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THE SUPREME COURT OF SOUTH CAROLINA

S.C. SUPREME COURT

BOBBY JOE BARTON, #163629
PETITIONER,

APPELLATE CASE NO. 2024-001190

V.

MOTION REQUESTING
EXTENSION OF TIME TO REPLY
TO SCA CR, RULE 243(c)

STATE OF SOUTH CAROLINA,
RESPONDENT.

THE PETITIONER IN THE ABOVE ACTION RESPECTFULLY MOVE ON THE COURT REQUESTING AN EXTENSION OF TIME TO PROPERLY RESPOND TO THE COURTS ORDER DIRECTING THE PETITIONER TO COMPLY WITH SCA CR, RULE 243(c). PETITIONER REQUEST AN ADDITIONAL (30) DAYS PURSUANT TO RULE 263(b) SCA CR WHICH GRANTS THIS COURT AUTHORITY AND JURISDICTION TO DO SO FOR GOOD CAUSE AND EXTRAORDINARY CIRCUMSTANCES BUT NOT LIMITED TO; IN SUPPORT OF THIS MOTION, PETITIONER WILL DEMONSTRATE TO THE COURT THE FOLLOWING:

THIS MOTION IS BEING SUBMITTED WITHIN THE PERIOD PRESCRIBED FOR DOING THAT ACT AS THE LAST DAY IS SEPTEMBER 30, 2024;

PETITIONER RECEIVED THIS NOTICE FROM THE CLERK OF THE SUPREME COURT ON SEPTEMBER 3, 2024 (VERIFICATION FORM ATTACHED) AND SIGNED BY THE HONORABLE PATRICIA A. HOWARD NOTIFYING PETITIONER OF THE DEAD-LINE ABOVE.

THE PETITIONER RESPECTFULLY REQUEST AN ADDITIONAL (30) DAYS

EXTENSION OF TIME PURSUANT TO RULE 263, (b) TIME OF SCACR AND DUE TO EXTRAORDINARY CIRCUMSTANCES BEYOND HIS CONTROL.

THE PETITIONER HEREBY STATE UNDER THE PENALTY OF PERJURY THAT THE FOLLOWING STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE TO SUPPORT THIS MOTION REQUESTING AN EXTENSION OF TIME AND THE FACTS BELOW:

#1.) PETITIONER IS HOUSED AT A LEVEL-I, CORRECTIONAL INST, WHICH IS EQUIVALANT TO A WORK CAMP AND DOES NOT HAVE A TRAINED LAW CLERK ONLY LIBRIANS;

#2.) PETITIONER IS NOT AN ATTORNEY AND IS IN NEED OF A LAW CLERK AND IS IN NEED OF ASSISTANCE ON HOW TO RESPOND TO THE RULE 243(d);

#3.) ON SEPTEMBER 18, 2024, PETITIONER WAS ABSENT FROM THE FACILITY AND TRANSPORTED TO TYGER RIVER FOR A DAY OF DENTAL CONSULTATION;

#4.) PETITIONER UNDERSTANDS THAT THE CERTIFICATION OF THE APPEAL RESTS TOTALLY UPON HOW WELL HE ADDRESSES THE ISSUE BASED THE ERROR THE LOWER COURT MADE AND HOW HE IS ABLE TO BRING THEM OUT BEFORE THE COURT WITH FACTS AND LAW IN WHICH AT THE TIME HE NEEDS LEGAL ASSISTANCE AND TIME TO DO RESEARCH;

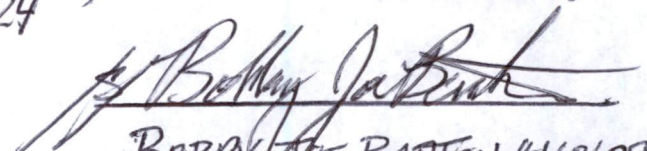
#5.) THE GROUNDS FOR THIS MOTION FOR EXTENSION OF TIME IS MENTIONED ABOVE AND THE FACTS THAT THE REQUESTED EXTENSION WILL NOT DELAY OR CAUSE AN ERRONEOUS DECISION IN THIS MATTER;

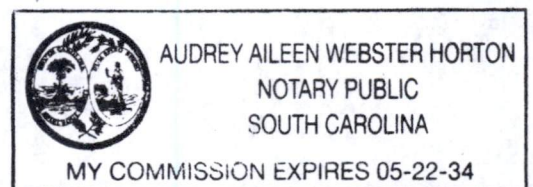
#6.) THE PETITIONER HAS FORWARDED A TRUE EXACT COPY OF THIS MOTION TO THE STATE ATTORNEY GENERAL'S OFFICE ADDRESSED TO MELODY J. BROWN, ASSISTANCE ATTORNEY GENERAL REQUESTING AN EXTENSION OF TIME

THE PETITIONER BELIEVES THAT HE HAS SHOWN JUST CAUSE AS TO WHY THIS COURT SHOULD GRANT HIS MOTION FOR AN EXTENSION OF TIME.

WHEREFORE, THE PETITIONER MOVE THE COURT TO ENTER AN ORDER GRANTING THE PETITIONER (30) DAYS PAST SEPTEMBER (30) WHICH WILL BE OCTOBER 30, 2024 TO RESPOND TO THE COURT ORDER OF RULE 243(3), SCACR EXPLANATION, FOR THE COURT TO DETERMINE WHETHER THERE IS AN ARGUABLE BASIS FOR ASSERTING THE CIRCUIT COURT'S SUMMARY DISMISSAL IF THE MATTER WAS IMPROPER.

ON THIS 20th day of SEPTEMBER, 2024
COUNTY OF SPARTANBURG, SC

RESPECTFULLY SUBMITTED,

BOBBY JOE BARTON, #163629



CC: MELODY J. BROWN, ASST. ATT. GEN.
BOBBY JOE BARTON, PETITIONER

Audrey Aileen Webster Horton
09-20-2024