

* Complaint to the Judge *

S. C. Commission on Indigent Defense
Division of Appellate Defense
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MAR 17 2026

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James B. Curry, #186737
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

2565365704 0099

Dear Ms. Kitchings.

This is the envelope appellant received a copy of the State's brief received dated 3-17-26. as your honor can see the State sent Jessica Saxon and the S.C. court of appeals their brief on Friday September 26, 2025 at 11:16 AM. My complaint is that I did not receive a copy until 3-17-26. "See enclosed correspondence to appellant from Jessica M. Saxon dated 3-12-26. the day she mailed it to appellant" which is 6 months after she received it from the state. which has prejudiced appellant.

over



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Columbia, South Carolina 29201-3332

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Columbia, South Carolina 29211-1589

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Wanda H. Carter, Chief Appellate Defender

March 12, 2026

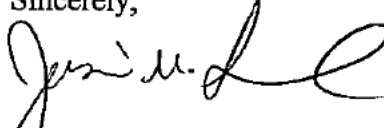
James B. Curry, #186737
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Re: Your Case # ~~2024~~-002075

Dear Mr. Curry:

Enclosed is a copy of the state's brief of respondent filed with the Court of Appeals on September 26, 2025. Your case is now ready for consideration before the Court of Appeals, and we are waiting for them to get to your case. Please call or write with any questions.

Sincerely,



Jessica M. Saxon
Appellate-Defender

JMS/kw

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

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Sep 26 2025

SC Court of Appeals

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.

SUSAN SPENCER, Legal Assistant
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-3219 | susanspencer@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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State of South Carolina
County of Chester.

In the Court of General Session
For the Sixth Judicial Circuit.
2007-65-12-529-530-531-532.

State of South Carolina)

Vs.)

James B. Curry,
Defendant.)

pursuant to Subject Matter Jurisdiction.

Motion to Dismiss.

Defendant, James B. Curry moves for a hearing to be scheduled to allow defendant to present proof that the Court lacked jurisdiction to sentence defendant on the grounds of no probable cause for arrest, thereby making the conviction illegal.

FILED

CLERK OF COURT
CHESTER CO S.C.
2024 JUN 10 PM 2:11

James B. Curry #186737
Perry C.I. Q3-B-109
430 Oaklawn Rd.
Pelzer, S.C. 29669.
6-7-24

cc:
Solicitor's office,
S.C. Court of Appeals.

1 Also, Defendant would show proof there was no probable
2 cause for arrest warrants dated 6/5/07 and 6/7/07 which gives
3 the Sixth Judicial Circuit General Sessions jurisdiction
4 concerning this matter pursuant to subject matter
5 jurisdiction, which can be raised at any time. And that's
6 under South Carolina Department of Social Services vs. Ryan.

7 Thus, pursuant to lack of subject matter jurisdiction,
8 Defendant's arrest and conviction is utterly void. And that's
9 under Coon vs. Coon.

10 Also, Defendant raises the Rule 29 of the South Carolina
11 Rules of Criminal Procedure which states all post-trial
12 motions shall be made within ten days after the imposition of
13 the sentence in order for this Court to have jurisdiction.

14 Note: Rule 29 does not apply in this matter pursuant to
15 the lack of subject matter jurisdiction which can be raised at
16 any time in the Court of General Sessions.

17 And note: Defendant's filing in this matter is not
18 frivolous and is a collateral attack against nine convictions
19 filed in the Court of General Sessions and is a collateral
20 attack against my conviction.

21 Also, Your Honor, in no way is this action connected to
22 any civil lawsuit or PCR application where the IFA does not
23 apply to criminal matters filed by inmates challenging their
24 conviction but only to civil cases challenging prison
25 conditions; thus, ordered by our Supreme Court and the General

1 to put it on the record for the Court of Appeals, if you don't
2 mind.

3 THE COURT: Put what on the record?

4 THE DEFENDANT: Just what I'm getting ready to read right
5 now about --

6 THE COURT: If it's related to whether or not I should
7 hold you in contempt ---

8 THE DEFENDANT: All right.

9 THE COURT: --- I'll be glad to hear you. But if it goes
10 beyond that or outside of that --

11 THE DEFENDANT: It won't.

12 THE COURT: Don't talk over me.

13 THE DEFENDANT: All right.

14 THE COURT: But if it goes beyond that or outside whether
15 or not I should hold you in contempt, then I'm not going to
16 hear you. Okay? So, keep that in mind.

17 THE DEFENDANT: Okay. This is my filing in General
18 Sessions Court, Sixth Judicial Circuit, in reference to an
19 order and Rule to Show Cause. Defendant moves for relief
20 sought not contempt pursuant to South Carolina Code 24-27-300,
21 which only applies to civil actions, nor does Rule 29 of South
22 Carolina Rules of Civil Procedure apply in this matter.

23 In reference to order and Rule to Show Cause, Defendant
24 would hereby show cause why he cannot be held in contempt
25 legally pursuant to South Carolina Code 27 -- 24-27-300.

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 constitutes 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.

James B. Curry #186737.
Perry C.I. Q3-B-220
430 Oaklawn Rd.
Pelzer, S.C. 29669

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MAR 18 2026

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Complaint.

“Attn: Jenny Abbott Kitchings, Clerk.

S.C. Court of Appeals.

P.O. Bx. #11629

Columbia, S.C. 29211

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MAR 20 2026

SC Court of Appeals

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