

The South Carolina Court of Appeals.

Case# 2021-001412.

2 of 5.

RECEIVED

The State, Respondent

APR 29 2022

SC Court of Appeals

Motion to

Vs.

Stay Remittitur

Investigation
by Clerk Jenny
Abbott Kitchings

James B. Curry
Appellant.

RE: order dated 3-3-22.

ordered dated 4-19-22.

and reinstate appeal, Thus, grant relief sought based on 2nd error order dated 4-19-22 after the investigation of first order dated 3-3-22

"Appellant, Move's to stay the remittitur, and request an investigation into the order dismissed in error dated March, 3, 2022. in the interest of justice by Clerk Kitchings, this investigation is being requested, because the S.C. Court of appeals sent appellant a 10 day extension dated Feb, 14, 2022. to submit proof of service, appellant complied, and did submit the proof of service dated Feb, 18, 2022. "Which the proof of service was timely by 6 days making the order dated March, 3, 2022. to be in error," Thus, has caused the order dated April, 19, 2022. to be dismissed in 100% error, which states the court is unable to discover that any material fact or principle of law has either been overlooked or disregarded. Note. appellant has sent to Clerk Kitchings enclosed with this motion for an investigation, a copy of the envelope dated Feb, 14, 2022. that appellant received the 10 day extension from the S.C. Court of appeals as "Exhibit B" and hereby request that she locate the correspondence from the S.C. Court of appeals dated 2-14-22. submitted along with the proof of service dated 2-18-22. by appellant and then show it to the court, that appellant has been prejudiced, and the relief sought should be granted. (a new trial.)

cc:
Alan McCroory Wilson,
William M. Blich, Jr.
Clerk Kitchings.

James B. Curry #186737.
Perry Ct #2-A-Rm #114
#430 Oaklawn Rd.
Pelzer, S.C. 29669
11-22-22

"First error order. Prejudice.
dated March 3, 2022

30F5.

The South Carolina Court of Appeals

The State, Respondent,


v.

James B. Curry, Appellant.

Appellate Case No. 2021-001412.

ORDER

This appeal arises out of an order of the circuit court dated December 10, 2021. Appellant received written notice of the entry of the order on January 11, 2022. The proof of service provided shows service on February 18, 2022. Because Appellant has failed to provide proof of timely service upon the Respondent as required by Rule 203(b) of the South Carolina Appellate Court Rules, this matter is dismissed.¹ The remittitur will be sent as provided by Rule 221(b), SCACR.


_____, J.
FOR THE COURT

Columbia, South Carolina

cc:

James B. Curry, 00186737

Alan McCrory Wilson, Esquire

William M. Blich, Jr., Esquire

FILED
Mar 03 2022

¹ Appellant has filed numerous other documents with the Court, including a request to present oral argument, allegations against the trial court, and a request for a new trial. None of these filings are accompanied by a proof of service or are otherwise in compliance with Rule 240, SCACR. Based upon our disposition herein, we decline to take any action on the requests for relief.

"Ind. error order. Prejudice.
dated April, 19, 2022.

4 of 5.

The South Carolina Court of Appeals

The State, Respondent,

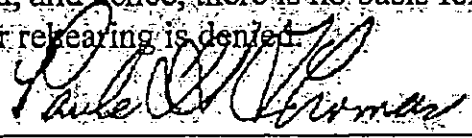
v.

James B. Curry, Appellant.


Appellate Case No: 2021-001412

ORDER

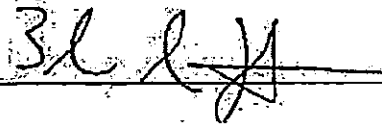
Appellant has filed a motion to reinstate this appeal, which we construe as a petition to rehear the dismissal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

cc:
James B. Curry, 00186737
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire

FILED
Apr 19 2022

RE: to proof of Service. 10 day extention starting from 2-14-22

"Exhibit. B" the envelope appellant received the 10 day extention dated. 2-14-22.



South Carolina Court of Appeals
JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA SC 290
14 FEB 2022 PM 2 L

Hasler
02/14/2022
US POSTAGE

FIRST-CLASS MAIL
\$00.53⁰
ZIP 29201
011D12602824

2/17/22

JAMES B CURRY, 00186737
PERRY CORRECTIONAL INSTITUTION
430 OAKLAWN ROAD
PELZER SC 29669

RECEIVED

FEB 17 2022

29669-070499



"Note." Please See the copy of the 10 day extention already submitted previously by appellant dated. 2-14-22. sent to appellant ^{from} of the S.C. Court of Appeals, and received on Feb, 17, 2022. by appellant.

The South Carolina Court of Appeals.

10FS.

Case# 2021-001412.

The State, Respondent.)
Vs.

James B. Curry
Appellant.)

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APR 29 2022

SC Court of Appeals

PROOF OF SERVICE.

"I James B. Curry hereby certify that my request for Clerk Kitchings to conduct an investigation into the matter of my receiving a 10 day extension dated 2-14-22. From the S.C. Court of Appeals which appellant complied in RE: to proof of service that was dated 2-18-22. Note, appellant has been prejudiced twice order dated 3-3-22. and order dated 4-19-22. Was served on all parties in this matter by placing a copy to them in the U.S. mail.

cc
Alan McCrory Wilson,
William M. Blitch, Jr.
Clerk Kitchings.

James B. Curry #186737
Perry & P Q2-A-114
#430 Oaklawn Rd.
Pelzer, S.C. 29669
4-27-22.

I.H. Mail

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

Stay Remittitur / Investigation

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APR 29 2022
SC Court of Appeals

Attn: Jenny Abbott Kitchings, Clerk.
S.C. Court of Appeals.
P.O. Bx # 11629
Columbia, S.C. 29211

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APR 27 2022
PCI MAILROOM

LEGAL MAIL