

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT OF SOUTH CAROLINA

RECEIVED

OCT 09 2026

S.C. SUPREME COURT

BOBBY JOE BARTON,
APPELLANT,

V.

STATE OF SOUTH CAROLINA,
RESPONDENT.

APPELLATE CASE NO.: 2026-DD2032

MOTION TO STAY ON APPEAL UNTIL COM-
PLIANCE FROM THE COURTS AND DUE TO
EXTRAORDINARY CIRCUMSTANCES, AND
OR A TEMPORARY STAY.

§ 40-59-830

THE APPELLANT NAMED ABOVE MOVED ON THE HONORABLE COURT WITH A MOTION TO STAY ON APPEAL UNTIL COMPLIANCE FROM THE OTHER COURTS AND DUE TO EXTRAORDINARY CIRCUMSTANCES BEYOND HIS CONTROL AND OR A TEMPORARY STAY UNTIL THE THE COURT OR COMMON PLEAS LEGALLY RESPOND TO RULE 59(c), SCRPC WHICH WAS FILED ON MAY 27, 2026.

SINCE THE FILING OF THE RULE 59(c) MOTION TO ALTER OR AMEND THE COURT OF COMMON PLEAS HAS NOT RESPONDED OR ADDRESSED THIS MOTION AS THE RULES OF SOUTH CAROLINA LAWS MANDATE THE COURT TO DO SO. (COPY OF THIS MOTION IS ATTACHED AS EXHIBIT #A) #A

HOWEVER THE COURT HAS MADE A FALSE CLAIM STATING THAT THE PLAINTIFF REFILED THE EXACT SAME MOTION ON AUGUST 13, 2026 AND AUGUST 14, 2026

APPELLANT STATE THAT THE FIRST RULE 59(c) SCRPC MOTION WAS PREMATURE AND WAS CITED AS SUCH AND DENIED. (See EXHIBIT #1 VOID, MOTION FILED ON MARCH 19, 2026, AND THE COURTS RESPONSE FILED ON APRIL 1, 2026. See (EXHIBIT #2 ATTACHED) WHICH CLEARLY STATES THAT THE MOTION IS PREMATURE, NOT RIPE, FOR THE MOTION TO ALTER OR AMEND

THE COURT OF COMMON PLEAS IS ATTEMPTING TO USE THIS ORDER

AS AN OFFICIAL RESPONSE AS A DENIAL TO THE RULE 59(e), SCRCP HOWEVER SINCE THE COURT ACKNOWLEDGES THE MOTION AS PREMATURE THE PLAINTIFF STILL HAS THE RIGHT TO FILE A RULE 59(e) AT THE APPROPRIATE TIME WHEN THE FINAL ORDER IS GIVEN,

THE COURT HANDED DOWN ITS FINAL ORDER ON MAY 15, 2026, 2/11/8 AM. See: (COPY EXHIBIT - # 3, ATTACHED) WHEREAS THE COURT DISMISSED PLAINTANT CLAIM WITH PREJUDICE AND SIGNED BY HON. VERNON F. DUNBAR, JUDGE,

THE PLAINTANT RECEIVED THIS ORDER ON THE 18TH DAY OF MAY, 2026 AND DID SO FILE A NEW RULE 59(e), SCRCP MOTION TO ALTER OR AMEND, SPECIFICALLY POINTING OUT TO THE COURT WHERE IT OVER LOOKED FACTS IN THE COMPLAINT, MISAPPLICATION OF THE LAW, MISCONSTRUING THE CLAIM OF EXTRINSIC FRAUD COMMITTED BY THE COURT AND OTHER MOTIONS THAT WERE FILED IN A TIMELY MANNER. THE PLAINTANT FILE THIS NEW 59(e) ON THE 29TH DAY OF MAY, 2026 WHICH IS WELL WITHIN THE (10) DAY RULE OF FILING A RULE 59(e), SCRCP (EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS). See: COPY OF THE MOTION TO ALTER OR AMEND ATTACHED, EXHIBIT - # A)

PLAINTIFF STATE THAT AS OF THIS MOTION TO STAY, "THE COURT OF COMMON PLEAS AND HON. VERNON F. DUNBAR, JUDGE HAS NOT ADDRESSED THIS 59(e) MOTION AND THE CLERK OF COURT, JAY GRESHAM CAN NOT PRODUCE ANY RESPONSE TO THE 59(e) FILED AFTER THE FILING OF THE FINAL ORDER OF MAY 15, 2026 OR THE FILING OF THE 59(e) FILED ON MAY 29, 2026! WITH THE CLERK OF COURT AND THAT IT SERVED THE PLAINTIFF OF THE ORDER,

THE PLAINTIFF ASK THIS APPELLATE COURT TO COMPARE THE 59(e)

EXHIBIT # 1 THAT WAS DEEMED PREMATURE AND DENIED WITH THE 59(c) FILED AFTER THE FINAL ORDER, EXHIBIT # A TO EXAMINE WHETHER OR NOT IF THE COURT OF COMMON PLEAS INTENTIONALLY MISLEAD THE COURT BY STATING THAT THE PLAINTIFF REFILED THE SAME MOTION ON AUGUST 13, 2026 AND AUGUST 14, 2026!

THESE (2) MOTIONS ARE TOTALLY DIFFERENT AND CANNOT BE MISTAKELY TAKEN AS THE SAME, ONE WAS FILED PREMATURELY WHICH IS VOID. THE SECOND RULE 59(c) WAS FILED TIMELY HOWEVER THE COURT HAS FAILED TO ADDRESS IT LEAVING THE RECORD VOID AND THE APPELLATE WITH NOTHING TO REVIEW, SEE (EXHIBIT # 4) WHICH WILL SHOW THE COURT MAKING A BOLD ASSERTION OF THE 59(c) BEING THE SAME BUT HAS NOT ADDRESSED THE 59(c) ON RECORD WITH FACTS OF FINDINGS, SPECIFICALLY SUPPORTED BY CONCLUSION OF LAW. THE APPELLANT STATE THAT IN "MARLAR V. STATE", 653 S.E.2d. 266, 267 (SC, 2007) AND "PRUITT V. STATE", 423 S.E.2d. 127, 128 (SC, 1992); ALSO, "MCCRAY V. STATE", 408 S.E.2d 241 (SC, 1991) (REVERSING ORDER DENYING APPLICANT RELIEF AND REMANDING FOR NEW PCR HEARING WHERE PCR COURT'S ORDER FAILED TO MAKE SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW SUFFICIENT FOR APPELLATE REVIEW.) SEE: ORDER SIGNED BY HONORABLE VERNON F. DUNBAR DATE STAMPED AUGUST 18, 2026 IT DOES NOT ADDRESS THE MAY 27, 2026 59(c) MOTION AGAINST THE MAY 15, 2026 FINAL ORDER, {EXHIBIT # 4}

PLAINTIFF ASK THE COURT TO REMAND & ORDER "COMPELLING THE COURT OF COMMON PLEAS TO ADDRESS THE 59(c) MOTION TO ALTER OR AMEND WHERE THIS IS NO SUCH RECORD TO SHOW THAT IT HAS DONE SUCH,

THE NEXT EXTRAORDINARY CIRCUMSTANCE AT HAND IS THAT THE SOUTH CAROLINA COURT ADMINISTRATION HAS NOT RESPONDED TO A REQUEST FOR HEARING TRANSCRIPT. PLAINTIFF ENCLOSES A TRUE EXACT COPY OF, SCJ (EXHIBIT-#5, ATTACHED) WHICH IS A REQUEST FOR TRANSCRIPT AND ALL THE NECESSARY DOCUMENTS TO RECEIVE OR OBTAIN THESE TRANSCRIPT OR A ESTIMATE OF THE COST. PLAINTIFF HAS SUPPLIED THE SC COURT ADMINISTRATION OF S. CAROLINA SUPREME COURT WITH ALL THE RELEVANT INFORMATION. AS YOU CAN SEE THAT PLAINTIFF APPLIED FOR THIS TRANSCRIPT ON SEPTEMBER 2, 2026 AS THE DATE STAMP SHOWS AND UP TO THIS POINT THE COURT ADMINISTRATION HAS NOT RESPONDED.

THE APPELLANT BRINGS TO THE ATTENTION OF THE COURT THAT THE COURT OF COMMON PLEAS HAS ^{NOT} COMPILED TO A LETTER TO TRANSPORTATION OF ALL MATERIALS FILED INTO THE EVIDENCE SUPPORTING THE "FRAUD UPON THE COURT CLAIM". AS OF THIS MOTION TO STAY THE LOWER COURT HAS NOT FORWARDED ANYTHING OF THE RECORD TO THE COURT OF APPEALS OR THE SOUTH CAROLINA SUPREME COURT. THE PLAINTIFF AT THE TIME OF FILING DID SUBMIT TO THE CLERK OF COURT OFFICE; (#1) A COMPLAINT, #2) A MEMORANDUM-OF-LAW TO SUPPORT THE CLAIM, #3) AN AFFIDAVIT-OF-TRUTH AND TRUE EXACT COPY OF "28 EXHIBITS" LISTED FROM (#1-22, & "AA, BB, A, B, C, D, & E.") ATTACHED AS SEE; 2 PAGES (EXHIBIT-#6, ATTACHED). APPELLANT STATE THAT WITHOUT THESE CERTIFIED DOCUMENTS, EXHIBITS, AN RCR TRANSCRIPT AND TESTIMONY GIVEN AT THE JANUARY 28, 2026 HEARING BEFORE THE HON. VERNON F. DUNBAR WOULD BE UNCONSTITUTIONAL AND A GRAVE MISARRIAGE OF JUSTICE TO RULE WHERE THE COURTS REFUSE TO MAKE THE RECORD AVAILABLE TO THE APPELLANT OR TO THE COURTS FOR REVIEW.

THE PLAINTIFF ASK THE COURT ~~OF~~ ORDER THE COURT OF COMMON PLEAS TO FORWARD THE COMPLAINT, MEMORANDUM OF LAW, AFFIDAVIT OF TRUTH AND ALL THE EXHIBITS ENTERED INTO EVIDENCE TO THE SUPREME COURT OF SOUTH CAROLINA FOR APPELLATE REVIEW BECAUSE THEY ARE A PART OF THE RECORD.

APPELLANT HAS REQUESTED THE APPOINTMENT OF AN ATTORNEY AND HAVE BROUGHT THIS REQUEST BEFORE THE SUPREME COURT, THE COURT OF APPEALS AND TO THE COMMISSION OF INDIGENT DEFENSE. THE APPELLANT REQUEST THE ASSISTANCE OF APPOINTING COUNSEL FOR ASSISTANCE IN DEFENDING HIS CASE OF "FRAUD UPON THE COURT" WHERE THE SHOWN RECORD CLEARLY COMMITTED PERJURY IN THE PCR. AS COUNSEL ADMITS HOWEVER THE ATTORNEY GENERAL WITNESS THE PERJURY BUT FAILED TO CORRECT IT AND ALLOWED IT TO GO BEFORE THE TRIER OF THE FACTS AND THE JUDGE USED THAT TESTIMONY TO BE THE HIGHLIGHT (APEX) IN DISMISSING THE PCR WHICH WAS FRAUD COMMITTED UPON THE COURT.

THE APPELLANT STATE THE RECORD ON APPEAL AS IN CHAPTER 42, AND RULE 210, RECORD ON APPEAL (S.C.R.A.G., RULE 210) IS THE MOST IMPORTANT EVIDENCE FOR A COURT TO COME TO A JUST DECISION WITHOUT IT, IT IS IMPOSSIBLE FOR AN APPELLANT TO RECEIVE A FAIR AND IMPARTIAL RULING. AS IN, SEE, "SC STATE HWY. DEPT. V. MEREDITH," 241 S.C. 306, 128, 2ND, 179 (1962) "TRANSCRIPT OF RECORD IS SOURCE OF SUPREME COURT AUTHORITY OF LEGAL QUESTIONS CONTESTED BELOW AND OF FACTS PERTAINING THERE TO."

THE APPELLANT INCORPORATES THE NOTICE FROM THE COURT GIVING (10) DAYS NOTICE TO RESPOND, SEE EXHIBIT - #7, WITH A LEGAL CORRESPONDENCE

SHEET FROM S.C.D.C. WHICH SHOWS THAT APPELLANT RECEIVED THIS NOTICE ON SEPTEMBER 23, 2026 AND IS RETURNED TIMELY,

APPELLANT MOVED UPON THE COURT IN GOOD FAITH WITH THIS MOTION OF STAY AND NOT TO DO SO WOULD ALLOW A GRAVE MISCARRIAGE OF JUSTICE TO STAND AND FORCE THE APPELLANT TO COME FORTH WHERE THERE IS NO RECORD PRESERVED FOR APPELLATE REVIEW AND TO PERPETRATE "FRAUD UPON THE COURT" AND ITS PERPETRATORS TO GO FREE WITH NO ACCOUNTABILITY,

WHEREFORE APPELLANT ASK THIS COURT TO GRANT HIS MOTION OF STAY ON APPEAL UNTIL COMPLIANCE FROM OTHER COURTS AND DUE TO EXTRAORDINARY CIRCUMSTANCES BEYOND HIS CONTROL AND ANY OTHER WISE THE COURT DEEMS JUST AND APPROPRIATE,

SWORN AND Scribed BEFORE ME
THIS 15TH DAY OF OCTOBER, 2026
Heather Karmanner
NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES: 5.21.34

RESPECTFULLY SUBMITTED,
/s/ Bobby J. Barton

CC: CARLY H. DAVIS, ESQ.
: SC COMM. OF INDIGENT DEFENSE
: BOBBY JOE BARTON, APPELLANT