

⑤ The South Carolina Court of Appeals,
Case# 2015-001976.

The State of South Carolina
Respondents.

Vs.

James B. Curry #186937
Petitioner.

Motion to grant relief
Sought in 2nd State habeas
Corpus petition in RE: to the
Error of the S,C Court of
Appeals Clerk, Ms. Jenny Abbott
Kitchings not serving the motion
to Compel on the S,C Supreme
Court, thinking it was
Case# 2014-002666.

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SC Court of Appeals

Petitioner, hereby request the S,C Court of Appeals to grant the relief Sought in Case# 2015-001976, on the grounds that the Clerk, Ms. Jenny Abbott Kitchings - did not serve petitioner's motion to Compel on the S,C Supreme Court dated 12-8-15, giving the Court 10 days to rule on petitioner's 59.(e) motion "Specifically", which was submitted 11-11-15. This Error prejudiced the petitioner in preserving the issue of whether or not the S,C Supreme Court, Clerk Mr. Daniel E. Shearouse served a copy of the order of dismissal of petitioner's 2nd State habeas Corpus petition on the respondents and the S,C Court of Appeals. therefore petitioner moves for the relief Sought in the petition. Within 5 days after the X-mas Holiday December, 25th, 2015.

CC:

Salley W. Elliott Esquire.
Douglas A. Barfield Esquire.
S,C Court of Appeals.

Respectfully Submitted.

James B. Curry #186937
990 Wisacky Hwy.
Bishopville, S,C 29010
12-21-15.



"Exhibit"

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 17, 2015

James B Curry, 00186737
Lee Correctional Inst.
990 Wisacky Highway
Bishopville SC 29010

"Error of the Clerk"

Re: The State v. James B. Curry
Appellate Case No. 2014-002666

Correct Case No. 2015-001978.
Not.
#2014-002666.

Dear Mr. Curry:

This office is in receipt of your Motion to Compel. Please be advised that the Remittitur was issued in your appeal on September 17, 2015 and the Court of Appeals no longer has jurisdiction over this matter. Furthermore, no action will be taken on your motion.

Very truly yours,

Handwritten signature of Jenny A. Kitchings in cursive script.
CLERK

cc: Douglas A. Barfield, Jr., Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire

"Exhibit"

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
Honorable Brian M. Gibbons, Circuit Court Judge
Appellate Case No. 2014-002666

THE STATE,

Respondent,

vs.

JAMES B. CURRY,

Appellant.

**MOTION TO DISMISS APPEAL AND TO HOLD RESPONDENT'S DEADLINES IN
ABEYANCE**

The State, moving to dismiss Appellant's appeal and to hold the State's deadlines in
abeyance pending this Court's action on the motion, would respectfully show the Court:

I.

It appears Appellant was convicted in 2008 in the Chester County Court of General
Sessions of the offenses of burglary in the first degree, armed robbery, kidnapping, and assault
and battery of a high and aggravated nature. It also appears Appellant appealed the convictions
but the appeal was dismissed by this Court in 2008. The order on appeal indicates Appellant
pursued collateral actions challenging the convictions. He also pursued previous motions for new
trial based upon after-discovered evidence. The actions and motions were unsuccessful.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
Honorable Brian M. Gibbons, Circuit Court Judge
Appellate Case No. 2014-002666

THE STATE,

Respondent,

vs.

JAMES B. CURRY,


Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Motion to Dismiss Appeal and to Hold Respondent's deadlines in Abeyance on appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to James B. Curry, #186737, Lee Correctional Inst. 1204 East Church Street, Bishopville, South Carolina 29010.

I further certify that all parties required by Rule to be served have been served.

This 2nd day of April, 2015.


ANGELA BENNETT
Administrative Assistant

Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

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"Exhibit."

The Supreme Court of South Carolina

James B. Curry, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-001976

ORDER

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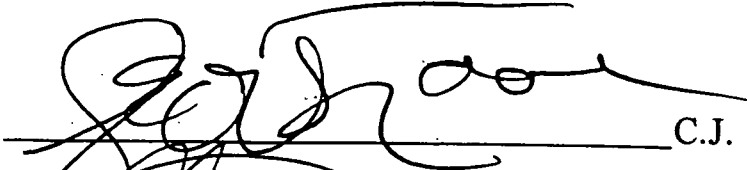
The following petition for writ of habeas corpus was dismissed by order dated October 8, 2015:

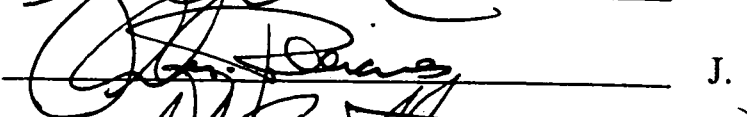
The State v. James B. Curry. Second Petition for State Habeas Corpus Relief and Motion in Support of 2nd State Habeas Corpus dated September 9, 2015; and Argument in Re: to 2nd State Habeas Petition and Motion dated September 28, 2015. Appellate Case No. 2015-001976.


The petition for rehearing was denied by order dated November 4, 2015. Petitioner has submitted a second petition for rehearing, asking the Court to reconsider its previous orders.

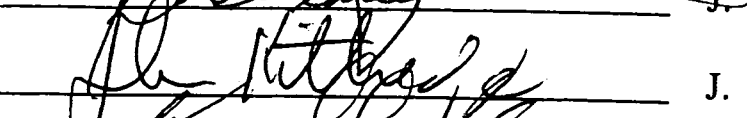
There is no provision under South Carolina law which allows for review or reconsideration of the denial of petitioner's original petition for rehearing. Moreover, the full Court considered both the petition for writ of habeas corpus and the petition for rehearing and found petitioner's claims meritless, and that the Clerk of this Court has not failed to fulfill any duties in this matter. Accordingly, the petition is denied.

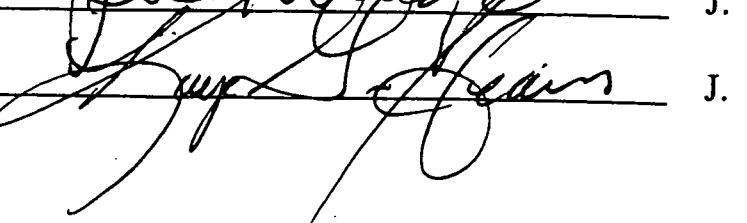
"Exhibit"


C.J.


J.


J.)


J.


J.

Columbia, South Carolina

December 3, 2015

cc:

James B. Curry, #186737

Case# 2015-001976.
RE: New Trial.

Dear, Mrs. Kitchings

12-21-15.

I don't mean to start a dispute with you, because you are the Court ~~which~~ can help me, but I had to go by procedure in this matter. In order to receive relief...

Thank you for your

RECEIVED Understanding.

DEC 31 2015

SG Court of Appeals

James B. Curry #186737
petitioner.

P.S.

It's Mr. Shearouse Fault that you made the Error because he Never Served you any documents From Case# 2015-001976, which is what I have moved on.

Agency mail

James B. Curry # 186737
Lee C. F. Fl-11257
990 Wisconsin Hwy.
Bishopville, SC 29010

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SC Court of Appeals

The Honorable, Senny Abbott, Kitchings,
S.C. Court of Appeals, Clerk

P.O. Box 11629
Columbia, SC 29211