

The South Carolina Court of Appeals.

Appellate Case # 2022-001104.

The State
Vs.

James B. Curry
Appellant.

~~In re: to reinstate appeal & order dated 8-10-22.~~

Motion to hold the Court in Contempt
For perjury. Then grant relief Sought
a new trial.

"Appellant, move's the S.C. Court of Appeals to hold Judge Brian M. Gibbons in Contempt For perjury, after he intentionally Submitted false information within his order dated. 8-10-22. to cover up the truth that took place at the recusal hearing held on 7-20-22. in Chester, Co, "which can be proved by the transcript of the proceeding and appellants Exhibit #1 Submitted as Defendants Exhibit #1 on 7-20-22."

Facts.

On 7-20-22. appellant argued before Judge Gibbons that his order's dated. 4-14-22. and 5-16-22. should be quashed and a new trial granted then recuse his self from any matters in re: to the new trial, because of inaccuracies in his order's dated. 4-14-22 and 5-16-22. see Exhibit #1 and the transcript as proof of appellants argument on 7-20-22. Note. appellant did not mention any 2014. Order or any inaccuracies in Judge Griffiths Order's as stated in Judge Gibbons order dated. 8-10-22. - On pg. # 2+3. Quote. Curry argued the 2014. Order should be quashed - along with two subsequent Order's issued by Judge Griffith, based on inaccuracies in the Order's it is these purported inaccuracies Curry cites as the reason why this Court should be recused. Note. "which is 100% Not true." Therefore, appellant move's For the relief Sought a new trial on grounds of perjury, abuse of discretion and prejudice.

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cc:
William M. Blitch, Jr. Esq.
S.C. Court of Appeals.

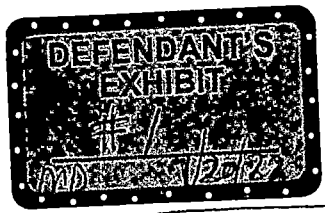
James B. Curry #186739...
Curry C.T. A-Y-KW#4.
#430 Oaklawn Rd.
Pelzer, S.C. 29669
11-21-22.

~~Exhibit #1 Truth~~

State of South Carolina In the Court of General Sessions
County of Chester. For the Sixth Judicial Circuit.
#2007-65-12-529-530-531-532.

State of South Carolina,) Affidavit in Support of perjury
vs.) accusation in order's dated 4-14-22
and 5-16-22.

James B. Curry.) Order's Signed by Judge Brian
Defendant.) M. Gibbons of the Sixth Circuit.



Relief being sought, Quash order's dated 4-14-22 and 5-16-22, grant new trial and recuse from any matter's in re: to the new trial.

"Defendant, hereby states that the issue of Juror #38 Ms. Patricia B. Giather being employed in law enforcement at the time of defendant's trial in Feb, 2008. has not been litigated numerous times, as stated in Judge Brian M. Gibbons order dated 4-14-22 and 5-16-22.

"Thus, if Filed Order's cannot be produced to Corroborate these statements, then the Court is guilty of perjury, and misconduct in office, but if defendant's relief is granted, then no action is sought against the court by defendant.

"Note. the order from 2011 is in re: to Juror #38. being formerly employed, with the Great Falls police dept. 14 yrs. before defendant's trial, and failed to disclose this fact to the court or to the defendant during voir-dire, in Feb, 2008.

2nd. Note. the order dated 11-5-21. was not considered by the court, because there was no affidavit submitted by defendant.

Sworn to and Subscribed before me

cc: this 19 day of July, 2022.

Jamarc Conwell
Notary Public For South Carolina

My Commission Expires: My Commission Expires

James B. Curry
Perry C. E. 02-A-114
#430 Oaklawn Rd
Pelzer, S.C. 29669
7-19-22.

~~See perjury on pg # 213.~~

CLRK OF CRT CHESTER SC

STATE OF SOUTH CAROLINA)
 COUNTY OF CHESTER)
)
 James B. Curry, SCDC #186737,)
 Applicant,)
 v.)
))
 State of South Carolina,)
 Respondent.)

IN THE COURT OF GENERAL SESSIONS
FOR THE SIXTH JUDICIAL CIRCUIT

Case No.: 2007-GS-12-529, -530, -531, -532

ORDER DENYING MOTION TO RECUSE
AND ORDERING FORFEITURE OF
CREDITS PURSUANT TO
S.C. CODE ANN. § 24-27-200

This matter is before this Court based on a motion by James B. Curry, SCDC # 186737, for the recusal of this Court from hearing various motions and collateral attacks he has filed or attempted to file challenging his 2008 convictions for first-degree burglary, armed robbery, kidnapping, and assault and battery of a high and aggravated nature (2007-GS-12-529, -530, -531, -532). Since his conviction, Curry has filed two post-conviction relief actions pursuant to S.C. Code Ann. §17-27-10 et seq., numerous motions for a new trial pursuant to Rule 29(b), SCRCrimP, and appeals from the denial of these actions. Curry has repeatedly filed or attempted to file documents or new actions challenging his convictions with the Chester County Clerk of Court.

In response to the prolific filings and other documents Curry has sent to the Chester County Clerk of Court, the undersigned, acting in its capacity as Chief Administrative Judge for the Sixth Judicial Circuit, issued an order on December 4, 2014, in an attempt to curtail Curry's repetitive and frivolous filings. In this order, this Court:

[D]irects the Chester County Clerk of Court to not accept any future correspondence from [Curry] unless he pays the normal filing fee. Additionally, this Court finds that [Curry] is required to provide a properly notarized affidavit certifying that [Curry] believes in good faith that the matter raised is not frivolous.

This Court also finds that if the Defendant submits a motion that is accompanied with a notarized affidavit and a filing fee, the Clerk's office is directed to submit the motion to the Chief Administrative



Judge for General Sessions. If the Administrative Judge find that the motion is proper, it would then be submitted for filing. However, if the Administrative Judge finds the documents frivolous, [Curry] may be held in contempt pursuant to S.C. Code Ann. § 24-27-300. This order shall also be served on the Attorney General's office, who is authorized pursuant to S.C. Code Ann. §24-27-300 to investigate and prosecute [Curry] for possible contempt of court for any future frivolous filings.

(Order dated Dec. 4, 2014).

Despite this order, Curry has continued to inundate the Chester County Clerk of Court with documents. In a further attempt to curtail Curry's repetitive and frivolous filings, the Honorable Eugene C. Griffith, Jr., acting in his capacity as Chief Administrative Judge for the Sixth Judicial Circuit, issued a subsequent order dated November 5, 2021, again admonishing Curry's behavior and reminding him of the restriction on future filings put in place by this Court's December 2014 order. Judge Griffith then issued another order on December 10, 2021, again referencing this Court's December 2014 order and finding Curry was in violation of this order.

Despite these three orders, Curry has continued to inundate the Chester County Clerk of Court with attempted filings, letters, and other documents, some of which contain threatening language. One such document was a motion to recuse this Court from hearing any motions associated with his case. In response, this Court convened a hearing on Curry's motion for recusal on July 20, 2022, at the Chester County Courthouse. Curry was transported from the South Carolina Department of Corrections for this hearing. Also present for this hearing were Sixth Circuit Deputy Solicitor Candice A. Lively and Senior Assistant Deputy Attorney General Megan Harrigan Jameson from the South Carolina Attorney General's Office.

~~At the start of this hearing, Curry was provided an opportunity to explain the grounds for his motion to recuse this Court. Curry argued the December 2014 order should be quashed, along with the two subsequent orders issued by Judge Griffith, based on inaccuracies in the order. It is~~

~~these purported inaccuracies Curry cites as the reason why this Court should be recused.~~ After hearing from Curry, this Court **DENIES** the motion for recusal.

Moreover, this Court finds that Curry continues to overwhelm the Chester County Clerk of Court with correspondence, documents, and attempted filings despite three separate orders admonishing Curry to stop his repetitive and frivolous filings. Curry's continued behavior impedes the administration of justice and wastes limited judicial resources as he attempts to litigate issues that have already been litigated and/or patently lack merit. This Court finds that Curry is in violation of this Court's December 2014 order, and notes that Judge Griffith previously found Curry in violation of this December 2014 order.

In response to this behavior in violation of previous court orders, this Court finds that Curry has forfeited his work, education, or good conduct credits in accordance with Section 24-27-200.

Pursuant to Section 24-27-200,

A prisoner shall forfeit all or part of his earned work, education, or good conduct credits in an amount to be determined by the Department of Corrections upon recommendation of the court if the court finds that the prisoner has done any of the following in a case pertaining to his incarceration or apprehension filed by him in state or federal court or in an administrative proceeding while incarcerated:

- (1) submitted a malicious or frivolous claim, or one that is intended solely to harass the party filed against;
- (2) testified falsely or otherwise presented false evidence or information to the court;
- (3) unreasonably expanded or delayed a proceeding;
- or
- (4) abused the discovery process.

The court may make such findings on its own motion, on motion of counsel for the defendant, or on motion of the Attorney General, who is authorized to appear in the proceeding, if he elects, in order to move for the findings in a case in which the State or any public entity or official is a defendant.



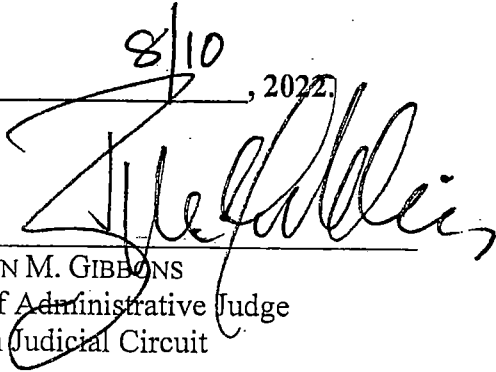
S.C. Code Ann. § 24-27-200. In this case, this Court finds that Curry has violated subsections (1), (2), and (3) of Section 24-27-200 with his repetitive and frivolous filings. This Court notes that Judge Griffith previously found that Curry was in violation of this Court's December 2014 order. Accordingly, this Court recommends and **ORDERS** the South Carolina Department of Corrections to remove Curry's earned work, education, or good conduct credits in accordance with Section 24-27-200.¹

CONCLUSION

Based on the foregoing, this Court **DENIES** Curry's motion for recusal of this Court.

Moreover, this Court finds that Curry has repeatedly violated this Court's December 2014 order regarding future filings, and notes that Judge Griffith previously found Curry in violation of that order. Accordingly, this Court **ORDERS** the South Carolina Department of Corrections to remove Curry's earned work, education, or good conduct credits in accordance with Section 24-27-200.

AND IT IS SO ORDERED this _____ day of 8/10, 2022.



BRIAN M. GIBBONS
Chief Administrative Judge
Sixth Judicial Circuit


_____, South Carolina

¹ This Court is aware of Wade v. State, 348 S.C. 255, 559 S.E.2d 843 (2002), wherein our Supreme Court found that Section 24-27-200 did not apply in post-conviction relief proceedings. However, Applicant's repetitive and frivolous documents and attempted filings do not reference any past or on-going post-conviction relief action, and, accordingly, Wade does not control in the present case.

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ALAN WILSON
ATTORNEY GENERAL

September 16, 2022

VIA ELECTRONIC FILING

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: The State v. James B. Curry
Appellate Case Number 2022-001104

Dear Ms. Kitchings:

The State received this Court's letter construing filings by Mr. Curry as a motion to reinstate his appeal. The State takes no position and leaves it to this Court's discretion whether to reinstate the appeal. The State notes while his initial notice of appeal was filed premature ~~and~~ ~~his~~, his recent filing appears to include a timely notice of appeal from a final order in the case. *dated 8-10-22.*

Sincerely,

William M. Blich, Jr.
Senior Assistant Deputy Attorney General

cc: James B. Curry, pro se Inmate #186737
Victim Advocacy Division

The South Carolina Court of Appeals.

Appellate case # 2022-001104.

~~In re: reinstated appeal order dated 8-10-22~~

The State

Vs.

James B. Curry,
Appellate

Motion to hold the Court in Contempt For perjury. Then grant relief sought, a new trial.

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PROOF OF SERVICE.

"I James B. Curry, hereby certify that i have served the respondent in this matter by placing it in the U.S. Mail addressed to William M. Blitch, Jr at P.O. Box # 11549, Columbia, S.C 29211 (S.C Attorney General's Office).

cc:
William M. Blitch, Jr.
S.C Court of Appeals.

James B. Curry #186737.
Perry Ct. A-Y-#4.
#430 Oaklawn Rd.
Pelzer, S.C 29669
11-21-22.

* James B. Curry #186737.
Perry C. A-4.
#430 Oaklawn Rd.
Pelzer, S.C. 29669

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The S.C. Court of Appeals.
"Attn: V. Claire Allen, Chief Deputy Clerk."
#1220 Senate Street
P.O. Bx # 11629
Columbia, S.C. 29211

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LEGAL MAIL

