

Pg. # 1 of 2

The South Carolina Court of Appeals

Case # 2021-001412

The State, Respondent,
Vs.
James B. Curry #186739,
Appellant.

Amendment in RE: to
abuse of discretion
within order dated.

12-10-21

RECEIVED

JAN 28 2022

SC Court of Appeals

#1. Appellant, argues that the Court abused its discretion by not granting a rehearing in RE: to the hearing held on 11-3-21. Without the accused Juror #38, Patricia B. Giather being present to answer allegations of a vior-Dire violation in RE: to her occupation at the time of appellants trial Under Oath, as appellant requested Clerk Carpenter to issue ^{as subpoena} prior to the hearing. Thus, was a violation of appellants due process right, to Confront the accused, just, as the accused, has a constitutional right to Confront the accuser. (denied. 12-10-21. in error.)

#2. Appellant, also argues that the Court abused its discretion by making Reference to the Honorable Brian Gibbon's so-called order dated, 12-4-14. in re: to exhausted Challenges which has nothing to do with the matter at hand of the vior-Dire violation. Thus, the Court 100% abused its discretion in the order dated. 12-10-21. Stating

over.

The Court Finds that the defendant has Failed to comply with the 2014. order in his recent Filings. —

Note. the 2014. order Stated that there must be a Notarized affidavit Submitted along with the Filings. "See appellants Notarized affidavit, Submitted along with petition For a rehearing." Petition dated. 11-4-21. the affidavit dated. 11-15-21. Thereby, Making the order dated. 12-10-21. Moot, and grounds For the S.C. Court of appeals to grant appellants — relief Sought, a rehearing to include Juror# 38. Patricia B. Giather, 30 day's of the date. OF the Order. "Thus, appellant Move's the Court to do so. A.S.A.P"

"Thank you."

Note. appellant Was not given prior notice of the hearing, they just transported — him to the Chester, Co. Court house on 11-3-21. So he could not have notified Juror# 38. just For the record.

Note. IF Clerk Carpenter did not Submit appellant's affidavit dated. 11-15-21. on 12-10-21. Thus, rehearing denied, then misconduct has taken place 100% because he stated appellant failed to comply with the 2014. order in error.

Note. New Address

James B. Curry #186434.
 Perry C.I. Q2-A Rm# 114.
 #430 Oaklawn Rd.
 Pelzer, S.C 29669
 1-26-22.

cc:

Alan McCrory Wilson, Esq
 William M. Bitch Sr. Esq.

Exhibit Moot

Copy

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	SIXTH JUDICIAL CIRCUIT
COUNTY OF CHESTER)	
)	2012CP1200134
)	
State of South Carolina,)	2007-GS-12-529
)	2007-GS-12-530
Vs.)	2007-GS-12-531
)	2007-GS-12-532
James B. Curry,)	
)	
Defendant.)	ORDER

FILED
 2021 DEC 10 PM 3:57
 CLERK OF COURT
 CHESTER CO S.C.

This matter comes before the Court on *pro se* Defendant's motion for a rehearing on a matter heard on November 3, 2021. The procedural history of this matter is rather convoluted in that the Defendant has previously filed appeals under the original indictment numbers and a PCR collateral attack under a new civil case number. Defendant has combined the two captions and filed this motion for a rehearing in an attempt to renew his argument for a new trial. The Court understands that the Defendant's motion is better characterized as a motion to reconsider its ruling under Rule 59(e) SCRCP. This Court issues this Order in light of both captions for the sake of simplicity.

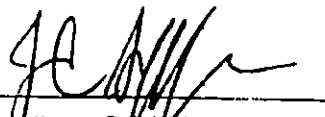
At the November 3, 2021 hearing Defendant was heard in regards to his motion for a new trial on the basis of after-discovered evidence pursuant to Rule 29(b), SCRCP from a jury trial. Notwithstanding the Order issued by the Court on December 4, 2014, the Court allowed Defendant to provide oral testimony and argument on the merits of his motion. After hearing the Defendant's arguments on his motion, this Court found these allegations lacked merit and denied Defendant's motion for a new trial.

Defendant now argues in his motion to reconsider claiming that he erred in his original motion. The defendant has made a continued and repeated motions regarding his trial and his perceived denial of due process, violation of court rules, and misconduct by court officials.

Defendant has not provided any new evidence to corroborate the claims he continues to repeatedly make. For these reasons, this Court finds Defendant's motion for rehearing lacks merit and is therefore denied.

This Court again makes reference to the prior Order of The Honorable Brian Gibbons dated December 4, 2014. This Order went into great detail about the procedural history of the many challenges the defendant has made to his convictions and that he has exhausted all his challenges. That Order outlines the conditions under which the Defendant must comply in order to make filings valid. This Court also finds that the Defendant has failed to comply with that Order in his recent filings.

IT IS SO ORDERED.


 Eugene C. Griffith, Jr.

December 10, 2021
 Chester County, South Carolina
 1

* James B. Curry #186737.
Perry C. Q2 - A - Rm #114
#430 Oaklawn Rd.
Pelzer, S.C. 29669.

L.H. Mail

Amendment.

Appeal # 2021-001412.
The S.C. Court of Appeals.
#1220 Senate Street. P.O. Box #11629.
Columbia, S.C. 29211

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