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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2024-002075

The State, ...Respondent,

v.

James B. Curry,.....Appellant.

INITIAL BRIEF OF RESPONDENT

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RESPONDENT'S STATEMENT OF ISSUES ON APPEAL

1. Whether Appellant's argument that, by holding him in contempt of court "for perpetuity" and by imposing an aggregate fifteen months' incarceration, the trial court (1) violated his Sixth Amendment right to a jury trial and (2) unconstitutionally restricted his access to the courts, is not preserved for appellate review where it was neither raised to nor ruled upon by the lower court. Furthermore, whether, because the ordered sanction is not purely punitive and instead is contingent and intended to compel Appellant to refrain from certain acts, it constitutues civil contempt and therefore does not implicate the Sixth Amendment.

2. Whether the lower court, pursuant to its inherent powers to maintain order and decorum and to ensure its orders were obeyed, properly held Appellant in contempt based on his repeated frivolous and non-meritorious filings in the Court of General Sessions despite repeated admonitions and warnings to refrain from doing so and other reasonable efforts to curtail such filings.

STATEMENT OF THE CASE

James B. Curry's (Appellant's) current appeal stems from a November, 2024 "Contempt Order" issued by the court of general sessions in response to Appellant's submission of numerous *pro se* filings subsequent to his 2008 criminal convictions. The full procedural history of Appellant's case is quite lengthy and convoluted, and below the State has attempted to piece together that history to include as many relevant details as possible.[1]

Underlying Convictions and Direct Appeal

Appellant was indicted at the July, 2007 term of the Chester County Grand Jury for first-degree burglary (2007-GS-12-529); armed robbery (2007-GS-12-530); kidnapping (2007-GS-12-531); and common law assault and battery of a high and aggravated nature (ABHAN) (2007-GS-12-532) based on a violent home invasion in which an elderly man was attacked and robbed inside his own residence. On February 12-14, 2008, Appellant proceeded to a trial by jury before the Honorable Brooks P. Goldsmith. Appellant appeared *pro se* with the assistance of standby counsel, Public Defender Yale Zamore. Respondent (the State) was represented by Solicitor Douglas A. Barfield, Jr, of the Sixth Circuit Solicitor's Office. (Trial Tr.p.1-p.3). At the conclusion of trial, the jury found Appellant guilty as indicted. Judge Goldsmith sentenced Appellant to concurrent terms of imprisonment of twenty-five (25) years for first-degree burglary, twenty-five (25) years for armed robbery, twenty-five (25) years for kidnapping, and ten (10) years for common law ABHAN. (Indictments & Sentencing Sheets; Trial Tr.p.473-p.480). Appellant filed a *pro se* notice of intent to appeal his convictions; however, he later moved to withdraw his appeal. Pursuant to the motion, the direct appeal was dismissed by order

[1] The State's procedural history does *not* delve into Appellant's many related—and unrelated—federal filings. *See, e.g., Curry v. South Carolina*, 578 U.S. 992 (2016) (denying Curry's petition for rehearing from the denial of his petition for a writ of certiorari); *Curry v. South Carolina*, 578 U.S. 910 (2016) (denying a petition for a writ of certiorari to the South Carolina Supreme Court).

of this Court on April 8, 2009. (February 14, 2008, Notice of Appeal & April 8, 2009, Order of Dismissal and Remittitur).

First Rule 29(b), SCRCrimP, Motion for a New Trial Based on After-Discovered Evidence

On July 29, 2008, Appellant filed his first motion for a new trial based on after-discovered evidence in the Court of General Sessions. On October 24, 2008, Appellant appeared before the court for a hearing on his motion. On that date, Nathan Sheldon, Esquire, of the Chester County Bar was appointed to represent Appellant and the hearing was continued. (See procedural history - October 13, 2009 Order of the Honorable Howard P. King). The hearing was reconvened before Judge Goldsmith on February 9, 2009, at the Chester County Courthouse. Appellant was present and represented by appointed counsel, Nathan Sheldon, Esquire. The State was represented by Solicitor Barfield. Appellant presented testimony from five witnesses, including Officer Anthony Thomashot, Lamoris Dye, Latonya Curry, Shameka Dye, and himself, while the State recalled Officer Thomashot to elicit additional testimony and evidence. (February 9, 2009 Tr.p.1-p.2). At the conclusion of the hearing, Judge Goldsmith ruled from the bench, denying Appellant's first motion for a new trial. He found the evidence Appellant asserted as "new," could have been discovered by due diligence prior to trial and that in any event, it was highly unlikely the results would change even if there was a new trial. (February 9, 2009 Tr.p.121-p.122). The oral ruling does not appear to have been reduced to a written order.[2]

Motion to Compel (Supreme Court Case Tracking No. 2008104066)

On September 23, 2008, Appellant filed a motion to compel in the original jurisdiction of the Supreme Court. By Order dated October 8, 2008, the motion was dismissed pursuant to *Key*

[2] In his brief, Appellant suggests this oral denial was later memorialized in the March 18, 2010 Order from Judge Goldsmith; however, it appears that order was issued in response to Appellant's third Rule 29(b) motion, as described below. This would account for Judge Gibbons calling the action before him Appellant's "fourth motion" for a new trial based on after-discovered evidence. (See Brief of Appellant, p.2 and fn1).

v. Currie, 305 S.C. 115, 406 S.E.2d 356 (1991). Appellant subsequently submitted two letters to the Chief Justice, a second motion to compel, received October 6, 2008, and an appeal and a letter to the Deputy Clerk of Court dated October 13, 2008. Because Appellant had shown no reason for the Court to reconsider its decision, the petition was denied. (Orders dated October 8, 2008 & November 7, 2008).

Second Rule 29(b), SCRCrimP, Motion for a New Trial Based on After-Discovered Evidence

On April 7, 2009, Appellant filed his second motion for a new trial based on after-discovered evidence in the Court of General Sessions. On May 14, 2009, Appellant appeared before the Honorable Howard P. King for a hearing on his motion. On that date, the public defender's office was appointed to represent Appellant and the hearing was continued. (See procedural history in October 13, 2009 Order of Judge King). On June 30, 2009, Public Defender Michael H. Lifsey filed an amended motion for a new trial based on after-discovered evidence on Appellant's behalf. (Amended Motion dated and filed June 30, 2009). The hearing was reconvened before Judge King on October 5, 2009, at the Chester County Courthouse. Appellant was present and represented by Mr. Lifsey. The State was again represented by Solicitor Barfield. In a six-page written order dated October 13, 2009, and filed October 16, 2009, Judge King denied Appellant's second motion for a new trial. He found none of Appellant's three grounds for a new trial met the test for after-discovered evidence. (October 13, 2009, Order of Judge King). On October 23, 2009, a notice of intent to appeal Judge King's order was filed on Appellant's behalf by Mr. Lifsey; however, he later moved to withdraw the appeal. Pursuant to that motion, the appeal was dismissed by order of this Court on January 22, 2010. (October 23, 2009, Notice of Appeal & January 22, 2010, Order of Dismissal).

Third Rule 29(b), SCRCrimP, Motion for a New Trial Based on After-Discovered Evidence

On December 29, 2009, Appellant filed his third motion for a new trial based on after-discovered evidence in the Chester County Court of General Sessions. ("Defendant's pro-se Motion for New-Trial based on after discovered evidence" dated December 21, 2009, and filed December 29, 2009), which was accompanied by an affidavit in support of the motion ("Affidavit in Support of Motion" dated December 21, 2009). Appellant subsequently filed two "additional grounds" in support of the motion ("Defendants Additional Grounds of New-Trial Motion, + Request for Subpoena's" and "Defendant's 3rd and Final Ground in Support of New-Trial Motion). Among the allegations raised, Appellant alleged one of the jurors from his trial—Juror # 38—had failed to disclose or had concealed information during *voir dire*. After review of the submitted documents, Judge Goldsmith issued a written order denying Appellant's motion. Judge Goldsmith found: "the alleged violations did not likely affect the outcome of trial" and that "the allegations made in the Motions lack any factual support in the form of affidavits." (March 18, 2010 Order of Judge Goldsmith). No appeal appears to have been filed from Judge Goldsmith's order denying Appellant's third Rule 29(b) motion.

Civil Lawsuits

From the date of his conviction in 2008 through 2009, and interspersed with the three Rule 29(b) Motions Appellant filed in the Court of General Sessions, Appellant filed five separate civil lawsuits related to his 2008 convictions in the Court of Common Pleas: *Curry v. Guilfoyle and Chester News and Reporter* (08-CP-12-0523); *Curry v. Watkins* (08-CP-12-0649); *Curry v. Barfield* (09-CP-12-044); *Curry v. Revels & Town of Great Falls* (09-CP-12-0225); and *Curry v. Revels and Town of Great Falls* (09-CP-12-0836). The first four cases were dismissed for failure to comply with Rule 4 and Rule 5, SCRCP. (See procedural history - December 17,

2009 Order of Judge King; Form 4 Orders). The fifth case was dismissed for failure to state a cause of action pursuant to Rule 8, SCRCP. (December 17, 2009 Order of Judge King). In that order, Judge King briefly described Appellant's first two Rule 29(b) motions, as well as his four prior civil actions before commenting on Appellant's overbearing demands on the Clerk of Court's office through voluminous letters, requests, demands and other matters. Judge King then explained:

> This Court is well aware of the necessity of the courts being open and accessible to all citizens so that there will be a forum where their legitimate grievances can be resolved. This Court does not intend in any way to limit that access to justice. However, when frivolous, non-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 and compromised. The Court simply cannot tolerate numerous unreasonable and frivolous demands being made on the court and its personnel, thereby limiting recourses [sic] that are necessary for the proper business of the court.

(December 17, 2009 Order of Judge King). Finally, Judge King recognized the existence of certain provisions in the Inmate Litigation Act (ILA), See S.C. Code Ann. § 24-27-100, et. seq. (Supp. 2009); 1996 Act No. 455, before ordering:

> Therefore, this Court does hereby serve notice on this Defendant that future frivolous, repetitious, or unfounded *lawsuits*, or continued unreasonable demands on the Clerk of Court, could result in findings by this court that [Appellant] be required to forfeit all or part of his earned work, education, or good conduct credits as provided by *Furtick.*
>
> Furthermore, the Court may, if [Appellant] intentionally violates the terms of this order, hold him in contempt of court pursuant to S.C. Code Ann. § 24-27-300. The punishment for such contempt is up to one year to be served consecutively to the previously imposed imprisonment.

(December 17, 2009 Order of Judge King) (emphasis added).

First PCR Application (2010-CP-12-0228)

On May 14, 2010, Appellant filed his first application for post-conviction relief (PCR). An evidentiary hearing was held on February 23, 2011, in the Lancaster County Family Court before the Honorable J. Ernest Kinard, Jr. Appellant was present and represented by Jay W. McKeown, Esquire, and the State was represented by Assistant Attorney General Suzanne H. White. During the hearing, evidence was presented including testimony from Juror #38 about the alleged *voir dire* violation. Judge Kinard's order of dismissal was filed on April 20, 2011, finding Appellant has not established any grounds for relief. (Order of Dismissal dated April 19, 2011, and filed April 20, 2011). Appellant did not appeal the denial of his first PCR.

Second PCR Application (2012-CP-12-0184)

On March 28, 2012, Appellant filed his second application for PCR, alleging newly discovered evidence, including a claim he had received a signed confession in the mail from the true perpetrator of the crimes. On October 1, 2012, Judge Goldsmith issued a conditional order of dismissal (COD) finding the application barred as untimely and successive unless Appellant could provide specific reasons, factual or legal, for why the Application should not be dismissed in its entirety. (Conditional Order of Dismissal dated October 1, 2012, and filed October 10, 2012). After receiving Appellant's objections and responses to the COD, the matter was set for an evidentiary hearing. That hearing was held on August 6, 2013, at the Lancaster County Courthouse before the Honorable Clifton Newman. Appellant was present and was initially represented by Tristan Shaffer, Esquire; however, during the hearing he requested to represent himself and the court allowed him to do so. The State was again represented by Assistant Attorney General White. Judge Newman's order of dismissal was filed on December 23, 2013, finding Appellant had not carried his burden of proving the requirements for newly-discovered

evidence and had not otherwise established any grounds for relief. (Order of Dismissal dated December 19, 2013, and filed December 23, 2013). Appellant subsequently filed two motions to alter or amend and a motion to present oral argument on those motions, all of which were denied by Judge Newman on February 21, 2014. (February 21, 2014, Order of Judge Newman).

On March 10, 2014, Appellant attempted to appeal the denial of his second application for PCR by filing a *pro se* notice of appeal with this Court. After the appeal was transferred to the Supreme Court pursuant to Rule 243, SCACR, it was dismissed under Rule 243(c), SCACR, due to Appellant's failure to show an arguable basis for asserting that the determination of the lower court was improper. (Order dated May 7, 2014). Appellant filed a petition for reinstatement which was construed as a petition for rehearing and was denied by the Court on June 12, 2014. (Order dated June 12, 2014 & Remittitur).

Rule 60(b), SCRCP Motion for Relief from Judgment

In 2014, Appellant filed a motion for relief from judgment in the Court of Common Pleas. On July 21, 2014, the Honorable Brian M. Gibbons dismissed the motion after finding it was an attempted successive PCR application that was untimely. (July 21, 2014 Order of Judge Gibbons). It does not appear Appellant appealed the denial of his Rule 60(b) motion.

Fourth Rule 29(b), SCRCrimP, Motion for a New Trial Based on After-Discovered Evidence

Also in 2014, Appellant filed his fourth motion for a new trial based on after-discovered evidence in the Court of General Sessions, alleging a trial witness had lied and the solicitor had colluded with that witness to present false testimony. After hearing oral arguments, reviewing the documents submitted, and considering applicable law, Judge Gibbons denied the motion, finding "absolutely no merit to [Appellant's] contentions." (December 4, 2014, Order of Judge Gibbons). In doing so, Judge Gibbons referenced Judge King's December 17, 2009 Order

dismissing Appellant's fifth civil suit and its warning to Appellant against filing any further frivolous, non-legitimate lawsuits. He concluded Appellant had had more than his fair share of "bites at the apple" yet continued to raise the same meritless claims by repeated collateral attacks on his convictions. Relying in part on *In re Theron Maxton*, 325 S.C. 3, 478 S.E.2d 679 (1996), Judge Gibbons directed the Chester County Clerk of Court to not accept any future correspondence from Appellant unless he paid the normal filing fee, and required Appellant to provide a properly notarized affidavit certifying that he believed in good faith that the matter raised is not frivolous. (December 4, 2014 Order of Judge Gibbons). He further directed that any motion filed by Appellant be sent to and reviewed by the Chief Administrative Judge for General Sessions and that if the Judge deems it frivolous, Appellant "may be held in contempt pursuant to S.C., Code Ann. §24-27-300." (December 4, 2014 Order of Judge Gibbons).

On December 10, 2014, Appellant attempted to appeal the denial of his fourth motion for a new trial based on after-discovered evidence by filing a *pro se* notice of appeal with this Court, along with several motions. (Appellate Case No. 2014-002666). On May 13, 2015, this Court denied Appellant's motion to dismiss the appeal and grant a new trial, and it denied his request for oral argument on his motion. (Order filed May 13, 2015). Appellant subsequently filed a motion with the Supreme Court seeking to compel this Court to suspend the appeal so it could rule on an earlier motion seeking dismissal of the order on appeal and the granting of a new trial. On June 3, 2015, the Supreme Court denied the motion to compel and declined to rule on the motion to dismiss, noting this Court had jurisdiction over the appeal. (Order dated June 3, 2015). On July 1, 2015, this Court dismissed the appeal due to Appellant's failure to timely order the transcript as required by Rule 207, SCACR. (Order dated July 1, 2015 & Remittitur).

Petition for a Writ of Habeas Corpus (Appellate Case No. 2015-001431)

On July 21, 2015, Appellant filed a petition for a writ of habeas corpus in the original jurisdiction of the Supreme Court. On August 21, 2015, it was denied. (Order dated August 21, 2015).

Second Petition for a Writ of Habeas Corpus

On September 9, 2015, Appellant filed a second petition for writ of habeas corpus to the Supreme Court. On October 8, 2015, it was denied. Appellant then submitted a petition for rehearing, and on November 4, 2015, it was also denied. Shortly thereafter, Appellant submitted another petition for rehearing and on December 3, 2015, it was likewise denied. Appellant attempted to appeal the Supreme Court's December 3, 2015 Order to this Court; however, his filings were returned because there is no provision of law permitting appeal of a Supreme Court order to the Court of Appeals. (Letter in Appellate Case No. 2015-002625).

Fifth Rule 29(b), SCRCrimP, Motion for a New Trial Based on After-Discovered Evidence

On September 20, 2021, Appellant filed his fifth motion for a new trial based on after-discovered evidence in the Court of General Sessions, again targeting Juror #38 and now alleging she concealed during *voir dire* that she was employed at the Chester County courthouse during trial.[3] The motion was heard by the Honorable Eugene C. Griffith, Jr., on November 3, 2021. After hearing oral arguments, reviewing the documents submitted, and considering the applicable law, Judge Griffith denied the motion, finding no merit to the allegations. (November 5, 2021 Order of Judge Griffith). In regard to the filing itself, Judge Griffith found that: (1) "the documents submitted . . . are not proper and fail to comply with Judge Gibbons' Order," (2)

[3] Although the caption indicates the matter was in the Court of Common Pleas, the subject matter of the action was clearly pursued under Rule 29(b), SCRCrimP, as a criminal matter.

[Appellant] continues to flood the Court system with claims of new evidence or after-discovered evidence, regardless of the merits of the claim, in hopes of receiving a new trial." (November 5, 2021 Order of Judge Griffith). The order concluded as follows:

> THEREFORE, this Court refuses to consider these frivolous filings and again instructs the Clerk of Court to not accept any future motions, correspondence, or filings from [Appellant] until they are submitted to the Chief Administrative Judge for General Sessions with a notarized affidavit and the filing fee for a preliminary determination of whether the submission is or is not frivolous. The Clerk of Court shall henceforth examine any future documents, filings, or motions that are submitted and return them unless they comply with the conditions contained in the December 4, 2014 Order.

(November 5, 2021 Order of Judge Griffith). Appellant filed a motion for rehearing and on December 10, 2021, Judge Griffith denied that motion. (December 10, 2021 Order of Judge Griffith).

Appellant attempted to appeal the denial of his fifth motion for a new trial based on after-discovered evidence by filing a *pro se* notice of appeal with this Court (Appellate Case No. 2021-001412). That appeal, however, was dismissed for failure to provide proof of timely service of the notice of appeal on the State as required by Rule 203(b), SCACR. (Order filed March 3, 2022). Appellant filed a motion to reinstate the appeal which was construed as a petition to rehear the dismissal and was denied. (Order filed April 19, 2022 & Remittitur).

Motion to be Heard (6th Filing in GS Court)

On Apirl 5, 2022, Appellant filed a "motion to be heard" in the Court of General Sessions, alleging another *voir dire* violation concerning Juror #38, and submitted an affidavit in support of his motion. Upon review of the documents and a determination that no hearing was necessary, the motion was denied by Judge Gibbons. Judge Gibbons noted this issue had been litigated numerous times and no new evidence was alleged or submitted by Appellant. (April 14,

2022 Order of Judge Gibbons). Appellant filed a motion for rehearing and a motion for Judge Gibbons to recuse himself. The motion for rehearing was denied; however, Judge Gibbons scheduled a hearing on Appellant's motion for recusal. (May 16, 2022 Order of Judge Gibbons).

A hearing was convened before Judge Gibbons on July 20, 2022, at the Chester County Courthouse. Appellant was present and appeared pro se. The State was represented by Deputy Solicitor Candice Lively of the Sixth Circuit Solicitor's Office and Senior Assistant Deputy Attorney General Megan Jameson of the South Carolina Attorney General's Office. (July 20, 2022 Tr.p.1). Judge Gibbons advised the parties that the purpose of the hearing was both to address the motion to recuse and the possible application of Section 24-27-200 of the Code. After hearing arguments, the motion to recuse was denied. (July 20, 2022 Tr.p.14). On his own motion, Judge Gibbons then found Appellant in violation of S.C. Code Ann. § 24-27-200 (the ILA) and recommended that any work, education, or good conduct credits that Appellant had earned or might earn at the South Carolina Department of Corrections (SCDC) be forfeited as a result of Appellant: (1) submitting a claim that was intended to harass the party filed against him, (2) testifying falsely or otherwise presenting false evidence or information to the court, and (3) unreasonably expanding or delaying a proceeding, all of which constituted "deliberate and intentional actions and filing frivolous documents." (July 20, 2022 Tr.p.19-p.21). In a four-page written order, Judge Gibbons reduced his decision to writing referencing the various prior orders warning Appellant not to file frivolous motions. It included an order that SCDC remove Appellant's earned work, education, or good conduct credits. (August 10, 2022 Order of Judge Gibbons).

Appellant appealed the denial of Judge Gibbons' rulings by filing a *pro se* notice of appeal with this Court (Appellate Case No. 2022-001104). That appeal was initially dismissed

because the notice of appeal did not appear to be timely served (Order filed August 16, 2022); however, it was later reinstated. (Order filed November 23, 2022). On November 28, 2022, Appellant filed a request that this Court issue an order holding the circuit court in contempt for "perjury" and granting a new trial. That motion was denied. (Order filed January 12, 2023). Ultimately, Appellant was appointed appellate counsel and a brief was filed on his behalf by Appellate Defender Jessica M. Saxon of the South Carolina Commission on Indigent Defense. Senior Assistant Deputy Attorney General Mark R. Farthing submitted a Brief of Respondent on behalf of the State. In an unpublished opinion, this Court affirmed, finding: (1) Appellant 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 and (2) the circuit court judge did not err by refusing to recuse himself. *State v. Curry*, Op. No. 2024-UP-391 (Ct. App. filed November 27, 2024).

Motion to Dismiss (7th Filing in GS Court)

On June 7, 2024, before his 2022 appeal had been resolved, Appellant filed a motion to dismiss his 2008 convictions in the Court of General Sessions. On June 13, 2024, the Honorable Donald B. Hocker, Chief Administrative Judge for General Sessions, wrote Appellant a letter advising the court did not have jurisdiction concerning the motion and directing him not to respond to the letter. Contrary to Judge Hocker's instruction, Appellant responded by seeking an order concerning the ruling and later made a request for a hearing. As a result, Judge Hocker *sua sponte* issued an order: (1) attempting "to give a summary of the tortured and aggravating history of this case;" (2) ordering Appellant to appear for a September 18, 2024 hearing to show cause why (a) he should not be held in direct willful criminal contempt of court for his repeated frivolous filings and total disregard of the specific instruction and findings by the court in the

prior rulings; and (b) any contempt citation(s) should not run consecutive to each other and consecutive to his current prison sentence. (July 19, 2024 Order of Judge Hocker).

A contempt hearing was convened before Judge Hocker on November 21, 2024, at the Chester County Courthouse. Appellant was present and represented by Public Defender William Frick. The State was again represented by Deputy Solicitor Lively. (November 21, 2024 Tr.p.1-p.22). In a seven-page written order dated and filed November 26, 2024, Judge Hocker found Appellant in "willful civil contempt" and ordered that, should he fail to refrain from further contact or filings with the Clerk of Court, he be incarcerated at SCDC for three (3) consecutive five (5) month sentences, all of which would run consecutive to his current sentence at SCDC. (November 26, 2024 Order of Judge Hocker).

Appellant timely filed a notice of intent to appeal Judge Hocker's order, and a brief was submitted in support of his appeal by Appellate Defender Saxon. This Brief of Respondent on behalf of the State now follows.

STATEMENT OF FACTS

On November 21, 2024, a contempt hearing was convened before Judge Hocker at the Chester County Courthouse. Appellant was present and represented by Public Defender Frick. The State was represented by Deputy Solicitor Lively. Judge Hocker began the hearing by providing a procedural history before announcing: "As a result of multiple filings with the Court, along with some letters that were of a threatening nature, this Judge, as chief administrative judge of the Sixth Judicial Circuit, found it necessary to institute these contempt proceedings against [Appellant]." (Tr.p.4, line 22-p.5, line5). The court then asked Betty Jo Lawson of the

Chester County Clerk of Court's office to detail the number of Appellant's filings since Judge King's order in 2009, which numbered in the dozens. (Tr.p.5-p.8).

Next, Judge Hocker asked for arguments on Appellant's behalf from Mr. Frick. Mr. Frick primarily argued that Appellant should not be held in contempt because he interpreted the prohibition on frivolous filings as only dealing with *civil filings* and not *criminal filings*. He contended: (1) Judge King's order only dealt with civil matters, (2) the subsequent orders from Judge Gibbons and Judge Griffith stemmed from or referenced Judge King's order, and (3) all filings since Judge King's order were in criminal matters rather than civil matters. Mr. Frick further argued letters should not count as "filings" and therefore any letters Appellant sent to the Clerk should not count against him for purposes of contempt. Finally, Mr. Frick argued that under the terms of section 24-27-300 itself, Appellant should not be found in contempt because the statute requires three or more prior filings on the same issue, and Appellant had only raised this "photo lineup" issue one previous time. (Tr.p.8, line 6-p.12, line 21). Appellant was then allowed to address the court himself. He essentially reiterated the primary argument made by Mr. Frick—that the prior court orders and the ILA only applies to civil actions, meaning he could not be held in contempt regardless of the number of criminal actions that had been deemed frivolous. (Tr.p.14, line 2-p.18, line 19). Judge Hocker expressed skepticism about the civil versus criminal distinction, noting Judge Gibbon's 2014 order was issued in response to Appellant's criminal motion for a new trial based on after-discovered evidence. (Tr.p.,18, line 20-p.19, line 10).

In a seven-page written order dated and filed November 26, 2024, Judge Hocker found Appellant in "willful civil contempt" and ordered that if he failed to refrain from certain acts, he be incarcerated at SCDC for three (3) consecutive five (5) month sentences, all of which would

run consecutive to his current sentence at SCDC. In the November 26, 2024 contempt order which is the subject of this appeal, Judge Hocker first briefly described the long procedural history of Appellant's criminal and civil challenges to his 2008 convictions, giving particular attention to: (1) Judge King's December 17, 2009 Order finding Appellant had made numerous frivolous civil filings and putting him on notice of section 24-27-300 which provides for a one year consecutive contempt sentence for further frivolous civil filings; and (2) Judge Gibbons' December 4, 2014 Order describing Appellant's repeated frivolous civil *and* criminal filings, finding that despite Judge King's admonition, Appellant had continued to make these frivolous filings, and that Appellant may be held in contempt pursuant to section 24-27-300. (November 26, 2024 Order of Judge Hocker, p.1-p.4). Judge Hocker then addressed Appellant's argument that he could not be held in contempt where : (1) Judge King's order only dealt with civil matters, (2) the subsequent orders stemmed from Judge King's order, and (3) all filings since Judge King's order were criminal matters. The argument was rejected because, though they referenced Judge King's prior order, the subsequent orders from Judge Gibbons and Judge Griffin dealt with Appellant's frivolous criminal motions. (November 26, 2024 Order of Judge Hocker). Judge Hocker concluded:

> It is abundantly clear to this Court that [Appellant] 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 [Appellant] in contempt for his 28 filings (exclusive of 15 times after Judge King's Order), the Court will decrease it to 3 times.

(November 26, 2024 Order of Judge Hocker, p.5-p.6). The contempt order concludes by ordering:

> [Appellant] is found to be in willful civil contempt and shall be 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, [Appellant] 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 [Appellant's] behalf. This same contempt finding and citation shall also apply upon [Appellant's] release from incarceration from SCDC on his current sentence if [Appellant] were to make contact with the Chester County Clerk's office as stated above. Simply stated, [Appellant] 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.

(November 26, 2024 Order of Judge Hocker, p.6-p.7).

STANDARD OF REVIEW

In criminal cases, an appellate court sits to review only errors of law, and it is bound by the trial court's factual findings unless they are clearly erroneous. *State v. Brown*, 401 S.C. 82, 87, 736 S.E.2d 263, 265 (2012); *State v. Wharton*, 381 S.C. 209, 213, 672 S.E.2d 786, 788 (2009). A finding of contempt rests within the sound discretion of the trial judge. *DiMarco v. DiMarco*, 393 S.C. 604, 607, 713 S.E.2d 631, 633 (2011); *Hook v. S.C. Dep't of Health and Envtl. Control*, 439 S.C. 52, 72, 885 S.E.2d 442, 453 (Ct. App. 2003); *State v. Passmore*, 363 S.C. 568, 571, 611 S.E.2d 273, 275 (Ct. App. 2005). On appeal, a decision regarding contempt should be reversed only if it is without evidentiary support or the trial judge has abused his or her discretion. *Dimarco*, 393 S.C. at 607, 713 S.E.2d at 633; *Hook*, 439 S.C. at 72, 885 S.E.2d at 453.

ARGUMENT

I.

Appellant's argument that, by holding him in contempt of court "for perpetuity" and by imposing an aggregate fifteen months' incarceration, the trial court (1) violated his Sixth Amendment right to a jury trial and (2) unconstitutionally restricted his access to the courts, is not preserved for appellate review because it was neither raised to nor ruled upon by the lower court. In any event, because the ordered sanction is not purely punitive and instead is contingent and intended to compel Appellant to refrain from certain acts, it is civil contempt and therefore does not implicate the Sixth Amendment.

Appellant argues the lower court abused its discretion in holding him in contempt of court where the contempt sanction ordered violates his Sixth Amendment rights and holds him in contempt "for perpetuity." He contends the contempt sanction is criminal rather than civil because it is intended to punish his alleged failure to comply with prior court orders and because his noncompliance would trigger a fifteen-month, definite, non-purgeable incarceration. Consequently, Appellant argues that before that sentence can be imposed, our law requires that he be afforded a jury trial. Finally, Appellant argues that where the sanction was fashioned to hold him in civil contempt for perpetuity, with the specter of a prison sentence waiting in the wings should he ever contact the Clerk, it unconstitutionally restricts his access to the courts. (Brief of Appellant, p.7-p.13). The State disagrees and submits Appellant's argument should be denied and dismissed for a number of reasons.

Issue Not Preserved for Appeal

First and foremost, the argument raised in Appellant's brief is not preserved for appellate review because it was neither raised to nor ruled upon by the lower court. In order for an issue to be preserved for appellate review, the issue must have been: (1) raised to and ruled upon by the trial court; (2) raised by the Appellant; (3) raised in a timely manner; and (4) raised to the trial

court with sufficient specificity. *State v. Rogers*, 361 S.C. 178, 183, 603 S.E.2d 910, 912-13 (Ct. App. 2004) (emphasis added). "If a party fails to properly object, the party is procedurally barred from raising the issue on appeal." *State v. Johnson*, 363 S.C. 53, 58-59, 609 S.E.2d 520, 523 (2005). This issue preservation requirement applies to assertions of constitutional violations. *State v. Passmore*, 363 S.C. 568, 584, 611 S.E.2d 273, 282 (Ct. App. 2005).

In *Rhoad v. State*, this Court held that two consecutive six-month criminal contempt sentences are the equivalent of a one-year sentence, thus, the sentences were such that would normally entitle a defendant to a jury trial if he or she requested one. *Rhoad v. State*, 372 S.C. 100, 107, 641 S.E.2d 35, 38 (Ct. App. 2007). Nevertheless, the Court affirmed because, where Rhoad never requested a jury trial and never objected to the imposition of the contempt sentence without a jury trial, the Sixth Amendment issue was not preserved for appellate review. *Id.* at 108, 641 S.E.2d at 39. Here, neither Mr. Frick nor Appellant: (1) requested a jury trial, (2) argued Appellant had a Sixth Amendment right to a jury trial, or (3) argued Judge Hocker was somehow unconstitutionally restricting Appellant's access to the courts. Thus, precisely as in *Rhoad*, regardless of whether there is any merit to the questions of whether Appellant was entitled to a jury trial or was being denied access to the courts, Appellant was obligated to bring those issues to the attention of Judge Hocker at the contempt hearing. Because Appellant failed to do so, this entire argument may not be addressed on appeal, and the lower court's order should be affirmed.

Law / Analysis

Even if this Court determines Appellant's argument is preserved for appellate review, it is without merit because the ordered sanction is *not* purely punitive and instead is contingent and intended to compel Appellant to refrain from certain future acts. Consequently, it is a civil

contempt sanction and therefore the constitutional safeguards provided by the Sixth Amendment were not triggered by Judge Hocker's order.[4]

Contempt Power

The trial court's power includes the ability to maintain order and decorum. *Stone v. Reddix-Smalls*, 295 S.C. 514, 369 S.E.2d 840 (1988). Further, all courts have the power to demand submission to their lawful mandates. *Miller v. Miller*, 375 S.C. 443, 453, 652 S.E.2d 754, 759 (Ct. App. 2007). "Courts have no more important function to perform in the administration of justice than to ensure their orders are obeyed. The appellate courts of this state have zealously defended the right of trial courts to vindicate their authority by way of contempt." *Hook*, 439 S.C. at 74, 885 S.E.2d 442 at 454 (quoting *State v. Bevilacqua*, 316 S.C. 122, 128, 447 S.E.2d 213, 216 (Ct. App. 1994). Thus, the power to punish for contempt is inherent in all courts, and its existence is essential to the preservation of order in judicial proceedings. *State v. Havelka*, 285 S.C. 388, 389, 330 S.E.2d 288, 288 (1985); *State v. Buchanan*, 279 S.C. 194, 196, 304 S.E.2d 819, 820 (1983); *In re Estate of Combis*, 439 S.C. 475, 493, 888 S.E.2d 1, 5 (Ct. App. 2023); *State v. Passmore*, 363 S.C. 568, 571, 611 S.E.2d 273, 275 (Ct. App. 2005). This power is not derived from any statute, but from the common law, which from its inception recognized this implied and necessary power, without which contumacious conduct could well destroy the court's authority. *State v. Goff*, 228 S.C. 17, 88 S.E.2d 788 (1952). The power is essential to the enforcement of judgments, orders and writs of court and consequently to the due administration of justice. *Passmore*, 363 S.C. at 571, 611 S.E.2d at 275; *Benedict v. Benedict*, 280 S.C. 508, 313 S.E.2d 56 (Ct. App. 1984). Nevertheless, contempt is an extreme measure and the power to adjudge a person in contempt is not to be lightly asserted. *Hook*, 439 S.C. at 74,

[4] The question of whether Sixth Amendment safeguards might be triggered if Appellant ever faces allegations of violating the civil contempt order is a separate issue not currently before the Court.

885 S.E.2d at 454. Failure to comply with the directive of the court would certainly justify a finding of contempt. *Havelka*, 285 S.C. at 389, 330 S.E.2d at 289. Indeed, a circuit court does not abuse its discretion in finding a litigant in civil contempt where clear and convincing evidence showed he willfully disobeyed the court's order. *Combis*, 439 S.C. at 493-94, 888 S.E.2d at 5.

Proof of Contempt - General

A person may be found guilty of contempt if his conduct interferes with judicial proceedings, exhibits disrespect for the court, or hampers parties or witnesses. *Havelka*, 285 S.C. at 389, 330 S.E.2d at 288-89. Contempt results from the willful disobedience of an order of the court, and before a court may hold a person in contempt, the record must clearly and specifically demonstrate the acts or conduct upon which a finding is based. *Passmore*, 363 S.C. at 571, 611 S.E.2d at 275. A willful act is one done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done; that is to say with bad purpose either to disobey or disregard the law. *Hook*, 439 S.C. at 76, 885 S.E.2d at 455; Passmore, 363 S.C. at 571, 611 S.E.2d at 275. Before a court may find a person in contempt, the record must clearly and specifically reflect the contemptuous conduct. *Hook*, 439 S.C. at 75, 885 S.E.2d at 454. A finding of contempt must be reflected in a record that is clear and specific as to the acts or conduct upon which such finding is based. *Id.* at 75, 885 S.E.2d at 454-55.

Contempt – Civil versus Criminal

Although the contempt power is inherent and essential to the preservation of orderly proceedings, it is not unbounded; the power of criminal contempt is checked by the sacrosanct right to be tried by a jury of one's peers. *Passmore*, 363 S.C. at 572, 611 S.E.2d at 275.

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

U.S. Const. amend. VI. This provision requires a criminal contemnor be allowed a jury trial when facing a serious sentence, i.e. one of greater than six months in prison. *Passmore*, 363 S.C. at 572, 611 S.E.2d at 275.

Civil contempt must be proven by clear and convincing evidence. *DiMarco*, 393 S.C. at 607, 713 S.E.2d at 633; *Combis*, 439 S.C. at 493, 888 S.E.2d at 5; *Hook*, 439 S.C. at 77, 885 S.E.2d at 455. Criminal contempt must be shown beyond a reasonable doubt. *DiMarco*, 393 S.C. at 607, 713 S.E.2d at 633. In determining whether a contempt sanction is criminal or civil, one must identify the purpose for which the sanction is imposed. *Id.* Whereas civil contempt is either coercive or remedial in nature, criminal contempt is purely punitive. *Id.* Incarceration may be either civil or criminal. *Id.* The distinguishing factor is whether the incarceration is for a definite period of time, which is the hallmark of criminal contempt, *or* whether the contemnor may avoid or cut short the incarceration by complying with the court's directive, which indicates civil contempt. *DiMarco*, 393 S.C. at 607, 713 S.E.2d at 633. The difference between the two is substantial because the constitutional safeguards provided in the Sixth Amendment may be triggered in criminal contempt proceedings. *Id.* The purpose of civil contempt is to coerce the defendant to do the thing required by the order for the benefit of the complainant, while the primary purposes of criminal contempt are to preserve the court's authority and to punish for disobedience of its orders. *Id.*

A sanction is either civil or criminal; it cannot be both because they serve different purposes. *DiMarco*, 393 S.C. at 608, 713 S.E.2d at 634. A judge certainly may order both a civil and a criminal contempt sanction, and in that case, the sanctions should be separate and distinct. *Id.* Where an ordered sanction is purely punitive in nature *and* there was no necessary act to be compelled through the contempt sanction, it is criminal contempt. *Id.*

Appellant likens his contempt sanction to the one found by our supreme court in *DiMarco* to have violated Petitioner's right to a jury trial. Yet, the contempt sanction here is distinguishable. In *DiMarco*, the Supreme Court noted that, at the time the family court ordered the twelve-month suspended confinement and $250 in court costs payable by a certain date, the Petitioner was already in full compliance with the child support order and *there was no necessary act to be compelled through the contempt sanction. DiMarco*, 393 S.C. at 608, 713 S.E.2d at 634 (emphasis added). The Court recognized there was no doubt Petitioner could avoid the incarceration by paying the costs, but also recognized the costs themselves were a valid criminal contempt sanction imposed as punishment for Petitioner's tardiness and lack of respect for the court. *Id.* at 608-09, 393 S.E.2d at 634.

Here, the lower court did not impose *any* punishment which might constitute criminal contempt, such as court costs or a fine, and then suspend the fifteen-month sentence to compel Appellant to pay that monetary punishment. Instead, the contingent fifteen-month sentence was clearly intended to *compel necessary acts* from Appellant—namely, acts of refraining from frivolous, meritless, overly burdensome and redundant filings and correspondence with the Clerk's Office, unless made by a licensed South Carolina attorney on Appellant's behalf. Because Appellant can avoid the incarceration altogether *by performing the necessary acts*, the contingent punishment constitutes civil contempt despite the possibility of it being for a definite

period of time. Judge Hocker explicitly held Appellant in civil contempt and fashioned a civil contempt order with contingent incarceration to compel Appellant's future acts. That order, as it currently stands, should be affirmed.

As to Appellant's claim that he is being held in civil contempt for perpetuity and thereby being unlawfully denied access to the courts, his claim is likewise without merit. Initially, Appellant construes Judge Hocker's order too broadly. He was found in civil contempt for his frivolous and redundant filings related to his 2008 convictions – some of which were civil and some of which were criminal, but *all* of which attempted to attack those 2008 convictions. While Judge Hocker *did* use broad language about Appellant having no contact with the Chester County Clerk of Court, that order must be construed in the context of the subject matter of the case before Judge Hocker. The order should only be construed to extend to any filings or correspondence concerning the 2008 convictions, but should not extend to unrelated civil or criminal matters for which Appellant may require court access in the future. This reasonable construction or limitation on the order would eliminate the alleged infirmity.

In any event, even if construed broadly, the State submits that contrary to Appellant's claim, the order does not prohibit Appellant's ability to file any lawsuit, claim, or matter with the Chester County Court during his lifetime. It simply requires that he do so through a licensed South Carolina attorney. Our supreme court has placed similar restrictions in an effort to restrict filings from litigants who have engaged in a pattern of repetitive and frivolous filings. *See City of Columbia v. Assa'ad-Faltas*, 420 S.C. 28, 35, 800 S.E.2d 782, 785 (2017) (prohibiting Ms. Assa'ad-Faltas from filing anything with the court unless it is signed and filed by an attorney); In re Maxton, 325 S.C. 3, 5, 478 S.E.2d 679, 680 (1996) (instructing the Clerk not to accept any future filings unless they were accompanied by a properly notarized affidavit by Maxton that

certifies that he in good faith believes that the matter raised is nonfrivolous and proper for the court to consider in its original jurisdiction). The Supreme Court emphasized, there is no constitutional right of access to the courts to prosecute an action that is frivolous or malicious. *Assa'ad-Faltas*, 420 S.C. at 49, 800 S.E.2d at 793. Indeed, the right to proceed pro se as a criminal defendant is not absolute and may be forfeited when a litigant repeatedly abuses the judicial process. *Id.* at 33, 800 S.E.2d at 784.

In *Assa'ad-Faltas*, our supreme court explained how, over the course of twenty years, the defendant "engaged in a pattern of vexatious and disruptive conduct" that resulted in "diversion of limited judicial resources away from the many other complex and important matters pending before this Court." *Id.* at 33-35, 800 S.E.2d at 784-85. A similar conclusion about Appellant was reached by Judge King when he noted that: "when frivolous, non-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 and compromised" because this limits resources "that are necessary for the proper business of the court." (December 17, 2009 Order of Judge King). While this conclusion directly concerned Appellant's civil suits, it is equally applicable to his criminal filings in regard to diverting limited judicial resources.

The *Assa'ad-Faltas* court further found: "[Her] conduct and the overwhelming number of documents and exhibits she submits constitute a gross abuse of the justice system." *Id.* at 37, 800 S.E.2d at 786. It noted that even in the trial at issue in the appeal, Assa'ad-Faltas "persisted in raising frivolous legal arguments and impertinent factual assertions." *Id.* at 42, 800 S.E.2d at 789. Again, this is exactly the type of behavior exhibited by Appellant which resulted in repeated warnings from three separate lower court judges and ultimately the civil contempt finding by Judge Hocker. No matter how his behavior was labled or described by those judges,

it was appropriately treated the same.[5] Thus, as in *Assa'ad-Faltas*, the prohibition on Appellant's contact with the Clerk, unless through a licensed attorney—even if done in perpetuity—was not an abuse of discretion under the facts of this case.

The reasonableness of the limitation is particularly appropriate given the court's lack of success with other attempts to place a reasonable restriction on Appellant—that he provide a properly notarized affidavit certifying that he believes in good faith that the matter raised is not frivolous. (December 4, 2014 Order of Judge Gibbons; November 5, 2021 Order of Judge Griffith). As noted above, such a restriction has been deemed appropriate to control the filing of repetitive and frivolous petitions. *In re Maxton*, 325 S.C. 3, 5, 478 S.E.2d 679, 680 (1996). As recognized by Judge Hocker, the efforts of Judges King, Gibbons, and Griffith failed to stem the tide of Appellant's frivolity. For all of these reasons, Judge Hocker committed no error in finding Appellant in contempt, and the lower court's civil contempt order should be affirmed.

II.

The lower court, pursuant to its inherent power to maintain order and decorum and to ensure its orders were obeyed, properly held Appellant in contempt based on his repeated frivolous and non-meritorious filings in the Court of General Sessions despite multiple admonitions and warnings to refrain from doing so, and other reasonable efforts to curtail such filings.

Pursuing the same argument he made to the lower court, Appellant argues the lower court abused its discretion in holding him in contempt for violating prior court orders prohibiting him from making frivolous filings where the court orders were based upon S.C. Code Ann. § 24-27-100 to -500 (the ILA), which only applies to civil actions filed by inmates and not to collateral

[5] "What's in a name? That which we call a rose by any other name would smell as sweet." William Shakespeare, *Romeo and Juliet*, II, 2, 1–2.

criminal proceedings in which an inmate challenges his conviction. Relying on general principles of statutory construction as well as our supreme court's interpretation of the ILA in *Wade v. State*, 348 S.C. 255, 559 S.E.2d 843 (2002), he contends the rationale of the *Wade* court applies with equal force to his case. Appellant argues this Court should find that the ILA does not apply to matters filed in the court of general sessions and that he could not be held in contempt based on the prior orders' reliance on the ILA. (Brief of Appellant, p.14-p.20). The State submits this argument is misplaced.

Both at the contempt hearing and in the order finding Appellant in contempt, Judge Hocker addressed this argument head-on, finding it was without merit. He found that while Judge King indeed dealt with Appellant's civil actions, both Judge Gibbons and Judge Griffith dealt with Appellant's criminal motions. Judge Hocker further found that each order stood on its own notwithstanding the fact that Judge Gibbons referred to Judge King's order and Judge Griffith referred to Judge Gibbons' order. He also found that the basis for all of the orders was due to Appellant's frivolous, meritless, overly burdensome and redundant filings and correspondence. Judge Hocker effectively concluded Appellant's claim that he mistakenly interpreted the prior court orders as only restricting his civil filings but not his criminal filings to lack credibility and thereby implicitly determined he acted wilfully. Based on these findings, each of which is supported by ample evidence in the record, Judge Hocker rejected Appellant's challenge and found him in contempt. The conlcusion made no reference to the ILA and did not rely on the contempt provisions of the ILA. Instead, it appears to have simply been issued pursuant to the court's inherent power to demand submission to the prior lawful mandates from Judge Gibbons and Judge Griffith, *Miller*, 375 S.C. at 453, 652 S.E.2d at 759, to ensure those orders were obeyed, *Hook*, 439 S.C. at 74, 885 S.E.2d 442 at 454, and to preserve order in

judicial proceedings. *Havelka*, 285 S.C. at 389, 330 S.E.2d at 288; *Estate of Combis*, 439 S.C. at 493, 888 S.E.2d at 5. Judge Hocker acted well within his broad discretion in seeking to enforce the judgments, orders and writs of the court and consequently to the due administration of justice. *Passmore*, 363 S.C. at 571, 611 S.E.2d at 275. Thus, this argument should be rejected and the lower court's civil contempt order should be affirmed.

CONCLUSION

For all of the foregoing reasons, the State respectfully requests that the lower court's civil contempt order be affirmed.

Respectfully submitted,

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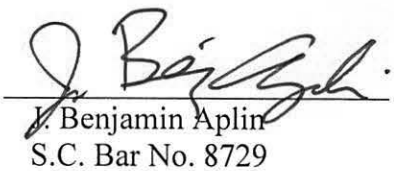
BY: 
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Columbia, South Carolina
September 26, 2025

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STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2024-002075

The State, ...Respondent,

v.

James B. Curry,.....Appellant.

PROOF OF SERVICE

I, Susan Spencer, Legal Assistant, hereby certify that I have served the *Initial Brief of Respondent* and *Designation of Matter*, both dated September 26, 2025, on Appellant by sending an electronic copy via email to Jessica M. Saxon, counsel of record for Appellant, at the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served. This 26th day of September, 2025.

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Susan Spencer

From: Susan Spencer
Sent: Friday, September 26, 2025 11:16 AM
To: Saxon, Jessica
Cc: Ben Aplin; Warren, Kaylynn
Subject: The State v. James B. Curry (2024-002075)
Attachments: CURRY James - Initial Brief of Respondent.pdf

Good morning Ms. Saxon,

Attached please find the Initial Brief of Respondent in The State v. James B. Curry (2024-002075). This brief will be filed today with the Court of Appeals via the AIS OneDrive system. If you will, please confirm receipt.

Thank you.

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