# THE SUPREME COURT OF SOUTH CAROLINA

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S.C. SUPREME COURT

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| BOBBY JOE BARTON, PETITIONER | APPELLATE CASE NO.: 2026-002057 |
| Vs. | MOTION TO DISMISS AND REMAND FOR DECISION FOR RULING ON IN FORMA PAUPERIS STATUS INVOLVING THE INDIGENCY OF A STATE (PRISONER) INMATE PETITIONER |
| STATE OF SOUTH CAROLINA, RESPONDENT. | |

THE PETITIONER NAMED ABOVE MOVE ON THE COURT TO PRESENT EVIDENCE BEFORE THIS COURT THAT HE HAS PRESENTED BEFORE THE TWO (2) LOWER COURTS (CH. C'MN PLEAS, & THE SOUTH CAROLINA COURT OF APPEALS) WITH "MOTIONS AND AFFIDAVITS TO PROCEED IN FORMA PAUPERIS APPLICATIONS" INCLUDED WITH NOTICE OF APPEALS UPON SERVICE ON BOTH COURTS,

THE PETITIONER RECIEVED FROM THE COURT ON 10/19/2026 AN ORDER A MOTION TO PROCEED IN FORMA PAUPERIS AND A MOTION TO STAY PETITIONERS APPEAL, BY DENYING HIS MOTIONS. AND SUBSTANTIATING IT WITH THE CASE "EX PARTE MARTIN, 321 SC 533, 471 S.E.2d 134 (1995) SEE EXHIBIT-#1, ATTACHED"

PETITIONER STATE THAT HE FILED A SUMMONS, COMPLAINT, MEMORANDUM-OF-LAW AND AFFIDAVIT OF TRUTH, TO THE CLERK OF COURT IN THE THIRTEENTH CIRCUIT AND ALAN M. WILSON, ATTORNEY GENERAL OF SOUTH CAROLINA ALLEDGING FRAUD ON THE COURT, AND SPECIFICALLY THE INDIVIDUALS WHOM CONSPIRED WITH ONE ANOTHER TO COMMITT THE FRAUD. STATE

REPRESENTATIVE KARIN RATICAN AND DEFENSE COUNSEL SUSANNAH ROSS. PETITIONER ALSO ATTACHED AN APPLICATION TO PROCEED IN-FORMA PAUPERIS WITH AN AFFIDAVIT AND A INMATE FINANCIAL STATEMENT OF HIS LAST SIX(6) MONTH FINANCES.

THE CASE NUMBER 2025-CP-23-05535, WAS ASSIGNED TO THIS CASE "THE HON. PERRY H. GRAVELY" #2755 ON 9/3/2025 GRANTED THE MOTION FOR TO PROCEED IN FORMA PAUPERIS. See "EXHIBIT-#2" ATTACHED,

THE COURT ERRONEOUSLY RULED AGAINST THE PETITIONER AND ABUSE OF DISCRETION, THE PETITIONER FILED A "NOTICE OF APPEAL" AFTER MANY OBJECTIONS ON MAY 4, 2026, THE PETITIONER COMPLIED WITH RULE 203, SCACR (NOTICE OF APPEAL) AND CONTENT STATED THERE WITHIN INCLUDING AN ORIGINAL MOTION TO PROCEED IN FORMA PAUPERIS WITH INMATE FINANCIAL STATEMENT, ALL RELEVENT PARTIES WERE SERVED CERTIFIED U.S. POSTAL SERVICE. See "EXHIBIT-#3" SERVED UPON #1) CLERK OF COURT, #2) S.C. SUPREME CLERK OF COURT, #3) ATTORNEY GENERALS OFFICE, CARLY DAVIS, ESQ., AND #4) S C COMM. OF INDIGENT DEFENSE. {REVERSIBLE EXHIBIT, FRONT & BACK} AS THESE (4) RECEIPTS WILL SHOW,

THE COURT OF APPEAL ATTEMPTED TO CONTACT APPELLANT AFTER DISMISSING HIS CASE ON PREMATURE RULING WHICH WAS IN ERROR DUE TO THE FACT THAT THE COURT OF COMMON PLEAS AND HEARING JUDGE REFUSED TO ANSWER THE RULE 59(e), SCRCP, TO ALTER OR AMEND, FINDING OF FACT AND SPECIFICALLY SUPPORTED BY CONCLUSION OF LAW.

THE COURT OF APPEAL DISMISSED PETITIONER CASE IN ERROR AND FORWARDED THE REMITTUR TO THE LOWER COURT ON JUNE 25, 2026. See; {EXHIBIT-#4} ATTACHED.

PETITIONER STATE THAT THE CLERK OF COURT DID NOT NOTIFY THE APPELLANT THAT THE COURT DENIED HIM THE RIGHT TO PROCEED IN FORMA PAUPERIS BUT MADE KNOWN IT'S REASONS WHICH IN ALL ACTUALITY WAS ERRONEOUS DUE TO THE LOWER COURT REFUSAL TO COMPLY WITH RULE 5(e) SCRCP AND RULE 203, SCRAP, WHICH STAYS THE TOLLING OF TIME UNTIL COMPLIANCE OF RULE 5(e) BY THE RESPONDENT.

APPELLANT FILED A MOTION REQUESTING TO RESCIND REMITTUR AND REOPEN MATTER FOR APPELLATE REVIEW. See; {EXHIBIT-#5} ATTACHED

THE COURT OF APPEALS OF SC RESPONDED ON JULY 8, 2026 THAT THE COURT HAS REVIEWED APPELLANTS MOTION AND A $50.00 FILING FEE IS REQUIRED, HOWEVER THERE IS NO MENTIONING OF THE COURT OR A JUDGE REFUSING TO GRANT THE PETITIONER TO PROCEED IN FORMA PAUPERIS EVEN THOUGH THE APPLICATION WAS ENCLOSED WITH THE NOTICE OF APPEAL WHEN SERVED UPON THE COURT OF APPEALS. See; {EXHIBIT-#6}

PRIOR TO THE JULY 8TH LETTER, THE COURT OF APPEALS SENT A LETTER TO THE PETITIONER WHICH WAS INADVERTANTLY DELAYED BY THE POSTAL AUTHORITY HOWEVER IT MENTIONS A $250.00 INITIATION FEE AND A $50.00 FILING FEE BEFORE CONSIDERING THE MOTION TO STAY. See; EXHIBIT-#7 ATTACHED), HOWEVER THE PETITIONER'S REPLY MOTION TO AMEND THE NOTICE OF APPEAL AND TO PROCEED IN FORMA PAUPERIS, IS CLEARLY ATTACHED TO THIS MOTION AND IS CLEARLY IDENTIFIED IN THE COVER

LETTER AND THE APPLICATION, HAS THE APPLICATION ATTACHED. SEE EXHIBIT-#8, ATTACHED WHICH IS A TRUE COPY OF MOTION TO AMEND ENCOMPASSING APPLICATION TO PROCEED IN FORMA PAUPERIS, AFFIDAVIT, AND SUPPORTING FINANCIAL DOCUMENTATION FROM S.C. DEPT. OF CORR. WHICH SUBSTANTIATE THAT PETITIONER IS AN INMATE AND IS INDIGENT.

THE PETITIONER CITE "BRITT V. NICI," 404 U.S. 226, 92 S.Ct. 431 (1971), 30 L.Ed.2d. 400 (1971) AND "GRIFFIN V. ILLINOIS", 351 U.S. 12, 76 S.Ct. 585, 100 L.Ed. 891 (1956) (CONSTITUTIONAL LAW) "A STATE MUST, AS A MATTER OF EQUAL PROTECTION, PROVIDE INDIGENT PRISONERS WITH BASIC BASIC TOOLS OF AN ADEQUATE DEFENSE OR APPEAL."

PETITIONER BRINGS TO THE ATTENTION OF THIS COURT THAT IF THE EVIDENCE PLACED BEFORE THE COURT THAT PETITIONER DID NOT FILE A MOTION TO PROCEED IN FORMA PAUPERIS APPLICATION WITH AN AFFIDAVIT, THEN THE CLERK OF COURT IN BOTH COURTS (CH. CMN PLEAS & CT. OF APPEALS, CLERKS) HAS RESPONSIBILITIES AND DUTIES OF CLERKS OF COURT § 14-23-1100. SHOULD THE COURT ASSERTION THAT PETITIONER HAS NOT BEEN GRANTED THE MOTION TO PROCEED IN FORMA PAUPERIS, PLAINTIFF WOULD STATE TO THE COURT THAT THE CAUSE WOULD LIE AT THE DOOR STEP OF THE CLERK OF COURT OFFICE AND WOULD CAUSE THE HIGHER COURT TO DEMAND PAYMENT OF $250.00, TWO HUNDRED FIFTY DOLLARS FROM AN INDIGENT PRISONER WHICH HAS SUBMITTED THE PROPER DOCUMENTS IN A TIMELY MANNER.

PETITIONER CITES "MARTIN V. STATE," 321 S.C. 533, 471 S.E.2d, 134 (S.C-1995) THE CASE OF MARTIN DOES NOT ALIGN WITH THE PETITIONER. THE CLERK OF COURT DID NOT RETURN SUMMONS AND COMPLAINT TO PETITIONER. THE

ADMINISTRATIVE JUDGE, HON. PERRY H. GRAVELY, 13TH JUDICIAL CIRCUIT DID APPROVE THE CASE TO PROCEED IN FORMA PAUPERIS IN WHICH GAVE LEGAL RIGHTS TO THE JAN. 28, 2026 HEARING BEFORE HON. VERNON F. DUNBAR. REFER TO EXHIBIT #2 } DATED 9/3/2025. . . WHEREAS IN "MARTIN" HE HE APPEALED BUT NEVER HAD A HEARING IS TOTALLY CONTRAST IN THE PETITIONERS CASE. A HEARING WAS HELD. AND WHEREAS TO WHETHER THE INDIGENT LITIGANTS COMPLAINT FITS WITHIN A CONSTITUTIONAL EXCEPTION TO THE REQUIREMENT OF A FILING FEE.

PETITIONER BELIEVES THAT DUE TO THE FACT THE COMPLAINT IS BASED ON "FRAUD ON THE COURT" WHICH AMOUNTS TO A GROSS MISCARRIAGE OF JUSTICE AND THE COMPLAINT, MEMORANDUM OF LAW, EXHIBITS, AND AFFIDAVITS PROVES BEYOND A DOUBT THAT THE STATE AND IT'S REPRESENTATIVE AND A BAR CERTIFIED ATTORNEY CONSPIRED WITH ONE ANOTHER TO COMMIT FRAUD ON THE COURT, JUST AS "MARTIN" CASE WAS DISMISSED AND REMANDED AT THE LEAST THIS COURT SHOULD ORDER THE LOWER COURT TO PRODUCE ALL RECORDS AND MOTIONS TO BE FORWARD TO THE APPEAL COURT AND THE SC ADMINISTRATION COURT TO PRODUCE THE HEARING TRANSCRIPT TURNOVER TO PETITIONER. See, KEY V. CURRIE, 305 SC 115, 406 S.E.2d 356 (1991) "FRAUD ON THE COURT" IS A CONSTITUTIONAL VIOLATION DUE TO THE FACT THAT IT DENIES THE PETITIONER DUE PROCESS AND EQUAL PROTECTION OF THE LAW AS GAURANTEED BY THE FOURTEENTH (14TH) AMENDMENT OF THE U.S. C.A.

PETITIONER HAS FILED THIS MOTION IN GOOD FAITH AND BELIEVES EVERYTHING PLACED BEFORE THE COURT IS THE TRUTH TO THE BEST OF HIS KNOWLEDGE. PETITIONER ALSO ASK THE COURTS INDULGENCE TO PLEASE REVIEW THE EXHIBITS BEFORE THE COURT AND ACKNOWLEDGE THAT AT EVERY STAGE OF COURT THAT PETITIONER FILED A COMPLAINT AND EVEN AT APPEAL STAGE HE DID FILE AN APPLICATION TO PROCEED IN FORMA PAUPERIS WITH AND

AN AFFIDAVIT ALONG WITH AN S.C.D.C. INMATE FINANCIAL STATE FROM COOPER'S TRUST FUND OF THE LAST SIX (6) MONTH AND SIGNED BY S.C.D.C. ACCOUNTS MANAGER CORNELIA BAFFEY, DATE STAMP AND CLOCKED SHOWN IN THE UPPER LEFT HAND CORNER.

PETITIONER BELIEVES THAT HE HAS DEMONSTRATED BEFORE THE COURT THAT IF THERE IS AN ERROR BEFORE THE COURT WHERE IT BELIEVES THERE IS NO DOCUMENTATION SHOWING THE PETITIONER WAS APPROVED BY A JUDGE TO PROCEED IN FORMA PAUPERIS THEN IT IS OBVIOUS THAT THE CLERK, JUDGE, OR COURT MADE AN INADVERTANT MISSTAKE WHEN IT FAILED TO CHECK THE APPROPRIATE BOX ON FORM SCCA SCRCP FORM 4C (REVISED 2/17) AND THE COMPLAINT IS ONE OF A CONSTITUTIONAL MAGNITUDE OF "EXTRINSIC FRAUD" DUE TO "FRAUD COMMITTED ON THE COURT" AND THE COURT OF COMMON PLEAS ATTEMPTING TO SWEEP IT UNDER THE RUG. THE ATTORNEY GENERAL'S REPRESENTATIVE ADMITTED IN OPEN COURT THAT THEIR WITNESS ATTORNEY SUSANNAH ROSS COMMITTED PERJURY. THE ATTORNEY GENERAL KNEW IT TO BE PERJURY, WHEN ASK WHY THEY DID NOT CORRECT IT, BECAUSE THEY DID BELIEVE IT WAS A CONSPIRACY THEREFORE IT IS NO "FRAUD ON THE COURT"!!

WHEREFORE PETITIONER ASK THIS COURT TO CORRECT THE RECORD AND DISMISS THEIR ORDER DEMANDING FILING FEES TO PROCEED FORWARD IN FORMA PAUPERIS OR "DISMISS AND REMAND" FOR AN APPROPRIATE RULING AND OR WHAT IS DEEMS JUST AND APPROPRIATE IN THIS COURT AS RULED IN "MARTIN" 321 S.C. 533, 471 S.E.2d. 134 (1995) (PURSUASIVE AUTHORITY) AND PLACED THE APPEAL IS "STAY" AS TO THE MOTION REQUESTS.

RESPECTFULLY SUBMITTED,

BOBBY JOE BARTON, PRO SE.

CC: CARLY H. DAVIS, ESQUIRE
BOBBY JOE BARTON, PETITIONER

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ATTN: HON. PATRICIA A. HOWARD, ESQ.

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