ABHAN sentence is being interpreted by the statue. You disagree with this analogy due to the fact ABHAN is a lesser included offense of CSCI in which you went to trial and, jury acquitted you of CSCI statue charged in this offense. You further believe that this interpretation must be made by a judicial offers and not by an executive agency. You are requesting SCDC to bring a declaratory action in the circuit court of general session SC code Ann. 15-53-20 (2005.) I have contacted Mr. Tucker Classification Case Worker. He stated that the statues are the law. The statute represents the code of laws of the state of SC and law as developed by the courts and the only governing authorities in criminal law. The CDR code is designed for the use by court officials and staff in processing case files for criminal defendants in summary and circuit courts. This is how state statues and CDR codes are used. Based on this information your grievance **denied.**

Joseph T. Tucker 11-24-17
Warden Signature Date

Based on this information, I consider this matter denied. If you are not satisfied with my response, see Step 5 below.

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

James A. Primus 11-29-17
Grievant Signature Date

Frances Johnson 11/27/17
IGC Signature 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 or Kiosk reference number 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 it in the Grievance Box at your institution within eight (8) working 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) working 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, by placing your Step 2 appeal form in the Grievance Box at your institution.

Ex B

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE COURT OF GENERAL SESSIONS

CERTIFIED COPY 97-GS-18-1045
INDICTMENT/CASE #

STATE VS Court of 2007 JAN 30 PM 3:58

James A. Primm
AKA James A. Primm
Race: B Sex: M
DOB: 6-10-59 Age: 47
SSN: 248-12-6872
DL#:
SID#:

A/W#: E091998
Date of Offense: 7-13-97
S.C. CODE §: 16-3-652
CDR Code #: 13

CLERK OF COURT
DORCHESTER COUNTY

SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO Assault & Battery of a High and Aggravated Nature in violation of § 16-3-652 of the S.C. Code of Laws, bearing CDR Code # 13

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury

The plea is: Without Negotiations or Recommendation Negotiated Sentence

Recommendation by the State

MAR 29 2018

ATTEST
Margaret M. Chase
Solicitor

Defendant

[Signature]
Attorney for Defendant
GENERAL COUNSEL

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

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

SPECIAL CONDITIONS:

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

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

*Fine..... \$ _____
 §14-1-206 - Assessments 100%..... \$ _____
 §14-1-211 - Surcharge..... \$ 100.00
 (Exceptions: See §14-1-211)
 §5-5-205 (C-UI)..... \$ _____
 TOTAL..... \$ 100.00

Deal E. Sturge
Clerk of Court/Deputy Clerk
Court Reporter: R. Keil

PRESIDING JUDGE
Sentence Date: 9-1-98

Judge Code: 090

WITNESSES

Det. 31115

DOCKET #: 97-0018-1243

THE STATE OF SOUTH CAROLINA
County of Dorchester

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COURT OF GENERAL SESSIONS

MAR 29 2016

Term: September

GENERAL COUNSEL

[REDACTED]

THE STATE

vs.

JAMES ANTHONY POLIUS

[REDACTED]

INDICTMENT FOR

2160

CRIMINAL SEXUAL CONDUCT - FIRST DEGREE

ARREST WARRANT #:

E091998

Arrested on July 13, 1997

ACTION OF GRAND JURY

TRUE BILL

By: _____

Date _____

Foreman: Don Village 7/18/97
Grand Jury

[REDACTED]

VERDICT

- ① Not Guilty of Criminal Sexual Conduct _____
- ② Guilty of Criminal Sexual Conduct in the First Degree _____
- ③ Guilty of Criminal Sexual Conduct in the Second Degree _____
- ④ Guilty of Assault and Battery of a High and Aggravated nature ✓

Port 1 1998

[Handwritten signature]

STATE OF SOUTH CAROLINA)
)
County of Dorchester)

INDICTMENT #97GS18-1045

At a Court of General Sessions, convened on September 18, 1997
the Grand Jurors of Dorchester County present upon their oath:

**COUNT: CRIMINAL SEXUAL CONDUCT - FIRST DEGREE
(16-3-652)**

That James Anthony Primos did in Dorchester County on or about July 13,
1997, wilfully and unlawfully engage in criminal sexual conduct in the first
degree in that James Anthony Primus, engaged in sexual battery with Nikki M.
Scott and did use aggravated force to accomplish such sexual battery .

Against the peace and dignity of the State, and contrary to the statute
in such case made and provided.

SOLICITOR

Margaret Ann Joral

CERTIFIED COPY
2012 MAY 30 AM 10:36
CLERK OF COURT
DORCHESTER COUNTY

C X B
Ex C
STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

James A. Primus, #252315,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)
)

Docket No. 15-ALJ-04-0257-AP

MAR 29 2016

GENERAL COUNSEL

ORDER AFFIRMING DECISION

FILED

NOV 20 2015

SC ADMIN. LAW COURT

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Appellant (Inmate) above named, who is incarcerated in the South Carolina Department of Corrections (Department or SCDC). Inmate is appealing a Step Two decision that upheld his appeal and modified inmate's sentence as requested. Inmate now claims that he should be entitled to a declaratory action in Circuit Court. As will be stated below, Appellant has received the due process he is entitled to.

STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). The Court's appellate jurisdiction in inmate appeals is limited to state created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. Id.

When reviewing the Department's decisions in inmate grievance matters, the Court sits in an appellate capacity. Id. at 756. Consequently, the review in these inmate grievance cases is limited to the Record presented.

An Administrative Law Judge may not substitute his judgment for that of an agency "as to the weight of the evidence on questions of fact." S.C. Code Ann. § 1-23-380(5) (Supp. 2014). Furthermore, an Administrative Law Judge may not reverse or modify an agency's decision unless substantial rights of the Appellant have been prejudiced because the decision is clearly

erroneous in view of the substantial evidence on the whole Record, arbitrary or affected by an error of law. See Section 1-23-380(5); See also Marietta Garage, Inc. v. South Carolina Dep't of Pub. Safety, 337 S.C. 133, 522 S.E.2d 605 (Ct. App. 1999); South Carolina Dep't of Labor, Licensing and Regulation v. Girgis, 332 S.C. 162, 503 S.E.2d 490 (Ct. App. 1998). "Substantial evidence" is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the Record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached or must have reached in order to justify its action." Lark v. Bi-Lo, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981). Accordingly, the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence. Grant v. South Carolina Coastal Council, 319 S.C. 348, 461 S.E.2d 388 (1995).

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LAW/ANALYSIS

Inmate, in his initial Step One Grievance, requested that his sentence sheet correction be accepted by SCDC. Specifically, Inmate requested that his sentence for Assault and Battery of a High and Aggravated Nature (ABHAN) be modified from "pled guilty" to "not guilty," to reflect the change that was made by the Dorchester County Clerk of Court.¹ The Warden's decision, in Inmate's Step One Grievance, stated that "SCDC's system had already changed the Order of Sentence, Warrant #E091998, to change [Inmate's] plea from "GUILTY" to "HAD A JURY TRIAL." (emphasis in original). Inmate appealed the decision, and the Step Two Grievance decision stated that Inmate's sentence was modified and Inmate's grievance was upheld. Now, Inmate, in his appeal to the ALC, claims that his due process rights were violated, and claims that he is entitled to a declaratory action in Circuit Court for clarification of his sentence.

Inmate makes references to Tant v. S.C. Dep't of Corr., 408 S.C. 334, 759 S.E.2d 398 (2014), to support his contention that he is entitled to a declaratory action. Tant specifically states that "whenever the Department alters an inmate's sentence in its records, it must give the inmate formal notice of the change and advise him of his right to file a grievance and obtain a hearing." Id. at 342, 759 S.E.2d at 401. Inmate's sentence, in SCDC's records, was updated on January 14, 2015. Inmate then proceeded to go through the grievance process in regards to his sentence record. SCDC had given Inmate notice of the change and provided him the opportunity to file a grievance

¹ His conviction for ABHAN was for Indictment Number 97-GS-18-1045. Inmate was sentenced to ten years as a result of this conviction for this charge.

and appeal the grievance decision to the ALC. Inmate is not entitled to a declaratory action.²

Upon review of the Record, SCDC has correctly updated Inmate's sentencing records to reflect Inmate's conviction for ABHAN from "guilty" to "not guilty." Further, Inmate has been provided with the due process required, as he was given notice of the change in his sentence and given the opportunity to seek judicial review through the grievance process.

CONCLUSION

Therefore, the order appealed from is **AFFIRMED** and this appeal **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.

November 20, 2015
Columbia, S.C

John D. McLeod

John D. McLeod, Judge
S.C. Administrative Law Court

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GENERAL COUNSEL

SCDC
20 November, 2015
[Signature]
Administrative Law Clerk

² Inmate's argument that he is entitled to a declaratory judgment action is taken from the concurring opinion in the Tant case, and is not the majority decision. Tant, 408 S.C. 334, 347, 759 S.E.2d 398, 404 (Pleicones, J., concurring).

STATE OF SOUTH CAROLINA)
 COUNTY OF DORCHESTER)
 James Anthony Primus, #252315,)
 Applicant,)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIRST JUDICIAL CIRCUIT

2013-CP-18-0382

FINAL ORDER OF DISMISSAL
 MAR 29 2018
 GENERAL COUNSEL
 CLERK OF COURT
 DORCHESTER COUNTY
 2013 NOV 27 PM 3:16
 CERTIFIED COPY

This matter comes before the Court pursuant to an application for post-conviction relief filed March 14, 2013¹. Respondent made its Return and Motion to Dismiss on September 17, 2013, requesting that the Application be summarily dismissed. Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal, signed September 23, 2013 and filed on October 4, 2013, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated October 17, 2013, serving the aforementioned Conditional Order of Dismissal on Applicant.

In a document captioned "Notice of Applicant Objection to Respondent Order of Dismissal" filed September 19, 2013, and received by Respondent September 24, 2013, Applicant set forth reasons why he believed his application should not be summarily dismissed.

¹The Application was received by Respondent on April 3, 2013.

In this response, Applicant alleges he did not voluntarily give his guilty plea. Specifically, Applicant states there was a due process violation because his guilty plea was involuntary, he was subject to double jeopardy, the plea was involuntary because the State failed to disclose exculpatory evidence, he was never made aware of his rights, and Counsel never advised him of the minimum he could be facing if he pled guilty. Applicant has shown no reason why this issue of involuntary guilty plea could not have been raised in his prior post-conviction relief applications or within the statute of limitations for filing a post-conviction relief application pursuant to S.C. Code. § 17-27-45.

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GENERAL COUNSEL

Applicant then filed a document captioned "Addendum to Application for Post-Conviction Relief" on October 3, 2013, which Respondent received on October 7, 2013. In this document, Applicant alleges again there was an involuntary guilty plea, but also states there is after discovered evidence to support his claim. However, Applicant does not provide any specific evidence which would support his claim of involuntary guilty plea. Therefore, Applicant's claim of involuntary guilty plea is without merit and provides no reason why the Conditional Order should not become final.

Subsequently, Applicant filed two documents captioned "Documents Amendment to Post-Conviction Application" and "Motion for Appointment of Counsel" on October 4, 2013, which were received by Respondent on received October 7, 2013². These documents outline the same allegations Applicant raised in his prior filings. Specifically he argues involuntary guilty plea, after discovered evidence, and a Due Process violation due to his involuntary guilty plea. Again, Applicant failed to provide any specific evidence to support his claims of after discovered

² Applicant sent Respondent the same documents on October 8, 2013 that he filed on October 4, 2013.

evidence and involuntary guilty plea. Therefore, this Court finds the October 4, 2013 filing has no bearing on this Final Order of Dismissal.

In a letter dated October 7, 2013, and received by Respondent on October 9, 2013, Applicant sent a page from his Post-Conviction Relief Application. This Court notes the page sent to Respondent by Applicant was already a part of his original application. Therefore, this filing has no merit in the outcome of Applicant's case.

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GENERAL COUNSEL

On October 9 2013, Applicant filed a document captioned "Objection to Conditional Order of Dismissal and Applicant Motion for Reconsideration", which was received by Respondent on October 11, 2013. Applicant alleges that the South Carolina Supreme Court Opinion, McCoy v. South Carolina, No. 27214 (S.C. Sup. Ct. February 6, 2013), supports his Post-Conviction Relief claim. This Court finds that the opinion rendered in McCoy v. South Carolina does not support Applicant's position. Unlike McCoy, Applicant has failed to present any evidence which would prove there is a genuine issue of material fact which has not been already decided in his previous applications. Therefore, this Court finds Applicant's claim without merit and does not affect the outcome of this case.

Applicant then resent the October 9, 2013 filing "Objection to Conditional Order of Dismissal and Applicant Motion for Reconsideration" along with his September 19, 2013 filing "Applicant Objection to Respondent Order of Dismissal", which was received by Respondent on October 23, 2013. For reasons stated previously in this Final Order, Applicant failed to provide any information which would show why this Order should not become final. Applicant has provided no evidence which would amount to newly discovered evidence or involuntary guilty plea. Therefore, his claim is without merit and has not bearing in Applicant's case.

On October 30, 2013 Applicant filed a document captioned "59E Motion to Alter or Amend the Judgment", which was received by Respondent on November 1, 2013. Respondent interpreted this subsequent document not as a 59(e) motion, but as a response to the Conditional Order of Dismissal served upon Applicant on October 17, 2013³. Applicant only set forth that PCR is a proper avenue to challenge being on the sex offender list and that Assault and Battery of a High and Aggravated Nature (ABHAN) is not a lesser included of Criminal Sexual Conduct - first degree. Post-Conviction Relief is not a proper venue for either of the issues raised by Applicant in his filing. Williams v. State, 378 S.C. 511, 662 S.E.2d 615 (Ct. App. 2008).

In a letter dated November 8, 2013, and received by Respondent November 12, 2013, Applicant resent his October 9, 2013 filing captioned "Objection to Conditional Order of Dismissal and Applicant Motion for Reconsideration". As previously discussed, the allegations Applicant raises in the filing are not proper for Post-Conviction Relief.

In a document captioned "Motion for Leave to File an Amended Complaint 59 E Ineffective Assistance of Counsel Adding a New Legal Claim", dated November 12, 2013⁴, and received by Respondent on November 15, 2013, Applicant alleges involuntary guilty plea. Respondent interpreted this subsequent document not as a 59(e) motion, but as a response to the Conditional Order of Dismissal served upon Applicant on October 17, 2013⁵. This allegation has been previously addressed, and this Court finds the allegation without merit. Accordingly, this Court finds no reason why the Conditional Order of Dismissal should not become final.

³ A Rule 59(e) would not be proper since there has been no final disposition of this case. Rule 59, SCRCP. Only a Conditional Order of Dismissal was served upon Applicant at the time he submitted his response.


⁴ Applicant has not filed this document with the Dorchester Clerk of Court.

⁵ A Rule 59(e) would not be proper since there has been no final disposition of this case. Rule 59, SCRCP. Only a Conditional Order of Dismissal was served upon Applicant at the time he submitted his response.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for PCR is hereby denied and dismissed with prejudice.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. The Applicant's attention is directed to Rule 243, SCACR., for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 20th day of November, 2013.


EDGAR W. DICKSON
Chief Administrative Judge
First Judicial Circuit

Orangeburg, South Carolina.

NOV 23 2013
GENERAL COUNSEL

State of South Carolina
Administrative Law Court

James Anthony Primm 282315
Appellant

C/A 18 CO 100

v.

Grievance No Mac 146-

S.C. Dept of Correction
Respondent

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MAR 29 2018

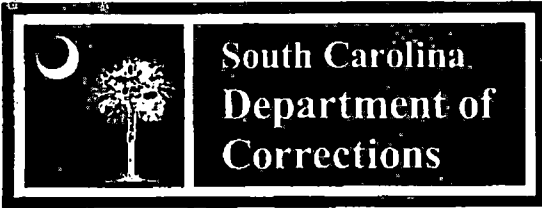
GENERAL COUNSEL

Certificate of Service

The undersigned hereby certifies on 3-29-18
a copy of the foregoing was duly served on
Respondent by depositing the same in the
United States mail first class postage
pre paid addressed as follows Date 3-29-18

S.C. Dept of Corrections
Office General Counsel
P.O. Box 21787
Columbia S.C. 29221
S.C. Admin Law Court
1205 Pendleton St. Suite 224
Columbia S.C. 29201

By
James Anthony Primm
1516 Old Gilliard Rd
Ridgeville S.C. 29472



HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

May 29, 2018

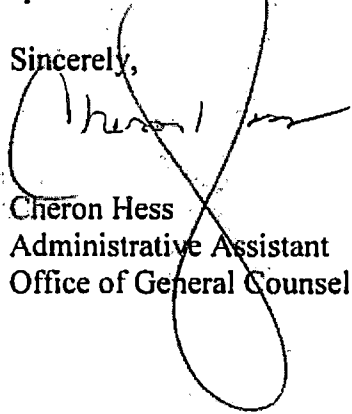
The Honorable Milton G. Kimpson
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

Reference: Inmate James A. Primus, #252315, vs. SCDC
Docket No. 18-ALJ-04-0100-AP

Dear Judge Milton G. Kimpson:

Find enclosed a copy of the Respondent's Record, consisting of Inmate Grievance MACD 146-17, in the above referenced case. Please file the original and return a clocked-in copy of the cover letter in the enclosed envelope.

Sincerely,



Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures

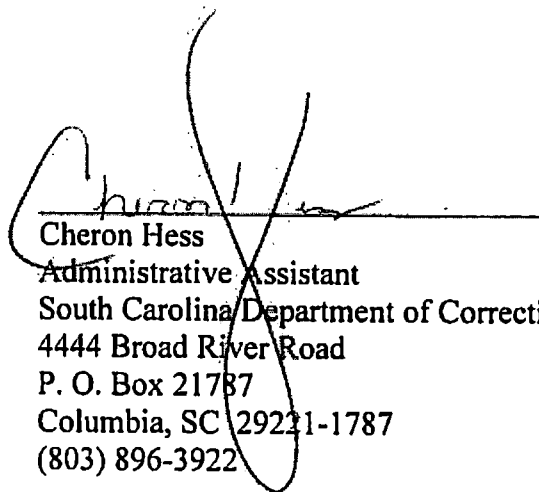
cc: Inmate James A. Primus, #252315
File

CERTIFICATE OF SERVICE

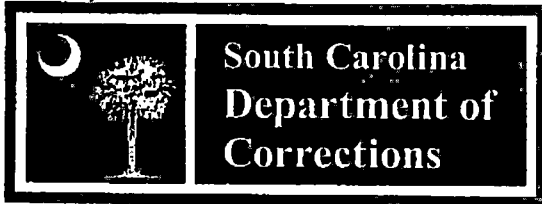
I hereby certify that a copy of the foregoing document was this date served upon the following individual(s) by placing a copy of the same via mail to his/her last known address as follows:

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

Columbia, South Carolina
May 29, 2018



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



HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

May 29, 2018

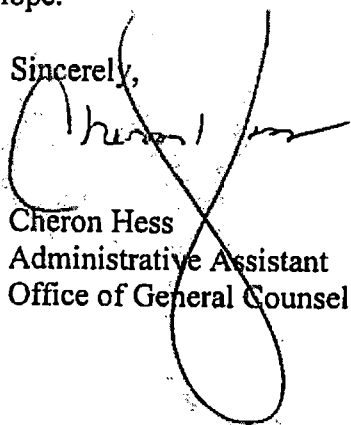
The Honorable Milton G. Kimpson
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, SC 29201

Reference: Inmate James A. Primus, #252315, vs. SCDC
Docket No. 18-ALJ-04-0100-AP

Dear Judge Milton G. Kimpson:

Find enclosed a copy of the Respondent's Record, consisting of Inmate Grievance MACD 146-17, in the above referenced case. Please file the original and return a clocked-in copy of the cover letter in the enclosed envelope.

Sincerely,



Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate James A. Primus, #252315
File

Due 2/28/17

RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

RECEIVED
NOV 30 2017

Division of Corrections
Office Use Only
Grievance No. MO05-0146-17
Code General
Policy _____
Disc. Hear. _____
Class. ✓
Received 11/30/17
IGC Initials SCD

INMATE NAME: James Anthony Primus
BY: SCDC NUMBER: 252315
INSTITUTION: Max Douglas
HOUSING UNIT: Magnolia Unit 2 OSA
WORK ASSIGNMENT: CHARS

RECEIVED

DEC 04 2017

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

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

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

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

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

Therefore, your grievance is denied.

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

Quetta D. [Signature] 2/2/18
Signature Date

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

Grievant Signature _____ Date _____ IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

10-2-17
⑩

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

MACDUGALL CI
0146-17

STEP 1

INMATE NAME: <u>James Anthony Primus</u>	OFFICE USE ONLY
SCDC NUMBER: <u>252315</u>	Grievance No. <u>MACD-0146-17</u>
INSTITUTION: <u>MacDugall</u>	Code: General _____
HOUSING UNIT: <u>Magnolia Unit 2 DSA</u>	Policy _____
WORK ASSIGNMENT: <u>CHAPEL</u>	Disc. Hour. _____
	Class. <input checked="" type="checkbox"/>
	PREA _____
	Date Received <u>10/2/17</u>
	IGC Initials <u>JS</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) 9-27-2017

Challenge to S.C.D.C. Policy GA-01-13 Duty to warn Kiosk # - 17-679121

I spoke to MR Tucker in classification on 9-13-17 I was informed by MR Tucker that my H.B.H.M. Conviction is being interpreted by the Judge CDR Code and He explain this was being done by S.C.D.C. since 1997 and now I see my H.B.H.M. sentence is being interpreted by the statute I disagree with this analogy due to the fact H.B.H.M. is and lesser included offense of CSC 17 which I cannot do find and a jury acquitted me of CSC 17 statute charged in this offense 16-3-652 and all other greater offenses. I believe that this interpretation must be made by a judicial officer and not by an executive Agency.

James Anthony Primus
Grievant Signature Date
9-27-17

ACTION REQUESTED: S.C.D.C. to bring a Declaratory action in the Circuit Court of General Session S.C. Code Ann. 15-53-20 (2005)

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

James Johnson 10/2/17
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Inmate James Primus 252315:

This is in response to MacD-0146-17 your concern has been reviewed. You state that you're ABHAN conviction is being interpreted by the Judge CDR code and he explained this was being done by SCDC since 1997 and now you see your ABHAN sentence is being interpreted by the statue. You disagree with this analogy due to the fact ABHAN is a lesser included offense of CSCI in which you went to trial and, jury acquitted you of CSCI statue charged in this offense. You further believe that this interpretation must be made by a judicial offers and not by an executive agency. You are requesting SCDC to bring a declaratory action in the circuit court of general session SC code Ann. 15-53-20 (2005.) I have contacted Mr. Tucker Classification Case Worker. He stated that the statues are the law. The statute represents the code of laws of the state of SC and law as developed by the courts and the only governing authorities in criminal law. The CDR code is designed for the use by court officials and staff in processing case files for criminal defendants in summary and circuit courts. This is how state statues and CDR codes are used. Based on this information your grievance denied.

Robert T. Taylor 11-24-17
Date

Based on this information, I consider this matter denied. If not satisfied with my response, see Step 5 below.

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

James C. Primus 11-29-17
Grievant Signature Date

Frances Johnson 11/27/17
IGC Signature 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 or Kiosk reference number 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 it in the Grievance Box at your institution within eight (8) working 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) working 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, by placing your Step 2 appeal form in the Grievance Box at your institution.

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

TO: NAME: Mrs. Francis Johnson	TITLE: Grievance	DATE: 10 6 2017
INMATE'S NAME: James Primus	SCDC #: 252315	
INSTITUTION: McCaugall	LIVING QUARTERS: M2 USA	

I would appreciate if you would attached this Document to my Grievance that was filed on October 2 2017 Duty to Warn Policy This Document came from the Clerk of Court In Darchester County Ms Cheryl Cochran Received by mail room 10-5-17

DISPOSITION BY STAFF MEMBER:

DATE:	SIGNATURE:
--------------	-------------------

Offender Management System

File Home Non-Events Settings Tools Reports Help

<div style="border: 1px solid black; padding: 2px;"> Name DOB Sex Race </div>	Name	PRINUS, JAMES A	Release	Location	Prison #
	DOB	03/03/0000	Adm	(Block 1120	CID #
	Sex		330	Cell	6102/2013
	Race	B	SCDC# 232315	Bed	Class#
				6003 A	

3 RTSMs

10/2/2017 10:34
 p RTSMs
 10/2/2017

Request Type: Reference: 17 019421 Number

Date Requested:

Requested By:

Request Details: Is the interpretation of my conviction for a bill of attainder being interpreted by the statute or is it being interpreted by the bill of attainder on my sentence sheet in the law library I read that in 2007 the actual of appeals stated that the interpretation of said sentence is by the statute and not the page c d f code so which one do my sentence fall under for interpretation

Review Level:

Disposition:

Officer:

Disposition Date:

Date	Author	Note
09/25/2017 15:34	Howard Tucker	status, as the law



CMTI700M SCDC OFFENDER MANAGEMENT SYSTEM 04/17/18
 CMTI700D COMMITMENT APPLICATION C052640
 SCDC# > 252315 COMPLETED SCDC PRIORS
 PRIMUS, JAMES A CURR LOC: MACDOUGA
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE SCDC CLASSIFICATION...: VIOLENT

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

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

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

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

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

04/17/18
C052640

SCDC ID: 252315

DISPLAY INMATE OFFENSE HISTORY

PRIMUS, JAMES A

CURR LOC: MACDOUGALL

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV
SERIOUS MENTAL ILLNESS: N

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

END OF LIST

PAGE 0001

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

ROAI200D
ROAI200M
OMROAUDA

SCDC OFFENDER MANAGEMENT SYSTEM
RECORD AUDIT APPLICATION
DISPLAY RECORD AUDIT

04/13/18
C056427

SCDC#: 00252315
NAME.: PRIMUS, JAMES A

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

AUDIT TYPE: 06 HAYES

AUDIT DATE: 04/04/17

UPDATED BY: SCOTT, CHERYL

DATE: 05/23/17

RECORD AUDIT DISPLAYED...
CLEAR:SUMMARY

ENTER:DISPLAY NOTES

PF8:FORWARD

ROAI200D
ROAI200M
OMROAUDA

SCDC OFFENDER MANAGEMENT SYSTEM
RECORD AUDIT APPLICATION
DISPLAY RECORD AUDIT

04/13/18
C056427

SCDC#: 00252315
NAME.: PRIMUS, JAMES A

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

AUDIT TYPE: 01 RECORDS AUDIT

AUDIT DATE: 09/26/98

UPDATED BY: JOHNSON, BERNICE

DATE: 09/26/98

RECORD AUDIT DISPLAYED...
CLEAR:SUMMARY

ENTER:DISPLAY NOTES

PF8:FORWARD

CMT1100D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

04/13/18
C056427

SCDC# > 00252315
PRIMUS, JAMES A

CURR LOC: MACDOUGA
SCDC CLASSIFICATION...: VIOLENT

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

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

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

PF3-ADD PF4-MODIFY/REVOKE PF6-DISPLAY CONSEC PF9-DETAIN PF12-SUMREPT

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

STATE VS.

IN THE COURT OF GENERAL SESSIONS

CERTIFIED COPY

97 INDICTMENT/CASE #: 10246
-GS- 18

2000 MAR 13 PM 5:00

James H. Ramirez
Clerk of Court
DORCHESTER COUNTY

A: [Redacted] Sex: [Redacted]
B: [Redacted]
C: [Redacted]
D: [Redacted]
E: [Redacted]
F: [Redacted]

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

SENTENCE

PLEA TRIAL

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

kidnapping

Violation of § _____ of the S.C. Code of Laws, bearing CDR Code # 95

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

Charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

Plea is: Without Negotiations or Recommendation Negotiated Sentence

Recommendation by the State

EST:

James H. Ramirez
Clerk of Court

Defendant

William Ramirez
Attorney for Defendant

HEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

Under Youthful Offender Act for a term of 30 days/months/years and/or to pay a fine of \$ _____;

provided the sentence be suspended upon the service of _____ days/months/years and/or payment of _____ plus costs and assessments as applicable*; the balance suspended with probation for _____ months/years.

CONCURRENT or CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered

PTUP

Total: \$ _____

_____ days/hours Public Service Employment

Pay Terms: _____

Obtain GED

Recipient: _____

Attend Voc Rehab. or Job Corps

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

Other: Order for good time

Other: sum of \$15,000

..... S _____

206 - Assessments 100%..... S _____

211 - Surcharge..... S 100.00

..... S _____

2995 (DUT)..... S _____

..... S 100.00

Deal Esthery
Clerk of Court/Deputy Clerk

Reporter: Deal

PRESIDING JUDGE

Sentence Date: 09-1-98

Judge Code: 000

James Anthony Primus 252315
MacDougall Correctional Institution
Magnolia unit 2 D24A
1516 Old Gilliard Road
Ridgeville S.C. 29472

June 4 - 2018

RECEIVED

JUN 07 2018

GENERAL COUNSEL

The Honorable Milton G. Kimpson

South Carolina Administrative Law Court

Edgar A. Brown Building Suite 224

1205 Pendleton Street

Columbia S.C. 29201

RE: Inmate James Anthony Primus vs SCDC
Docket No-18-ALJ-04-0100-AP

Dear Judge Milton G. Kimpson:

Please find enclosed Appellate James Anthony Primus OBJECTION
TO RESPONDENT SCDC Record Consisting of Inmate James
Anthony Primus 252315 Grievance MACD 146-17 And Sentencing
Sheet As Fraudulent with the Intent to Deceive in the
above referenced case Please file in your office

Sincerely

James Anthony Primus

James Anthony Primus 252315
MacDougall Correctional Institution
Magnolia unit 2 D24A
1516 Old Gilliard Rd.
Ridgeville S.C. 29472

CERTIFICATE OF SERVICE

I Hereby Certify that a Copy of the Fore going OBJECTION
OF THE RESPONDENT RECORD Was this Date June 4 2018
Served upon the Following Individuals by Placing a Copy of
The Same VIA Mail to his/her last known address as Follows

OFFICE OF General Counsel

P.O. Box 21787 / 4444 Broadriver Road
Columbia S.C. 29221

CHERON HESS

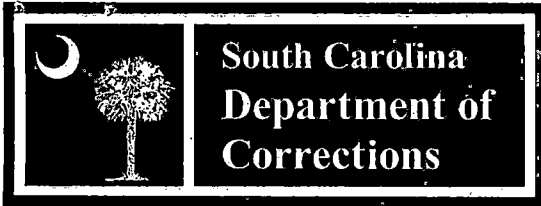
Administrative Assistant

South Carolina Department of Corrections
4444 Broadriver Rd / P.O. Box 21787
Columbia S.C. 29221 - 1787

June 4 2018

James Anthony Primus

James Anthony Primus 252315
MacDougall Correctional Institution
Magnolia Unit 2 024A
1516 Old Gilliard Road
Ridgeville S.C. 29472



HENRY McMASTER, Governor

BRYAN P. STIRLING, Director

July 9, 2018

The Honorable Milton G. Kimpson
South Carolina Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street
Columbia, South Carolina 29201

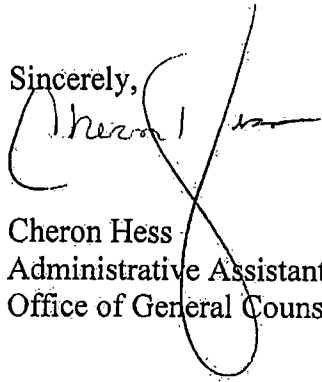
Reference: Inmate James A. Primus, #252315, vs. SCDC
Docket No. 18-ALJ-04-0100-AP

Dear Judge Kimpson:

Find enclosed an original and one copy of the *Respondent's Brief* on the above referenced case. Please file the original in your office and return a clocked-in copy to me in the enclosed self-addressed envelope.

If you have any questions or concerns, please do not hesitate to contact me at (803) 896-3922.

Sincerely,



Cheron Hess
Administrative Assistant
Office of General Counsel

Enclosures

cc: Inmate James A. Primus, #252315
File

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

James Primus, #252315,)	Docket No.: 18-ALJ-04-0100-AP
)	Grievance No.: MACCI 146-17
Appellant,)	
)	<i>Honorable Milton G. Kimpson</i>
v.)	
)	
South Carolina Department of Corrections,)	RESPONDENT'S BRIEF
)	
Respondent.)	
<hr style="width: 40%; margin-left: 0;"/>)	

STATEMENT OF THE CASE

This case is before the Administrative Law Court (“ALC”) pursuant to the appeal of James Primus (“appellant”), an inmate incarcerated with the Department of Corrections (“SCDC”). Appellant filed a Step One Grievance on September 27, 2017 claiming his sentence had been incorrectly calculated and he wanted a Declaratory Judgement. This grievance was investigated and denied when it was determined that Appellant’s sentence calculation was correct and SCDC cannot change, modify, or interpret laws. Appellant filed a Step Two Grievance on November 29, 2017. This grievance was also investigated and denied. Appellant subsequently filed his Notice of Appeal. Because Appellant’s sentence has been properly calculated, the final determination of the Department should be affirmed.

JURISDICTION

The ALC’s jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). In McNeil v. South Carolina Department of Corrections, 00-ALJ-04-00336-AP (September 5, 2001), the ALC interpreted the breadth of its jurisdiction pursuant to Al-

Shabazz. That decision holds that the ALC's appellate jurisdiction in inmate appeals is limited to two types of cases: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which the SCDC has taken an inmate's created liberty interest as punishment in a major disciplinary hearing. Jurisdiction of the ALC was most recently addressed in Sullivan v. SCDC, 355 S.C. 437, 586 SE.2d 124 (2003).

In this case, appellant contends that SCDC has incorrectly calculated his sentence. Consequently, the ALC has jurisdiction to hear his appeal.

STANDARD OF REVIEW

A reviewing court will not disturb findings of an administrative agency if its findings are supported by substantial evidence on record as a whole. Pearson v. JPS Converter & Industry Corp., 327 S.C. 393, 489 S.E.2d 219 (Ct. App. 1997). "Substantial evidence" is evidence which, considering record as a whole, would allow a reasonable mind to reach the conclusion reached by the administrative agency. Hendley v. S.C. State Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). The possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence. Grant v. S.C. Coastal Council, 319 S.C. 348, 461 S.E.2d 388 (1995). Administrative agencies are afforded wide latitude in making decisions, as shown in the deferential standard of appellate review. Heater of Seabrook, Inc. v. Public Svc. Comm'n of S.C., 332 S.C. 20, 503 S.E.2d 739 (1998).

ARGUMENT

APPELLANT'S SENTENCE HAS BEEN CORRECTLY CALCULATED BY RESPONDENT

On September 1, 1998 Appellant received three consecutive sentence: one year for Cocaine Possession, which has already been served; ten years for Assault and Battery of a High and Aggravated Nature (ABHAN); and thirty years for Kidnapping. *See* Sentencing Sheets and Conviction Summary. The ABHAN sentencing sheet clearly indicates that the sentence is to run consecutively to case number 97-GS-18-1046, which corresponds to the Kidnapping sentencing sheet. *See* Sentencing Sheets. Appellant contends his sentence was incorrectly calculated due to an error on the sentencing sheets. *See* App. Brief, p. 2.

Appellant does not dispute that he received a consecutive sentences for ABHAN and Kidnapping, App. Brief, p. 1. Instead, he argues that the judge mistakenly checked the wrong box on the sentencing sheet and that SCDC is applying the ABHAN sentence as a violent offense. He further argues that SCDC violated his due process rights by not addressing his claim and that, in accordance with *Tant*, SCDC has a responsibility to bring an action in circuit court. App. Brief, p. 3-4.

This argument is without merit and misapplies *Tant*. Where an inmate's sentencing sheet is unambiguous, SCDC is limited to that sentencing sheet in calculating and administering the inmate's sentence. *Tant v. S.C. Dep't of Corr.*, 408 S.C. 334, 344, 759 S.E.2d 398, 403 (2014). Appellant's sentencing sheets are not ambiguous. The sentencing judge did originally check the box for "PLEA" on the ABHAN sentencing sheet, but very clearly marked it out and checked the "TRIAL" box. Additionally, as the Conviction Summary sheet filed in the Record, shows, SCDC has the ABHAN

conviction entered as a non-violent offense and the Kidnapping conviction as violent. This corresponds with both sentencing sheets. SCDC has applied Appellant's sentences in accordance with unambiguous sentencing sheets. SCDC cannot look beyond the sentencing sheets in administering Appellant's sentences. Thus, SCDC respectfully requests that this Court affirm SCDC's final agency action.

**RESPONDENT'S FINAL AGENCY DECISION IS SUPPORTED
BY SUBSTANTIAL EVIDENCE**

The record conclusively establishes that the "substantial evidence on the whole record" supports the Department's final agency decision. Appellant has the burden of proving that the decision of the Department is clearly erroneous, or arbitrary or capricious, or an abuse of discretion. *See Porter v. Public Service Comm'n*, 333 S.C. 12, 507 S.E.2d 328 (1998). Appellant has not met this burden and his claim should be dismissed with prejudice.

Respectfully submitted,



Kensey Barrett
Staff Attorney
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221
(803)896-8508

July 9, 2018
Columbia, South Carolina

James Anthony Primus 252313
MacDougal Correctional Institution
Magnolia unit 2 0211A
1516 Old Gilliard Rd
Ridgeville S.C. 29472
July 19 2018

RECEIVED

JUL 19 2018

GENERAL COUNSEL

The Honorable Milton G. Kimpson
South Carolina Administrative Law Court
Edgar A. Brown Building Suite 2414
1205 Pendleton Street
Columbia S.C. 29201

Reference Inmate James Anthony Primus
252313 vs S.C.D.C.
Docket no. 18-ALJ-04-0100-AP

Dear Judge Kimpson

On May 29 2018 I receive and copy of the
Respondent S.C.D.C. Record consisting of Inmate Grievance
MACO 146-17 in the above referenced case containing just
two sentencing sheets ABHAN and Kidnapping
on July 9 2018 I receive and copy of Respondent Brief
on the above referenced case Page 3 states three
consecutive sentences in referenced to the cocaine possession
is not consecutive the sentence is concurrent Enclosed
is Appellate Sentence Sheet Appellate Sentence Sheet has
not been correctly calculated by Respondent
ABHAN Do not support a crime and Kidnapping

There, is no Abduction There was NO Coercion
Nikki Scott Left of Her own Free Will By Her
own admission as to original Trial Transcripts

Conclusion

SCOC decision is clearly erroneous and arbitrary
to Law see Daniel Crook Crash Course in Sentencing
Capricious mean spirited its abuse of discretion
being held until it is accepted as fact Appellate
has met this burden of Proving That V. SCOC is
Correct in Deciding this Case and Appellate Prays
that this Court will Grant Declaratory Judgment
be brought by and Judiciary Agency and not and
executive Agency and this is not my Responsibility
it is S.C.D.C. Responsibility I am not satisfied
with the Reinterpretation of my sentence and
conviction By S.C.D.C.

July - 19 - 2018

RESPECTFULLY SUBMITTED

James Anthony Primus 252315

James Anthony Primus Pro Se
MacDougal Correctional Institution
Magnolia unit 2 D 24 A
1516 Old Gilliard Rd
Ridgeville S.C. 29472

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

James Anthony Primus 252315
Appellant

Docket 18-ADJ-04-0100-AP

CERTIFICATE OF SERVICE

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS

RESPONDENT

I Hereby Certify that a copy of the foregoing
Brief was served upon the following
individuals by placing a copy at the same USA
Mail to his/her last known address as follows

OFFICE OF GENERAL COUNSEL

South Carolina Department of Corrections

1444 Broad River Rd

P.O. Box 21787

Columbia S.C. 29221-1787

Respectfully

James Anthony Primus 252315

July - 19 - 2018

James Anthony Primus Fee 50
Macouganall Correctional Institution

Magnolia Unit 2 D24A

1514 Old Gilliard Road

Ridgeway S.C. 29472

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

STATE VS.

JAMES ANTHONY PRIMUS

AKA: _____
Race: BS Sex: M
DOB: _____ Age: _____
SSN: _____
DL#: _____
SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

97 -GS- 18 - 1044

A/W#: F 418891
Date of Offense: 7-17-97
S.C. CODE §: 44-53-375(A)
CDR Code #: 100

SENTENCE

- PLEA TRIAL
- CONVICTED OF or PLEADS
- NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

In disposition of the said indictment comes now the Defendant who was PLEADS TO: POSSESSION OF CRACK COCAINE in violation of § 44-53-375(A) of the S.C. Code of Laws, bearing CDR Code # 100

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

ATTEST:

Margaret Hulse
Solicitor

Anthony Primus
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, or Under Youthful Offender Act for a term of 90 days/months/years and/or to pay a fine of \$ _____ provided the sentence be suspended upon the service of _____ days/months/years and/or payment of \$ _____ plus costs and assessments as applicable*; the balance suspended with probation for _____ months/years.

CONCURRENT or to time being served CONSECUTIVE to sentence on: credit for time year just served

SPECIAL CONDITIONS:

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

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

Dee E. [Signature]
Clerk of Court/Deputy Clerk
Court Reporter: R. Keil

[Signature]
PRESIDING JUDGE
Sentence Date: 9-1-98
Judge Code: 090

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

James Anthony Primus, #252315,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of)
 Corrections,)
)
 Respondent.)
)

Docket No. 18-ALJ-04-0100-AP

ORDER

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed by James Anthony Primus (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or Respondent). Appellant appeals the Department's decision in response to his Step 2 Grievance. After careful consideration, the decision of the Department is affirmed.

BACKGROUND

Appellant was convicted of kidnapping and assault and battery of a high and aggravated nature (ABHAN) and sentenced to consecutive terms of thirty years and ten years, respectively.

On September 27, 2017, Appellant filed a Step 1 Grievance disagreeing with the Department for having interpreted his ABHAN conviction in accordance with the statute as opposed to the CDR code.¹ In support of his disagreement, Appellant maintained that ABHAN is a lesser included offense of criminal sexual conduct in the first degree and that he was acquitted of criminal sexual conduct in the first degree. Appellant averred that the interpretation of ABHAN must be made by a judicial officer, not by an executive agency, and requested that the Department bring a declaratory action in the Circuit Court of General Sessions under section 15-53-20 of the

¹ "The abbreviation, CDR, stood for 'Criminal Docket Report,' indicating the paper docket sheets maintained by criminal justice agencies. Since that time, paper dockets are no longer maintained. The term has been redefined to mean 'Criminal Data Report.' The Codes are also called 'offense codes.'" *State v. Bennett*, 375 S.C. 165, 173 n.7, 650 S.E.2d 490, 495 n.7 (Ct. App. 2007) (citing South Carolina Judicial Department, CDR Codes Frequently Asked Questions, <https://www.sccourts.org/cdr/userInstructions.cfm>.)

FILED
JUL 24 2019

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South Carolina Code. The Warden denied Appellant's grievance on November 24, 2017. Appellant then appealed via a Step 2 Grievance submitted on November 29, 2017. Within this grievance, Appellant cited *Tant v. South Carolina Department of Corrections*, 408 S.C. 334, 759 S.E.2d 398 (2014),² for the proposition that if an inmate is dissatisfied with the reinterpretation ostensibly of his or her sentence, the Department must bring a declaratory judgment action in Circuit Court. Appellant noted that this is not an inmate's responsibility; instead, the responsibility for bringing such an action is that of the Department. The Responsible Official considered and denied Appellant's grievance on February 2, 2018.

Thereafter, Appellant filed his Notice of Appeal with the Court on March 13, 2018. This matter was assigned to the undersigned on March 22, 2018. Appellant filed his brief along with accompanying exhibits on March 27, 2018.³ The Department filed the Record on Appeal (Record) on May 29, 2018,⁴ and its brief on July 11, 2018. Appellant filed a reply brief on July 18, 2018.⁵

JURISDICTION/STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). In *Al-Shabazz*, the court held that the ALC's jurisdiction in inmate appeals is limited to non-collateral or administrative matters typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status; and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious rule violation. *Id.* at 369, 527 S.E.2d at 750. In *Slezak v. South Carolina Department of Corrections*, 361 S.C. 327, 605 S.E.2d 506 (2004), the court clarified that the ALC has subject matter jurisdiction to hear appeals from final decisions of the Department in non-collateral or

² Despite Appellant only listing "Tant vs State SCOC" within his grievance, the Court believes he is referring to the case correctly identified *supra*.

³ Although the Court appreciates the effort and thoroughness Appellant has undertaken by providing numerous exhibits along with his brief, to the extent the contents of the exhibits accompanying Appellant's brief are not contained in the record on appeal, the Court has not considered the contents therein in its review. *See* S.C. Code Ann. § 1-23-380(4) (Supp. 2018) (explaining the Court's review "must be confined to the record.").

⁴ On June 5, 2018, Appellant filed a letter objecting to the Record filed by the Department contending that it was "fraudulent with the intent to deceive." The Department has not filed a response to Appellant's objection. By virtue of this order, Appellant's objection is denied.

⁵ This document is untitled; nevertheless, the Court has interpreted it as a reply brief.

administrative matters. In the case at bar, Appellant alleges that the Department is erroneously interpreting his ABHAN conviction leading to an incorrect calculation of his sentence. “There can be no doubt the length of an inmate's incarceration implicates a constitutional liberty interest.” *Tant v. S.C. Dep't of Corr.*, 408 S.C. 334, 341, 759 S.E.2d 398, 401 (2014) (citation omitted). Therefore, pursuant to *Al-Shabazz* and *Slezak*, the Court has subject matter jurisdiction over Appellant's appeal.

When reviewing the Department's final decision in a non-collateral or administrative matter, the Court sits in an appellate capacity. *Al-Shabazz*, 338 S.C. at 376-77, 527 S.E.2d at 754. Accordingly, the Court's review is limited to the record presented. S.C. Code Ann. § 1-23-380(4) (Supp. 2018). Subsection 1-23-380(5) of the South Carolina Code (Supp. 2018) provides the standard used by appellate bodies to review agency decisions. *See* S.C. Code Ann. § 1-23-600(E) (Supp. 2018) (directing administrative law judges to conduct appellate review in the same manner prescribed in § 1-23-380). Pursuant to this standard:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5)(a)-(f).

The Court's review of the facts is governed by the substantial evidence standard. *See generally Hamm v. S.C. Pub. Serv. Comm'n*, 309 S.C. 295, 422 S.E.2d 118 (1992) (recognizing that under the APA, the Court must sustain an agency decision if there is substantial evidence to support it). The South Carolina Supreme Court has observed that “[s]ubstantial evidence is not a mere scintilla; rather, it is evidence which, considering the record as a whole, would allow reasonable minds to reach the same conclusion as the agency.” *Friends of the Earth v. Pub. Serv. Comm'n of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010) (citation omitted). Thus, the possibility of drawing two inconsistent conclusions from the evidence does not prevent an

administrative agency's finding from being supported by substantial evidence. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 353, 461 S.E.2d 388, 391 (1995). "The burden is on [an] appellant[] to prove convincingly that the agency's decision is unsupported by the evidence." *S.C. Dep't of Corr. v. Mitchell*, 377 S.C. 256, 260, 659 S.E.2d 233, 235 (Ct. App. 2008) (quoting *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996)).

DISCUSSION

The thrust of Appellant's contention is that the Department violated his due process rights by failing to provide him with prior notice before modifying his sentence. In that regard, Appellant maintains that the Department is erroneously interpreting his ABHAN conviction by an incorrect statute—section 16-3-652 of the South Carolina Code—which he insists causes him to be incarcerated for a longer period of time since it is codified as a violent crime.⁶ To rectify this perceived error, Appellant claims that he is entitled to a declaratory judgment action in Circuit Court. The Court disagrees.

In *Tant*, the South Carolina Supreme Court addressed the Department's authority to alter its initial determination as to the length of an inmate's sentence. *Id.* at 337, 759 S.E.2d at 399. Based upon receipt of the inmate's sentencing sheets, the Department originally recorded his sentence as fifteen years imprisonment. *Id.* Without notifying the inmate, the Department thereafter determined that the sentencing judge intended to sentence him to forty years imprisonment and changed its records to reflect such. *Id.* In determining that the Department violated the inmate's due process rights by altering his sentence without his involvement, the court held that "whenever the Department alters an inmate's sentence in its records, it must give the inmate formal notice of the change and advise him of his right to file a grievance and obtain a hearing." *Id.* at 342, 759 S.E.2d at 401. Stated differently, the court ruled: "the Department must provide an inmate with timely, formal notice when it seeks to recalculate its initial determination of his sentence and advise him of his right to file a grievance and obtain a hearing." *Id.* at 346, 759 S.E.2d at 404.

In addition, the court clarified that, when administering and enforcing an inmate's sentence, the Department, absent ambiguity, must refer to the sentencing sheet. *Id.* at 337, 759 S.E.2d at 399 (holding "the Department is generally confined to the face of the sentencing sheets in determining

⁶ See S.C. Code Ann. § 16-1-60 defining a violent crime to include criminal sexual conduct in the first degree under section 16-3-652.

the length of a sentence . . . [unless] there is an ambiguity in the sentencing sheets.”). “Ambiguity in a sentence is established the same way as it is established for contract terms or statutes, essentially where the language, and therefore the intent, is in some way unclear.” *Id.* at 345 n.4, 759 S.E.2d at 403 n.4; *see also Bordeaux v. State*, 410 S.C. 495, 499, 765 S.E.2d 143, 145 (2014) (“A sentence is ambiguous if its pronouncement is susceptible of differing interpretations based on the totality of the circumstances.”) (citation omitted). Here, Appellant’s applicable sentencing sheet reveals that he received a ten-year sentence following being convicted at trial for ABHAN.⁷ While the sentencing sheet does not list which statute his ABHAN conviction was in violation of, it indicated that the applicable statute bore CDR Code # 13, which correlates to ABHAN.⁸ Therefore, because the Court finds this sentencing sheet unambiguous, the Department appropriately utilized it in calculating Appellant’s sentence.

The Court finds the due process violation identified in *Tant* inapplicable to the case *sub judice*. Unlike the inmate in *Tant*, there is no evidence that the Department altered, recalculated, or otherwise modified Appellant’s original sentence for the ABHAN offense in any manner. A review of the Department’s conviction summary further reveals that the Department is not treating any of Appellant’s convictions as criminal sexual conduct in the first degree as he claims.⁹ Instead, the conviction summary lists the convictions he is currently serving sentences for as possession of cocaine, kidnapping, and ABHAN. The conviction summary also indicates that Appellant is to be incarcerated for ten-years for the ABHAN conviction and that this offense is non-violent, which is consistent with his sentencing sheet for this offense. Accordingly, the Department did not violate Appellant’s due process rights. Furthermore, aside from relying on the concurring opinion in *Tant* for the proposition that he entitled to a declaratory judgment action in Circuit Court, which the

⁷ The Court notes that the box for “PLEA” was originally checked but was clearly marked out and the “TRIAL” box was checked in its place.

⁸ *See* South Carolina Judicial Branch, CDR Codes, <https://www.sccourts.org/cdr/displayCDRCode.cfm> (last visited July 23, 2019).

⁹ This offense is codified in section 16-3-652 of the South Carolina Code (2015).

majority expressly declined to adopt,¹⁰ Appellant has cited no authority in support of his position. Consequently, without more, the Court denies this requested relief.

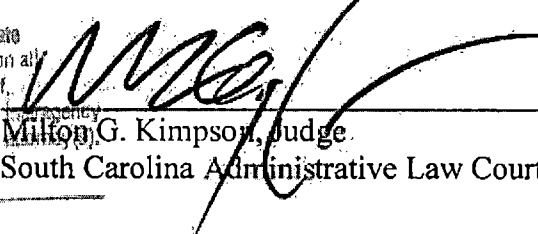
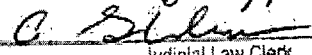
Finally, to the extent Appellant challenges his conviction for kidnapping, Appellant raises this issue for the first time on appeal. Accordingly, this issue is not preserved for the Court's review. *See, e.g., Cowburn v. Leventis*, 366 S.C. 20, 41, 619 S.E.2d 437, 449 (Ct. App. 2005) ("In order for an issue to be preserved for appellate review, with few exceptions, it must be raised and ruled upon by the trial judge.") (citation omitted); *see generally S.C. Dep't of Transp. v. First Carolina Corp. of S.C.*, 372 S.C. 295, 301–02, 641 S.E.2d 903, 907 (2007) ("There are four basic requirements to preserving issues at trial for appellate review. The issue must have been (1) raised to and ruled upon by the trial court, (2) raised by the appellant, (3) raised in a timely manner, and (4) raised to the trial court with sufficient specificity.") (quoting Jean Hoefler Toal et al., *Appellate Practice in South Carolina* 57 (2d ed. 2002)).¹¹

ORDER

IT IS HEREBY ORDERED that the decision of the Department is **AFFIRMED**.

AND IT IS SO ORDERED.

July 24, 2019
Columbia, South Carolina

CERTIFICATE OF SERVICE
I, the undersigned, have this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or in the United States Mail Service addressed to the party(ies) or their attorney.

Milton G. Kimpson, Judge
South Carolina Administrative Law Court
This 24 day of July, 2019.
By: 
Judicial Law Clerk

¹⁰ Appellant's argument is grounded in the procedure laid out in the concurring opinion in *Tant*. *See id.* at 347, 759 S.E.2d at 404 (Pleicones, J., concurring). Within the majority's opinion, however, the court disagreed with the concurrence's procedure:

The concurrence would have us require the Department to bring a declaratory judgment action in the circuit court in instances where the inmate disagrees with a reinterpretation of his sentence. The concurrence sets forth no basis in law for imposing this procedure upon the Department. The relevant legal doctrine at issue here is that of due process, and as applied in our opinion, due process requires notice and an opportunity to be heard, both of which are afforded by the procedure outlined above. The inmate who is allegedly aggrieved by an ambiguous sentence can, if he chooses, seek judicial review through the grievance process and thus, "the interpretation of the unclear sentence" would be "made by a judicial officer."

Id. at 342 n.3, 759 S.E.2d at 401 n.3.

¹¹ Moreover, even if this issue had been properly preserved, which it has not, the ALC is the improper forum for this type of challenge. "[A]side from two non-collateral matters specifically listed in the PCR Act, PCR is a proper avenue of relief only when the applicant mounts a collateral attack challenging the validity of his conviction or sentence". *Williams v. State*, 378 S.C. 511, 515, 662 S.E.2d 615, 617 (Ct. App. 2008) (alteration in original) (quoting *Al-Shabazz*, 338 S.C. at 367, 527 S.E.2d at 749 (2000)).

THE SOUTH CAROLINA COURT OF APPEALS

IN South Carolina Court of Appeals

James Anthony Primus 252315 Appellate

v.

South Carolina Department of Corrections Respondent

Appellate Case no. 2019-001297

Certificate of Service

Appellate First Amend of Case Records

Initial Brief Amendment

The Honorable Milton G. Kimpson Judge

The undersigned hereby certifies that a true copy of Appellate First Case Records Amends File was served upon Respondents by mailing a copy of same properly addressed VIA First class U.S. mail along with sufficient postage affixed thereto on motion to relax November 6 2019

RECEIVED

NOV 07 2019

SC Court of Appeals

S.C. Court of Appeals
Jenny Abbott Kitchings clerk
P.O. Box 11629
Columbia S.C. 29211

S.C. Admin. Law Court
1205 Pendleton St Suite 224
Columbia S.C. 29201
S.C. Department of Correction
Office General Counsel
P.O. Box 21797
Columbia S.C. 29221

By:

James Anthony Primus 252315

James Primus PO # 1516 Old William Rd Ridgeway S.C. 29402

James Anthony Primas 282365
MacDougal Correctional Institution
Birch unit 2 C 13 B
1516 old Gilliam Road
Ridgeville S.C. 29472

November 1 2019

S.C. Court of Appeals
Jenny Abbott Kitchings clerk
P.O. Box 11629
Columbia S.C. 29211

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NOV 07 2019

SC Court of Appeals

RE Appellate Case no 2019-001297

Dear - clerk

Please find enclosed Appellate motions to be

Filed in your office in the above mention case

Amendments of Records Amendment of Counsel ^{Appointed} ~~motion~~)

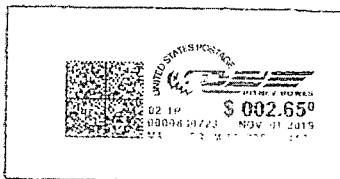
Motion to Relax Court Rules

I would like to Thank you in advanced

Sincerely

James Anthony Primas Rose

FROM James Anthony Primus 252315
MacDougal Correctional Institution
Birch Unit 2 c 13 B
1516 old Gilliard Road
Ridgeville S.C. 29472



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MacDougal Correctional Inst.
Mailroom
NOV 01 2019
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TO SOUTH CAROLINA COURT OF APPEALS
Jenny ABBOTT Kitchings clerk
Post OFFICE BOX 11629
Columbia S.C. 29211

