

THE SUPREME COURT OF SOUTH CAROLINA

RECEIVED
OCT 10 2024
SUPREME COURT

Bobby JOE BARTON #163629
APPELLANT,

v.

STATE OF SOUTH CAROLINA,
RESPONDENT.

APPELLATE CASE NO. 2024-001190

MOTION TO RECOMPEN/RECOVER
DAYS LOSS DUE TO CATASTROPHIC
CIRCUMSTANCES OR STAY, IF NEC-
CESSARY!

THE PETITIONER NAMED ABOVE HEREBY MOVE OF THE COURT WITH A MOTION TO RECOVER AND RECOMPEN TIME LOSS DUE TO THE CATASTROPHIC AFFECTS OF HURRICANE HELENE WHICH KNOCKED OUT ALL POWER IN LIVESAY C.I. ON FRIDAY, SEPTEMBER 27, 2024 AND HAS NOT BEEN RE-ACTIVATED UNTIL APPROXIMATELY 6:45 p.m., MONDAY, SEPTEMBER 30, 2024 AND THE EFFECTS CONTINUE TO AFFECT ALL THE Y-FI, & ELECTRONICS SYSTEM PERTAINING TO ACCESS TO THE LAW LIBRARY. THIS IS THE REASONS FOR REQUESTING OF THE ABOVE RECOVERY AND RECOMPEN OF LOSS OF DAYS AND A POSSIBLE STAY DUE TO THESE CIRCUMSTANCES BUT NOT LIMITED TO:

PETITIONER STATE UNDER THE PENALTY OF PERJURY THE FOLLOWINGS ARE TRUE TO THE BEST OF MY KNOWLEDGE:

- #1.) THAT THERE IS NOT LAW CLERK, CERTIFIED TO ASSIST IN LEGAL LAW WORK HERE AT LIVESAY C.I.;
- #2.) THE PETITIONER IS NOT A LAWYER;

1.

- #3.) ON FRIDAY, SEPTEMBER 29, 2024 HURRICANE HELENE AND THE FORCE HIT SOUTH CAROLINA;
- #4.) THESE FORCE KNOCKED OUT POWER OF THE WHOLE UP-STATE;
- #5.) ALL THE ELECTRICAL POWER, Y-FI, AND ANY OTHER ELECTRICAL COMPONENTS WERE DEEMED INOPERABLE;
- #6.) THE PHONES WERE INOPERABLE, AS WELL AS THE INMATE TABLETS WHICH HAS THE LAW LIBRARY SYSTEM INMATES HAS ACCESS FOR 24 HRS. A DAY, 7 DAYS A WEEK HOWEVER;
- #7.) THESE TABLETS WERE KNOCKED OUT AS OF THE DAY ABOVE AND ARE STILL INOPERABLE;
- #8.) THE ADMINISTRATION OF S.C.D.C. AT LIVESAY HAS ANNOUNCED THAT THE OPERATION OF THESE INDIVIDUAL PROGRAMS CAN NOT BE REPROGRAMMED FOR THE NEXT 3-TO-6 MONTHS,
- #9.) AT THE POINT OF THIS MOTION PETITIONER HAS LOST 6 DAYS WHERE AS PETITIONER COULD NOT DO RESEARCH TO FIND CASE LAW TO SUBSTANTIATE HIS CLAIM THAT THE DECISION MADE BY THE LOWER COURT IS NOT SUPPORTED BY THE FACTS OF FINDINGS NOR SUPPORTED BY CONCLUSION OF LAW;
- #10.) THERE HAVE BEEN NO LIGHTS, NO HOT WATER TO BATH IN AND NO WAY POSSIBLE TO RESEARCH CASE LAW TO SUPPORT OR DEFEND PETITIONERS CASE;

- #11.) ON OR ABOUT OCTOBER 2, 2024 THE LIASON FOR IN-TEL DID TROUBLE SHOOTING AND FOUND THAT THE COMPUTOR IN THE EDUCATIONAL BUILDING FIRE WALL WAS DESTROYED HOWEVER HE WAS ABLE TO REPAIR IT;
- #12.) AS OF THIS DAY OF OCTOBER, THE 2ND DAY, 2024 I HAVE NOT BEEN ABLE TO ACCESS THE LAW LIBRARY IN ANY COMPASITY DUE TO THE EFFECT OF HURRICANE HELENE AND I'VE LOST 5 DAYS OF MY DEAD LINE TIME IN WHICH CAUSED MY 30 DAYS TO BECOME 25 DAYS INSTEAD;
- #13.) THE REPERCUSSION HAS CAUSED A NEGATIVE RIPPLE AFFECT WHEREAS BEFORE THE HURRICANE I COULD DO RESEARCH AND STUDY CASE LAW FOR 12-TO-16 HRS IN THE PRIVACY OF MY CELL;
- #14.) WHEREAS TODAY I HAVE ACCESS TO ONLY "1" LAW COMPH FOR TO BE SHARED WITH APPROXIMATELY 285 INMATES AND ONLY CAN BE GUARENTEED APPROX. 2 HRS, 5 DAYS A WEEK AND OR WHEN THE EDUCATIONAL BUILDING IS OPEN, HOWEVER NO ACCESS ON SATURDAYS, SUNDAYS OR HOLIDAYS;
- #15.) THIS LIBRARY IS NOT A SOLITARY DEPARTMENT AS IS IN LEVEL-II & III (283) CORRECTIONAL INSTITUTIONS BUT IS A MIXTURE OF ALL AVAILABILITIES OF LIBARIES WHICH IS DISTRACTIVE AT TIMES;
- #16.) ON THURSDAY, OCTOBER 3, 2024 THE COMPUTOR ELECTRONICS COMPLETELY WENT DOWN DUE TO SECURITY CHECKING THE SECURITY CAMERAS;

THE PETITIONER STATE THAT DUE TO CATASTROPHIC EVENTS CREATED BY HURRICANE HELENE AS NEVER SEEN BY HIM IN HIS LIFE TIME (67) YRS. HAS CAUSE CIRCUMSTANCES AND SITUATIONS BEYOND HIS CONTROL WHERE THE ABILITY TO DO RESEARCH TO FULLY COMPREHEND THE QUESTION POSED BY THE COURT CONCERNING RULE 243(c), SCACR AND THE APPROPRIATE RESPONSE, SPECIFICALLY SUPPORTED BY CONCLUSION OF LAW,

THESE EVENTS WHICH ARE OUTLINED IN THIS PREVIOUS PAGES SHOWS HOW MY RESEARCH ABILITIES HAS BEEN DRAMATICALLY LIMITED TO A MERE FEW HOURS A DAY, (5 DAYS A WEEK) AND NONE ON THE WEEK END AS BEFORE HURRICANE HELENE AND NO LAW CLERK TO ASSIST;

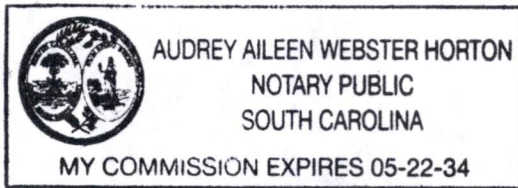
PETITIONER BELIEVES THAT HE HAS WITH GOOD CAUSE DEMONSTRATED WITH JUST CAUSE WHY THE COURT SHOULD GRANT HIS REQUEST TO RECOMPENDE AND RECOVER THE FIVE (5) DAYS LOST TO THE AFFECTS OF THE STORM AND THE COURTS' INDULGENCE TO THE POSSIBILITIES OF FARTHER EXTENSIONS IF NEED BE DUE TO THESE CAUSES AND EFFECTS,

LET IT'S WITH MUCH HOPE AND MANY PRAYERS THE COURT UNDERSTAND THE SENSITIVITY OF THE REQUEST AND GRANT THIS REQUEST,

WHEREFORE, PETITIONER RESPECTFULLY ASK THE COURT TO PLEASE GRANT HIS REQUEST TO RECOUPE/RECOVER TIME (DAYS-5) LOSS DUE TO EXTRAORDINARY CIRCUMSTANCES BEYOND HIS CONTROL AND NOT AN EXTENSION OF TIME WHICH WILL BE NOVEMBER 4, 2024, AND ANY OTHERWISE THE COURT DEEM JUST AND APPROPRIATE.

RESPECTFULLY SUBMITTED,

MAILED ON THE 7, DAY OF OCTOBER
2024, COUNTY OF SPARTANBURG, SC



Audrey Aileen Webster Horton
10-07-2024

BOBBY JOE BARTON, #163629
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CC: MELODY J. BROWN, ASST. ATTY. GENERAL
BOBBY JOE BARTON, #PETITIONER