

RE: Common Pleas Court. ^{PC B}
RECEIVED #2014-000574

Dear, Mr. Shearouse

JUN 09 2014

June, 5th, 2014

S.C. SUPREME COURT

#1. I received your correspondence dated June 3, 2014 informing me that my petition for reinstatement is still pending before the Court, thank you for this information.

#2. Also you stated that no action on my request to the Supreme Court to Compell the lower Court to Conduct a hearing on my Filed petition & motion because the matter was Filed with the General Sessions Court, which makes the issue an ex parte Communication. Mr. Shearouse the petition & motion was Filed with the Same Court for which the Case is under appeal, "the Court of Common Pleas," Not General Sessions. Mr. Newman had the opportunity to Alter or Amend the Judgment but did not, therefore he is in error and the motion & petition needs to be heard, So once again I'm asking that the Court of Common Pleas be Compelled to hear my Filed action which is within the law, and will prove who is right or wrong...

CC:

Response requested
A.S.A.P.

Sincerely,

James B. Curry #186137

Lee C. Kershaw 1125

990 Wisacky Hwy.

Bishopville SC 29010

Prose,

Id. The Applicant bears the burden of showing that the allegations could not have been raised previously. Land, Id.

In this case, the Applicant alleges that he could not have raised this claim previously because of newly discovered evidence. A defendant requesting a new trial based on after-discovered evidence must show that the evidence:

(1) Is such as would probably change the result if a new trial was had; (2) Has been discovered since the trial; (3) Could not by the exercise of due diligence have been discovered before the trial; (4) Is material to the issue of guilt or innocence; and (5) Is not merely cumulative or impeaching. Hayden v. State, 278 S.C. 610, 611-12, 299 S.E.2d 854, 855 (1983).

The Applicant has the burden of proving he has met the requirements for newly-discovered evidence. I find that the Applicant failed to meet this burden of proof.

The Applicant testified that, while "scrounging around the office getting Band-Aids and alcohol swabs," at the SCDC facility where he was located on April 24, 2011, he found a letter addressed to the Applicant from Mario Ford. The Applicant testified that in Ford's letter, dated January 15, 2008, Ford accepts responsibility for the crimes for which the Applicant had been convicted. The Applicant testified that Mr. Ford was murdered two months after the letter was written. The Applicant subsequently submitted two newspaper articles showing Lamario Ford was killed on March 31, 2009.

I do not find the testimony of the Applicant regarding Ford's letter to be credible. Specifically, I do not find it credible that Lamario Ford wrote a letter to the Applicant dated one month prior to Applicant's conviction in 2008, but did not send the letter to Applicant until 2009—as Applicant claimed the copy of the envelope reflected—which was then not discovered until 2011, more than two years later. Due to the Applicant's lack of credibility regarding the timing of the alleged discovery date of the "letter," I find that the Applicant has failed to meet his

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

James Bernard Curry, #186737,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

2012-CP-12-0184

**ORDER DENYING MOTION TO
ALTER OR AMEND
ORDER OF DISMISSAL
AND DENYING REQUEST FOR
ORAL ARGUMENT**

FILED
2014 FEB 26 P 3:26
CLERK OF COURT
CHESTER CO S.C.

This matter comes before the Court by way of Applicant's two Motions to Alter or Amend the Order of Dismissal (hereinafter "the Order") filed on December 23, 2013, in the Chester County Clerk of Court office and on Applicant's Motion Requesting Oral Argument regarding the previously-filed Motions to Alter or Amend the Order. The Applicant's first Motion to Alter or Amend, which alleges that the Order contains a false statement, was filed on January 2, 2014.¹ The Applicant filed a second Motion to Alter or Amend on January 6, 2014,² which notes the Applicant's objection to the Court's previous ruling on the authentication and admissibility of the letter allegedly written by Lamario Ford. The Applicant filed a Motion Requesting to Present Oral Argument on his previous Motions to Alter or Amend the Order on January 16, 2014.

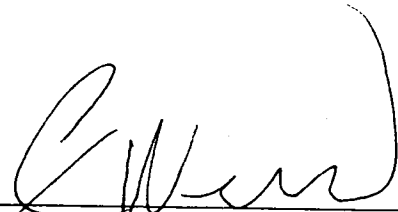
¹ The Chester County Clerk of Court timestamp indicates the Applicant's Motion was filed on January 2, 2013. This discrepancy in year is likely an error, as the date provided by the Applicant on the hand-written document is December 30, 2013.

² The Chester County Clerk of Court timestamp indicates the Applicant's Motion was filed on January 6, 2013. This discrepancy in year is likely an error, the date provided by the Applicant on the hand-written document is December 30, 2013.

Having carefully considered the arguments submitted and applicable law, the Court finds that both Motions to Alter or Amend should be DENIED. The Court further finds that oral argument would serve no useful purpose and the request for oral argument is DENIED.

IT IS THEREFORE ORDERED that Applicant's motions are hereby DENIED.

AND, IT IS SO ORDERED!



Clifton Newman
Presiding Judge

February 21, 2014
Columbia, South Carolina

State of South Carolina
County of Chester.

In the Court of Common Plea
Sixth Judicial Circuit.
Case# 2012-CP-12-0184

James B. Curry
Applicant,

Request to be
Heard.

Vs.

in RE: to perjury Investigation.

State of South Carolina
Respondent,

Applicant, James B. Curry by and through his Self representation
here by request this Court to Schedule a hearing within 30 days
in RE: to Applicants Filed petition & Motion to Void Order which was
Served on the Administrative Judge the Honorable Brian M. Gibbon
on March, 19th, 2014.

CLERK OF COURT
CHESTER CO S.C.

2014 APR -9 P 1:46

FILED

Respectfully Submitted,

CC:

Attorney General.
Court Administration,
SLED,

James B. Curry #186737
Lee C. I. Kershaw #25
990 Wisacky Hwy.
Bishopville SC 29010
Prose,

State of South Carolina
County of Chester.

In the Court of Common Pleas
Sixth Judicial Circuit.
Case# 2012-CP-12-0184

State of South Carolina
Respondent,
Vs.

Petition For
Indictment Investigation.

James B. Curry #186131
Applicant,

FILED
2014 MAR 19 PM 1:05
CLERK OF COURT
CHESTER COUNTY S.C.

To: The Administrative Judge within the Sixth Judicial Circuit
I James B. Curry hereby request this Court to order that
an Investigation into Judicial Misconduct by the Honorable
Clifton Newman For violation of S.C code 16-9-10 perjury
that was committed within the order of Dismissal of P.C.R
application on Dec, 19th, 2013 and Failure to Alter or Amend
the Judgment when he had the opportunity. The South Carolina
Supreme Court Held that when a Judge has committed a violation
of applicable rules of Judicial Conduct the Administrative Judge
May order an inquiry. "False statement on page #6 of the Order states
the applicant testified that Mr. Ford was murdered
two months after the letter was written.

CC: Administrative Judge

Respectfully Submitted,
James B. Curry #186131
Lee C. I. Kershaw 1125
990 Wisacky Hwy.
Bishopville S.C 29010
Prose,

The State of South Carolina
County of Chester.

In the Court of Common Pleas
Sixth Judicial Circuit
Case # 2012-CP-12-0184

State of South Carolina
Respondent,

Vs.

Motion to
Void Order
of Dismissal.

James B. Curry
Applicant,

FILED
2014 MAR 19 PM 1:26
CLERK OF COURT
CHESTER COS

To: The Administrative Judge within the Sixth Judicial Circuit
I James B. Curry hereby request this Court to Schedule
a hearing Upon Investigation of Violation of 16-9-10
Perjury within the Order of Dismissal Committed by the
Honorable Clifton Newman on Dec, 19th, 2013, in which at
Fore said time, I will move the Court to void such order
and Grant applicant a new Trial, on the grounds that
an order which contain perjury the Order is No Good.
in that: The Court States the Applicant testified that Mr. Ford was murdered
two months after the letter was written. Page #6

CC:
Administrative Judge,
Attorney General,

Respectfully Submitted,
James B. Curry #186131
Lee C.I. Kershaw 1135
990 Wisacky Hwy.
Bishopville S.C 29010
Prose,

James B. Curry # 186734
Lee C.I. Kershaw 1185
990 WISACKY HWY,
Bishopville S.C. 29010

"agency mail"

Mr. Daniel E. Shearouse
Clerk of Court
The Supreme Court of South Carolina

P.O. Bx. 11330

Columbia, S.C. 29211

LEGAL MAIL ONLY

LEE CI MAIL ROOM

JUN 9 4 10 PM '89

RECEIVED

SC DEPARTMENT OF CORRECTIONS
LEE CORRECTIONAL INSTITUTE
THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS WRITING CONTENTS.