

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
[IN THE SUPREME COURT]

SOUTH CAROLINA COURT OF APPEALS
JIMMY B. MITCHELL, CLERK
PO Box 11629
COLUMBIA, SC 29211

JANUARY 25, 2013

[SOUTH CAROLINA SUPREME COURT
DAVID E. SHERROUSE, CLERK
PO Box 11330
COLUMBIA, SC 29211]

JOHN D. BARNETT #25432, APPELLANT,
V. STATE OF SOUTH CAROLINA, RESPONDENT
CASE NO. 2013-000697

DEAR CLERK(S):

PLEASE FIND ENCLOSED FOR FILING ORDER(S) AND JUDGMENT(S). ALSO THE FOLLOWING DOCUMENT(S):

- 1) PROOF OF SERVICE FOR PRIORLY SUBMITTED MOTION TO PROCEED IN FORMA PAUPERIS EXCLUDED BY OVERSIGHT;
 - 2) PROOF OF SERVICE OF THIS PACKET;
 - 3) EXPLANATION PURSUANT TO RULE 203(B)(V) SCACR CUMULATIVE SUPP. BINDERS 22A;
 - 4) ORDER(S) AND JUDGMENT(S) PRIORLY EXCLUDED BY APPELLANT INABILITY TO FULLY COMPREHEND SCACR RULES OF APPELLATE PROCEDURE;
- SOME ORIGINAL JUDGMENTS (INDICTMENTS, SENTENCING SHEET, ARREST SHEET, CONSISTENT ORDER ETC.) ARE HEREIN BUT LOCATED AS EXHIBITS WITHIN APPELLANT'S "RETRIAL SHOWING CAUSE" ENCLASER, ALL WHICH RESPONDENT HAS FULL COPIES OF.

NOTE: PLEASE REFER TO SUPPLEMENTARY
PAGE 2 (ATTACHED AND INCORPORATED
HEREIN).

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SUPPLEMENTARY PG. 2

APPELLANT RECEIVED THREE (3) LETTERS FROM SC COURT OF APPEALS DATED JANUARY 16, 2013, RECEIVED JANUARY 22, 2013, IN REFERENCE TO THIS CASE.

TWO (2) OF THE THREE (3) LETTERS NOTIFIED APPELLANT OF DEFICIENCIES BEING "EXCLUDED PROOF OF SERVICE" FOR MOTION TO PROCEED IN FORMA PAUPERIS AND "EXCLUDED ORDER (C) AND JUDGMENT (S)", WHICH WARRANT INCLUDED IN KILLING NOTICE OF APPEAL INITIALLY.

APPELLANT HAS TEN (10) DAYS TO RECTIFY PER (SCACR) FOR WITHIN TEN (10) DAYS OF THE DATE OF LETTER.

LETTER DIRECTS APPELLANT TO A SPECIFIC FORMATE IN (SCACR).

APPELLANT WAS UNABLE TO PROCEED, MILLORNIK CORRECTIONAL INSTITUTIONAL LAW LIBRARY OFFICER (PENNY MORTON) WAS SAID TO BE ABSENT (11) WEDNESDAY JANUARY 23, 2013, LAW BOOKS THEREFORE WERE NOT ISSUED TUESDAY JANUARY 22, 2013, SAID WEDNESDAY NOR THURSDAY JANUARY 24, 2013 (THIS IS ACCORDING TO PRISON OFFICIAL), NO ACCESS TO (SCACR).

APPELLANT IS UNCERTAIN IF THE LAW BOOKS WOULD BE ISSUED FRIDAY JANUARY 25, 2013 IN THE EVENING.

BEING SC APPEAL COURT LETTER DATED JANUARY 16, 2013 - CONFUSING - FOR IT NOT CLARIFY (10) WORKING DAYS OR (10) CALENDAR DAYS, FOR (10) DAYS WOULD BE ON JANUARY 25, 2013, SO APPELLANT MAILED THIS IN THE MORNING OF JANUARY 25, 2013 (FRIDAY).

IF THE LAW BOOKS ORDER WERE FILED THEY WERE NOT DELIVERED BY LAW LIBRARY SUBSTITUTE (IF ONE WAS ASSIGNED).

GIVEN HOLIDAY JANUARY 21, 2013 (MONDAY), APPELLANT DEADLINE WOULD BE JANUARY 28, 2013 (MONDAY), BUT MAIL WOULD BE POSTMARKED THE 29TH EXCEEDED DEADLINE, FOR INSTITUTIONAL MAIL ROOM WOULD NOT MAILED MAIL BUT MONDAY, UNTIL APPELLANT SIGNED POSTAGE DEBIT MONDAY EVENING WHEN BROUGHT TO HIM, THEN MAIL GO OUT FOLLOWING DAY TUESDAY.

APPELLANT ASK THIS COURT TO EXCUSE THE ATTACHED DRAFTED PROOF OF SERVICE FOR PROCESSING IN FORMA PAUPERIS DUE TO CIRCUMSTANCES OF NO FAULT OF APPELLANT'S AND NO MEEDED ACCESS TO (SCACR) OR GRANT APPELLANT ANOTHER (10) DAYS WHICH LAW BOOKS MAY BE ISSUED BY THEM IF LAW LIBRARY OFFICER HAS RETURNED, OR SUBSTITUTED, (AND EXCUSE PROOF OF SERVICE FOR THIS DATE).

RESPONDANTS HAVE GIVEN A NEW COMPUTER WITHIN APPELLANT HOUSING UNIT, HOWEVER, APPELLANT HAS NO COMPUTER KNOWLEDGE AND WOULD NEED 6-8 WEEKS OF TRAINING (IF EVEN CAPABLE OF GOING TO IT), AND RESPONDANTS HAVE NO ONE TO AID APPELLANT WITH IT AT ALL.

APPELLANT RESERVES THE RIGHT TO AMEND THIS

NOTE: APPELLANT IN SOLITARY CONFINEMENT HAS NO ACCESS TO STAPLE OR TAPE TO BOUND DOCUMENTS.

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UNTIMELY/SUCCESSIVE - EXPLANATION
SCAR RULE 203 (B) (V) CUMULATIVE SUPP. BINDER 224

THE COURT OF COMMON PLEAS OF THE FIFTH JUDICIAL CIRCUIT FINAL ORDER ORDER OF DISMISSAL WAS IMPROPER FOR THE FOLLOWING REASONS:

- A) THE POST CONVICTION RELIEF APPLICATION WAS FILED ON GROUNDS OF "NEWLY DISCOVERED EVIDENCE" PROVIDED BY RESPONDANTS (ROBERT D. CORNEY) IN 2011, BEING AN SOUTH CAROLINA DEPARTMENT OF CORRECTION AUTOMATED RECORDS PRINTOUT BY APPELLANT REVEALING "YES" FOR SEX OFFENDER REGISTRY AND "CURRENT OR PRIOR CRIMINAL SEX CRIME CONVICTIONS".
APPELLANT HAD NO FACTUAL PRIOR KNOWLEDGE OR DOCUMENTATION OF SUCH FACTUAL CONVICTED SEX OFFENDER ERRONEOUSLY PROFILING OR THE SOUTH CAROLINA AMERICAN KIDNAPPING STATUTE 23-3-430 (C) (KS), BEING THE CASE KIDNAPPING CONTAINED IN WHICH NO CRIMINAL SEX OFFENSES OR CRIMINAL SEX OFFENSE ATTEMPTS, THUS, COULD NOT HAVE BEEN RAISED IN ANY PCR(S), THUS, VIOLATING THE FILING PROCEDURES OF THE UNIFORM POST-CONVICTION RELIEF PROCEDURES ACT S.C. CODE ANN. § 17-27-10 TO -160.
- B) RESPONDANTS CANT PRESENT ANY SHRED OF EVIDENCE TO SUPPORT THEIR CUMULATIVE ALLEGATION IN THEIR PLEAS WHERE APPELLANT HAD ACTUAL AND FACTUAL KNOWLEDGE PRIOR TO NEWLY DISCOVERED EVIDENCE, THEY PROVIDED WHERE APPELLANT COULD HAVE RAISED ISSUE SOONER, AND DATE & SOURCE OF PRIOR KNOWLEDGE, THUS, RESPONDANTS ALLEGATIONS ALONE CANT STAND.
- C) EVEN THE REMOTE POSSIBILITY OF SUCCESSIVE - THE PCR APPLICATION PRESENTED QUESTIONS OF LAW AND FACTS THAT REQUIRES AN EVIDENTIARY HEARING (CODE ANN § 17-27-90 PCR PROCEDURES RULE 5) (ROBER V. STATE, 21 S.C. 288, 199 S.E.2d 761), (DELAWEY V. STATE, 269 S.C. 555, 238 S.E.2d 679 "1997"), AND ADMITTED COURSE, AND
- D) SUMMARY DISMISSAL (JUDGMENT) WAS NOT APPROPRIATE WHERE FURTHER INQUIRY INTO THE FACTS OF THE CASE IS DESIRABLE TO CLARIFY THE APPLICATION OF THE LAW - IF TRIABLE ISSUES EXIST, THESE ISSUES MUST GO TO THE JURY AND SUMMARY DISMISSAL (JUDGMENT) SHOULD HAVE BEEN DENIED (SINGLETON V. SHERER, S.C. APP. 2008, 377 S.C. 185, 659 S.E.2d 196).
- E) APPELLANT TRIAL COUNSEL, APPELLATE COUNSEL, PCR COUNSEL, PROSECUTOR, ALL FAILED TO RAISE SC AMENDED KIDNAPPING STATUTE SEX OFFENDER REGISTRY WAS NOT APPLICABLE TO APPELLANT AT TIME OF SENTENCING, UNTIMELY SHOULD HAVE BEEN EXCUSABLE DUE TO COURT ERROR, AND APPELLANT HAD A RIGHT TO EFFECTIVE COUNSEL, EFFECTIVE APPELLATE COUNSEL, AND EFFECTIVE PCR COUNSEL (MARTINEZ V. WRIGHT, 560 U.S. -), FOR THEY SHOULD HAVE RAISED ISSUE IN QUESTION FOR APPELLANT WAS IN INDIGENT AND NOT EDUCATED IN LAW PRACTICE (CAN ONLY CITE SOME CASES SIMPLY SPOKEN).
AND IT APPEARS SC KIDNAPPING AMENDED STATUTE RECOGNIZATION EXCEPTION DID NOT EXIST AT THE TIME OF CONVICTIONS, BUT RECORD WAS CLEAR NO CRIMINAL SEX OFFENSES OR ATTEMPTS WERE INVOLVED IN THE KIDNAPPING (HARE V. STATE, 377 S.C. 60, 659 S.E.2d 137 "2008").

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