

THE SOUTH CAROLINA COURT OF APPEALS  
IN THE COURT OF APPEALS  
APPEAL From THE Administrative Law Court  
Administrative Law Judge Milton G. Kimpson  
ALC Case 19-ALJ-04-0296-AP  
Appellate Case No. 2020-1252

James Anthony Primus 252315

Appellant

v

SOUTH CAROLINA Department of Corrections Respondent

Final Reply Brief of Appellant

**RECEIVED**

APR 15 2021

SC Court of Appeals

James Anthony Primus 252315

James Anthony Primus Prose  
MacDougall Correctional Inst.  
1516 Old Gilliard Rd  
Ridgeville S.C. 29472

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# TABLE OF AUTHORITIES

## Cases

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## ISSUE ON APPEAL

Appellant Has not receive everything

Appellant is entitled to because of a

Cumulative error by The Department

## STATEMENT OF THE CASE

STEP 1 Grievance Form Dated 4-3-19 Appellant  
Sentence 30 years starting July 15 1997 25 years  
would be 2022 instead of 2023 and Ten years  
for A.B.H.A.N. Max out would be 2027 with credit  
for 412 days Jail Time and a Judicial Reflection  
of Appellant ABHAN Sentence Sheet change from  
plea of Guilty to Jury Trial by and Judicial  
official instead of and executive Agency that  
Appellant deserve equal Justice No Parole Granted  
For ABHAN is also error

## STANDARD OF REVIEW

S.C. Code 16-3-600 S.C. Code Ann 17-23-130 and 140

S.C. Code Ann. 24-13-40 Provides the Applicable Standard

of Review. The substantive rights of the Appellate has

been prejudiced because the conclusion is

A in violation of Constitutional or statutory Provision

B in excess of the statutory Authority of the Agency

C made upon unlawfull Procedure

~~D Affected by other error of law~~

E clearly erroneous in view of the reliable Probative  
and substantial evidence on the whole Record

F Arbitrary or Capricious or characterized by abuse  
of discretion or clearly unwarranted exercise of discretion

S.C. Code 24-13-40 clearly in view of the substantial  
evidence on the Record as a whole

State v. Boggs 696 SE2d 597 Hayer v. State 997 SE2d 6

abuse of discretion Tant v State 759 SE2d 398

Tilly v State 511 SE.2d 689 Phillip v State 314 SE2d 363

Hernandez v. State 834 SE2d 462 Cumulative Error's

## ARGUMENT

The Administrative Law Court Improperly dismissed Appellant as Appellant has received to all he is entitled to?

The ALC Jurisdiction to hear Inmate Appeals of Final decision by S.C Dept of Corrections is derived entirely from the decision of the S.C. Supreme Court in *Al-Sha-bazz* 388 S.C. 354 527 SE2d 742 (2000) When reviewing SCDC decision in Inmate Grievance matters the ALC sits in an Appellate Capacity Id at 377 527 SE 2d at 754 Subsequently the Supreme Court clarified the ALC Appellate Jurisdiction over Inmate Appeals in *Sullivan v. S.C. Dept. of Corr.* 355 S.C. 437 586 SE2d 124 (2003) In affirming as Modified the ALC en banc decision of *McNeil v. S.C. Dept. of Correction* 02 ALJ-04-00336 September 5 (2001) The Supreme Court Hold the ALC Jurisdiction was limited to 1 case in which an Inmate contends Prison officials have erroneously Calculated his Sentence Sentence related Credits or Custody Status. 2 cases in which SCDC

## ARGUMENT

Implicates a State Created Liberty Interest See Sullivan 355 at 443 586 SE 2d at 197 emphasis Added Here Appellant alleges that the Department did not Apply 412 Days of Jail Time Credit to his Kidnap Sentence and his ABHAN Sentence 97-GS-18-1045 & 1046 and admitted Appellant to SCDC September 2-98 With a incorrect ABHAN Sentence sheet that Appellant Pled Guilty For 14 years that False allegation lingered in Appellant Record Until it was accepted as fact by The legal Community Appellant was sentence to 30 years For Kidnap Ten years For ABHAN and one year For Possession of Crack Cocaine Concurrent to the other Sentence Time Serve The sentencing Judge noted that Appellant should receive 412 Days Jail Time Credit Time Serve on Possession of Crack Cocaine & see Sentence Sheet ) The Department on gave Appellant 360 Days Jail Time Credit which Appellant start July 15 1997 Thru September 1 1998 See Step 1 Grievance Appellant complains Incorrect and shall have receive 412 Days based on the sentencing Sheet ABHAN The Department should of made

# ARGUMENT

Certain Throughout the legal community that Appellant sentencing sheet was changed from a Plea of Guilty to ABHAW For 14 years an Appellant Court can take Jurisdiction over an Issue even if it is moot Curtis v state 549 SE 2d 596 2001 as to the cumulative changes in Appellant Sentence and Conviction violate the exo Facto clause Brown v S.C. Dept. of Health & environmental Control 348 S.C. 507 569 468 SE2d 467 Cumulative error The Cumulative error Doctrine provides relief to a Party when a combination of errors insignificant by themselves Cumulative errors Appellant argues he is entitled Pursuant to the Cumulative error Doctrine The Administrative Law Court Improperly upheld the Department of Correction the admission and Classification & Records Calculating denying Appellant correct Interpretation of sentence on September 1 1998 Appellant was convicted of Kidnap and ABHAW See Sentencing sheet 97-GS-18 1045 & 1046 without Applying 412 Days Jail Time my sentence sheet exceeds the maximum Time that I am suppose to be incarcerated from 2027 to 2028.

## ARGUMENT

Cumulative error Appellant argues he is entitled Pursuant to the Cumulative error Doctrine The Administrative Law Court Improperly upheld the Department the admission and classification & Records Calculating denying Appellant correct Interpretation of Sentence on September 1, 1998 Appellant was convicted of Kidnap and ABHAN See Sentence, Sheet 97-GS 18-1045 & 1046 With out Applying 412 Days Jail Time and Parole eligibility to ABHAN my Sentence sheet exceeds the Maximum Time that I am suppose to be incarcerated from 2027 to 2028 By not Applying 412 Days Jail Time and Parole eligibility to ABHAN is actually Combining Kidnap and ABHAN as one Sentence with Kidnap Controlling both Sentence is construed as Violent if there is no Severability on the Sentence Sheet 97-GS 18-1045 & 1046

Note that Appellate Filed a previous Appeal asserting that the Department admitted on September 2, 1998 with Flawed and Incorrect Sentence sheets ABHAN And Kidnap listed his ABHAN as a Guilty plea Instead of Trial with 360 Days Jail time no Jail Time for Kidnap or ABHAN

# Conclusion

For the foregoing reasons The Court should Grant Appellant to all that is entitled to Appellant that was taken by and win at any cost ABHAW Sentence sheet from a plea of Guilty to and Trial also 412 Days Jail Time For kidnap and 412 days Jail Time For ABHAW Possession of Crack Cocaine Time serve and Reclassification Kidnap From and Sex offense To and Violent offense Appellant is entitled to be Punish with just what Judge Brown Sentence Appellant To at the ending of and Jury Trial and Granted at Trial The Department must Confine Themselves to the Sentencing sheets Appellant is entitled To be reclassified 412 Days Jail Time plea of Guilty to Trial by and Judicial official not executive Agency

DATE April 8 ~~2021~~ 2021

Respectfully Submitted  
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NOTE Kidnap do not support a crime? ABHAW  
Violate the Constitution Fifth Amendment No arrest warrant  
No written Indictment?  
Phillip v State Hernandez v State

The STATE OF SOUTH CAROLINA

IN The Court of Appeals

Appeal From Administrative Law Court

Administrative Law Judge Milton G. Kimpson

ALC Case No. 20 - ALT - 04 - 0296 - AP

Appellate Case No. 2020 - 001252

James Anthony Primm 282315 . . . . . - Appellant

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Certificate of Counsel

The undersigned hereby certifies that the Reply Final Brief of Appellant complies with rule 211(b) SCACR and also complies with the South Carolina Supreme Court April 15, 2014 order entitled Revised order concerning Identifying Information and other Sensitive Information in Appellate Court Filings

April 8 2021

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