

S.C. SUPREME COURT

THE APPELLANT ATTACHES ITEMS WHICH WERE PRIOR TO THE DECISION DENYING/DISMISSING PETITIONER APPLICATION FOR P.C.R. ARE LISTED BELOW BUT NOT LIMITED TO THE REPLY TO THE COURT AND THE TRANSCRIPT OF P.C.R., AND P.C.R. ACCURACY CHALLENGE HEARING TRANSCRIPT, AND TAGGED CERTIFIED WHICH SHOULD HAVE TRANSPORTED AS MOTION INCLUDED SHOWS:

- #1.) NOTICE OF INTENT, IF NEEDED TO FILE 59(e) & OF 52(a) S.C.R. CRP;
- #2.) 59(e) MOTION TO ALTER & AMEND;
- #3.) OBJECTION ON RECORD THE TRIAL COURT ASKING RESPONDENT TO FILE PROPOSED ORDER;
- #4.) ORDER DENYING 59(e) & 52(a) MOTION;
- #5.) CONTEMPORANEOUS OBJECTION PLACED ON THE RECORD;
- #6.) MOTION FOR TRANSPORTATION OF LOWER COURT RECORDS.

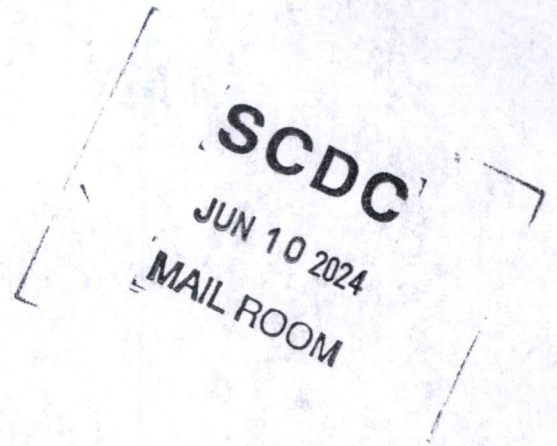
I STATE UNDER THE PENALTY OF PERJURY THAT A TRUE AND EXACT COPY OF THESE DOCUMENTS ARE ATTACHED AND THE PROOF-OF-SERVICE WILL SHOW THAT ALL PARTIES HAVE BEEN SERVED PREVIOUSLY AND THERE IS NO NEED TO RESERVE THEM.

RESPECTFULLY SUBMITTED,

Billy J. Smith

"June 9, 2024"

ATTN: Hon. Brice Garrett, esq.
CLERK OF COURT
305 E. NORTH ST.
Greenville, SC 29601-2121



FROM: Bobby Joe Burton, #163629
C/A no: 2021-CP-23-03093

Re: "NOTICE OF INTENT IF NEEDED TO FILE 59(e) & OR 52(a) SCR RCP!"

: Mr. Clerk,

I AM A PROSE LITIGANT MOVING ON THE COURT AS SELF REPRESENTATION AND I FILED A SECOND P.C.R. HOWEVER THE ATTORNEY GENERAL OFFICE HAS FILED A "CONDITIONAL ORDER OF DISMISSAL". I HAVE SUBMITTED A REPLY OPPOSING THEIR MOTION, AS YOU KNOW RULE 59(e) ALTER & AMEND AND RULE 52, SCR RCP, RULE 52(a) STATES "TO PRESERVE ISSUES FOR APPELLATE REVIEW, AFTER AN ORDER IS FILED COUNSEL (PROSE LITIGANT) HAS AN OBLIGATION TO REVIEW THE ORDER AND FILE A MOTION TO ALTER OR AMEND [IF] THE ORDER FAILS TO SET FORTH THE FINDINGS OF FACTS AND THE REASONS FOR THOSE FINDINGS AS REQUIRED BY THE UNIFORM POST-CONVICTION PROCEDURE ACT AND THE CIVIL PROCEDURE RULES." SIMMONS V. STATE, (SC, 2016), 416 SC 584, 788 S.E.2d 220.

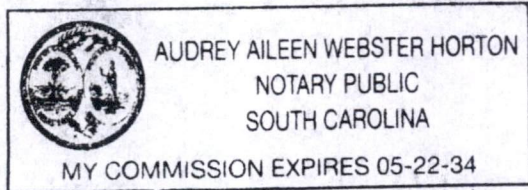
THE PROSE PETITIONER WOULD LIKE TO PLACE THE COURT OF NOTICE OF HIS INTENT TO FILE A 59(e) MOTION AND A 52(a) SCR RCP, TO REVIEW THE ORDER TO ENSURE THAT THE COURT HAS ADDRESSED THE FACTS

OF FINDINGS AND STATE EXPRESSLY SUPPORTED BY CONCLUSION OF LAW RELATED TO EACH ISSUE PRESENTED AS REQUIRED BY S.C. CODE ANN. TITLE § 17-27-80 AND RULE 52, SC R. RLP, RULE 52(a),

PETITIONER PLACE THE COURT ON "NOTICE OF HIS INTENT" TO DO SUCH ENCASE HE RECEIVES AN "UNFAVORABLE DECISION" PERTAINING TO HIS SECOND P.C.R. APPLICATION AND ASK THIS COURT TO BE MINDFUL THAT THE (10) DAYS RESPONSE TIME CAN NOT START TO RUN UNTIL RECEIPT OF THE COURT'S DECISION ALSO UPON FILING THIS MOTION IT STOPS THE TOLLING OF TIME UNTIL THE RULE 59(c) & 52(a) HAVE BEEN ADDRESSED.

THEREFORE IT IS THROUGH AND WITH THE GOOD-FAITH-DOCTRINE THAT THE PETITIONER ACTING SELF REPRESENTATION (PRO SE) ASKING THIS COURT TO PLEASE GIVE HIM THE SAME OPPORTUNITY AND COURTESY GIVEN A CERTIFIED ATTORNEY THE TIME TO REVIEW THE ORDER SHOULD IT BE "UNFAVORABLE" AND REPLY WITH HIS MOTION.

10th day of June, 2024
IN THE COUNTY OF SPARTANBURG



Audrey Aileen Webster Horton
06-10-2024

CC: MELODY J. BROWN, ASIST. ATTY. GEN.
BOBBY JOE BARTON, PETITIONER

RESPECTFULLY SUBMITTED,

Bobby Joe BARTON #163621

Representation Pro Se

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
IN THE THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON, #163629
PETITIONER,

C/A no: #2021-CP-23-03093

"PROOF-OF-SERVICE"

-Vs.-

STATE OF SOUTH CAROLINA,
RESPONDENT

NOTICE OF INTENT TO FILE,
59(e) & 52(a) IF NECESSARY

THE HEREBY UNDERSIGNED STATE UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED A "NOTICE-OF-INTENT" IF NECESSARY FILE A RULE 59(e) & 52(a) SCR CRP WITHIN (10) DAYS OF RECEIPT OF AN UNFAVORABLE DECISION UPON:

ATTN: MELODY J. BROWN, ASST. ATTY. GEN. OFFICE
ATTORNEY GENERAL'S OFFICE
P.O. BOX 11549
COL., SC 29211

SCDC
JUN 10 2024
MAIL ROOM

BY HAND DELIVERING "NOTICE" TO Mrs. FARMER, LIVESAY C.I. (B) CAMP, P.O. BOX 580, UNA, SC 29378 MAILROOM PERSONEL ON THE 10th day JUNE, 2024 TO BE PLACED IN THE U.S. POSTAL AUTHORITY AND MAILED.

cc: Melody J. Brown, Asst. Atty. Gen.
BOBBY JOE BARTON, PRO SE PETITIONER

[Signature]



AUDREY AILEEN WEBSTER HORTON
NOTARY PUBLIC
SOUTH CAROLINA

MY COMMISSION EXPIRES 05-22-34

Audrey Aileen Webster Horton

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
IN THE THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON, #163629
PETITIONER,

59(e) MOTION TO ALTER AND
TO AMEND PURSUANT TO S.C. CODE
ANN. 1976 § 17-27-80 AND RULE
52(a) S.C.R. CP

-vs-

STATE OF SOUTH CAROLINA,
RESPONDENT,

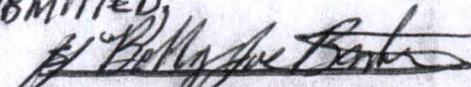
C/A no: #2021-CP-23-03093

THE PRO SE PETITIONER MOVE ON THE COURT TO FILE A RULE 59(e) MOTION TO ALTER AND AMEND REQUESTING OF THE HONORABLE G. D. MORGAN, JR., ADMIN. CHIEF JUDGE, TO SET FORTH ON THE RECORD THE FINDING OF FACTS AND STATE EXPRESSLY SUPPORTED BY CONCLUSION OF LAW RELATED TO EACH ISSUE PRESENTED AS REQUIRED BY S.C. CODE ANN. 1976 § 17-27-80 AND RULE 52(a) S.C.R. CP, AS TO WHY HE HAS DENIED PETITIONERS APPLICATION FOR POST CONVICTION RELIEF (P.C.R.). ACCORDING TO S.C. CODE ANN. § 17-27-80 (2003). (THE PCR ACT REQUIRES THE COURT'S ORDER TO "MAKE SPECIFIC FINDINGS OF FACT, AND STATE EXPRESSLY ITS CONCLUSIONS OF LAW, RELATING TO EACH ISSUE PRESENTED. IN ORDER TO PRESERVE ALL ISSUES FOR APPELLATE REVIEW, COUNSEL MUST CAREFULLY REVIEW THE FINAL ORDER AND ADDRESS ANY INSUFFICIENCY THROUGH A RULE 59(e) MOTION,

THE PETITIONER STATE UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED BRICE GARRETT, CLK. OF CT., THE HON. G. D. MORGAN, JR., ADMIN. CHIEF JUDGE AND MELDY J. BROWN, ASIST. ATT. GEN. OFFICE ON THE 25, DAY OF JUNE, 2024,

RESPECTFULLY SUBMITTED,

1.


BOBBY JOE BARTON

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

BOBBY JOE BARTON, #163629
PETITIONER

vs.-

STATE OF SOUTH CAROLINA,
RESPONDENT.

24 JUL 2024 09:53
Brice Garrett CJC GUIL SC

IN THE COURT OF COMMON PLEAS
IN THE THIRTEENTH JUDICIAL CIRCUIT

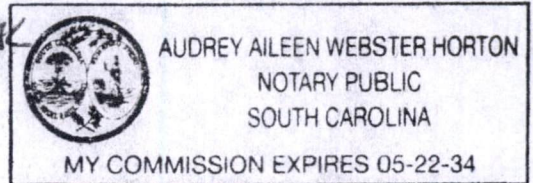
PROOF OF SERVICE

59(e) MOTION TO ALTER AND AMEND
PURSUANT TO S.C. CODE ANN. § 17-27-80
AND RULE 52(a) S.C.R. CP

C/A NO: 2021-CP-23-03093

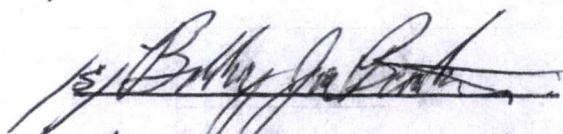
THE HEREBY UNDERSIGNED STATE UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED A 59(e) MOTION TO ALTER AND AMEND PURSUANT TO S.C. CODE ANN. § 17-27-80 AND RULE 52(a) S.C.R. CP UPON THE CLERK OF COURT, BRICE GARRETT, AND A TRUE AND EXACT COPY UPON THE HON. G. D. MORGAN, JR. ADM. CHIEF JUDGE AND TO:

ATTN: MELODY J. BROWN, ASIST. ATTY. GENERAL
ATTORNEY GENERAL'S OFFICE
P.O. BOX 11549
COL., SC 29211



Audrey Aileen Webster Horton
06-13-2024

THIS WAS ACCOMPLISHED BY HAND DELIVERING SUCH MOTION Mrs. FARMER LIVESAY C. I. (B) ON THE 25 DAY, JUNE, 2024 TO BE PLACED IN THE U.S. POSTAL SERVICE.


BOBBY JOE BARTON, #163629

CC: HON. G. D. MORGAN, JR. ADM. CHIEF JUDGE
BOBBY JOE BARTON, PROSE PETITIONER

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
IN THE THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON, #163629
PETITIONER

-Vs.-

STATE OF SOUTH CAROLINA,
RESPONDENT

24 JUL 2 AM 10:03
Brice Garrett, JDC GUL SC

59(e) MOTION TO ALTER AND AMEND
PURSUANT TO SC CODE ANN, 1976
§ 17-27-80 AND RULE 52(a) SC RCP
WITH OBJECTION INCORPORATED
TO THIS MOTION.

CIA NO. #2021-CP-23-03093

THE PETITIONER NAMED ABOVE MOVE ON THE COURT WITH SEVERAL
MOTIONS INCORPORATED IN THIS BRIEF.

FIRST I STRONGLY **OBJECT** ON THE RECORD TO THE HONOR G. D. MORGAN, JR. CHIEF ADM. JUDGE FOR ASKING MELODY J. BROWN, ATTORNEY GENERAL'S OFFICE TO DRAW THE MOTION FOR FINAL ORDER OF DISMISSAL. BASED ON THE GROUNDS THAT THE ATTORNEY GENERAL IS THE ADVERSARY IN CASE AT HAND AND THE SUPREME COURT OF SOUTH CAROLINA DISFAVORS THESE PRACTICES AND GREATLY INCREASES THE CHANCES THAT THE ORDER WILL FAIL TO MAKE APPROPRIATE AND SPECIFIC FINDINGS WITH RESPECT TO THE ISSUE.

THE SUPREME COURT HAS SAID THAT IT "STRONGLY" ENCOURAGES P.C.R. JUDGES TO DRAFT THEIR OWN FINDINGS OF FACT AND CONCLUSIONS OF LAW, HALL V. CATOE, 601 S.E.2D 335, 341 (SC. 2004) THE COURT DID NOT GIVE THE PETITIONER OPPORTUNITY TO REVIEW THIS ORDER. THE ATTORNEY GENERAL'S OFFICE ELECTRONICALLY FILED IT WITH THE COURT ON 6/18/2024 AND THE HON. G. D. MORGAN, JR. SIGNED HIS SIGNATURE

TO IT ON 6/26/2024 EVEN WHEN PETITIONER PUT THE COURT ON NOTICE WITH THE COVER LETTER WITH THE REPLY FILED ON MAY 24, 2024

THE SUPREME COURT HAS REMINDED ALL INVOLVED PARTIES THAT:

[C]OUNSEL PREPARING PROPOSED ORDERS SHOULD BE METICULOUS IN DOING SO, OPPOSING COUNSEL SHOULD CALL ANY OMISSIONS TO THE PCR JUDGE PRIOR TO ISSUANCE OF THE ORDER, AND PCR JUDGE SHOULD CAREFULLY REVIEW THE ORDER PRIOR TO SIGNING IT. EVEN AFTER AN ORDER IS FILED, COUNSEL HAS AN OBLIGATION TO REVIEW THE ORDER AND FILE A RULE 59(e), SCRPC, MOTION TO ALTER OR AMEND IF THE ORDER FAILS TO SET FORTH THE FINDINGS AND THE REASONS FOR THOSE FINDINGS AS REQUIRED BY § 17-27-80 AND RULE 52(a), SCRPC, PRUITT, 423 S.E. 2d, @ 128; see also MARLAR 653 S.E. 2d @ 267; HALL, 601 S.E. 2d @ 341.

PETITIONER STATE ON THE RECORD THAT HE CONTEMPORANEOUSLY OBJECTS TO THE HONORABLE G.D. MORGAN, JR, ASKING OR ALLOWING THE ATTORNEY GENERAL'S OFFICE DRAFT THE ORDER ENTITLED FINAL ORDER OF DISMISSAL AND PRESERVE FOR APPELLATE REVIEW. THIS ORDER WAS RECEIVED ON 6/26/2024, See EXHIBIT #A ATTACHED (S.C.D.C. RECEIPT OF LEGAL CORRESPONDENCE VERIFICATION).

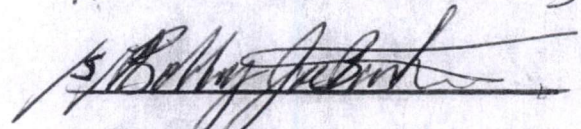
59(e) MOTION TO ALTER OR AMEND
PURSUANT TO S.C. CODE ANN. 1976
§ 17-27-80 AND RULE 52(a), SCRPC

THE PROSE PETITIONER MOVE ON THE COURT TO FILE A RULE 59(e)

MOTION TO ALTER OR AMEND REQUESTING OF THIS COURT AND THE HONORABLE G.D. MORGAN, JR. ADM. CHIEF JUDGE OF THE THIRTEENTH JUDICIAL CIRCUIT, COURT OF COMMON PLEAS TO SET FORTH ON THE RECORD THE FINDINGS OF FACTS AND STATE EXPRESSLY SUPPORTED BY CONCLUSION OF LAW RELATED TO THE EACH ISSUE PRESENTED AS REQUIRED BY S.C. CODE ANN. 1976 § 17-27-80 AND RULE 52(a), S.C. R. CP, AS TO WHY HE HAS DENIED PETITIONERS APPLICATION FOR POST CONVICTION RELIEF (P.C.R.). ACCORDING TO S.C. CODE ANN. § 17-27-80, (20-03) (THE PCR ACT REQUIRES THE COURTS ORDER TO "MAKE SPECIFIC FINDINGS OF FACTS AND STATE EXPRESSLY ITS CONCLUSIONS OF LAW, RELATING TO EACH ISSUE PRESENTED, IN ORDER TO PRESERVE ALL ISSUES FOR APPELLATE REVIEW. COUNSEL MUST CAREFULLY REVIEW THE FINAL ORDER AND ADDRESS ANY INSUFFICIENCY THROUGH A RULE 59(e) MOTION,

ON THE 21TH DAY OF JUNE, 2024
IN THE COUNTY OF SPARTANBURG

RESPECTFULLY SUBMITTED,



Bobby Joe Barton, #163629

LIVESAY C.I. (B) CAMP

P.O. Box 580

UNA, SC 29378-0580

P.S. FILING A RULE 59(e) MOTION MUST BE SERVED WITHIN (10) DAYS OF RECEIVING WRITTEN NOTICE OF THE ENTRY DENYING P.C.R. (RULE 59(e), S.C.R. CIV. P.) FILING A RULE 59(e) MOTION ALSO TOLLS THE TIME FOR FILING A NOTICE OF INTENT TO APPEAL. (S.C.R. CIV. P. 59(f)).

CC: HONORABLE G.D. MORGAN, JR. Chief Adm. Judge
Melody J. Brown, ATTORNEY GENERAL'S OFFICE
BRICE GARRETT, CLERK OF COURT
BOBBY JOE BARTON, PROSE PETITIONER

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
IN THE THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON, #163629
SCDC PETITIONER,

PROOF-OF-SERVICE

JUN 27 2024

MAIL ROOM

59(e) MOTION TO ALTER OR AMEND
PURSUANT TO S.C. CODE ANN. 1976 §17-27-80
AND RULE 52(a) SC RCP WITH OBJECTION
INCORPORATED TO THIS MOTION
C/A NO. #2021-CP-23-03093

STATE OF SOUTH CAROLINA,
RESPONDENT,

24 JUL 2 AM 10:03
Brice Garrett CDC 811, SC

THE PETITIONER ABOVE HEREBY STATE THAT HE HAS SERVED BRICE GARRETT, CLERK OF COURT AND A TRUE EXACT COPY TO THE HONORABLE G. D. MORGAN, JR. CHIEF ADM. JUDGE AND MELODY J. BROWN, ATTORNEY GENERAL'S OFFICE, P.O. BOX 11549, COL. SC 29211 WITH A 59(e) MOTION TO ALTER OR AMEND PURSUANT TO SC CODE ANN. 1976 §17-27-80 AND RULE 52(a) SC RCP WITH AND OBJECTION PLACED ON THE RECORD AGAINST THE ALLOWING ATTORNEY GENERAL TO DRAFT THE FINAL ORDER OF DISMISSAL. EXHIBIT #A ATTACHED. THIS WAS ACCOMPLISHED BY HAND DELIVERING THIS MOTION TO MAILROOM PERSONEL AT LIVESAY C. I. (B) CAMP ON THE 27th DAY OF JUNE, 2024 TO BE PLACED IN THE U.S. POSTAL SERVICE TO BE MAILED.

[Signature]
Bobby Joe Barton
Pro se

CC: HONORABLE G.D. GARRETT, CHIEF ADM. JUDGE
MELODY J. BROWN, ATTORNEY GENERAL'S OFFICE
BOBBY JOE BARTON, PETITIONER

[FN] BY THIS NOTICE RULE 59(e) SC RCP UPON ITS FILING TOLL THE TIME FOR THE TIME FOR FILING A NOTICE OF APPEAL.

STATE OF SOUTH CAROLINA
 COUNTY OF Greenville
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2021 CP-23-03093

Bobby Joe Barton

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) **Statement of Judgment** by the Court: This matter is before the Court on Plaintiff's 59(e) Motion To Alter And Amend Pursuant To S C Code Ann. 1976 § 17-27-80 and Rule 52(a) SCRPC With Objection Incorporated To This Motion. Based on a review of the file and submissions of the parties, Plaintiff's motions are hereby denied.

It is so ORDERED.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

24 JUL 9 PM 3:22
BRICE GARRETT COUNTEIL, SC

"JULY 16, 2024"

24 JUL 22 PM 2:22
Brice Garrett COC GUL SC

ATTN: HON. BRICE GARRETT, ESQ.
CLERK OF COURT
305 E. NORTH ST.
GREENVILLE, SC 29601

EXHIBIT - E

FROM: Bobby Joe Barton, #163629
C/A no: 2021-CP-23-03093

Re: OBJECTION PLACED ON THE RECORD.

Mr./MADAM CLERK

I AM FILING AN OBJECTION TO THE COURT'S DENIAL OF MY SC CODE ANN. 1976 § MOTION TO 59(e) & 52(a) SCRPC. AND I'VE ENCLOSED AN XTRA COPY WITH EXHIBIT - #A, & PLEASE TO RETURN ME A STAMPED COPY. I'VE ALSO ADDRESS AND MAILED THE SAME TO THE HON. G.D. MORGAN, JR., Chief Adm. Jud. PLEASE PLACE THIS ON THE RECORD THAT THERE MAY BE APPELLATE REVIEW. I THANK YOU FOR ALL YOUR ASSISTANCE IN THIS MATTER.

Respectfully Submitted,

Bobby Joe Barton

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
IN THE THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON, #163629
PETITIONER

PETITIONER CONTEMPORANEOUSLY
OBJECTS TO THE COURT'S DENIAL
OF HIS 59(e) & 52(a) MOTION FILED
IN A TIMELY MANNER (SCR CP)

-Vs.-

STATE OF SOUTH CAROLINA,
RESPONDENT,

24 JUL 22 PM 2:22
Brice Barrett, Clerk
Greenville, SC

THE PETITIONER ACTING PRO SE IN HIS DEFENSE MOVE ON THE COURT WITH THIS MOTION CONTEMPORANEOUSLY OBJECTING TO THE COURT DENIAL OF HIS MOTION 59(e) & 52(a), SCR, CP. THAT WAS FILED IN A TIMELY MANNER AND PURSUANT TO SC CODE ANN, 1976 § 17-27-80 WHICH PROVIDES THAT A RECORD OF THE PROCEEDINGS SHALL BE MADE AND PRESERVED. ALL RULES AND STATUTES APPLICABLE IN CIVIL PROCEEDINGS ARE AVAILABLE TO THE PARTIES,

IN THE CASE OF McCLARY V. STATE, (SC, 1991) 305 SC 329, 408 S.E. 2d 241. WHICH REQUIRES THAT THE P.C.R. COURT MAKE SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW, THIS COURT HAS FAILED TO DO SO AS THE LAW REQUIRES EVEN AFTER THE PETITIONER FILED A 59(e) AND 52(a), SCR CP WITHIN (10) DAYS OF THE COURT'S DECISION; HOWEVER PETITIONER DID RECEIVE JUDGMENT BY THE COURT ON 7/15/2024 AS EXHIBIT #A ATTACHED WILL SUBSTANTIATE THIS AND THE COURT ACKNOWLEDGMENT OF RECEIVING THE MOTION FOR 59(e) AFTER BY AMEND SPECIFIC FACTS AND FINDING AND SUPPORTED BY CONCLUSION OF LAW PURSUANT TO SC CODE ANN, 1976 § 17-27-80 AND THE RULE 52(a) MOTION OF SCR CP

TO CORRECT THE ERRORS IN THE ORDER WHERE THERE ARE MANY BUT THE COURT REFUSED TO GIVE THE PETITIONER OPPORTUNITY TO BRING FORTH TO THE COURT'S ATTENTION.

THE COURT'S ORDER DENIES THE PETITIONER THE RIGHT OF PRESERVING THE RECORD FOR APPELLATE REVIEW AS THE LAWS AND STATUTE OF SOUTH CAROLINA STATES AND PROVIDES WHERE IN "MARLAR V. STATE," 653 S.E.2D @ 267, (653 S.E.2D 266, 267 (SC 2007)); & "PRUITT V. STATE," 423 S.E.2D 127, 128 (SC 1992) (VACATING AND REMANDING THE P.C.R. COURT'S ORDER, DESPITE LACK OF RULE 59(e) MOTION; TO ADDRESS THE FAILURE OF MANY P.C.R. ORDERS TO ADDRESS ALL THE ISSUES RAISED.)

THE PETITIONER OBJECTS TO THE RESPONDENT USE OF INCORRECT DATES IN WHICH HE FILED FOR EXTENSIONS OF TIME AND THE DATES WHICH WOULD END THE EXTENSIONS TIME,

#1.) THE FIRST EXTENSION WAS FILED ON 4/23/2024 AND THE ENDING DATE WOULD BE 5/17/2024;

#2.) THE SECOND AND LAST REQUEST FOR (10) DAY EXTENSION OF TIME WAS FILED ON 5/10/2024 AND THE ENDING DATE WOULD BE 5/27/2024.

PETITIONER BRINGS TO THE ATTENTION OF THE COURT IN "HOWSTON V. LACK" 489 U.S. 266, 108 S.Ct. 2379 (1988) (THE SUPREME COURT HAS HELD THAT COURTS HAS DEEMED THAT PROSE LITIGANTS LEGAL MAIL DEEMED FILED ON THE DATE GIVEN TO MAIL ROOM PRISON OFFICIALS AND THE DATE STAMP NOT THE CLERK OF COURT STAMP. THE PROOF OF SERVICE IS PROOF IN ITSELF.

PETITIONER STATE THE REPLY WAS TIMELY FILED.

PETITIONER STATE THAT THE APPLICATION IS NOT IMPROPERLY SUCCESSIVE DUE TO "AFTER DISCOVERED EVIDENCE" WHICH COULD NOT HAVE BEEN KNOWN THROUGH DUE DILIGENCE BUT ONLY THROUGH AN EXTENSIVE INVESTIGATION WHICH TOOK MONTHS AND YEARS TO GET A COMPLETE PICTURE THAT TRIAL COUNSEL TESTIFIED FALSELY, COMMITTING PERJURY, EVEN FRAUD ON THE COURT.

PETITIONER HAVE SHOWN IN HIS REPLY BRIEF THAT Res judicata WOULD NOT QUALIFY IN THE CASE, NEITHER WOULD COLLATERAL ESTOPPEL DUE TO THE FACT THAT: #1.) THE ISSUE DID NOT EXIST AT THE TIME OF APPLYING FOR THE P.C.R. NEITHER DID IT EXIST AT OR PRIOR TO THE ACTUAL HEARING AND FOR THE PETITIONER TO ALLEGE THIS CLAIM WITHOUT PROOF, IT WOULD ONLY HAVE BEEN SPECULATION OR CONJECTURE; #2.) THE ISSUE HAVE NEVER BEEN LITIGATED OR DECIDED. ONLY A THOROUGH INVESTIGATION COULD HAVE BROUGHT THIS ISSUE WELL AFTER THE HEARING. EXPLANATION ABOVE RULES OUT ANY CRITERIA FOR Res judicata OR COLLATERAL ESTOPPEL, PETITIONERS REPLY GOES INTO DETAILS AS TO WHY Res judicata OR COLLATERAL ESTOPPEL CANNOT MEET THE NECESSARY ELEMENTS TO QUALIFY AS A BARR.

PETITIONER STATES THAT THAT ONLY APPROXIMATELY 150-160 ^{DAYS} PAST FROM FILING OF WRIT-OF-CERTIORARI TO FILING A FEDERAL HABEAS CORPUS WAS FILED AND THE REMAINING 200 DAYS WERE NEVER EXHAUSTED TO COMPLETE A 365 DAY CYCLE (1 YR). "HOLLAND V. FULLER" 560 U.S., 631, 130 S. Ct. 2549 (2010) 28 U.S.C. § 2244(d) (THE Ct. CONCLUDES THAT THIS TIME LIMIT IS ALSO SUBJECT TO EQUITABLE TOLLING, EVEN FOR ATTORNEY ERRORS THAT ARE ORDINARILY ATTRIBUTE TO THE CLIENT, AND IT REJECTS THE Ct. OF APPS. CONCLUSION THAT "ALBERT HOLLAND" IS NOT ENTITLED TO

TOLLING, WITHOUT EXPLAINING WHY THE TEST THAT THE COURT APPLIED WAS WRONG OR WHAT RULE IT SHOULD HAVE APPLIED INSTEAD, See: Young v. UNITED STATES, 535 U.S. 43, 49, 122 S.Ct. 1036 (2002). See: id., ¶ 50, 122 S.Ct. 1036., Pruitt v. STATE, 423 S.E.2d, 127, 128 (SC, 1992)

PETITIONER "OBJECTS" TO THE COURT REFUSAL TO ADDRESS THE FACTS IN THIS CASE AND THE DEFENSES ASSERT WHICH ARE SUPPORTED BY CASE LAW. PETITIONER "OBJECTS" ON THE RECORD ONCE AGAIN FOR NOT ALLOWING THE PETITIONER TO DRAFT THE ORDER DUE TO THE FACT THE COURT ALLOWED THE RESPONDENT TO DO SO, THE SUPREME COURT DISFAVORS THIS HOWEVER IT MAY ONLY DO SO IF, THE OTHER PARTIES ARE APPRISED OF THE REQUEST AND ARE GIVEN THE OPPORTUNITY TO RESPOND TO THE PROPOSED FINDINGS AND CONCLUSIONS OF LAW. See: HALL v. CATOE, 601 S.E.2d, 335, 341 (SC, 2004) id. ¶ 341 (QUOTING S.C. APP. CT. R., 501, CANNON 3 B(7)(e).

PETITIONER STATE THAT THE COURT ERRORED BY DENYING THE PETITIONER THE RIGHT OF ADDRESSING THE CLAIM THAT THE OF THE DEFENSES THAT FROM THE TIME OF THIS "AFTER DISCOVERED EVIDENCE" WAS FILED WITHIN THE (1) YR. STATUTE OF LIMITATION, AND THERE BEING AN EXCEPTION TO THAT STATUTE, IF THE TIME DID EXPIRE OR THE PROHIBITION AGAINST SUCCESSIVE PCR APPLICATION AND THOSE FACTS ARE NOT CONCLUSIVELY REFUTED BY THE RECORD BEFORE THE P.C.R. COURT. "A QUESTION OF FACT IS RAISED WHICH CAN ONLY BE RESOLVED BY A HEARING!" See: ROBERTSON v. STATE, (2016, SC) 418 SC 505, 795 S.E.2d 29, "PETITIONER WAS DENIED A HEARING IN THIS CASE,

PETITIONER MAY HAVE USED THE INCORRECT VEHICLE TO BRING THIS GRAVE INJUSTICE BEFORE THE COURT HOWEVER THE VIOLATION

COMMITTED BY AN OFFICER OF THE COURT (ATTORNEY SIBANNAH ROSS) THE COURT HAD A DUTY TO ENTER IT UNDER THE PROPER APPLICATION WHETHER IT BE P.C.R., 29(b) OR 60(b) CONCERNING "A GRAVE MISCARRIAGE OF JUSTICE". WHEREFORE TO ALLOW THIS JUDGMENT TO STAND IS MANIFESTLY UNCONSCIONABLE WHEN A BAR CERTIFIED ATTORNEY ENTER FALSE EVIDENCE IN A HEARING, WHICH IS PERJURY AT ITS WORST, AND EQUATES TO FRAUD ON THE COURT. THE EVIDENCE PRESENTED BEFORE THE COURT OF COMMON PLEAS, 13TH JUD. CIR. BEFORE THE HONORABLE G.D. MORGAN, JR., CHIEF ADM. JUDGE, HOWEVER TO REFUSING TO ACCEPT THE CERTIFIED DOCUMENTATION THAT CLEARLY AND CONCISELY SHOW AND PROVES BEYOND A SHADOW OF DOUBT THAT COUNSEL DID COMMIT PERJURY AND FRAUD UPON THE COURT.

THE HEARING COURT IS DENYING THE PETITIONER THE RIGHT TO PRESERVE THE RECORD THAT THE APPELLATE COURT MAY REVIEW AND TO DETERMINE WHETHER THIS COURT RULING ON THE FACTS OF FINDINGS AND SPECIFICALLY ADDRESS IT CONCLUSIONS OF LAW TO SUPPORT HIS DECISION,

THE PETITIONER HAS BROUGHT BEFORE THE COURT PURSUANT TO P.C.R., 29(b) & 60(d)(3) OR 60(b) WHERE THERE IS NO STATUTE OF LIMITATIONS, THE CERTIFIED DOCUMENTS CAN NOT BE DISPUTED AND ALL DISPROVES TRIAL COUNSEL TESTIMONY AND PROVES COUNSEL DID COMMIT THIS THE GREATEST CRIME OF CRIMES WHICH REFLECTS ON THE INTEGRITY OF THE COURT AND THE COURT TURN ITS HEAD AND ALLOWS THE GROSS MISCARRIAGE OF JUSTICE TO ALLOW JUDGMENT TO STAND AND NOT TO ADHERE TO S.C. CODE ANN. 1976 § Rule 59(e)

SCRPC OF § 17-27-80 AND RULE 52(a).

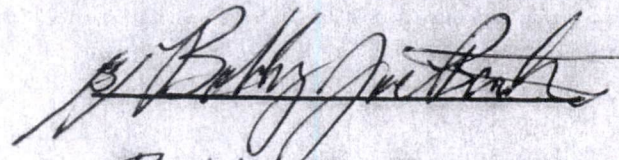
"WHERE THE PETITIONER "OBJECT" ON THE RECORD AND SEEKS TO PRESERVE FOR APPELLATE REVIEW THAT THIS COURT HAS ABUSED ITS DISCRETION OR ERRORED IN ITS DECISION ~~NOT~~ TO RULE ON THE FACTS OF FINDING AND SUPPORTED BY CONCLUSION OF LAW,

PETITIONER ASK THAT THE COURT OF APPEALS TO REMAND TO THE LOWER COURT AND ORDER THIS COURT TO COMPLY WITH SC CODE ANN. § 17-27-80, & RULE 59(c) & 52(a) SCRPC.

PETITIONER ASK THE COURT TO GRANT THIS "OBJECTION" AND ANY OTHERWISE IT DEEMS PROPER AND JUST.

MAILED ON THE 16TH DAY, JULY, 2024
COUNTY OF SPARTANBURG

RESPECTFULLY SUBMITTED,



Bobby JOE BARTON, #163629

PRO SE REPRESENTATION

SCDC

JUL 16 2024

MAIL ROOM

CC: Melody J. BROWN, ASIST. A.G.
HON. G.D. MORGAN, JR. CH. ADM. JUD.
BOBBY JOE BARTON; PETITIONER

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

This is to verify that legal correspondence from (Name and Address):

Greenville County
Clerk of Court
305 East North St
Greenville SC 29601

EXHIBIT-#A

Addressed to (Inmate Name, SCDC#, and Address):

Bobby Joe Barton # 163629
PO Box 580
Una SC 29378

was received and logged in on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," at the Livesay Correctional Mailroom on (Date) 7-15-24.

On (Date) 7-15-24, the above referenced correspondence was delivered to Inmate Bobby Joe Barton, SCDC # 163629, and his signature was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log".

Additional Notes:

Farmer
Postal Director/Institution

7-15-24
Date

24 JUL 22 PM 2:23
Brice Garrett DOC GUL SC

THE STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
IN THE THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON, #163629
PETITIONER,

"PROOF-OF-SERVICE"

-Vs-

STATE OF SOUTH CAROLINA,
RESPONDENT

CONTEMPORANEOUS OBJECTION
PLACED ON THE RECORD TO THE
COURTS DENIAL OF 59(e) MOTION
FACTS & FINDINGS & 52(a) MOTION
OF ERRORS FILED IN A TIMELY MAN-
NER (SC RCP)

THE PETITIONER NAMED ABOVE DO HEREBY STATE THAT HE HAS SERVED
ALL PARTIES INVOLVED WITH AN "OBJECTION" TO THE COURTS DENIAL TO
COMPLY WITH SC CODE ANN, 1976 317-27-80, RULE 59(e), SC RCP AND
RULE 52(a). FILED IN A TIMELY MANNER, EXHIBIT #A ATTACHED

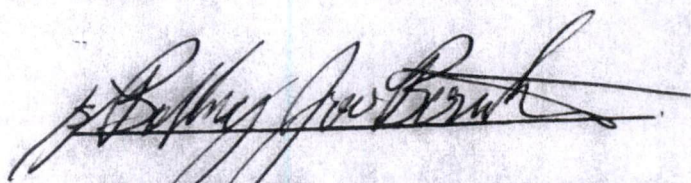
ATTN: Melody J. Brown, AG
ASSISTANT ATTORNEY GENERAL
P.O. BOX 11549
COL, SC 29211

ATTN: BRICE GARRETT,
CLERK OF COURT
305 E. NORTH ST.
GREENVILLE, SC 29601

ATTN: Hon. G.D. MORGAN,
JR, CH. ADM. JUDGE
305 E. NORTH ST
GREENVILLE, SC 29601

THIS WAS ACCOMPLISHED BY PLACING IT IN THE U.S. POSTAL SERVICE
ON THE 16th JULY, 2024

SCDC
JUL 16 2024
MAIL ROOM


BOBBY JOE BARTON, #163629

CC: Melody J. Brown, AG.
ASSIST ATTORNEY GENERAL
Hon. G.D. Morgan, Jr. Chf. Adm. Judge

Pro Se Representation
CC: Bobby Joe Barton, Petitioner

"August 23, 2024"

ATTN: HON. BRICE GARRETT, Esq.
CLERK OF COURT, 13th Jud. Cir.
305 E. NORTH ST.
GVILLE, SC 29601

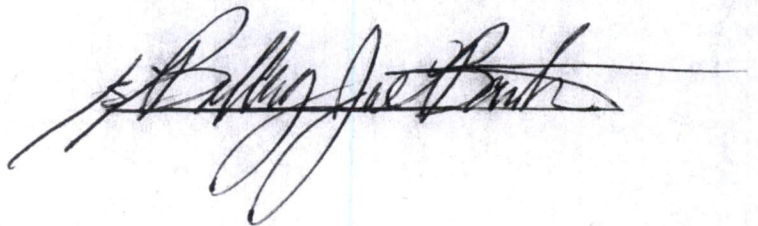
FROM: BOBBY JOE BARTON, #163629
CIV. ACT. NO.; 2021-CP-23-03093
APP. NO. 2024-001190

RE: MOTION FOR TRANSPORTATION OF LOWER COURT RECORDS!

: MR./MS. CLERK,

ENCLOSED IS A MOTION FOR TRANSPORTATION OF P.C.R. RECORDS, AND ALL RELEVANT MATERIALS. ALL PARTIES INVOLVED HAVE BEEN SERVED WITH A COPY AS SHOWN IN THE PROOF-OF-SERVICE. I'VE ALSO ENCLOSED AN X-TRA COPY AND I ASK YOU TO PLEASE CLOCK STAMP IT AND RETURN TO ME. I'VE ENCLOSED A S.A.S.E. ENVELOPE TO DEFRAY THE COST OF MAILING IT TO ME. I THANK YOU IN ADVANCE FOR YOUR TIME CONCERNING THIS MATTER.

RESPECTFULLY SUBMITTED



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON, #163629,
APPELLANT,

CASE No: 2021-CP-23-03093

V.

STATE OF SOUTH CAROLINA,
RESPONDENT.

MOTION FOR TRANSPORTATION ORDER
FOR (P.C.R.) APPLICATION, AMENDMENTS,
RECORDS, DOCUMENTS, TRANSCRIPTS &
EXHIBITS TO THE SC COURT OF APPEALS.

APP. CASE No. 2024-001190

APP. CASE No. 2024-001190

THE ABOVE APPELLANT RESPECTFULLY MOVE ON THE COURT TO TRANSPORTATION ORDER FOR THE COURT OF COMMON PLEAS OF THE THIRTEENTH JUDICIAL CIRCUIT TO FORWARD APPELLANT'S 'P.C.R. APPLICATION, AMENDMENTS, RECORDS, DOCUMENTS, TRANSCRIPTS, EXHIBITS, REPLY, 59(c) & 52(a) MOTIONS, EXTENSION OF TIME MOTIONS, OBJECTIONS PLACED ON THE RECORD, STATE PROPOSED ORDER, COURT ORDER OF DISMISSAL, AND "FORM 4," JUDGMENT IN A CIVIL CASE AND ANY OR ALL MATERIALS INVOLVED AND CONNECTED WITH THIS CASE BUT NOT LIMITED TO:

APPELLANT ASK THAT THIS FILE AND DOCUMENTS BE EXPEDITED TO THE SOUTH CAROLINA COURT OF APPEALS FOR REVIEW IN THE APPELLATE COURT IN ORDER THAT THIS COURT MAY BE ABLE TO ACCOUNT FOR ALL THE ITEMS TO GIVE A FULL AND FAIR REVIEW AS THE LAW REQUIRES.

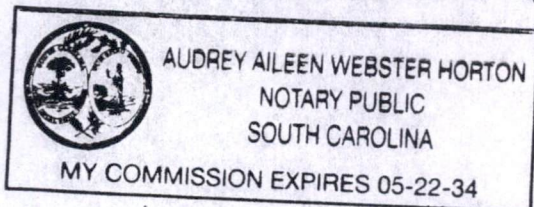
THE APPELLANT STATE UPON THE REQUEST FOR TRANSPORTATION OF THE RECORDS AND ALL RELEVANT DOCUMENTS TO BE TRANSPORT TO SOUTH

CAROLINA COURT OF APPEALS, ATTN: JENNY ABBOTT KITCHINGS, CLERK
OF APPEALS, SOUTH CAROLINA, 1220 SENATE STREET, COLUMBIA,
SC 29201.

THE APPELLANT WAS PRO SE IN THE COURT OF COMMON PLEAS
AND IS NOT A LAWYER AND SHOULD NOT BE HELD TO STRINGENT STAND-
ARDS OF PROFESSIONAL ATTORNEY. THEREFORE APPELLANT REQUEST
THAT THESE RECORDS SHALL BE TRANSFERRED WITHIN (10) DAYS OF
THIS MOTION (EXCEPTING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS)
OF RECEIVING THIS REQUEST, NOTIFY THE PERSON MAKING THE RE-
QUEST OF HIS DETERMINATION AND THE REASONS FOR IT. THIS DETER-
MINATION MUST CONSTITUTE THE FINAL OPINION OF THE CLERK OF COURT
OFFICE.

THE APPELLANT BELIEVES THAT HE SHOW JUST CAUSE WHY THE
COURT SHOULD GRANT THIS MOTION TO TRANSFER THE ENTIRE RE-
CORD AND FILE TO THE S.C. COURT OF APPEALS.

WHEREFORE THE APPELLANT ASK THAT THE COURT GRANT THIS
MOTION TO TRANSFER REQUEST MATERIALS ABOVE AND ANY OTHER-
WISE THE COURT DEEMS JUST AND APPROPRIATE.



Audrey Aileen Webster Horton
08-23-2024

CC: HON. JENNY ABBOTT KITCHINGS, CLERK

MELODY J. BROWN, ASSIST. ATT. GEN.
BOBBY JOE. BARTON, APPELLANT

RESPECTFULLY SUBMITTED,

BOBBY JOE BARTON #163629

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

24 AUG 30 AM 9:03
Brice Garrett COC BUL SC

BOBBY JOE BARTON, #163629,
APPELLANT,

CASE NO: 2021-CP-23-03093

PROOF-OF-SERVICE

Vs.

TRANSPORTATION OF RECORDS

TO

S.C. COURT OF APPEALS


STATE OF SOUTH CAROLINA,
RESPONDENT,

APP. No: 2024-001190

THE HEREBY APPELLANT STATE UNDER THE PENALTY OF PER-
JURY THAT HE HAS SERVED BRICE GARRETT, CLERK OF COURT, THIRTEENTH
JUDICIAL CIRCUIT WITH A MOTION FOR TRANSPORTATION ORDER FOR (PCR)
APPLICATION, AMENDMENTS, RECORDS, DOCUMENTS, TRANSCRIPTS, EXHIBITS AND
ALL RELEVANT DOCUMENTS TRANSPORT TO SOUTH CAROLINA COURT OF APPEALS.
A TRUE EXACT COPY MAILED TO ALL PARTIES INVOLVED INCLUDING S.C.
COURT OF APPEALS, THIS WAS CARRIED OUT BY HAND DELIVERING
THIS MOTION TO: MS. FARMER, MAILROOM PERSONEL & Livesay C.I. (P)
CAMP TO BE PLACED IN THE U.S. POSTAL SERVICE. (CERTIFIED, RETURN
RECEIPT TO BRICE GARRETT, CLERK ONLY) ON THE 23RD DAY OF AUGUST,
2024.

CC: HON. JENNY ABBOTT KITCHING, CLK. Ct. App.
MELODY J. BROWN, ASSIST. ATT. GEN.
BOBBY JOE BARTON, APPELLANT

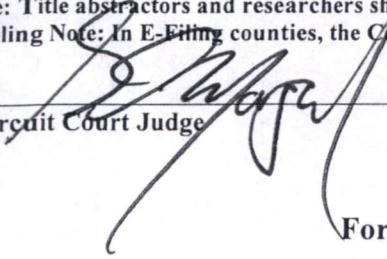
[Signature]
BOBBY JOE BARTON, #163629

 AUDREY AILEEN WEBSTER HORTON
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 05-22-34

Audrey Aileen Webster Horton
05-22-2024

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details. E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge



2773
Judge Code

7/8/24
Date

For Clerk of Court Office Use Only

This judgment was entered on the 9 day of July, 2024 and a copy mailed first class or placed in the appropriate attorney's box on this 9 day of July, 2024 to attorneys of record or to parties (when appearing pro se) as follows:

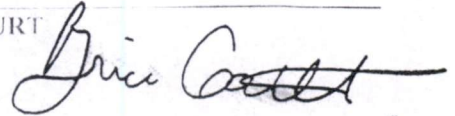
Bobby J. Barton

S.C. Attorney General

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT



Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

Multiple horizontal lines for providing additional information regarding the decision.