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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

Shirley C. ROBINSON, ADMINISTRATIVE LAW JUDGE

ISIAH JAMES, JR., #096883, Appellant,

v

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS (SCDC), Respondent

Appellate Case No. 2021-001025

INITIAL BRIEF OF APPELLANT

Isiah JAMES, Jr.
1810 O Street
Brunswick, Georgia 31520

STATEMENT OF ISSUE(S) ON APPEAL

I. HAS THE ADMINISTRATIVE LAW COURT (ALC) ERRED "ADDRESS THE MERITS" OF APPELLANT'S APPEAL IN SCDC?

STATEMENT OF THE CASE

There were grievance(s) (complaints) within the Department on/about 2-15-13; 10.23.16; 2-16-17; 5.15.17; 2.13.17 (see record (R)), step 1's, step 2's, etc. Which were denied or etc so appellant appealed to the ALC, South Carolina Court of Appeals, South Carolina Supreme Court, on remand from South Carolina Court of Appeals Unpublished Opinion No. 2021-Up*097 (submitted January 1, 2021-Filed March 24, 2021).

ARGUMENT(S)

1. The 8.23.21 "Order" R. p. _____ set forth "citing v. Moore, contends that for more than 40 years the Department incorrectly calculated his sentence". (R. p. _____) Specifically, the Agency should have set years at 365 and/or 360 days, applying goodtime and earned work credits (EWC) based thereon. For every extra 30 days served, he should have received statutory goodtime credits (SGC) which was denied by respondent; there is due process violation(s) concerning liberty interest therewith
2. The "Order" Id. (R. p.) mentioned "a careful review of the record shows that the Department properly credited Appellant with earned work credits and goodtime credits." This is incorrect, wrong, err; the record shows otherwise. 2.15.12 (R. P.) showed "Your projected release date has moved from 12/12/23 to 5/18/23". More the "CLASSIFICATION REPORT DATED 1.20.97 set "PROM MAXOUT DATE: 9-16-2020" (R. p.) How was appellant's (EWC)'s relegated, decreased base on SCDC's classification modification contrary not to the due process and ex post facto clause?
3. The "Order" Id (R. P.) stressed "Appellant also contends the Department violated his due process rights by delaying the change of his custody status" The issue cannot be met where

so as to infer, the AIC as a matter of law does not rule thereon for SCDC's classification on or thereafter 1.20.97 reference EWC's there-with custody if James was classified under the new SCDC's classification system which he was, is. Penal statutes are construed against agency and the government. Agency policies are interpreted as statutes. Brown v. State, 540 S.E.2d 846 (2001).

Wherefore, the computations announced in Busby should be applied compared to the new no-parole reduce credit(s) and classification system. The merit(s) of the case should apply.

This 25 day of November 2021.

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

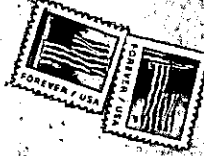
CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has mailed the Initial Brief and Designation to respondent's attorney Christina C. BegeLOW at SCDC Headquarters, POB 21787, Columbia, SC 29221-1787 this 26 day of November 2021.

S/ Isiah James, Jr.

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Isiah James Jr
1810 O St
Brunswick, GA 31520



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To: S C Court of Appeals
1220 Senate Street, POB 11629 (29211)
Columbia, South Carolina 29201

