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SC Court of Appeals

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CLERK OF COURT
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)
)
vs.)
)
JAMES B. CURRY Inmate #186737)
)
Defendant)

CONTEMPT ORDER
07-GS-12-529-532

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This Court issued an Order and Rule to Show Cause, on July 19, 2024, directed to the Defendant requiring him to appear before the Court and show cause, if any he can, why he should not be held in direct willful criminal contempt of Court for repeated frivolous filings and actions in total disregard of specific instructions by the Court in prior rulings. The contempt hearing was originally scheduled for September 18, 2024 but was continued by Order of September 19, 2024 and the contempt hearing was rescheduled to November 21, 2024. Present at the hearing were Deputy Clerk Betty Jo Lawson, Deputy Solicitor Candice Lively, Chief Public Defender Williams Frick and the Defendant.

The Defendant was found guilty, after a jury trial on February 14, 2008, on

the charges of Burglary First Degree, Kidnapping, Armed Robbery, and Assault and Battery. He was sentenced to concurrent terms of 25 years on the first three charges and 10 years on the Assault and Battery charge. His appeal to the South Carolina Court of Appeals was denied. In addition, the Defendant has filed multiple Post-Conviction Relief cases and all have been denied and dismissed.

The Court will provide a summary of the various Orders that have been issued by the Court which are the basis for this contempt action.

On December 17, 2009, Judge Howard King issued an Order in the case of James B. Curry vs. Former Chief Mike Revels and Town of Great Falls, 09-CP-12-00836. Judge King noted in his Order that subsequent to the Defendant's conviction, the Defendant had filed four lawsuits (not including the present action) all being dismissed for failing to comply with the Rules. All of the lawsuits stem from the Defendant's conviction. Judge King further found that the Defendant's demands on the Clerk's Office were overbearing and the Defendant's file in the Clerk's office was voluminous. Judge King went on and found that "it was impossible to summarize the many spurious documents and demands sent to the Clerk. Judge King continued and stated, "However, when frivolous, non-

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legitimate lawsuits are filed, or excessive and unreasonable demands are made on administrative personnel, access to justice by those citizens having legitimate matters is hampered. The Court simply cannot tolerate numerous unreasonable and frivolous demands being made on the court and its personnel, thereby limiting recourses (sp) that are necessary for the proper business of the court.” Finally Judge King relied on Section 24-27-300 which provides for a one year consecutive contempt sentence for further frivolous civil action filings. Judge King did not hold the Defendant in contempt but he placed Defendant on notice of the same.

Next proceeding was with Judge Brian Gibbons wherein he issued an Order on December 4, 2014. The Court noted several things in his Order:

1. That Judge King’s Order clearly put the Defendant on notice as to the consequences of future frivolous filings or unreasonable demands on the Clerk;
2. That the matter before the Court was the Defendant’s fourth Motion for New Trial based on after-discovered evidence and the Court found it had

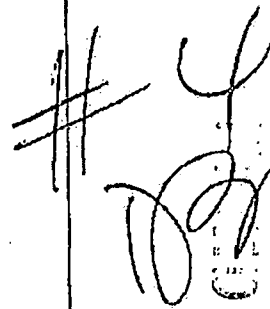
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no merit;

3. "Since Judge King's order, the Defendant has continued to inundate the Chester County Clerk's office with voluminous letters, motions, filings and other demands."
4. That the Defendant may be held in contempt pursuant to Section 24-27-300 if any documents filed are found to be frivolous by the Chief Administrative Judge.

The next proceeding was before Judge Eugene Griffith wherein the Defendant filed his fifth Motion for New Trial based on after-discovered evidence. Judge Griffith denied the Motion as it did not have any merit and he issued Orders on November 5, 2021 and December 10, 2021.

The next proceeding came before this Judge. The Defendant filed a Motion to Dismiss his charges that he was convicted on on June 7, 2024. The Court issued a Letter to Defendant on June 13, 2024 telling the Defendant that it did not have jurisdiction to hear his Motion and would not hold a hearing on the same. The Court further admonished the Defendant not to respond to the letter to the Court


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CHESTER COUNTY, S.C.

or Clerk's Office. Notwithstanding, the Defendant responded to the letter demanding a formal Order.

Deputy Clerk Lawson testified that the following number of filings, letters, and documents have been filed with her office:

1. Since Judge King's Order: 15
2. Since Judge Gibbons' Order: 22
3. Since Judge Griffith's November Order: 6
4. Since Judge Griffith's December Order: 10

She also indicated that all of the above were related to his conviction. The Defendant concurred in this.

The Defendant argues that since Judge King's Order only dealt with the civil matters and the subsequent Orders stemmed from that Order then he could not be held in contempt since all filings after Judge King's Order were criminal based upon his conviction. This argument is without merit for several reasons:

1. Judge Gibbons and Judge Griffith dealt with criminal Motions and Judge King dealt with civil matters;
2. That each Order stood on its own notwithstanding the fact that Judge

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Gibbons referred to Judge King's Order and Judge Griffith referred to Judge Gibbons' Order;

3. The basis for all of the Orders was due to the Defendant's frivolous, meritless, overly burdensome and redundant filings and correspondence.

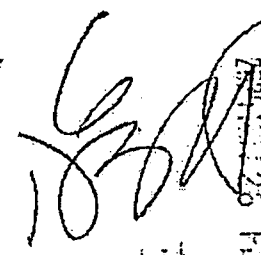
4. The Defendant since Judge King's Order has mailed something to the Clerk's Office 53 times and what has that got him—nothing. He has failed miserably every time. What it has done is it has created so much unnecessary work on the Clerk's office.

It is abundantly clear to this Court that the Defendant has willfully violated the aforementioned Orders of Judge King and Judge Gibbons and should be held in contempt. The Rule to Show cause indicated a criminal contempt citation but this Court will convert it to a civil contempt citation. Even though the Court would be justified in finding Mr. Curry in contempt for his 28 filings (exclusive of 15 times after Judge King's Order), the Court will decrease it to 3 times.

Consequently, it is

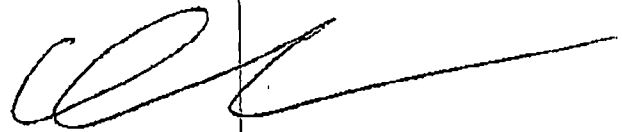
HEREBY ORDERED THAT:

1. The Defendant is found to be in willful civil contempt and shall be


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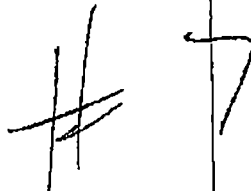
Incarcerated at SCDC for three (3) consecutive five (5) month sentences and all three (3) shall run consecutive to his current sentence at SCDC, however, the Defendant can purge himself of this contempt citation by the following: From the date of this Order forward he shall have no contact with the Chester Clerk of Court's office either verbally or in writing which includes letters, Motions, lawsuits or any other material in writing except as made by a S.C. licensed attorney on the Defendant's behalf. This same contempt finding and citation shall also apply upon the Defendant's release from incarceration from SCDC on his current sentence if the Defendant were to make contact with the Chester County Clerk's office as stated above. Simply stated, the Defendant will not have to serve a contempt sentence at any point in time if he refrains from making any contact with the Clerk's office. If he makes contact then the Contempt sentence goes into effect.

SO ORDERED.



DONALD B. HOCKER
CHIEF ADMINISTRATIVE JUDGE FOR GENERAL
SESSIONS—6TH JUDICIAL CIRCUIT

Laurens, SC
Date: 11-26-24



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CHESTER COUNTY
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