

State of S,C Court of Appeals.

The State, Respondent.

V.

James B. Curry, Appellant.

"Motion and Appellants
Response to Counsels
Response to be relieved.

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MAY 08 2026

Appellate Case No. 2024-002075. SC Court of Appeals

"First of all it was not an administrative oversight in re: to appellant not receiving the State's initial brief, when it was filed on September, 26, 2025. Note. it was intentionally not sent, because months prior to the phone call on March 12, 2026, appellant had wrote to attorney Saxon asking about the State's initial brief on two or more occasions, and she did not respond.. "Thus, she was hoping the Court made a decision before appellant saw the State's brief, because appellant would have seen that her brief was without merit.

"Second of all Ms. Saxon is lying to the Court, that she has explained the concepts of - Subject matter Jurisdiction, and probable Cause to appellant on more than one occasion noting that she has represented appellant since January of 2023. "The truth is Saxon learned of appellants Subject Matter Jurisdiction, and No probable Cause Claim from the transcript of Record of the hearing before Judge Donald B. Hocker dated. - November, 21, 2024. argued by attorney William Frick, and Appellant. Wherefore, appellant request the Court to look at Ms. Saxons argument on pg# 19. of her brief dated. July 7th, 2025. in re: to Subject Matter Jurisdiction and probable Cause "which 100% contradicts the statements she made in her return to motion to relieve Counsel dated. April 30, 2026. "See pg# 2. Note. appellants response to that, is Lack of Subject Matter was the grounds presented on the face of the motion dated. 6-7-24. "IF, a hearing had been held as requested, personal Jurisdiction would have been argued as been violated, in support of lack of Subject matter Jurisdiction

"Thus, because the hearing held was a rule to show cause in re: to Contempt. the Judge abused his discretion in holding appellant in Contempt

pg #2.

Stating appellants Motion was Frivolous, when in fact the motion had merit, because without probable cause appellant should never been arrested, nevertheless been convicted. also Note. appellants collateral proceeding was always an issue in re: to my conviction including the order on appeal.

Motion.

"Appellant, requests that once Counsel is released, the ^{"Court"} order the lower court to schedule a hearing on appellants Motion dated 6-7-24. "On the grounds appellants 2022 appeal has been resolved." Noting that appellants Motion was premature not Frivolous. "See pg # 13." Where Mr. Aplin stated 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, Note that issue was not "Specifically" raised on the ~~record~~ record by the state "which has prejudiced appellant, how could it be objected to, if the issue was not raised by the state, Judge Hocker only stated in a letter that the court did not have jurisdiction, appellant addressed the issue the best he could. . . ."
"See Court Exhibit #2."

cc:

Alan McCrory Wilson, Esq.

Jessica M. Saxon, Esq.

John Benjamin Aplin, Esq.

Randy E. Newman Jr. Esq.

James B. Curry #186737
Perry Ct. Q3-B-220
430 Oaklawn Rd.
Pelzer, SC 29669

5-6-26.

Look at Pg#2.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE

RESPONDENT,

V.

JAMES B. CURRY,

APPELLANT

Appellate Case No. 2024-002075

RETURN TO MOTION TO RELIEVE COUNSEL

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 1st 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.

hook.
at
Pg. #19.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES B. CURRY,

APPELLANT

APPELLATE CASE NO. 2024-002075

INITIAL BRIEF OF APPELLANT

JESSICA M. SAXON
Appellate Defender

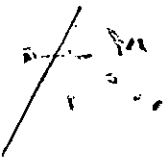
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

The Court wrote that the “disparity increases when applying other provisions of the ILA to PCR actions.” If a court held an inmate in contempt pursuant to section 24-27-300, they could suffer not only the loss of inmate credits but serve additional prison time while a non-incarcerated individual would not face such consequences. Additionally, the court wrote that the complex fee structure in the ILA evidenced the Legislature’s intent to curtail the abuses of inmate litigation dealing with prison conditions and would not apply to PCR as there are not filing fees associated with PCR actions. *Id.* at 261-262, 559 S.E.2d at 845-846.

The rationale of the Wade Court applies with equal force to Appellant’s case. Appellant filed a motion seeking to dismiss his charges arguing the court lacked subject matter jurisdiction. He based this assertion on the fact that his arrest warrant dated ten days *before* the alleged victim picked him out of a photo-line up which provided the purported probable cause for his arrest. Believing the arrest warrant conveyed subject matter jurisdiction to the court, he filed a motion in the Court of General Sessions of Chester County. Filing that motion was found to violate the prior orders, despite their improper reliance on the ILA, which resulted in his being held in contempt.

Applying the ILA to actions in the Court of General Sessions, such as the motions filed by Appellant, creates a disparity between incarcerated and non-incarcerated individuals who are challenging their conviction. An individual on probation or parole, or even one who has finished serving their sentence, could challenge the validity of their conviction on subject matter jurisdiction grounds without fear of being subjected to additional penalties in the ILA. The incarcerated individual challenging the conviction on subject matter jurisdiction must contemplate the loss of inmate credits and potential contempt findings that would increase the amount of time that they spend in prison for filing the same motion. Much like in a PCR action, the various provisions of the ILA cannot be applied to Appellant’s case, or to any matter in the Court of



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Sep 26 2025

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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ATTORNEYS FOR RESPONDENT

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

prejudice



State of South Carolina
The Circuit Court of the Eighth Judicial Circuit

Donald B. Hocker
Judge

Laurens County Courthouse
100 Hillcrest Square, Suite Q
Post Office Box 972
Laurens, SC 29350
Phone: (864) 984-2076
Fax: (864) 984-2333
dhockerj@sccourts.org

June 13, 2024

Mr. James B. Curry
Inmate No. 186737
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

Re: State v. James B. Curry
2007-GS-12-529-532


Dear Mr. Curry:

The Court has reviewed a recently filed Motion to Dismiss charges stemming from the above Indictments which you were convicted on in 2008, The Court has also reviewed multiple letters from you to the Chester Clerk of Court Office some of which were of a threatening nature.

Please be advised that this Court does not have jurisdiction to hear your Motion to Dismiss the above 2007 Indictments and therefore will not hold a hearing. It appears that your conviction on these charges is final and has been so for quite some time.

Please be further advised that you are not to respond to this letter nor are you to write the Chester Clerk of Court Office in the future concerning these Indictments.

Cordially,


Donald B. Hocker
Chief Administrative Judge for General Sessions
Sixth Judicial Circuit

DBH/ras

cc: Sue Carpenter and Betty Jo Lawson
Chester Clerk of Court Office
(via email)

COURT EXHIBIT

2
RN

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

2007 JUN 10 PM 2:11

CLERK OF COURT
CHESTER CO. S.C.

cc:
Solicitor's office.

James B. Curry #186127
Perry C.I. Q3-B-109
430 Oaklawn Rd.
Pelzer, S.C. 29669.
6-7-24

James B. Curry, #186737

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MAY 08 2026

SC Court of Appeals

* Confidential Legal Mail *

Attn: Jasmine O. Smith, Deputy Clerk.

S.C. Court of Appeals.

P.O. Box #11629

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MAY 08 2026

PCI MAILROOM

LEGAL MAIL