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Apr 30 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Chester County

Honorable Donald B. Hocker, Circuit Court Judge

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THE STATE

RESPONDENT,

V.

JAMES B. CURRY,

APPELLANT

Appellate Case No. 2024-002075

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RETURN TO MOTION TO RELIEVE COUNSEL

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On April 13, 2026, this Court received petitioner's *pro se* motion to relieve counsel. By letter and email dated April 28, 2026, this Court forwarded petitioner's motion to relieve counsel to the undersigned and requested a response within ten days. Undersigned counsel would show the following:

1) The notice of appeal from an order holding Appellant in contempt of court was filed in this matter on December 9, 2024, and the case was assigned to undersigned counsel at the request of Appellant. See Exhibit A. The initial brief of appellant was filed on July 7, 2025. The state's initial brief was filed on September 26, 2025. Final briefing in this case was completed in November of 2025 after the parties jointly amended the appendix. Prior to the filing of the motion to relieve counsel the case status was "Ready to be Considered."

2) Based on other correspondence that Appellant has sent this Court on April 1, 2026, and April 3, 2026, it appears that Appellant is displeased with the arguments raised in the merits brief that was filed in his case and with the delay in receiving a copy of the state's brief.

3) It is the opinion of undersigned counsel that this appeal would not be the proper avenue to challenge Appellant's underlying conviction for lack of subject matter jurisdiction for various reasons including:

a. The order on appeal is from a collateral proceeding wherein Appellant's underlying conviction was not at issue – the lower court had issued a rule to show cause to determine if Appellant's filings in the lower court were in violation of prior court orders limiting Appellant's ability to file with the Chester County Clerk of Court.

b. The high likelihood that the lower court had subject matter jurisdiction to hear Appellant's initial charges of ABHAN, Kidnapping, Armed Robbery, and Burglary 1<sup>st</sup> degree. See State v. Gentry, 363 S.C. 93, 100, 610 S.E.2d 494, 498 (2005) (subject matter jurisdiction is the power of a court to hear and determine cases of the general class to which the proceedings in question belong). Appellant contends that the lower court lacked subject matter jurisdiction because his arrest was not supported by probable cause. While a lack of probable cause *could* impact a court's *personal jurisdiction* it would not impact subject matter jurisdiction, and no challenge to personal jurisdiction was ever raised. See State v. Douglas, 245 S.C. 83, 138 S.E.2d 845 (1964) (holding a defendant may waive any objection to personal jurisdiction by failing to object and going to trial on the merits).

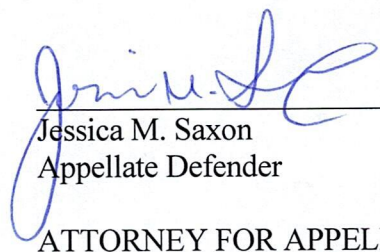
c. Undersigned counsel has represented Appellant since January of 2023 on two separate collateral challenges, largely without issue, and has explained the concepts of subject matter jurisdiction and probable cause to Appellant on more than one occasion.

4) Generally, once the state files a brief it is the policy of this office that we send a copy to the client. An administrative oversight resulted in Appellant not receiving the state's initial brief when it was filed on September 26, 2025. When Appellant notified counsel via phone call on March 12, 2026, that he had not received the state's brief, a copy of the filing was promptly placed in the mail which was received in the Perry Correctional Institutions mailroom on March 17, 2026. See Exhibit B. While the lapse in time between the state's filing and Appellant receiving a copy of the filing was regrettable, it was not harmful to Appellant.

5) Undersigned counsel takes no position on the motion to relieve counsel. As of the date of this return, undersigned counsel has *not* advised Appellant of the dangers of self-representation. However, Appellant appeared *pro se* during his underlying criminal trial and is likely aware of the accompanying dangers of self-representation.

WHEREFORE, undersigned counsel respectfully requests that this Court (1) accept this return; and (2) grant Appellant such relief as the Court deems proper in its sound discretion.

Respectfully submitted,

  
\_\_\_\_\_  
Jessica M. Saxon  
Appellate Defender  
ATTORNEY FOR APPELLANT

This 30th day of April, 2026.

RE: Notice of Appeal & Request for an Attorney.

" I Would like to request that attorney Jessica Saxon be appointed to my case, because she has done such a good job in the past for me.

Thank you. ((if possible.))

James B. Curry #186737  
Perry Ct. P3-B-220  
430 Oaklawn Rd.  
Pelzer, SC 29669.  
12-16-24

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DEC 20 2024

APPELLATE DEFENSE

cc:

EXHIBIT B

\* Complaint to the Judge \*

S. C. Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

CONFIDENTIAL LEGAL MAIL



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FIRST-CLASS MAIL  
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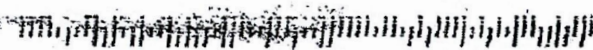
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MAR 17 2026

PCI MAILROOM

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

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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.

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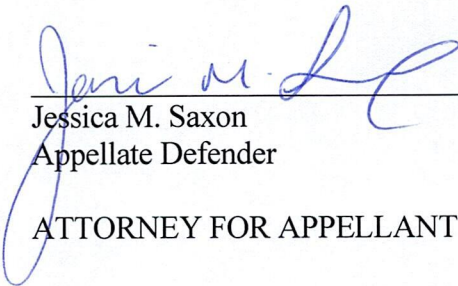
Appellate Case No. 2024-002075

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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the Return to Motion to Relieve Counsel in the above referenced case has been served upon opposing counsel, J. Benjamin Aplin, Esquire at the primary e-mail address listed in the Attorney information System (AIS); and on James B. Curry, #186737, at Perry Correctional Institution, 430 Oaklawn Road, Pelzer, SC 29669, this 30th day of April, 2026.

  
\_\_\_\_\_  
Jessica M. Saxon  
Appellate Defender

ATTORNEY FOR APPELLANT