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JUL 27 2026

IN THE STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA COURT OF APPEALS SC Court of Appeals

BOBBY JOE BARTON,
#163629 PLAINTIFF

V.

STATE OF SOUTH CAROLINA,
RESPONDENT.

APPELLATE CASE NO.: 2026-001140
MOTION TO AMEND, RULE 15, SCRPC
NOTICE-OF-APPEAL WITH STIPULATIONS OF
A THE MOTION OF "STAY" UNTIL THE LOWER
COURT RULES ON THE RULE 59(e) SCRPC
MOTION TO ALTER OR AMEND HAS BEEN
ANSWERED!

CIVIL ACTION NO.: 2025-23-CP-05538

THE PLAINTIFF IN THE ACTION ABOVE MOVE ON THE COURT WITH A MOTION TO AMEND, PURSUANT TO RULE 15, SCRPC, "THE NOTICE OF APPEAL" REQUESTING A STIPULATION OF A "STAY," UNTIL THE LOWER COURT COMPLEES WITH THE RULES OF COURT PERTAINING TO THE COURT'S DUTY TO RESPOND TO A TIMELY FILED RULE 59(e) MOTION TO ALTER OR AMEND IN WHICH PLAINTIFF WILL SHOW THAT THE INITIAL "NOTICE-OF-APPEAL" WAS FILED PREMATURELY BEFORE THE COMPLETE FINAL ORDER WAS FILED, COMPARISONLY AS IN MARTIN V. STATE, 321 SC 533, 471 S.E.2d 134 (SC, 1995), DUE TO THE FACT BEING THAT THE COURT FILED AN ORDER INSTRUCTIONS, ON MARCH 10, 2026. See EXHIBIT #1.

ON MARCH 19, 2026 PLAINTIFF FILED A PREMATURE MOTION TO ALTER OR AMEND WITH OBJECTIONS, HOWEVER THE COURT RESPONDED AND FILED A SECOND ORDER DENYING HIS MOTION. ON APRIL 6, 2026. See EXHIBIT #2. THIS ORDER STATES:

"AFTER FURTHER REVIEW OF THE FILE, EXHIBITS AND ARGUMENTS,

"THE COURT FINDS, PLAINTIFF'S MOTIONS AND OBJECTIONS ARE PREMATURE. . . .", "IN THE ABSENCE OF A FINAL FORMAL ORDER OF THE COURT, . . . , THE COURT NOW STATES, . . . , "PLAINTIFF'S MOTION IS RESPECTFULLY DENIED, AND OBJECTIONS ARE HEREBY OVERRULED."

"THIS ORDER CLEARLY STATES THE MOTION FILED BY THE PLAINTIFF IS PREMATURE WHICH GIVES HIM THE OPPORTUNITY TO FILE AT A LATER OR APPROPRIATE TIME, SINCE THAT ORDER THE COURT HAS FILED AN "FINAL ORDER" ON MAY 15, 2026 AND RECEIVED BY PLAINTIFF ON MAY 18, 2026. See: (EXHIBIT-# 3 ATTACHED.)

"PLAINTIFF STATE THAT THE ORDER WHICH WAS IN RESPONSE TO THE MOTION TO ALTER OR AMEND THAT WAS PREMATURELY FILED CAN NOT BE ACCEPTABLE FOR THE "FINAL ORDER" THAT WAS FILED (44) DAYS AFTER THE SECOND ORDER FILED ON APRIL 6, 2026.

SINCE THE FINAL ORDER, THE PLAINTIFF FILED A RULE 59(c), SCRP MOTION TO ALTER OR AMEND, HOWEVER THE RESPONDENT HAVE NOT SINCE FILING ON MAY 29, 2026, STILL HAVE NOT ANSWERED OR RESPONDED AS THE RULE AND STATUTE STATES PURSUANT

TO RULE 203 (a)(b)(i), SCA CR. "WHEN A FORM OR SHORT ORDER - JUDGMENT INDICATES THAT A MORE FULL AND COMPLETE ORDER OR JUDGMENT IS TO FOLLOW. . . . "A PARTY NEED NOT APPEAL UNTIL RECEIPT OF WRITTEN NOTICE OF ENTRY OF THE MORE COMPLETE ORDER OR JUDGMENT."

PLAINTIFF STATE THAT THIS IS THE REASON FOR REQUESTING "STIPULATION" IS BECAUSE THE DEFENDENT HAS NOT RESPONDED GRANTING OR DENYING THE RULE 59(e), SCRCP, MOTION TO ALTER OR AMEND, THE RULE 203(a)(6)(i) SCACR PROVIDES UNTIL THE COURT HAS A DUTY A DUTY TO RESPOND AND THE AGGRIEVED PARTY DOES NOT HAVE TO FILE A NOTICE OF APPEAL UNTIL RECEIVING A WRITTEN NOTICE FROM THE COURT,

THE PLAINTIFF WISH TO EXERCISE HIS RIGHT AND "STAY" THE TOLLING OF TIME AND NOT MOVE FORWARD WITH THE PREMATURE NOTICE OF APPEAL UNTIL THE LOWER COURT RESPONDS TO THE RULE 59(e) WHICH WAS FILED IN A TIMELY MANNER OF (10) DAYS UPON RECEIVING THE FINAL ORDER OF MAY 18, 2026. TO DO SO WOULD DENY PLAINTIFF OF APPEALING AND PRESERVANCE OF THE RECORD AS THE LOWER COURT GAVE ON ITS REASONS CONCERNING THE MOTION TO ALTER OR AMEND, PURSUANT TO RULE 59(e), SCRCP.

PLAINTIFF ENCLOSES A PHOTO STATIC COPY OF A MOTION REQUEST^{W.}ING THE COURT AND PRESIDING JUDGE TO COMPLY WITH THE LATEST RULE 59(e), SCRCP, MOTION TO ALTER OR AMEND, THAT WAS FILED WITH THE LOWER COURT ON JULY 14, 2026 IN WHICH THE ATTORNEY GENERAL OFFICE WAS SERVED WITH A TRUE COPY. THIS IS THE GROUNDS FOR THE PLAINTIFF SEEKS FOR STIPULATIONS OF A "STAY" AND DUE TO THE FACT ALSO OF RULE 203(a)(6)(i) SCACR PROVIDES COMPOUNDED THAT UPON A TIMELY FILED RULE 59(e) THAT THE TOLLING OF TIME IS "STAYED" AND THAT IS WHAT THE PLAINTIFF IS ASKING OF THE COURT, See: (EXHIBIT-#4, ATTACHED.)

PLAINTIFF BELIEVES THAT WHEREAS HE HAS BROUGHT THIS TO THE ATTENTION OF THE COURT OF APPEALS, THE COURT OF COMMON PLEAS, THE

PRESIDING JUDGE; IT WOULD AMOUNT TO REMANDING TO A THE LOWER COURT WITH DIRECTIVES TO RULE OR RESPOND TO THE ISSUE OF A TIMELY FILED RULE 59(e), SCRCP MOTION TO ALTER OR AMEND.

PLAINTIFF/APPELLANT HAS INCLUDED AN APPLICATION FOR LEAVE FOR INFORMA PAUPERIS, AFFIDAVIT, AND S.C.D.C. INMATE FINANCIAL STATEMENT FROM S.C.D.C. FINANCIAL DEPT. TO SHOW THAT HE IS INDIGENT,

PLAINTIFF ALSO INCORPORATE SOUTH CAROLINA DEPT. OF CORRECTIONS RECEIPT OF LEGAL CORRESPONDENCE VERIFICATION FORM. See; EXHIBIT-#5, AS PROOF TO SHOW THAT HE RECEIVED THE NOTICE OF \$50.00 FEE FOR FILING FROM MS. JASMINE D. SMITH, DEPUTY CLERK ON THE 15, DAY OF JULY, 2026 See (EXHIBIT-#6, ATTACHED)

PLAINTIFF HAS MADE EVERY HONEST EFFORT NOT ONLY ONCE, TWICE BUT AT LEAST THREE (3) TIMES THAT THE COURT OF COMMON PLEAS HAS NOT RESPOND TO THE RULE 59(e), SCRCP WITHIN A TIMELY MANNER AND THE RULE 203(2)(b)(i), SCACR, STATES THAT WHEN APPELLANT DOES THIS THAT THE TOLLING OF TIME IS STAYED "UNTIL A RESPONSE IS RECEIVED". PLAINTIFF STATE THAT THE RULING COURT HAS NOT DONE SO.

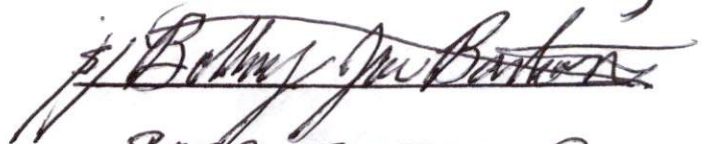
PLAINTIFF PRESENT THIS MOTION IN GOOD FAITH AND ALL HUMILITY ATTEMPTING TO PRESENT EVIDENCE TO SHOW HOW AND WHY HE INADVERTANTLY FILED A PREMATURE "NOTICE OF APPEAL", AND THAT IT SHOULD BE "VOIDED" OR "STAYED" UNTIL THE LOWER COURT OF COMMON PLEAS RESPOND TO THE MOTION TO ALTER OR AMEND, RULE 59(e), SCRCP (See; EXHIBIT-#4 ATTACHED REVEALS) IS ANSWERED AS

THE RULE OF LAW'S STATES THAT IT MUST BE DONE,

PLAINTIFF HAS ENCLOSED THE PROPER DOCUMENTS TO SUPPORT THE CLAIM THAT HE IS INDIGENT AND THE APPLICATION FOR LEAVE FOR/TO PROCEED IN FORMA PAUPERIS. PLAINTIFF ALSO ASK THIS COURT FOR APPOINTMENT OF COUNSEL (ATTORNEY) DUE TO THE COMPLICATIONS IN THIS CASE AND THE PLAINTIFF BEING INDIGENT,

WHEREFORE PLAINTIFF/APPELLANT REQUEST THAT THIS COURT GRANT THE MOTION TO "AMEND THE NOTICE OF APPEAL" WITH STIPULATIONS OF A THE MOTION OF "STAY," UNTIL THE LOWER COURT RULES ON THE RULE 59(c), SCR CP, MOTION TO ALTER OR AMEND AND TO GRANT ALL REQUEST INCORPORATED IN THIS MOTION, EVEN TO ORDER THE COURT TO RULE ON THE MOTION OR REMAND WITH INSTRUCTIONS TO DO SO OR ANY OTHERWISE THE COURT DEEMS JUST AND APPROPRIATE.

RESPECTFULLY SUBMITTED,



BOBBY JOE BARTON, PRO SE

#163629

PLAINTIFF CITE "HAINES V. KERNER", 404 U.S. 519, 520-521 (1972) (PER CURIAM)
(PRO SE COMPLAINT HELD TO LESS STRINGENT STANDARDS THAN PLEADINGS DRAFTED BY LAWYERS.)

CC: Ms. CARLY H. DAVIS, Esq.,
COMM. ON INDIGENT DEFENSE
BOBBY JOE BARTON, PRO SE
#163629

SCDC

JUL 24 2026

MAILROOM

5.

IN THE STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA COURT OF APPEALS

BOBBY JOE BARTON,
#163629 PLAINTIFF

APPELLATE CASE NO.: 2026-001140

CERTIFICATE OF SERVICE
MOTION TO AMEND NOTICE OF APPEAL

STATE OF SOUTH CAROLINA,
RESPONDENT.

THE HEREBY UNDERSIGNED STATE UNDER THE PENALTY OF PERJURY
THAT HE HAS A MOTION TO AMEND THE NOTICE OF APPEAL, UPON
HON. JENNY ABBOTT-KITCHING, CLERK OF SOUTH CAROLINA COURT OF
APPEALS AND A TRUE COPY UPON CARLY H. DAVIS, ESQ., ATTY. GEN.
OFFICE OF SC, P.O. BOX 11549, COL. SC 29211 BY HAND DELIVERING
MOTION TO MS. FARMER, MAILROOM PERSONEL TO PLACE IN THE U.S.
POSTAL SERVICE & CERTIFIED MAIL TO SC Ct. APPS. ON THE 24th DAY
OF JULY, 2026, EXHIBITS #1, #2, #3, #4, #5, & #6.

SWORN AND Scribed before me

THIS 20th day of JULY, 2026

Heather Karm Farmer

NOTARY PUBLIC OF SOUTH CAROLINA

MY COMMISSION EXP.: 5.21.34

Bobby Joe Barton

BOBBY JOE BARTON, PRO SE
#163629

CC: CARLY H. DAVIS, ESQ.

BOBBY JOE BARTON, PRO SE

COMM. ON INDIGENT DEFENSE



"July 24, 2026"

ATTN: HON. JENNY ABBOTT KITCHINGS
SOUTH CAROLINA CLERK OF COURTS
1220 SENATE ST.
COL., SC 29201

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JUL 27 2026

SC Court of Appeals

FROM: BOBBY J. BARTON, #163629
APPELLATE CASE NO.: 2026-001140

Re: "MOTION TO AMEND & TO PROCEED INFORMA PAUPERIS & A STAY!"

: Madam Clerk,

ENCLOSED IS MY "MOTION TO AMEND THE NOTICE OF APPEAL, WITH STIPULATIONS AND TO LEAVE TO PROCEED INFORMA PAUPERIS." I HAVE SERVED A COPY TO ALL PARTIES CONCERNED. I HAVE INCORPORATED AN EXPLANATION TO THE COURT THE REASON REQUESTING A "STAY" DUE TO THE FACT THAT "THE LOWER COURT HAS NOT RESPONDED TO THE RULE 59(e) SCRCR MOTION TO ALTER OR AMEND. A COPY OF MOTION TO THE LOWER COURT ATTACHED AS AN EXHIBIT. A AFFIDAVIT, S.C. 12 C, FINANCIAL STATEMENT ATTACHED ALSO. I'VE SERVED ALL PARTIES CONCERNED AS THE CERTIFICATE OF-SERVICE WILL SHOW AND I DONE MY BEST TO INCORPORATE ALL THE ISSUES CONFRONTING ME AND THE NEED FOR THE COURT TO ORDER THE COMMISSION ON INDIGENT DEFENSE TO APPOINT A COUNSEL TO REPRESENT ME, I ENCLOSED A TRUE COPY OF THE MOTION AND A S.A.S.E. PLEASE DATE STAMP THE MOTION "ONLY" AND RETURN IT TO ME, I ASK OF YOUR COURT TO PLEASE E-MAIL THE SC COURT ADMINISTRATION OF MY INDIGENT STATUS IN ORDER TO OBTAIN THE TRANSCRIPT OF THE PROCEEDINGS UNCE THE LOWER COURT COMPLY WITH RULE 59(e) SCRCR AND THE COURT FOLLOW SUIT OF RULE 20.3 (a)(6)(i) SCRCR PROVIDES.

RESPECTFULLY SUBMITTED,

Bobby J. Barton

BOBBY J. BARTON, #163629
LIVESAY(B) CAMP (5-34-B)
P.O. Box 580
Una, SC 29378-0580

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL



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FIRST CLASS



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JUL 24 2025

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"LEGAL-MAIL"

ATTN: Hon. JENNY ABBOTT KITCHINGS
SC COURT OF APPEALS
1220 SENATE ST.
COL. SC 29201

