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Aug 20 2024

S.C. SUPREME COURT

## The Supreme Court of South Carolina

Patricia A. Howard  
CLERK OF COURT

Brenda F. Shealy  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499

August 1, 2024

Mr. Bobby Barton, #163629  
Livesay Correctional Inst.  
PO Box 580  
Una, SC 29378-0580

Dear Mr. Barton:

This responds to your letter received on August 1, 2024. Your case has been transferred to the Court of Appeals. In view of that, we are forwarding your documents received in this office today to the Court of Appeals. Any further filings should be sent to the Court of Appeals.

Sincerely,

Chief Deputy Clerk

cc: The Honorable Jenny Abbott Kitchings (with enclosure)

"July 28, 2024"

RECEIVED

AUG 01 2024

S.C. SUPREME COURT

ATTN: Hon. Patricia A. Howard, Esquire  
CLERK OF COURT, SC SUPREME COURT

FROM: BOBBY JOE BARTON, #163629  
C/A no. 2021-CP-23-03093

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AUG 01 2024

SC Court of Appeals

Re: "PROOF-OF-A-TIMELY-APPEAL-FILED!"

\*MADAM CLERK,

I AM SUBMITTING DOCUMENTATION TO THE HONORABLE COURT THAT I THE APPELLANT DID FILE A TIMELY APPEAL BEFORE THE 20<sup>th</sup> day OF JULY, 2024 @ 12:00 p.m.

APPELLANT ASK THIS COURT TO TAKE NOTE OF ENCLOSED, "EXHIBIT-#A"

- a.) THE RECEIPT OF PAYMENT OF \$11.61 ON 7/15/2024 TO LIVESAY POSTAL WORKER M.B. FARMER;
- b.) U.S. POSTAL SERVICE CERTIFIED MAIL RECEIPT ADDRESSED TO "SUPREME COURT, P.O. BOX 11330, COLUMBIA, SC 29211," COST FOR POSTAGE & FEES, \$11.61 AND DATED 7/15/24;\*
- c.) RETURN SIGNATURE RECEIPT SIGNED BY KENNETH JENKINS ON 7/22/24. { EXHIBIT-#B } ATTACHED!

APPELLANT STATES THAT THIS "EXHIBIT-#A" WILL SHOW AND SUPPORT HIS STATEMENT ALONG WITH THE "CERTIFICATE-OF-SERVICE," THAT "THE NOTICE-OF-APPEAL," WAS OFFICIALLY

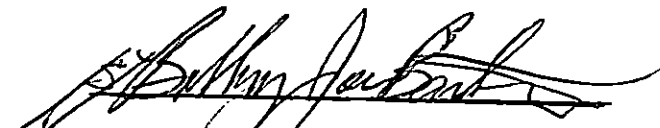
MAILED ON THE 15<sup>TH</sup> DAY OF JULY, 2024 AND THE HOLDINGS OF  
"HOUSTON V. LACK," 487 U.S. 266, 108 S.Ct. 2379 (1988) (THE SUPREME  
COURT HELD THAT COURTS HAS DEEMED THAT PROSE LITIGANT'S LEGAL  
MAIL DEEMED "FILED" ON THE DATE GIVEN TO MAILROOM PRISON OFFICIALS  
FOR APPEAL AND THE PRISONS DATE STAMP SUBSTANTIATES THIS DATE.)

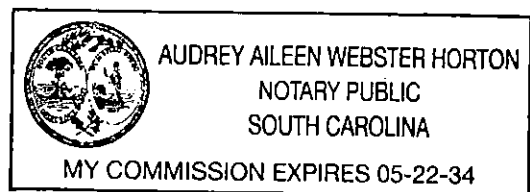
APPELLANT ENCLOSES A TRUE EXACT COPY OF "THE NOTICE OF APPEAL"  
WITH S.C.D.C. DATE STAMP AND A NOTARY STAMP.

APPELLANT ASK THIS COURT TO PLEASE ACKNOWLEDGE AND  
OFFICIALLY RECOGNIZED THAT THE APPEAL WAS FILED IN A TIMELY  
MANNER AND ANY OTHERWISE THE COURT DEEM JUST AND AP-  
PROPRIATE.

Mailed on 30<sup>th</sup> day of JULY, 2024  
COUNTY OF SPARTANBURG,

RESPECTFULLY SUBMITTED,

  
Bobby Joe Barton, #163629



Audrey Aileen Webster Horton  
07-29-2024

CC: Melody J. Brown, Esq.  
Bobby Joe Barton, APPELLANT

INPI355D  
INPI355M  
SCDC ID : 163629  
**BARTON, BOBBY JOE**

SCDC INMATE FINANCIAL SYSTEM  
INMATE PAYROLL APPLICATION  
DISPLAY INMATE RESTITUTION

07/26/24  
C068390

CURR LOC: **INVEST**

OFFENDER TYPE: **ADULT-STRAIGHT**  
TYPE OF RESTITUTION ....: **PT POSTAGE**  
FUND .....: **1000**  
COST CENTER.....: **N040261010**  
FUNC AREA.....: **2101**  
ACCOUNT. (BUDGET CLASS)..: **031590**  
DATE INCURRED .....: **07/15/24**  
AMOUNT OF RESTITUTION **11.61**  
TEXT .....: **LEGAL**  
UPDATED BY: \_\_\_\_\_  
CREATED BY: **FARMER**  
--- TYPE -----

PAYMENTS/DEBITS: 0.00  
CREDITS .....: 0.00  
**BALANCE** .....: **11.61**  
DEDUCTION TYPE : **F FULL PAY**  
PARTIAL AMOUNT : 0.00  
PAYMENT START IND:  
HOLD PAYABLE/COOPER: 0.00

DATE: \_\_\_\_\_  
DATE: **07/15/24**  
DATE: \_\_\_\_\_

**EXHIBIT # B B**

PAGE> 0001

~~RESTITUTION ADJUSTMENT HISTORY DISPLAYED~~  
PFKEYS: 3:ADDADJ 4:MODADJ ENTER:DISADJ

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at www.usps.com®

**OFFICIAL USE**

Postage	\$ 11.61
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 11.61</b>

Sent to: **Supreme Court**  
Street/Apt. No. or PO Box No.: **PO Box 11330**  
City, State, ZIP: **COLUMBIA SC 29201**

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <i>[Name]</i> C. Date of Delivery: <i>7-22-24</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to: <b>SC Supreme Court</b> <b>PO Box 11330</b> <b>COLUMBIA SC 29201</b></p>		<p>3. Service Type  <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input checked="" type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	
<p>2. Article Number (Transfer from service label)</p>		<p><input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

**RECEIVED**  
AUG 01 2024

9590 9403 0548 5173 6451 42

EXHIBIT - #A

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS  
G.D. MORGAN, JR., CHIEF ADM. JUDGE  
CASE NO. 2021-CP-23-03093

SCDC  
JUL 15 2024  
MAIL ROOM

BOBBY JOE BARTON, APPELLANT,  
V.  
STATE OF SOUTH CAROLINA, RESPONDENT.

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CERTIFICATE OF SERVICE

AUG 01 2024  
SC Court of Appeals

I, BOBBY JOE BARTON, APPELLANT, DO HEREBY CERTIFY THAT ON THIS DATE OF JULY 15, 2024, I SERVED UPON THE NAMED RESPONDENTS COPIES OF THIS "NOTICE OF APPEAL", BY DEPOSITING COPIES OF THE SAME VIA U.S. MAIL, POSTAGE PREPAID, CERTIFIED MAIL IN AN ENVELOPE ADDRESSED AS SET FORTH HEREIN BELOW: Returned Receipt

"RESPONDENT"		
BRUCE GARRETT, ESQ. CLERK OF COURT, 13 <sup>TH</sup> CIR GREENVILLE COUNTY COURTHOUSE 305 E NORTH ST. GREENVILLE, SC 29601-2121	MELODY J. BROWN, ESQ. ASSIST. ATTORNEY GENERAL OFF. P.O. BOX 11549 COLUMBIA, SC 29211 S.C. ATTORNEY GEN. OFFICE	SC COMM. ON INDIGENT DEF DIVISION OF APPELLATE DEF P.O. BOX 11433 COLUMBIA, SC 29211-1433 INDIGENT DEFENSE FUND

CC: BOBBY JOE BARTON, APPELLANT

#163629

Audrey Aileen Webster Horton  
07-09-2024

MAILED ON THIS DAY OF  
JULY 15, 2024.



AUDREY AILEEN WEBSTER HORTON  
NOTARY PUBLIC  
SOUTH CAROLINA

MY COMMISSION EXPIRES 05-22-34

BOBBY JOE BARTON

July 15, 2024

ATTN: Hon. Patricia A. Howard,  
CLERK OF COURT, THE SUPREME COURT OF SOUTH CAROLINA  
P.O. Box 11330  
Columbia, SC 29211

SCDC  
JUL 15 2024  
MAIL ROOM

RECEIVED

AUG 01 2024  
SC Court of Appeals

From: Bobby Joe Barton, #163629  
C/A No. 2021-CP-23-03093

Re: Bobby Joe Barton, Appellant, v. THE STATE OF SOUTH CAROLINA, Respondent

Madam Clerk

I am filing this NOTICE OF APPEAL with your court and I've also placed all parties involved of this NOTICE as shown by the certificate of service. I am enclosing a true copy of a motion of notice of intent, if need be to file 59(e) & or 52(a), S.C.R. CRP. (SCDC MAIL-ROOM DATE, JUN. 10, 2024) and an motion of a 59(e) & 52(a) S.C.P. CP WITH AN OBJECTION placed on record for asking the attorney general's office to draft the final order of dismissal. Appellant is not an attorney but did file these motions within (10) days of receiving the order of dismissal on June 26, 2024 in which S.C.D.C. receipt of legal correspondence verification form (EXHIBIT #A) attached. The appellant is bringing to the attention of the honorable court that should the lower court refuse or failed to address these motions and preserve for appellate review. The appellant would show through physical documentation that he has done so with proof that he did serve all parties within a timely manner and therefore the appropriate remedy would be to...

1.

1/2

Bobby BARTON, #163629  
Livesay C.I. (B) CAMP (3-1-A)

P.O. BOX 580

Una, SC 29378-0580

GREENVILLE SC 296

30 JUL 2024

FIRST CLASS



US POSTAGE IMPITNEY BOWES



ZIP 29303  
02 7H  
0006024303

\$ 000.970  
JUL 30 2024

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AUG 01 2024

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SC Court of Appeals

ATTN: Patricia A. Howard, Esquire

SCDC

The Supreme Court,

Clerk of Court

P.O. Box 11330

Columbia, SC 29211

S.C. SUPREME COURT

LEGAL-MAIL

JUL 30 2024

MAIL ROOM

29211-133030



**The Supreme Court of South Carolina**

PATRICIA A. HOWARD, CLERK OF COURT

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

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AUG 01 2024

SC Court of Appeals

The Honorable Jenny Abbott Kitchings