

# Appeal

## Statement and argument.

RECEIVED

DEC 02 2021

SC Court of Appeals

Appellant would like for the S.C. Court of Appeals to look at my Exhibit's as evidence and see that Clerk Carpenter had me transported to a hearing on 11-3-21. Not to question Juror #38 Patricia B. Giather — about a viol-Dire violation in RE: to her occupation in Feb, 2008. but to set me up in front of the Judge, like I was in violation of an order from 2014. by Judge Gibbons, "But as you can see on Exhibit E#1 Judge Gibbons advised Clerk Carpenter to file the motion and send appellant a filed copy, because he was not the Administrative Judge any longer, which means the order from 2014. was moot on 11-3-21. Thus, she intentionally had me transported to the hearing on 11-3-21. without issuing a subpoena to Juror #38. which prejudiced my hearing after I requested her to do so prior to the hearing on 11-3-21. blocking me from presenting corroborative evidence by way of Juror #38's testimony, which is why appellant submitted a petition for a rehearing dated 11-4-21. along with an affidavit dated 11-15-21. in which Clerk Carpenter sent back to appellant unfiled "See Exhibit C the envelope she sent them back in which is again prejudice, and Judge Griffith the Judge presiding on 11-3-21. 100% abused his discretion, because Clerk Carpenter was not a party in this matter — she was only ~~protecting~~ protecting her friend Juror #38. from being held in contempt for a viol-Dire violation, which is not allowed.

cc:

Thank you. SB #1861372

Grant the New Trial.

2012 CP 1200184 RECEIVED

South Carolina Court of Appeals.

DEC 02 2021

Appeal SC Court of Appeals

State of South Carolina. )  
VS. )  
James B. Curry #186737. )  
Appellant. )

Appellant appeals the order dated 11-5-21. requesting the relief sought, a new trial, on the grounds of prejudice and abuse of discretion in RE: to order dated 11-5-21. as Exhibit D. by Judge Griffith.

Appellant brings forth this appeal after the Sixth Circuit Clerk of Court Sue K. Carpenter abused her authority and position to protect a personal friend Juror #38. Patricia B. Giather, who was a juror at my trial in Feb, 2008. First of all Clerk Carpenter intentionally failed to subpoena Juror #38 to the hearing on 11-3-21. to answer allegations of her committing a vior-dire violation in Feb, 2008. When Clerk Carpenter know's no hearing is to be held without the accused being present - which 100% caused appellant not to present corroborative evidence by way of Juror #38's testimony under oath in RE: to her occupation in Feb, 2008. which was abuse of her authority and position. Also, the Judge abused his discretion by taking Clerk Carpenter's word at a side bar, stating that Juror #38 was never employed within the Chester Co, Court house, without her taking the stand and sworn under oath, see order dated 11-5-21. as Exhibit D. Also, the Judge abused his discretion for stating in the order dated 11-5-21. that appellant did not submit an affidavit in compliance with Gibbon's order dated 12-4-14. who's term as administrative Judge had expired, along with his order, Note. as an objection to the entire order dated 11-5-21. to be preserved for appeal appellant submitted a petition for a rehearing dated 11-4-21. along with an affidavit dated 11-15-21. Clerk Carpenter sent them back to me "undocked", as if she was telling me to kiss her A - See Exhibit C the prepaid envelope she sent them back in which again is abuse of her authority and position, which has prejudiced appellant once again, see Exhibit A. Therefore, appellant moves the SC Court of appeals to order a new trial the relief sought by appellant.

cc:  
State of S.C.  
Sic Court of appeals.

Respectfully Submitted.

James B. Curry #186737.  
see c.t. F-1-1125  
990 wisacky Hwy.  
Bishopville, S.C 29010  
11-30-21.

State of South Carolina  
County of Chester.

State of South Carolina. )  
Vs. )  
James B. Curry #186737. )  
Defendant. )

Objection to order dated 11-5-21.

Petition For rehearing in re: to  
the hearing held on 11-3-21.  
because Juror #38 Patricia B.  
Giather was not present as  
requested by defendant.

Defendant, Move's For a rehearing to be Scheduled within 30 days based  
on Juror #38 Patricia B. Giather not being present at the hearing on -  
11-3-21. as requested by defendant to answer allegations of her comm-  
itting a vior-Dire violation in Feb, 2008. in re: to her Occupation in Feb,  
2008. instead the clerk Sue K. Carpenter, lie's to the Judge Stating  
Juror #38. was not employed by Gov, or state in Feb, 2008. which is 100% a  
lie. Thus, Can be proven by the testimony of Juror #38, who was not  
present at the hearing on 11-3-21. as a Subpoena was requested -  
to be served on by defendant, in which Clerk Carpenter did not do -  
in order to cover-up the truth.

cc:

SIC Court of appeals.

Respectfully Submitted,  
James B. Curry #186737.  
Lee C. I. FI-1125  
990 wisacky Hwy.  
Bishopville, SC 29010

11-4-21

Exhibit B

Case # 2007-65-12-529-530-531-532.

State of South Carolina.  
County of Chester.

# 2012-CP-1200184.  
State Vs. McCoy.

Direct evidence of a Juror Violation.  
Not (29. (B.

State of South Carolina. )  
Vs. )  
James B. Curry #186737. )  
Defendant. )

\* In: Compliance with order dated. 2014 \*  
"Affidavit in support of request for -  
rehearing in re: to hearing held on 11-3-21.  
"Thus, defendant believes in good Faith, that  
the matter is not Frivolous in re: to petition  
for rehearing dated. 11-4-21. An request to  
Subpoena Juror: #38. Was not done by Clerk -  
Carpenter on 11-3-21.

"Defendant, Submit's this affidavit in good Faith, that the new -  
Matter is not Frivolous, and State's that i am indegent at the -  
S, C, D, C "First of all defendant made an error in re: to the Consealed -  
Occupation of Juror: #38. Patricia B. Giather during Vior-Dire in -  
Feb, 2008. defendant Stated in the Motion dated. 9-20-21. that Juror: #  
38. Consealed the fact that she was employed at the Chester, Co, Courthouse, -  
that was an error, defendant intended to state Juror: #38. was employed in Gov,  
or State, and failed to disclose this info to the Court, or to the defendant -  
during Vior-Dire, had she did so, defendant would have 100% struck her from sitting  
on the Jury, in which the result's could have been different. "Also, the Clerk failed  
to subpoena Juror: #38, to attend the hearing on 11-3-21. "as requested by defendant -  
"which caused defendant not to present or provide corroborative evidence by -  
way of Juror: #38's testimony under oath, which thereby prejudiced defendant's  
hearing, which is why defendant is requesting a rehearing to include Juror: #38 within  
30 days or defendant will use this affidavit, and petition for rehearing to seek  
the relief sought from the Court of appeals. Note. Juror: #38. is to attend the -  
rehearing or defendant, will apply to the Court of appeals after 30 days of the date -  
on the petition dated. 11-4-21.

CC:  
S.C.  
Court  
Admin.  
Chief  
Jdger.

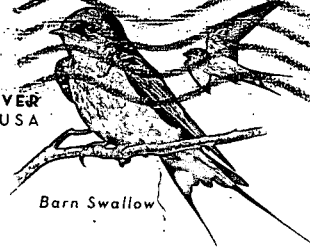
Sworn to and subscribed before me  
this 15<sup>th</sup> day of Nov, 2021.  
[Signature]  
Notary Public For South Carolina.  
My Commission Expires: 09/04/29

Respectfully Submitted,  
James B. Curry #186737.  
Lee. C.T. FI-1125  
990. Wisacky Hwy.  
Bishopville, S.C 29010  
date. 11-15-21.

SUE K. CARPENTER  
CLERK OF COURT  
P.O. DRAWER 580  
CHESTER, SC 29706

CHARLOTTE NC 280

17 NOV 2021 PM 6 L



FOREVER  
USA

Barn Swallow

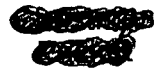
Exhibit. C

"The envelope Clerk Carpenter sent my Affidavit & petition back unlocked. or Filed."

\* James B. Curry #186737.  
Lee C. I. FI-1125  
990 Wisacky Hwy.  
Bishopville, SC 29010

Exhibit.  
Add  
inside

SCDC



25010-177590

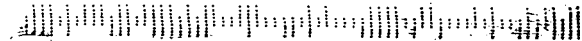


Exhibit D

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHESTER )  
 )  
State of South Carolina, )  
 )  
Vs. )  
 )  
James B. Curry, )  
 )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
SIXTH JUDICIAL CIRCUIT

2012CP1200184  
2007-GS-12-529  
2007-GS-12-530  
2007-GS-12-531  
2007-GS-12-532

**RECEIVED**  
DEC 02 2021  
SC Court of Appeals

**ORDER**

This matter is before the Court on *pro se* Defendant's current motion for a new trial based on after-discovered evidence pursuant to Rule 29(b), SCRCrimP. Defendant also believes that granting this motion for a new trial will serve the "interest of justice." After hearing the oral arguments, reviewing the documents submitted, and considering the applicable law, the Court hereby denies the Defendant's motion for a new trial.

Prior to this motion coming before the court, The Honorable Brian Gibbons signed an Order on December 4, 2014 describing the long and convoluted procedural history of this Defendant's collateral attack on his convictions and numerous lawsuits he has filed since his conviction. Because of the excesses, voluminous, and meritless filings, the December 4, 2014 Order directed the Chester County Clerk of Court to submit any future motions, correspondence, or filings from the Defendant to the Chief Administrative Judge for General Session for review prior to being accepted for filing. The order further provided that the Defendant pay the normal filing fee and that he attach a properly notarized affidavit certifying that the Defendant believes in good faith that the new matter raised is not frivolous.

In accordance with the December 4, 2014 order, the Clerk's office submitted Defendant's motion to the Chief Administrative Judge for General Sessions. This Court received the

Exhibit D

documents submitted and heard oral arguments from the Defendant on November 3, 2021. After review and consideration, this Court finds the documents submitted by the Defendant are not proper and failed to comply with Judge Gibbons' Order. The court did not find an accompanying affidavit in the Clerk of Court's file.

In spite of the fact that the Defendant failed to comply with the conditions provided in the December 4, 2014 order; this Court allowed Defendant to present his motion. The Court is of the belief that this motion is the Defendant's fifth request for a new trial on after-discovered evidence pursuant to Rule 29(b) of the SC Rules of Criminal Procedure. In this motion the Defendant alleges that, during Voir Dire, a juror failed to disclose that she was employed within the Chester County Courthouse. There is no merit to these allegations of juror misconduct or misrepresentation of her employment. Defendant failed to provide any corroborative evidence that the juror was employed within the Chester County Courthouse. The Clerk of Court represented to the Court that she has been the clerk for more than thirty (30) years and that she is confident that the Juror was never employed within the Chester County Courthouse. It has become evident that Defendant continues to flood the Court system with claims of new evidence or after-discovered evidence, regardless of the merits of the claim, in hopes of receiving a new trial. As such, even if this motion was properly filed this Court denies Defendant's motion for a new trial.

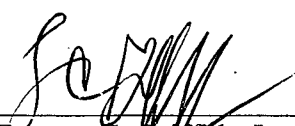
THEREFORE, this Court refuses to consider these frivolous filings and again instructs the Clerk of Court to not accept any future motions, correspondence, or filings from Defendant until they are submitted to the Chief Administrative Judge for General Sessions with a notarized affidavit and the filing fee for a preliminary determination of whether the submission is or is not frivolous. The Clerk of Court shall henceforth examine any future documents, filings, or motions

Exhibit. D

that are submitted and return them unless they comply with the conditions contained in the  
December 4, 2014 Order.

IT IS SO ORDERED.

November 5, 2021  
Chester County, South Carolina

  
\_\_\_\_\_  
Eugene C. Griffith, Jr.



Clerk Carpenter had to be Compelled by Judge Gibbons to file the Motion dated 9-20-21 which shows the appellant Court that Judge Griffith abused his discretion in re: to an affidavit he spoke of in his order dated 11-5-21.

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

Brian M. Gibbons  
Judge

Post Office Drawer 580  
140 Main Street  
Chester, SC 29706  
Phone: (803) 581-4115  
Fax: (803) 581-3253  
bgibbonsj@sccourts.org

September 23, 2021

James B. Curry  
990 Wisacky Hwy.  
Bishopville, SC 29010

Mr. Curry,

I am Judge Gibbons' Administrative Assistant and am responsible for screening all of the Judge's mail. I have received your letter from the Clerk's Office in Chester County. The Clerk's office has been advised to file the motion and send you a copy of which I see was done.

Please send any mail going forward to Judge Griffith in Newberry SC, as he is the current Chief Administration Judge not Judge Gibbons.

Thank You,

A handwritten signature in cursive script that reads "Tiffany Penland".

Tiffany Penland  
Administrative Assistant to the Honorable  
Judge Brian M. Gibbons

State of South Carolina  
County of Chester.

CLRK OF CRT CHESTER SC

FILED  
23 SEP '21 AM 10:57

State of South Carolina

Vs.

James B. Curry  
Defendant.

Motion For a New  
Trial based on vior-  
Dire violation by Juror #  
38.

"Defendant, Move's For a hearing to be Scheduled within 30 days  
to present evidence of concealment of Information by-  
Juror #38. Patricia B. Giather, who failed to inform, the Court  
and defendant, that she was employed at the Chester, Co,  
Court house at the time of defendant's trial in Feb, 2008.  
being in violation of the rule's of Court, Thus, had this info -  
been disclosed, defendant, would have 100% Struck Juror #38, From  
sitting on the Jury, in which the results could have been different

Respectfully Submitted,

James B. Curry #186734  
Lee C.I. FI-1125  
990 Wisacky Hwy.  
Bishopville, S.C 29010  
9-20-21.

cc:

James B. Curry,  
Chief Judge,  
S.C. Court Administration

\* James B. Curry #186737.

Lee C.I. F1-1125

990 Wisacky Hwy.

Bishopville, S.C. 29010

Appeal.

"South Carolina Court of Appeals.

#1015, Sumter St. P.O. Bx #11629.

Columbia, S.C. 29211

**RECEIVED**

DEC 02 2021

SC Court of Appeals