



The South Carolina Court of Appeals

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November 27, 2024

Ms. Jessica M Saxon, Esquire
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Mr. Mark Reynolds Farthing, Esquire
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Re: The State v. James B. Curry
Appellate Case No. 2022-001104

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy". The signature is written in a cursive style.

CLERK

cc: Alan McCrory Wilson, Esquire
Randy E. Newman, Jr., Esquire
The Honorable Brian M. Gibbons

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

James B. Curry, Appellant.

Appellate Case No. 2022-001104

Appeal From Chester County
Brian M. Gibbons, Circuit Court Judge

Unpublished Opinion No. 2024-UP-391
Submitted November 21, 2024 – Filed November 27, 2024

AFFIRMED

Appellate Defender Jessica M. Saxon, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Mark Reynolds
Farthing, both of Columbia; and Solicitor Randy E.
Newman, Jr., of Lancaster, all for Respondent.

PER CURIAM: James B. Curry appeals the circuit court's order denying his motion for recusal and forfeiting Curry's earned work, education, or good conduct credits pursuant to section 24-27-200 of the South Carolina Code (2025). On

appeal, Curry argues (1) the circuit court erred by applying section 24-27-200 because that section is only applicable to civil pleadings and actions filed by inmates and (2) the circuit court judge erred by failing to recuse himself from the action after he made an earlier finding Curry asserts was factually unsupported. We affirm pursuant to Rule 220(b), SCACR.

1. We hold Curry failed to preserve his argument that the circuit court erred in applying section 24-27-200 and forfeiting any earned work, education, or good conduct credits because he did not object or argue against its application at the hearing or in his post-hearing motion. *See State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the [circuit court].").¹

2. We hold the circuit court judge did not err by refusing to recuse himself because Curry failed to show evidence of bias or prejudice that would warrant recusal. *See Patel v. Patel*, 359 S.C. 515, 524, 599 S.E.2d 114, 118 (2004) ("It is not sufficient for a party seeking disqualification to simply allege bias; the party must show evidence of bias or prejudice."); *Mallet v. Mallet*, 323 S.C. 141, 147, 473 S.E.2d 804, 808 (Ct. App. 1996) (finding no evidence in the record "to manifest impartiality"); *id.* ("The fact a [circuit court] judge ultimately rules against a litigant is not proof of prejudice by the judge, even if it is later held the judge committed error in his rulings."); *Patel*, 359 S.C. at 524, 599 S.E.2d at 118 (stating South Carolina appellate courts will not reverse a judge's decision not to disqualify himself if there was no evidence of judicial prejudice).

AFFIRMED.²

KONDUROS, GEATHERS, and HEWITT, JJ., concur.

¹ We express no opinion on the circuit court's application of section 24-27-200.

² We decide this case without oral argument pursuant to Rule 215, SCACR.