

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
BARNETT John D., #250432,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT

2011-CP-40-08297

FINAL ORDER

RICHLAND COUNTY
 FILED
 2012 DEC -6 AM 11:00
 JEANETTE W. McBRIDE
 C.C.P. & G.S.

This matter comes before this Court by way of an application for post conviction relief (PCR) filed December 6, 2011. The Respondent made its Return and Motion to Dismiss on January 6, 2012, requesting that the Application be summarily dismissed as untimely filed, successive in nature, and for failing to state a claim entitling him to relief. Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Condition Order of Dismissal on July 12, 2012, provisionally denying and dismissing this action, while giving the Applicant thirty (30) days from the date of said Order in which to show why the dismissal should not become final.

Copied herein is the affidavit of service containing Applicant's signature dated July 27, 2012, confirming service of the above-mentioned Conditional Order upon Applicant at the South Carolina Department of Corrections.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2), SCRCP, the Director of the South Carolina Department of Corrections has designated Sgt. J. T. H. (Server) as his duly authorized agent for the purpose of making service of the signed Conditional Order of Dismissal on the below named individual.

STATE OF SOUTH CAROLINA) AFFIDAVIT OF PERSONAL SERVICE
COUNTY OF)

On this 27 day of July, 2012, I served the signed Conditional Order of Dismissal on Inmate John Barnett SCDC Inmate No. 250432 by delivering personally and leaving a copy of the same at McCormick Correctional Institution, McCormick, South Carolina. Deponent is not a party to this action.

s/ Sgt. J. T. H.
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 27 day of July, 2012
Stephanie Marshall (L.S.)
Notary Public for South Carolina
My Commission Expires: May 12, 2021

ADMISSION OF SERVICE

Service of a copy of the signed Conditional Order of Dismissal is admitted at the S.C. Department of Corrections, McCormick Correctional Institution, MCC, McCormick County, South Carolina, this 27 day of July, 2012.

s/ John Barnett

Inmate Signature
SCDC No. 250432

Lin case number here
2011-CP-40-8297

Applicant responded to the Court's Conditional Order by way of an extensive packet of pro se handwritten letters and various documents. Among the various documents are Applicant's clerk of court documents, correspondence with S.C. Court Administration, pleadings in an BARNETT, John D. #250432 - FINAL ORDER OF DISMISSAL (2011-CP-40-08297)

unrelated PCR action undertaken by Applicant out of Sumter County, and several letters of the Ventura Superior Court, among other things.¹

After conducting a thorough review of the entirety of the record, all relevant documents contained therein, and the **entirety** of the *pro se* packet submitted by Applicant, this Court finds no sufficient reason has been set forth why the Conditional Order should not be become final, dismissing the current action with prejudice.

As a preliminary note and of no consequence to the ultimate findings of this Court, it must be noted that [Applicant correctly identified an error] in the procedural history of the Conditional Order of Dismissal previously entered by this Court. Upon review of the record, it appears Applicant's first post-conviction relief action from 2002 (2002-CP-40-05633) was in fact not denied and dismissed in its entirety, but rather granted solely to correct Applicant's sentence to ensure compliance with the trial court's intent in structuring the sentence. Therefore, this Court amends the procedural history set forth in the previous Conditional Order of Dismissal to reflect such.

Applicant first sets forth claims regarding his housing assignment within the Department of Corrections and the possible attacks/dangers he may encounter as a perceived sex offender. This allegation is improper for post-conviction relief and, even if taken as true, cannot be rectified through such an action. Classification and housing of inmates is within the exclusive control of the South Carolina Department of Corrections.

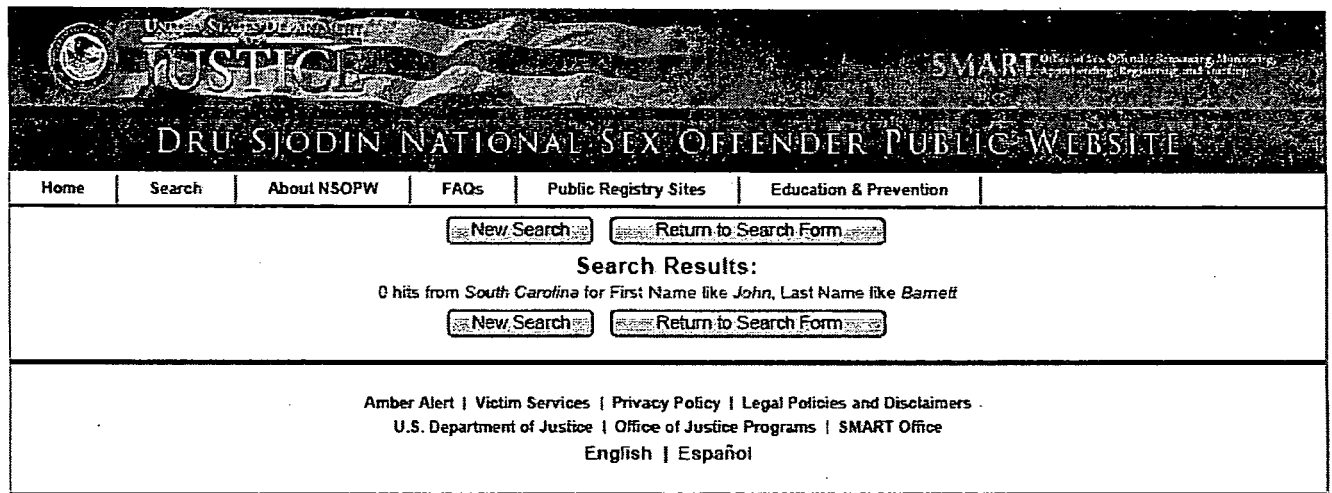
The remainder of Applicant's claims attack the validity and accuracy of his prior inclusion on the sex offender registry and the potential repercussions of his classification as such.

¹ This is not an exhaustive or all-inclusive list of the roughly fifty (50) pages of documents, pleadings and objections contained in the packet submitted by Applicant. This Court had the entirety of the file before it and undertook a thorough review of the documents contained therein prior to making a final determination of the current summary dismissal.

NEVER MENTIONED
ERRONEOUS CONVICTIONS,
BUT ERRONEOUS INFORMATION

NO SEX OFFENSE CONVICTIONS (R. CORNEY)
RESPONDANT'S CORNEY PREVARICATION! (CONTINUABLE)

Applicant first sets forth the erroneous convictions from California which have since been rectified, then notes the registry requirement of kidnapping convictions in the absence of a finding by the trial/plea court to the contrary as the possible source for his classification as a sex offender. First, this contention appears to be moot according to the United States Department of Justice's National Sex Offender Public Registry, as Applicant is not currently registered as a sex offender:



As previously set forth in this Court's Conditional Order of Dismissal, Applicant is likewise not listed as a sex offender on the South Carolina Law Enforcement's (SLED) public database. Therefore, it appears this claim is moot.

Notwithstanding the mootness of the claim, summary dismissal of the application is proper as the claim does not mount an attack on the validity of the conviction or sentence, but rather seeks to challenge a collateral consequence resulting from the conviction. Therefore, it fails to set forth a claim for relief through post-conviction relief. See Williams v. State, 378 S.C. 511, 662 S.E.2d 615 (Ct. App. 2008) (sexual offender registry is collateral consequence of sentencing).

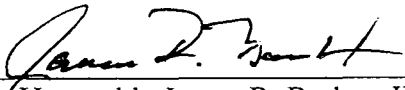
RESPONDANT'S AGAIN PREVARICATION (SEE PCR PG. 4 AT #18), AND (PG. 7 OF RESPONDANT RETURN AND MOTION TO DISMISS).
THIS: LAW BOOK LIBRARY DOESN'T HAVE, UNABLE TO REVIEW CASE AND RESPOND TO ITS MERITS, DENIED DUE PROCESS.

For the reasons set forth herein as well as those set forth in the Conditional Order, this Court must summarily dismiss the action with prejudice.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal as well as herein, the application for PCR is hereby denied and dismissed with prejudice.

This Court hereby advises Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 5 day of DECEMBER, 2012.



The Honorable James R. Barber, III
Chief Administrative Judge
Fifth Judicial Circuit

Columbia, South Carolina.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 John D. Barnett)
 Plaintiff)
)
 v.)
)
 State Of South Carolina)
 Defendant.)

IN THE COURT OF COMMON PLEAS

CASE NO.
 2011-CP-400-8297

MOTION AND ORDER INFORMATION
 FORM AND COVER SHEET

RICHLAND COUNTY
 FILED
 2012 DEC -6 AM 11:00
 DENNETTE W. McBRIDE
 C.C.P. & G.S.

Plaintiff's Attorney: John D. Barnett, Bar No. Address: McCORMICK CORRECTIONAL INSTITUTION Route 2 Box 100 McCormick, SC, 29899 phone: fax: e-mail: other:	Defendant's Attorney: Robert D. Corney, Bar No. Address: Post Office Box 11549 Columbia, South Carolina 29211 phone: 803-734-5178 fax: 803-734-4113 e-mail: rcorney@scag.gov other:
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MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion:
 Estimated Time Needed: Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for Plaintiff / Defendant Date submitted

SECTION III: Motion Fee

PAID - AMOUNT:
 EXEMPT: Rule to Show Cause in Child or Spousal Support
 (check reason) Domestic Abuse or Abuse and Neglect.
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRPC)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter:
 Other:

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other:

JUDGE _____
 CODE: _____ Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
 MOTION FEE COLLECTED: _____



ALAN WILSON
ATTORNEY GENERAL

December 3, 2012

FILED Dec. 6/2012

Honorable James R. Barber, III
P.O. Box 192
Columbia, SC 29202

RE: John D. Barnett, 250432 v. State of South Carolina
2011-CP-40-8297
Bernard Bagley, 175851 v. State of South Carolina
2011-CP-40-5353
Richard L. Cook, 313206 v. State of South Carolina
2011-CP-28-0911

Dear Judge Barber:

Enclosed please find the Final Orders of Dismissals on the above reference cases. A digital copy of our pleadings is available via email upon request. If these Orders meet with your approval, please sign the same and forward them (with envelopes provided) to the Richland County or Kershaw County Clerk of Court to be clocked and served on all parties.

Thank you for your time and consideration.

Sincerely,

Robert D. Corney
Assistant Attorney General

Enclosure(s)

cc:

(Handwritten notes and stamps, including a date stamp 'DEC 10 2012')

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2011CP4008297

John David #250432 Barnett

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.
- 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 awards; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** Affirmed; Reversed; Remanded; Other _____

RICHLAND COUNTY
FILED
2012 DEC 6 AM 11:10
JEANETTE W. McBRIDE
Clerk of Court

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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC 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
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: _____

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.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20 _____ and a copy mailed first class or placed in the appropriate attorney's box on this 6 December 2012 to attorneys of record or to parties (when appearing pro se) as follows:

John David #250432 Barnett

Brian T. Petrano

John David #250432 Barnett

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court Jeanette W. McBride