EXHIBIT - # 1

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF COMMON PLEAS THIRTEENTH JUDICIAL CIRCUT
Bobby Joe Barton Plaintiff.	)	Case No.: 2025CP2305538
v.	)	**ORDER INSTRUCTIONS**
State of South Carolina Defendant.	)	ENTERED COMPUTER

FILED: "26MAR10PM3:23
COC JAY GRESHAM GVL SC

A hearing was held on January 28, 2026, to address the Motions filed by Bobby Joe Barton, Plaintiff and State of South Carolina, Defendant.

Appearing at the hearing were Bobby Joe Barton, unrepresented or Pro Se Defendant, and Carly Davis from South Carolina's Attorney General's Office on behalf of the State.

The Motions are addressed as follows:

1. Plaintiff's Motion for a Continuance is respectfully denied.
2. Defendant's Motion to Dismiss is granted with prejudice.

Ms. Davis please prepare a formal order consistent with this decision.

And It Is So Ordered.

Vernon F. Dunbar

The Honorable Vernon F. Dunbar
Thirteenth Judicial Circuit

Greenville, South Carolina
March 10, 2026.

Copy mailed to
Attorney general + plaintiff
on 3 / 11 / 2026.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

EXHIBIT - #2

FILED: 26APR6AM10:25
CDC JAY GRESHAM GVL SC

Bobby Joe Barton
Plaintiff

VS.

State of South Carolina
Defendants,

ORDER
2025CP2305538

On March 19, 2026, Bobby Joe Barton, Plaintiff, filed a Motion for Reconsideration and to Alter and Amend; and Objections regarding the Court's issuance of Order Instructions.

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, Plaintiff's Motion is respectfully denied, and Objections are hereby overruled.

Vernon F. Dubar 4/1/26

Vernon F. Dubar
Circuit Court Judge

EXHIBIT #3

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	IN THE COURT OF COMMON PLEAS FOR THE THIRTEENTH JUDICIAL CIRCUIT
Bobby Joe Barton, Plaintiff, v. State of South Carolina, Defendant,	Civil Action Number: 2025-CP-23-05538 **ORDER**

FILED: '26MAY15AM11:18
COC JAY GRESHAM GVL SC

This matter came before the Court on January 28, 2026, to address the motions filed by the Plaintiff, Bobby Joe Barton, and the Defendant, State of South Carolina. The Honorable Vernon F. Dunbar presided over the in-person hearing. Plaintiff appeared *pro se* and Assistant Attorney General Carly H. Davis appeared on behalf of the State.

Plaintiff filed this action on September 3, 2025. The State filed a Motion to Dismiss on November 21, 2025. Plaintiff then filed a Motion for Objection to Assignment of Specific Judge and a Motion for Leave for Discovery. In addition, during the proceeding on January 28, 2026, plaintiff moved to continue the hearing.

STANDARD OF REVIEW

"Under Rule 12(b)(6), SCRCP, a defendant may move to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action. In considering such a motion, the trial court must base its ruling solely on allegations set forth in the complaint." *Bergstrom v. Palmetto Health All.*, 358 S.C. 388, 395, 596 S.E.2d 42, 45 (2004). The trial court should view the facts and any inferences drawn from the facts in the light most favorable to the plaintiff. Id. (citing *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999)). "A 12(b)(6) motion should not be granted if the facts alleged and the inferences reasonably deducible therefrom would entitle the

plaintiff to any relief on any theory of the case." *Carolina Care Plan, Inc. v. United HealthCare Servs., Inc.*, 361 S.C. 544, 550, 606 S.E.2d 752, 755 (2004) (citing *Gentry v. Yonce*, 337 S.C. 1, 5, 522 S.E.2d 137, 139 (1999)).

I. Plaintiff's Complaint is dismissed for insufficient service of process pursuant to Rule 12(b)(5) of the South Carolina Rules of Civil Procedure.

Rule 4(d)(4) of the South Carolina Rules of Civil Procedure provides in pertinent part that a plaintiff seeking to commence an action against the State of South Carolina effects service "by delivering a copy of the summons and complaint to the Attorney General, or when another official is designated to be served by the statute permitting such action by delivering a copy of the summons and complaint to that official and sending a copy of the summons and complaint by registered or certified mail to the Attorney General at Columbia." Rule 4(d)(4), SCRCP.

The Attorney General's Office received the Plaintiff's Summons and Complaint via certified mail on October 21, 2025. Delivery via certified mail is insufficient against the State; therefore, Plaintiff's Complaint is dismissed for insufficiency of service of process pursuant to Rule 12(b)(5) of the South Carolina Rules of Civil Procedure.

II. Plaintiff failed to state a cause of action for Rule 60 fraud on the court against the State.

In order to state a cause of action for fraud on the court under Rule 60(b), plaintiff must plead particularized allegations showing that the State acted with an intent to deceive or defraud the court. *Chewning v. Ford Motor Co.*, 35 F. Supp. 2d 487, 492 (D.S.C. 1998). When there is no intent to deceive, the fact that misrepresentations may have been made to a court is not in and of itself sufficient to set aside a judgment for fraud on the court. *Id.* Extrinsic fraud is required to vacate a judgment. *Id.* Extrinsic fraud is "fraud that induces a person not to present a case or

deprives a person of the opportunity to be heard. " *Id.* The Court must balance the need for finality versus the need to cure inequitable conduct. *Id.*

Plaintiff set forth various allegations related to his trial counsel, all of which were heard during his two post-conviction relief actions. In addition, Mr. Barton takes issue with his PCR hearing because the Assistant Attorney General did not cross-examine him, allegedly conspired with trial counsel to deceive the court, and knew that trial counsel would commit perjury at the hearing. Plaintiff failed to set forth sufficient evidence to support his claims during his second post-conviction relief action and as a result, it was subsequently dismissed. Plaintiff's mere conclusory allegations are insufficient to set forth a cause of action for fraud on the court.

Plaintiff has not provided particularized allegations against the State that constitute fraud. Plaintiff has further failed to provide any evidence of extrinsic fraud or any intentional misrepresentations to support a cause of action for fraud on the court against the State. Plaintiff has been provided with the opportunity to fully set forth his allegations during his criminal appeal and his PCR actions; therefore, he has not been deprived of any opportunity to be heard. As a result, Mr. Barton's claim against the State for fraud on the court is dismissed.

III. Plaintiff's claims are barred by the doctrines of collateral estoppel and *res judicata*.

Collateral estoppel bars a party from relitigating an issue which was decided in a previous action. *S.C. Prop. & Cas. Ins. Guaranty Ass'n v. Wal-Mart Stores, Inc.*, 304 S.C. 210, 213, 403 S.E.2d 625, 627 (1991) (adopting the general rule set forth in the Restatement (Second) of Judgments § 27 (1982), which "provides that when an issue of fact or law is actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment, the determination is conclusive in a subsequent action between the parties, whether on the same or a different claim").

Furthermore, *res judicata* "is the branch of the law that defines the effect a valid judgment may have on subsequent litigation between the same parties . . ." *Plum Creek Dev. Co. v. City of Conway*, 334 S.C. 30, 34, 512 S.E.2d 106, 108 (1999) (quoting J. Flanagan, South Carolina Civil Procedure p. 642 (1996)). Under the doctrine of res judicata, a final judgment on the merits in a prior action bars subsequent consideration of those issues in a new action. *Foran v. USAA Cas. Ins. Co.*, 311 S.C. 189, 190-91, 427 S.E.2d 918, 919 (Ct. App. 1993); see *Bell v. Bennett*, 307 S.C. 286, 292, 414 S.E.2d 786, 789 (Ct. App. 1992) (noting that res judicata prohibits subsequent actions by the same parties on the same issues). Res judicata also bars any issues that could have been raised in the former action. *Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415.

Plaintiff has previously litigated the same issues and subject matter set forth in the Complaint in his Appeal and his Post Conviction Relief actions. *See*, *Bobby Joe Barton v. State*, Civil Action Number 2014-CP-23-5047, *Bobby Joe Barton v. State*, Civil Action Number 2021-CP-23-03093, *Bobby Joe Barton v. State*, Appellate Case No. 2016-000995, *Bobby Joe Barton v. State*, Appellate Case No. 2024-001190. The allegations set forth in Plaintiff's Complaint have been or should have been raised previously in his prior actions, therefore, his claims are barred by the doctrines of collateral estoppel and *res judicata*.

IV. The Uniform Post Conviction Procedures Act (S.C. Code Ann. §17-27-10 et seq.) is plaintiff's exclusive remedy to challenge his conviction and/or sentence.

In South Carolina, the Uniform Post-Conviction Procedure Act takes the place of all other remedies to challenge the validity of a conviction or sentence. S.C. Code Ann. §17-27-20(B) ("Except as otherwise provided in this chapter, it comprehends and takes the place of all other common law, statutory or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them.").

Therefore, to the extent plaintiff seeks to challenge his conviction, an action pursuant to the Uniform Post Conviction Procedures Act is plaintiff's exclusive remedy for the requested relief, and this action is dismissed pursuant to Rule 12(b)(6).

V. Plaintiff has failed to state a cause of action for conspiracy.

To the extent plaintiff asserts a cause of action for conspiracy, his claim fails. In *Paradis v. Charleston Cty. Sch. Dist.*, the South Carolina Supreme Court held that a "plaintiff asserting a civil conspiracy claim must establish (1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff." *Paradis v. Charleston Cnty. Sch. Dist.*, 433 S.C. 562, 574, 861 S.E.2d 774, 780 (2021). Here, plaintiff has failed to allege the elements of conspiracy against the State, and even if he had, the State is not a proper party to such action under S.C. Code Ann. § 15-78-70; therefore, any such claim is dismissed.

CONCLUSION

After consideration of the record, arguments presented at the hearing, and the applicable law, Defendant's Motion to Dismiss is granted with prejudice. Plaintiff's Motion for Objection to Assignment of Specific Judge, Motion for Leave for Discovery, and Motion for Continuance are denied, and Mr. Barton's Complaint is dismissed in its entirety with prejudice.

IT IS SO ORDERED.

Vernon F. Dunbar

Vernon F. Dunbar, Judge
Thirteenth Judicial Circuit

Greenville, South Carolina
This 15th day of May, 2026

Copy mailed to
Attorney Carly Davis & PPS Barton

JULY 13, 2026

EXHIBIT-#4

ATTN: JAY GRESHAM, CLERK
CLERK OF COURT, CMN PLEAS
305 E. NORTH ST.
GREENVILLE, SC 29601

& ATTN: MS. CARLY H. DAVIS, ESQ.
ATTORNEY GENERAL'S OFFICE
P.O. BOX 11549
COL., SC 29211

Re: MOTION REQUESTING THE COURT & PRESIDING JUDGE TO COMPLY W/THE LATEST RULE 59(e) SCRCP, MOTION ALTER OR AMEND IN A TIMELY FILED MANNER W/IN (10) DAYS OF RECEIVING THE ORDER FROM COURT FILED ON MAY 15, 2026.
CASE NO: 2025-CP-23-05538

: MR./MS. CLERK,

ENCLOSED IS MY MOTION REQUESTING THE COURT & CLERKS OFFICE TO PLEASE COMPLY WITH RULES REGARDING A TIMELY FILED RULE 59(e) SCRCP ALTER/AMEND WHICH WAS FILED IN YOUR COURT, REGARDLESS OF ANY ACTION THAT THE COURT OF APPEALS HAS NOTIFIED YOUR COURT. THESE ACTION DOES NOT RELIEVE THE LOWER COURT OF ITS DUTIES WHICH SUPERSEDES ANY ACTION OF THE COURT OF APPEAL. TO DENY ME THIS WOULD DENY ME DUE PROCESS IN WHICH THE COURT WOULD HAVE TO READDRESS AT A LATER TIME. SHOULD YOU IGNORE THIS MOTION, I'VE ENCLOSED A S.A.S.E. AND A XTRA COPY, PLEASE DATE STAMP AND RETURN TO ME, I'VE SERVED ALL PARTIES INVOLVED AS THE CERTIFICATE OF SERVICE SHOWS. I ENCLOSED EXHIBITS #1, #2, #3, #4 & #B. I THANK YOU IN ADVANCE AND I AWAIT YOUR COURTS RESPONSE.

RESPECTFULLY SUBMITTED,

Bobby Joe Burton

SCDC
JUL 14 2026
MAILROOM

CC: CARLY H. DAVIS, ESQ.
BOBBY JOE BURTON, PRO SE.

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
BOBBY JOE BARTON,)
Plaintiff,)
vs.)
)
STATE OF SOUTH CAROLINA)
Defendant.)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: 2025 -CP-23 -05538

MOTION AND ORDER INFORMATION FORM AND COVERSHEET

Plaintiff's Attorney: BOBBY JOE BARTON, PROSE PROSE, Bar No. ____ Address: LIVESAY (B) CAMP, P.O. BOX 580 UNA, SC 29378-0580 Phone: ____ Fax ____ E-mail: ____ Other: ____	Defendant's Attorney: CARLY H. DAVIS, ESQ ____, Bar No. 100112 ATTNY. GENERAL'S OFFICE Address: P.O. BOX 11549, COL. SC 29211 (803) 734-3843 Phone: ____ Fax ____ E-mail: ____ Other: ____

☐ **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: MOTION REQUESTING THE COURT & JUDGE TO COMPLY W/LATEST RULE 59(e), SCRCP MOTION ALTER OR AMEND OF A TIMELY FILED WITH 10 DAYS
Estimated Time Needed: -0- 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.

Bobby Joe Barton 7/14/2026
Signature of Attorney for ☒ Plaintiff / ☐ Defendant Date submitted

SECTION III: Motion Fee

☐ PAID – AMOUNT: $ ____
☐ EXEMPT: (check reason)
- ☐ Rule to Show Cause in Child or Spousal Support
- ☐ 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, SCRCP)
- ☐ 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: REQUESTING THE COURT TO ANSWER RULE 59(e) MOTION ON 5/27/2026

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: $ ____
☐ CONTESTED – AMOUNT DUE: $ ____

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON,
PLAINTIFF,

VS.

STATE OF SOUTH CAROLINA,
DEFENDENT.

CASE NO: 2025-CP-23-05538

MOTION REQUESTING THE COURT AND PRESIDING JUDGE TO COMPLY WITH THE LATEST RULE 59(e), SCRCP, ALTER & AMEND TIMELY FILED W/IN (10) DAYS OF ORDER FROM COURT FILED MAY 15, 2026

THE PLAINTIFF MOVE ON THE COURT TO COMPLY AND ANSWER THE MOTION OF RULE 59(e), SCRCP "TO ALTER OR AMEND", IN WHICH THE PLAINTIFF FILED WITHIN (10) DAYS (EXCEPT, SATURDAYS, SUNDAYS, OR HOLIDAYS) OF RECIEVING THIS COURTS' ORDER WHICH WAS RECEIVED ON MAY 18, 2026. (AS "EXHIBIT-#1, S.C.D.C. RECEIPT OF LEGAL CORR. VERIFICATION." ATTACHED)

THE CLERK OF COURT OFFICE FILED IN ITS OFFICE THE ORDER PLAINTIFF COMPLAINT TO DISMISS IN ITS ENTIRETY WITH PREJUDICE SIGNED BY THE HON. VERNON F. DUNBAR ON MAY 15, 2026. YOUR RECORDS WILL CONFIRM THIS AND A TRUE COPY WAS EMAILED TO THE ATTORNEY GENERALS OFFICE, ATTN: CARLY H. DAVIS, ESQ.

THE PLAINTIFF REVIEWED THIS ORDER AND DEEMED IT NOT BEING ACCEPTABLE DUE TO THE ERRORS, MISAPPLICATION OF LAW AND NOT ADDRESSING THE FACTS IN LIGHT OF THE FACTS. ON MAY 27, 2026 WITHIN SIX (6) DAYS OF RECIEVING THIS FINAL ORDER, HE FILED A RULE 59(e), SCRCP, MOTION TO ALTER OR AMEND WHICH DIRECT THE COURT TO SET FORTH THE FINDINS OF FACTS, SPECIFICALLY

SUPPORTED BY CONCLUSION OF LAW AND TO ADEQUATELY ADDRESS THE ISSUE IN WHICH HAS FAILED TO ADDRESS IN THE ORDER WHICH IS IN THE COMPLAINT, EXHIBITS, AFFIDAVIT, AND THE MEMORANDUM-OF-LAW. THIS RULE 59(e) & RULE 52(b), SCRCP WAS FILED IN A TIMELY MANNER.

PLAINTIFF STATE THAT THE COURT OF COMMON PLEAS AND THE CLERK OF COURT HAS FAILED TO ANSWER THE 59(e) MOTION BY ARRESTING THE DEVELOPMENTING PLAINTIFF TO FILE A NOTICE OF APPEAL, PURSUANT TO RULE 203(a)(6)&(d) WHICH STATES;

> "WHEN A TIMELY MOTION FOR JUDGMENT N.O.V. (RULE 50, SCRCP), MOTION TO ALTER OR AMEND THE JUDGMENT (RULES 52 & 59, SCRCP), OR A MOTION FOR A NEW TRIAL (RULE 59, SCRCP), HAS BEEN MADE..." THE TIME FOR APPEAL FOR ALL PARTIES SHALL BE STAYED AND SHALL RUN FROM RECEIPT OF WRITTEN NOTICE OF ENTRY OF THE ORDER GRANTING OR DENYING SUCH MOTION."

THE COURT DID FILE A SHORT ORDER ON "APRIL 6, 2026" WITH THE CLERK OF COURTS OFFICE WHICH WAS PREMATELY FILED. HON. VERNON F. DUNBAR, DENIED PLAINTIFF MOTION HOWEVER THIS ORDER WAS NOT COMPLETE AND DOES NOT SUPERSEDE OR HAVE THE AUTHORITY OVER THE LATER ORDER HANDED DOWN ON MAY 15, 2026 (See; EXHIBIT-#2) ATTACHED.

PURSUANT TO RULE 203(a)(6)&(d), SCACR, GOES ON AND STATE THAT..... "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." RULE 203(a)(6)(i), SCACR,

THE RULE OF APPELLATE COURT PLACES THE LOWER COURT ON NOTICE THAT WHENEVER A PARTY FILES AN 59(e) IN A TIMELY (10 DAYS) MANNER THAT THIS COURT HAS A DUTY TO ANSWER AND AS OF THIS MOTION THE LOWER COURT OR THE JUDGE HAS NOT ANSWERED THE 59(e) MOTION WHICH WAS FILED AFTER THE COMPLETE ORDER OF MAY 15, 2026

THE COURT OF APPEALS HAS MISINTERPETED PLAINTIFF CLAIM DUE TO THE FACT THAT THE PREMATURE SHORT ORDER FILED "APRIL 6, 2026" WAS ACTUALLY THE FINAL ORDER AND THE PREMATURE NOTICE-OF-APPEAL HAS THE TRUE AUTHORITY TO FILE THE NOTICE OF APPEAL HOWEVER THIS LOWER COURT OF COMMON PLEAS KNOWS BEYOND A SHADOW OF A DOUBT THAT IT HAS NOT FULFILLED ITS DUTY AND ANSWER AND RESPOND TO THE TIMELY FILED RULE 59(e), SCRCP WHICH WAS CLOCKED STAMPED "JUNE 2, 2026" BUT WAS PLACED IN THE U.S. POSTAL SERVICE ON MAY 27, 2026 AND IS ACCEPTED AS TIMELY FILED, SEE; "HOUSTON V. LACK" 487 U.S. 266, 270, 276 (Pro se Prisoner's Notice of Appeal deemed filed on date of delivery to Prison Authorities for forwarding to the courts clerk) SEE: EXHIBIT-#A TRUE COPY OF CLOCK STAMPED RULE 59(e) & RULE 52(a), SCRCP, MOTION TO ALTER OR AMEND, COVER LETTER, FACE PAGE, & CERTIFICATE-OF-SERVICE. THE MAILING DATE AND RECIEVING DATE WILL PROVE THIS RULE 59(e) WAS TIMELY FILED AND THIS COURT HAS A MINISTERIAL DUTY TO ANSWER IT IN ORDER AS NOT TO PREVENT THE PLAINTIFFS RIGHT TO FILE A TIMELY APPEAL.

THE PLAINTIFF BELIEVES THAT HE HAS DEMONSTRATED BEFORE THE COURT THROUGH PHYSICAL EVIDENCE THAT EXHIBIT-#2 WHICH IS AN PREMATURE ORDER DATED APRIL 6, 2026 WHICH DENIES A PREMATURE AN RULE 59(e) HOWEVER ON MAY 15, 2026 {EXHIBIT-#B} FILES A COMPLETE FINAL ORDER SIGNED BY HON. VERNON F. DUNEAR. THE PLAINTIFF DID FILE A TIMELY RULE 59(e) SCR CP A MOTION TO ALTER OR AMEND ON MAY 27, 2026. SEE {EXHIBIT-#A} ATTACHED. PLAINTIFF STATE THAT {EXHIBIT-#2, #A, & #B} ALL HAVE BEEN CLOCK STAMPED BY THIS COURT AND ARE ALL AUTHENICATED BY YOUR COURT HOWEVER THE COURT HAS FAILED TO ANSWER OR RESPOND TO PLAINTIFF MOTION TO ALTER OR AMEND PURSUANT TO THE RULE 59(e) SCR CP.

PLAINTIFF STATE THAT THIS COURT HAS A DUTY TO ANSWER THE MOTION TO ALTER OR AMEND AND THE PREVIOUS ANSWER DOES NOT OR IS NOT A CURE FOR A LATER ORDER FILED AFTERWARDS AND THE RECORD REFLECTS THAT THIS COURT HAS FAILED TO DO ITS DUTY.

PLAINTIFF COME BEFORE THE COURT IN GOOD FAITH AND REQUESTING THAT THE COURT TO DO ITS DUTY AND RESPOND TO THE TIMELY FILE MOTION TO ALTER OR AMEND. HOWEVER SHOULD THE COURT DOES NOT PLAINTIFF OBJECTS ON THE RECORD DUE TO THE FACT THAT THIS PREVENTS A TRUE NOTICE OF APPEAL.

WHEREFORE PLAINTIFF STATE IT IS WITH MANY PRAYERS AND MUCH HOPE THAT THE COURT WILL GRANT HIS MOTION AND ANY OTHER WISE THE COURT DEEMS TO BE JUST AND APPROPRIATE.

RESPECTFULLY SUBMITTED,

s/ Bobby Joe Barton, Pro se

BOBBY JOE BARTON, PRO SE

IN THE STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
ON THE 14th DAY OF JULY, 2026

CC: CARLY H. DAVIS, ESQ.
BOBBY JOE BARTON, PROSE

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEEN JUDICIAL CIRCUIT

BOBBY JOE BARTON,
PLAINTIFF,

vs.

STATE OF SOUTH CAROLINA,
DEFENDENT,

CASE NO: 2025-CP-23-05538

CERTIFICATE-OF-SERVICE

THE HEREBY UNDERSIGNED STATE UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED CLERK OF THE COURT, JAY GRESHAM, 13TH JUD. CIR. WITH A MOTION REQUESTING THE COURT TO COMPLY TO RULE 59(e), SCRCP BY TO GRANT OR DENY TO THE MOTION FILED ON MAY 27, 2026 TO ENSURE A PROPER NOTICE OF APPEAL PROCESS ENSURED BY RULE 203(d)(1)(i), SCACR. A TRUE COPY WAS MAILED TO CARLY H. DAVIS, ESQ, ATTORNEY GENERAL OFFICE. THIS WAS ACCOMPLISHED BY HAND DELIVERING MOTION TO MR. FARMER, MAILROOM PERSONEL OF S.C.D.C. ON THE 14TH DAY OF JULY, 2026. (EXHIBITS #1, #2, ATTACHED)
(EXHIBITS-#A & #B ATTACHED)

@ ATTNY. GENERALS OFFICE
P.O. BOX 11549
COL., SC 29211

RESPECTFULLY SUBMITTED,

s/ Bobby Joe Barton

BOBBY JOE BARTON, Prose

SCDC
JUL 14 2026
MAILROOM

CC: CARLY H. DAVIS, ESQ.
BOBBY JOE BARTON, Prose

EXHIBIT-#1

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

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

Jay Gresham
Greenville County Clerk of Court
305 E. North St.
Greenville, SC 29601

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

Bobby Barton 163629
Livesay Correctional Inst.
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) 5/18/26

On (Date) 5/18/26, the above referenced correspondence was delivered to Inmate Barton, Bobby, SCDC # 163629, and his signature was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log."

Additional Notes:

Postal Director/Institution

5/18/26
Date

SCDC Form 10-29 (Created April 2018)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

EXHIBIT #2

Bobby Joe Barton
Plaintiff

VS.

State of South Carolina
Defendants,

ORDER
2025CP2305538

On March 19, 2026, Bobby Joe Barton, Plaintiff, filed a Motion for Reconsideration and to Alter and Amend; and Objections regarding the Court's issuance of Order Instructions.

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, Plaintiff's Motion is respectfully denied, and Objections are hereby overruled.

Vernon F. Dubar · 4/1/26
Vernon F. Dubar
Circuit Court Judge

MAY, 27, 2026

EXHIBIT-#A

ATTN: HON. JAY GRESHAM, ESQ. & MS. CARLY H. DAVIS, ASST. ATTY. GENERAL
CLERK OF THE COURT
505 E. NORTH ST.
GVILLE, SC 29601

ATTORNEY GENERAL OFFICE OF SC
P.O. BOX 11549
COL., SC 29211-1549

RE: RULE 59(e) & 52(a) SCRCP MOTION ENCLOSED

MR. MADAM CLERK,

ENCLOSED IS A MOTION OF RULE 59(e) & 52(a) REQUEST THIS COURT TO ALTER OR AMEND JUDGMENT & SPECIFICALLY ADDRESS FINDINGS OF FACT, AND STATE EXPRESSLY IT'S CONCLUSION OF LAW RELEVANT TO EACH ISSUE PRESENTED AND TO SET A JUDGMENT, CORRECT THE RECORD, AND TO GRANT THE ONLY RELIEF AVAILABLE VIA AN INDEPENDENT ACTION. ALL RELEVANT PARTIES HAS BEEN SERVED AS THE PROOF-OF-SERVICE REVEALS. I HAVE INCLUDED AN X-TRA COPY ASKING THAT YOU TO PLEASE DATE STAMP AND RETURN TO ME. PLEASE BE MINDFUL THAT BY FILING A RULE 59(e) MOTION IT TOLLS THE TIME FOR FILING A NOTICE OF INTENT TO APPEAL UNTIL THE MOTION IS RESPONDED TO AND I'M IN RECEIPT OF IT. I THANK YOU FOR YOUR TIME AND ASSISTANCE REGARDING THIS MATTER.

RESPECTFULLY SUBMITTED,

/s/ Bobby Joe Barton

CC: MS. CARLY H. DAVIS, ASST. ATTY. GEN.
BOBBY JOE BARTON, PRO SE PLAINTIFF
#163629

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

BOBBY JOE BARTON, PRO SE
#163679
Plaintiff,
vs.
STATE OF SOUTH CAROLINA
Defendant.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO: 2023-CP-23-05538

MOTION AND ORDER INFORMATION FORM AND COVERSHEET

Plaintiff's Attorney: BOBBY JOE BARTON
Bar No: PRO SE
Address: LIVE OAK(B) CAMP
P.O. BOX 650, LUGOFF, SC 29078
Phone: Fax:
E-mail: Other:

Defendant's Attorney: CARLY H. DAVIS (HAYGEN)
Bar No: 102112
Address: ATTORNEY GENERAL'S OFFICE
P.O. BOX 11549, COLUMBIA, SC 29211
Phone: Fax:
E-mail: Other: (803) 734-3843

☐ **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: MOTION OF 59(e) AND 52(b) SCRCP
Estimated Time Needed: -0- 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.

Bobby Joe Barton
Signature of Attorney for ☒ Plaintiff ☐ Defendant

5/27/2026
Date Submitted

SECTION III: Motion Fee

☐ PAID - AMOUNT: $
☒ EXEMPT (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ 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, SCRCP)
☐ 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: MOTION OF 59(e) AND 52(b) FACT AND FINDINGS, ERRORS

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: $
☐ CONTESTED - AMOUNT DUE: $

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
IN THE 13TH JUDICIAL CIRCUIT

BOBBY JOE BARTON, #116321
PLAINTIFF,
V.
STATE OF SOUTH CAROLINA,
DEFENDENT.

C.A.NO. 2025-CP-23-05538
MOTION OF RULE 59(e) SCRCP
FINDINGS OF FACT, SUPPORTED BY
CONCLUSION OF LAW AS REQUIRED
BY §17-27-80 AND RULE 52(a),
SCRCP

THE PLAINTIFF MOVE ON THE COURT WITH A MOTION TO ALTER AND AMEND REQUESTING TO SET FORTH THE FINDINGS OF FACT SPECIFICALLY SUPPORTED BY CONCLUSION OF LAW AND TO ADEQUATELY ADDRESS THE ISSUE IN WHICH THE COURT HAS FAILED TO MENTIONED IN THE COMPLAINT, EXHIBITS, MEMORANDUM OF LAW, AND THE AFFIDAVIT, ESPECIALLY WERE PLAINTIFF HAS ALLEGED FRAUD ON THE COURT (EXTRINSIC FRAUD). PLAINTIFF FILED A MOTION TO SET A SIDE JUDGMENT THROUGH AN INDEPENDENT ACTION IN EQUITY DUE TO A GROSS MISCARRIAGE OF OF JUSTICE IN WHICH THE COMPLAINT AND EXHIBIT CLEARLY SHOWS.

PLAINTIFF RECIEVED THE COURTS FINAL ORDER DISMISSAL ON MAY 18, 2026. SEE (EXHIBIT #1 SCDC LEGAL CORRESPONDENCE VERIFICATION FORM 10-29) ATTACHED TO VERIFY RECEIPT. AFTER RECIEVING THE ORDER AND REVIEWING IT. PLAINTIFF STATE THAT THE ORDER HAS OVERLOOKED THE FACTS IN THIS CASE, MISAPPLIED THE LAW WHERE IT HAS MISCONSTRUED THE CLAIM

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
IN THE 13th JUDICIAL CIRCUIT

BOBBY JOE BARTON, PRO SE
#163629
PLAINTIFF,

V.

STATE OF SOUTH CAROLINA,
DEFENDENT.

C.A. NO.: 2026-CP-23-05538

"CERTIFICATE-OF-SERVICE"

RULE 59(e) & RULE 52(b) SCRCP

I HEREBY UNDERSIGNED SHALL UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED THE CLERK OF COURT, JAY GRESHAM, 13TH JUDICIAL CIRCUIT WITH A 59(e) & 52(b), RULE MOTION AND A TRUE COPY TO MS. CARLY H. DAVIS, ASSISTANT TO THE ATTORNEY GENERAL'S OFFICE OF SC. THIS ACTION WAS DONE BY PLACING SAID MOTION INTO THE U.S. POSTAL SERVICE ON THE 27, DAY OF MAY, 2026, FROM LIVESAY (B) CAMP, P.O. BOX 580, LINE, SC 29378-0580.

s/ Bobby Joe Barton

BOBBY JOE BARTON, PRO SE

CC: M/S, CARLY H. DAVIS, ASST. ATTY. GEN.
BOBBY JOE BARTON, PRO SE
#163629

SCDC
MAY 27 2026
MAIL ROOM

EXHIBIT #B

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
FOR THE THIRTEENTH JUDICIAL CIRCUIT

Bobby Joe Barton,

Plaintiff,

v.

State of South Carolina,

Defendant,

Civil Action Number:
2025-CP-23-05538

ORDER

FILED: 26MAY15AM11:18
GREENVILLE COUNTY CLERK OF COURT

This matter came before the Court on January 28, 2026, to address the motions filed by the Plaintiff, Bobby Joe Barton, and the Defendant, State of South Carolina. The Honorable Vernon F. Dunbar presided over the in-person hearing. Plaintiff appeared *pro se* and Assistant Attorney General Carly H. Davis appeared on behalf of the State.

Plaintiff filed this action on September 3, 2025. The State filed a Motion to Dismiss on November 21, 2025. Plaintiff then filed a Motion for Objection to Assignment of Specific Judge and a Motion for Leave for Discovery. In addition, during the proceeding on January 28, 2026, plaintiff moved to continue the hearing.

STANDARD OF REVIEW

"Under Rule 12(b)(6), SCRCP, a defendant may move to dismiss a complaint based on a failure to state facts sufficient to constitute a cause of action. In considering such a motion, the trial court must base its ruling solely on allegations set forth in the complaint." *Bergstrom v. Palmetto Health All.*, 358 S.C. 388, 395, 596 S.E.2d 42, 45 (2004). The trial court should view the facts and any inferences drawn from the facts in the light most favorable to the plaintiff. Id. (citing *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999)). "A 12(b)(6) motion should not be granted if the facts alleged and the inferences reasonably deducible therefrom would entitle the

plaintiff to any relief on any theory of the case." *Carolina Care Plan, Inc. v. United HealthCare Servs., Inc.*, 361 S.C. 544, 550, 606 S.E.2d 752, 755 (2004) (citing *Gentry v. Yonce*, 337 S.C. 1, 5, 522 S.E.2d 137, 139 (1999)).

I. Plaintiff's Complaint is dismissed for insufficient service of process pursuant to Rule 12(b)(5) of the South Carolina Rules of Civil Procedure.

Rule 4(d)(4) of the South Carolina Rules of Civil Procedure provides in pertinent part that a plaintiff seeking to commence an action against the State of South Carolina effects service "by delivering a copy of the summons and complaint to the Attorney General, or when another official is designated to be served by the statute permitting such action by delivering a copy of the summons and complaint to that official and sending a copy of the summons and complaint by registered or certified mail to the Attorney General at Columbia." Rule 4(d)(4), SCRCP.

The Attorney General's Office received the Plaintiff's Summons and Complaint via certified mail on October 21, 2025. Delivery via certified mail is insufficient against the State; therefore, Plaintiff's Complaint is dismissed for insufficiency of service of process pursuant to Rule 12(b)(5) of the South Carolina Rules of Civil Procedure.

II. Plaintiff failed to state a cause of action for Rule 60 fraud on the court against the State.

In order to state a cause of action for fraud on the court under Rule 60(b), plaintiff must plead particularized allegations showing that the State acted with an intent to deceive or defraud the court. *Chewning v. Ford Motor Co.*, 35 F. Supp. 2d 487, 492 (D.S.C. 1998). When there is no intent to deceive, the fact that misrepresentations may have been made to a court is not in and of itself sufficient to set aside a judgment for fraud on the court. *Id.* Extrinsic fraud is required to vacate a judgment. *Id.* Extrinsic fraud is "fraud that induces a person not to present a case or

deprives a person of the opportunity to be heard. " *Id.* The Court must balance the need for finality versus the need to cure inequitable conduct. *Id.*

Plaintiff set forth various allegations related to his trial counsel, all of which were heard during his two post-conviction relief actions. In addition, Mr. Barton takes issue with his PCR hearing because the Assistant Attorney General did not cross-examine him, allegedly conspired with trial counsel to deceive the court, and knew that trial counsel would commit perjury at the hearing. Plaintiff failed to set forth sufficient evidence to support his claims during his second post-conviction relief action and as a result, it was subsequently dismissed. Plaintiff's mere conclusory allegations are insufficient to set forth a cause of action for fraud on the court.

Plaintiff has not provided particularized allegations against the State that constitute fraud. Plaintiff has further failed to provide any evidence of extrinsic fraud or any intentional misrepresentations to support a cause of action for fraud on the court against the State. Plaintiff has been provided with the opportunity to fully set forth his allegations during his criminal appeal and his PCR actions; therefore, he has not been deprived of any opportunity to be heard. As a result, Mr. Barton's claim against the State for fraud on the court is dismissed.

III. Plaintiff's claims are barred by the doctrines of collateral estoppel and *res judicata*.

Collateral estoppel bars a party from relitigating an issue which was decided in a previous action. *S.C. Prop. & Cas. Ins. Guaranty Ass'n v. Wal-Mart Stores, Inc.*, 304 S.C. 210, 213, 403 S.E.2d 625, 627 (1991) (adopting the general rule set forth in the Restatement (Second) of Judgments § 27 (1982), which "provides that when an issue of fact or law is actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment, the determination is conclusive in a subsequent action between the parties, whether on the same or a different claim").

Furthermore, *res judicata* "is the branch of the law that defines the effect a valid judgment may have on subsequent litigation between the same parties . . ." *Plum Creek Dev. Co. v. City of Conway*, 334 S.C. 30, 34, 512 S.E.2d 106, 108 (1999) (quoting J. Flanagan, South Carolina Civil Procedure p. 642 (1996)). Under the doctrine of res judicata, a final judgment on the merits in a prior action bars subsequent consideration of those issues in a new action. *Foran v. USAA Cas Ins. Co.*, 311 S.C. 189, 190-91, 427 S.E.2d 918, 919 (Ct. App. 1993); see *Bell v. Bennett*, 307 S.C. 286, 292, 414 S.E.2d 786, 789 (Ct. App. 1992) (noting that res judicata prohibits subsequent actions by the same parties on the same issues). Res judicata also bars any issues that could have been raised in the former action. *Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415.

Plaintiff has previously litigated the same issues and subject matter set forth in the Complaint in his Appeal and his Post Conviction Relief actions. *See*, *Bobby Joe Barton v. State*, Civil Action Number 2014-CP-23-5047, *Bobby Joe Barton v. State*, Civil Action Number 2021-CP-23-03093, *Bobby Joe Barton v. State*, Appellate Case No. 2016-000995, *Bobby Joe Barton v. State*, Appellate Case No. 2024-001190. The allegations set forth in Plaintiff's Complaint have been or should have been raised previously in his prior actions, therefore, his claims are barred by the doctrines of collateral estoppel and *res judicata*.

IV. The Uniform Post Conviction Procedures Act (S.C. Code Ann. §17-27-10 et seq.) is plaintiff's exclusive remedy to challenge his conviction and/or sentence.

In South Carolina, the Uniform Post-Conviction Procedure Act takes the place of all other remedies to challenge the validity of a conviction or sentence. S.C. Code Ann. §17-27-20(B) ("Except as otherwise provided in this chapter, it comprehends and takes the place of all other common law, statutory or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them.").

Therefore, to the extent plaintiff seeks to challenge his conviction, an action pursuant to the Uniform Post Conviction Procedures Act is plaintiff's exclusive remedy for the requested relief, and this action is dismissed pursuant to Rule 12(b)(6).

V. **Plaintiff has failed to state a cause of action for conspiracy.**

To the extent plaintiff asserts a cause of action for conspiracy, his claim fails. In *Paradis v. Charleston Cty. Sch. Dist.*, the South Carolina Supreme Court held that a "plaintiff asserting a civil conspiracy claim must establish (1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff." *Paradis v. Charleston Cnty. Sch. Dist.*, 433 S.C. 562, 574, 861 S.E.2d 774, 780 (2021). Here, plaintiff has failed to allege the elements of conspiracy against the State, and even if he had, the State is not a proper party to such action under S.C. Code Ann. § 15-78-70; therefore, any such claim is dismissed.

CONCLUSION

After consideration of the record, arguments presented at the hearing, and the applicable law, Defendant's Motion to Dismiss is granted with prejudice. Plaintiff's Motion for Objection to Assignment of Specific Judge, Motion for Leave for Discovery, and Motion for Continuance are denied, and Mr. Barton's Complaint is dismissed in its entirety with prejudice.

IT IS SO ORDERED.

Vernon F. Dunbar, Judge
Thirteenth Judicial Circuit

Greenville, South Carolina
This 15th day of May, 2026

Copy mailed to
Atty Burns + PPS Barton

EXHIBIT-#5

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

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

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Box 11629
Columbia, South Carolina 29211

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

Bobby J Barton 163629
Livesay pre-Release
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) 7/15/26.

On (Date) 07/15/26, the above referenced correspondence was delivered to Inmate Bobby J Barton, SCDC # 163629, and his signature was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log".

Additional Notes:

Livesay — 7/15/26
Postal Director/Institution — Date

SCDC Form 10-29 (Created April 2018)

EXHIBIT #6

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 8, 2026

Bobby J. Barton, 163629
Livesay Pre-Release
P O Box 580
Una SC 29378

Re: Bobby Barton v. State
Appellate Case No. 2026-001140

Dear Mr. Barton:

Upon reviewing your motion to reinstate, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your filing will not be considered:

- The required filing fee has not been submitted. The correct filing fee is $50.00.

Very truly yours,

Jasmine D. Smith, Deputy

CLERK

cc: Carly Harter Davis, Esquire