EXHIBIT #8

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

BLAIRE CANN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

September 18, 2026

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

Re: Bobby Joe Barton v. State
Appellate Case No. 2026-002032

Dear Mr. Barton:

This Court has received your notice of appeal, which is being construed as a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR). Your case has been assigned the case number referenced above. Please use this number on all future correspondence relating to this matter.

Upon reviewing your notice of appeal, 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:

- You must file an amended petition for writ of certiorari that complies with the content requirements set forth in Rule 242, SCACR.

All parties to this matter are advised that all filings must comply with the requirements of Rule 242 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg.

EXHIBIT #8

Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=932.

Please note that the responsibility for ensuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Finally, any request for any extension in this case must comply with this Court's Order dated July 16, 2014. This order is available at https://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-07-16-01.

Sincerely,

Patricia A. Howard

CLERK

cc: Carly Harter Davis
The Honorable Jenny A. Kitchings

{EXHIBIT #8}

"JULY 24, 2026"

SCDC
JUL 24 2026
MAILROOM

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

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

RE: "MOTION TO AMEND & TO PROCEED IN[illegible]

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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Certified Mail Fee $
Extra Services & Fees (check box, add fee as appropriate)
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☐ Return Receipt (electronic) $
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☐ Adult Signature Restricted Delivery $
Postage $
Total Postage and Fees $ 19.89
Sent To SC Court of Appeals
Street and Apt. No., or PO Box No. 1220 Senate St
City, State, ZIP+4® Col. SC 29201
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instr

SC Postmark Here JUL 24 2026 MAILROOM

Madam Clerk,

ENCLOSED IS MY "MOTION TO AMEND THE NOTICE OF APPEAL WITH STIPULATIONS AND TO LEAVE TO PROCEED IN FORMA PAUPERIS", I HAVE SERVED A COPY TO ALL PARTIES CONCERNED. I HAVE INCORPORATED AN EXPLANATION TO THE COURT THE REASONS REQUESTING A "STAY" DUE TO THE FACT THAT THE LOWER COURT HAS NOT RESPONDED TO THE RULE 59(e), SCRCP MOTION TO ALTER OR AMEND A COPY OF A MOTION TO THE LOWER COURT ATTACHED AS AN EXHIBIT, "AFFIDAVIT, S.C.D.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 FREE 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 IN THE LOWER COURT COMPLY WITH RULE 59(e), SCRCP AND THE COURT FOLLOW SUIT OF RULE 203(a)(b)(i) SCACR PROVIDES.

RESPECTFULLY SUBMITTED,
Bobby T. Barton

ALERT: IMPACTS FROM WILDFIRES IN THE PACIFIC NORTHWEST AND SEVERE WEATHER IN ...

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Timothy J. Barton #16362
Livesay (B) Cham P
PO Box 582
Lyn, SC 29378-0582

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Permit No. G-10

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SOUTH CAROLINA COURT OF APPEALS
ATTN: JENNY ABBOTT-KITCHING
1220 SENATE ST.
COL., SC 29201

9590 9402 8938 4064 2903 99

2. Article Number *(Transfer from service label)*

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A. Signature

X K. Sumpter ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* K. Sumpter C. Date of Delivery 7-27-26

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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EXHIBIT-B

SCDC
JUL 24 2026
MAILROOM

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

APPEAL FROM GREENVILLE COUNTY
HON. VERNON F. DUNBAR, CIRCUIT COURT JUDGE
COURT OF COMMON PLEAS

CT. CAYMN PLEAS: 2025-CP-23-05538

BUBBY JOE BARTON . . . . . APPELLANT,

VS.

STATE OF SOUTH CAROLINA . . . . . RESPONDENT.

"NOTICE OF APPEAL"

APPELLANT APPEALS THE ORDER DISMISSING HIS CASE BY THE COURT OF COMMON PLEAS OF THE THIRTEENTH JUDICIAL CIRCUIT ON THE 29th DAY OF JULY 2026.

* APPELLANT IS A STATE PRISONER, WHOM IS ALSO INDIGENT AND IS REQUESTING ASSISTANCE IN APPOINTMENT OF COUNSEL.

SWORN AND SCRIBED BEFORE ME
THIS 21st DAY OF May, 2026
Heather Karen Garner
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 5-21-34

By Bubby Joe Barton
BUBBY JOE BARTON, PRO SE
STATE PRISONER APPELLANT

EXHIBIT #8

THE STATE OF SOUTH CAROLINA

IN THE SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

HON. VERNON F. DUNBAR, CIRCUIT COURT JUDGE

COURT OF COMMON PLEAS

C/A COMM PLEAS: 2025-CP-23-05538

SCDC
JUL 24 2026
MAILROOM

BOBBY JOE BARTON . . . . . APPELLANT,

VS.

STATE OF SOUTH CAROLINA . . . . . RESPONDENT.

CERTIFICATE OF SERVICE

I BOBBY JOE BARTON, AM THE APPELLANT AND DO HEREBY CERTIFY THAT ON THE 24TH DAY OF JULY, 2026, DID SERVE UPON JENNY ~~BROOKSHIRE~~, CLERK OF THE LOWER COURT AND A TRUE EXACT COPY TO THE SOUTH CAROLINA SUPREME COURT AND THE RESPONDENTS NAMED BELOW OF "THE NOTICE OF APPEAL", BY DEPOSITING COPIES OF THE SAME VIA, U.S. CERTIFIED MAIL, POSTAGE PREPAID IN A ENVELOPE ADDRESSED AS SET FORTH BELOW:

A/G, PATRICIA A. HOWARD
THE SUPREME COURT OF S.C.
P.O. BOX 11330
COL., SC 29211

A/G, CARLY H. DAVIS, A.G.
S.C. ATTORNEY GENERAL OFFICE
P.O. BOX 11549
COL, SC 29211

S.C. COMM. INDIGENT DEF.
DIV. OF APP. DEFENCE
P.O. BOX 11433
COL, SC 29211-1433

CC: PATRICIA A. HOWARD, S. CT. CLK.
CARLY H. DAVIS, AST. ATTY GEN.
S.C. COMM. INDIGENT DEFENSE
BOBBY JOE BARTON, PRO SE

S/ Bobby Joe Barton

BOBBY JOE BARTON, PRO SE
#163429

EXHIBIT #8

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

BOBBY JOE BARTON, #163629 PLAINTIFF	APPELLATE CASE NO.: 2026-001140
V.	MOTION TO AMEND, RULE 15, SCRCP NOTICE OF APPEAL WITH STIPULATIONS OF A THE MOTION OF "STAY" UNTIL THE LOWER COURT RULES ON THE RULE 59(e) SCRCP
STATE OF SOUTH CAROLINA, RESPONDENT.	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, SCRCP, THE NOTICE OF APPEAL" REQUESTING A STIPULATION OF A "STAY" UNTIL THE LOWER COURT COMPLIES WITH THE RULES OF COURT PERTAINING TO THE COURTS 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 "AARKIN 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 17, 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 RECIEVED BY PLAINTIFF ON MAY 18, 2026. See: (EXHIBIT-4 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(e); SCR OF 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 STATUE STATES PURSUANT

TO RULE 203(a)(b)(i); SCR 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 2503(B)(1) SCACK 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 RECIEVING A WRITTEN NOTICE FROM THE COURT.

THE PLAINTIFF WISH TO EXERCISE HIS RIGHT AND "STAY" THE TOLLING OF TIME AND NOT HAVE PROCEEDING 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 AFTER RECEIVING THE FINAL ORDER OF MAY 15, 2026. TO DO SO WOULD DENY PLAINTIFF OF APPEALING AND PRESERVANCE OF THE RECORD AS THE LOWER COURT GAVE ON IT'S RULING CONCERNING THE MOTION TO ALTER OR AMEND PURSUANT TO RULE 59(E), SCRCP.

PLAINTIFF ENCLOSES A PHOTO STATIC COPY OF A MOTION REQUESTING 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 STIPULATION'S OF A "STAY" AND DUE TO THE FACT ALSO OF RULE 2503(B)(1) SCACK 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-#5, 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)(6)(i) SCACR, STATES THAT WHEN APPELLANT DOES THIS THAT THE TOLLING OF TIME IS "STAYED" UNTIL A RESPONSE IS RECIEVED. 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(e), SCRCP, MOTION TO ALTER OR AMEND AND TO GRANT ALL REQUEST INCORPERATED 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,

/s/ Bobby Joe Barton

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

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

BOBBY JOE BARTON, #163629 PLAINTIFF

V.

STATE OF SOUTH CAROLINA, RESPONDENT.

APPELLATE CASE NO.: 2026-001140

CERTIFICATE OF SERVICE
MOTION TO AMEND NOTICE OF APPEAL

THE HEREBY UNDERSIGNED STATE UNDER THE PENALTY OF PERJURY THAT HE HAS A MOTION TO AMEND THE NOTICE OF APPEAL, UNTO HON. JENNY HIBBET-KITCHING, CLERK OF SOUTH CAROLINA COURT OF APPEALS AND A TRUE COPY UNTO CARLY H. DAVIS, ESQ., ATTY. GEN. OFFICE OF SC, P.O. BOX 11549, COL. SC 29211 BY HAND DELIVERING MOTION TO MS. PALMER, MAILROOM PERSONEL TO PLACE IN THE U.S. POSTAL SERVICE & CERTIFIED MAIL TO SC GEN. 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 Karen Palmer
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

SCDC
JUL 24 2026
MAILROOM

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
BOBBY JOE BARTON, PRO SE)
Appellant)
)
vs.)
)
STATE OF SOUTH CAROLINA)
Respondent.)

SOUTH CAROLINA COURT OF APPEALS

SC COURT OF APPEALS

MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS

NO. _____

I, BOBBY JOE BARTON being duly sworn, state that I am the Plaintiff/Appellant and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me
this 3rd day of June, 2026.

Heather Karen Garner
Notary Public for South Carolina

My Commission expires 5-21-34

Bobby Joe Barton
Signature of Plaintiff/Appellant or
Person Filing Complaint on Behalf of
Plaintiff/Appellant

NOTICE TO CLERK OF COURT The Court may assess costs against either party at hearing.

Livesay

INMATE TRUST FUND ACCOUNT REPORT
for SOUTH CAROLINA COURT FILING FEES

INSTRUCTIONS TO INMATE: Complete top portion then give to your mailroom. When returned from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Bobby Joe Barton

SCDC # 163629 **INMATE SIGNATURE:** Bobby Joe Barton

I plan to file this action in the SC County of Columbia, SC.

The section below is for SCDC - Financial Accounting Branch's use ONLY.

(1) Total deposits to inmate's account for preceding six months' period* ..... $ 4.02

(2) Twenty percent (20%) of line 1 ..... $ 0.80

(3) Account balance - current date ..... $ 7.01

(4) PAYMENT AMOUNT **
(lesser of line 2 or line 3)
Enclosed check # _____ $ 0.80
* no ck was cut

****NOTE to COURT**: If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections
Financial Accounting - Room 234
PO Box 21787
Columbia, SC 29221-1787

*Admission date is noted here if inmate incarcerated less than six months ____/____/____.

Cornelia Baffey
Prepared by Financial Accounting Branch - SCDC

4/22/26
Date

c:\file\actrust5\prepared 7/97

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

BOBBY JOE BARTON, #163629 PLAINTIFF,

V.

STATE OF SOUTH CAROLINA, DEFENDENT.

APPELLATE CASE NO. 2026-001140

"CERTIFICATE OF SERVICE"

MOTION IN FORMA PAUPERIS"

CIVIL ACTION NO.: 2025-CP-23-05535

THE HEREBY UNDERSIGNED STATE UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED A MOTION TO PROCEED IN FORMA PAUPERIS FOR INITIATION FEE $250.00, THE $50.00 MOTION FILING FEE AND ANY OTHER FEES CONNECTED WITH THIS CASE, UPON HON. JENNY HIBBETT KITCHINGS, CLERK OF COURT OF APPEALS & A COPY TO MS. CARLY H. DAVIS, ESQ. OF SC ATTORNEY GENERLS OFFICE WITH THE NECESSARY DOCUMENTS & EXHIBITS TO SUPPORT HIS APPLICATION FOR PROCEEDING IN FORMA PAUPERIS. THIS WAS ACCOMPLISHED BY PLACING IN THE U.S. POSTAL SERVICE ON THE 24, DAY OF JULY, 2026.

SWORN AND SCRIBED before me
This 17th, day of JULY, 2026
Heather Karen Farmer
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 5.21.31

/s/ Bobby Joe Barton, Prose

BOBBY JOE BARTON, PRO SE
#163629

CC: CARLY H. DAVIS, ESQ
BOBBY JOE BARTON, PRO SE
COMMISSION OF INDIGENT DEFENSE

SCDC
JUL 24 2026
MAILROOM

SCDC
JUL 27 2026
MAILROOM

THE APPLICANT'S MOTION TO PROCEED WITHOUT PAYMENT OF COSTS AND FEES

THE APPLICANT BOBBY JOE BARTON MOVES THE COURT FOR AN ORDER PERMITTING HIM TO PROCEED IN THIS ACTION WITHOUT PAYMENT OF FEES OR COSTS ON ACCOUNT OF HIS POVERTY. IN SUPPORT OF THIS MOTION, THE APPLICANT SUBMITS THE ATTACHED AFFIDAVITS AND FINANCIAL STATEMENT.

WHEREFORE, THE APPLICANT RESPECTFULLY REQUESTS THE COURT TO ALLOW HIM TO PROCEED WITHOUT COSTS OR FEES IN THIS ACTION AND FOR SUCH OTHER AND FURTHER RELIEF IN FAVOR OF THE APPLICANT THAT THE COURT DEEMS JUST AND APPROPRIATE.

THIS 24, DAY OF July, 2026.

S/ Bobby Joe Barton
BOBBY JOE BARTON

CERTIFICATE OF SERVICE

THE HEREBY UNDERSIGNED STATE THAT HE DID SERVE A TRUE EXACT COPY ORIGINAL MOTION TO PROCEED WITHOUT PAYMENT OF COSTS AND FEES ON PATRICIA A. HOWARD, CLERK OF SC SUPREME COURT WITH AFFIDAVITS AND FINANCIAL STATEMENT BY PLACING DOCUMENTS IN THE UNITED STATES POSTAL SERVICE FROM LIVESAY (B) CAMP, DIVISION OF S.C.D.C. ON THE 24, DAY OF July, 2026 AND ADDRESSED AS FOLLOWS:

ATTN: PATRICIA A. HOWARD, CLERK
SC SUPREME COURT
P.O. BOX 11330
COL., SC 29211

S/ Bobby Joe Barton
BOBBY JOE BARTON,
PRO SE

CC: BOBBY JOE BARTON, #163629

FINANCIAL DECLARATION

Address	LIVESAY (B) CAMP, P.O. Box 582, Ridge, SC 29373-0582
Age	68 Yrs. Old
Occupation	PRISONER IN S.C. DEPT. OF CORR.
Employer	N/A
Employer Address	N/A

Gross Monthly Income	Amount:
1) Earnings **(attach recent pay stubs)**	-0-
2) Overtime	
3) Social Security, VA Benefits Workers Comp or Disability (SSI)	
4) Unemployment	
5) Alimony/Child Support	
6) Other (Specify) _____	
(Add lines 1-6) Total Amount:	-0-

Assets	Amount:
1) Cash	-0-
2) Money in Bank accounts (Checking & Savings)	
3) IRA/401K/Pensions	
4) Other (Specify) _____	
(Add lines 1-4) Total Amount:	-0-

Monthly Expenses (have proof of expenses available)	Amount:
1) Rent/Mortgage	-0-
2) Utilities	
3) Cell phone/Phone	
4) Food	
5) Child Support/Alimony (outside of this case)	
6) Child Care	
7) Car Payment	
8) Car Operating Expenses (Insurance, gas, maintenance)	
9) Clothing	
10) Cable/Satellite TV/Internet	
11) Medical/Dental/Vision Expenses (self)	STATE TYPED
12) Medical/Dental/Vision Expenses (child)	
13) Medical/Dental/Vision Insurance (self)	
14) Medical/Dental/Vision Insurance (child)	
15) Credit Card/Loan Payments	
16) Other (Specify) _____	
(Add lines 1-16) Total Amount:	-0-

How many other biological children in the home? NONE
Name(s) and Date(s) of Birth

_____

_____

_____

MAILED ON 24, DAY OF JULY, 2026

Bobby Jack Livesay
Signature

Sworn to before me this 3rd day of June, 2026

Heather Karen Garner
Notary Public for South Carolina
My Commission Expires: 5.21.34

MOTION AND ORDER TO PROCEED IN FORMA PAUPERIS

If you cannot afford to pay the initial $150 filing fee for a new case or civil appeal, you may petition the Court to waive any filing fees by preparing a *Motion and Affidavit to Proceed In Forma Pauperis.* Your motion will be forwarded to our Administrative Judge for review. Once a decision has been made you will be contacted by our office. The Motion must be submitted at the same time you file your Summons and Complaint or Civil Appeal. Rule 3(b) of the South Carolina Rules of Civil Procedure, which can be viewed online at www.sccourts.org, provides general information about the filing of an In Forma Pauperis motion.

FILER INSTRUCTIONS

1. Complete attached form, *Motion and Affidavit to Proceed In Forma Pauperis.* DO NOT SIGN YOUR MOTION UNTIL YOU ARE IN FRONT OF A NOTARY.
2. Complete the *Financial Declaration for Motion* form. DO NOT SIGN YOUR DECLARATION UNTIL YOU ARE IN FRONT OF A NOTARY.
3. Have your *Motion* and *Declaration* notarized. When you sign these documents in front of a notary, you are swearing under oath that you are unable to pay the required filing fees. *Please note that the Clerk of Court DOES NOT notarize forms for the public.*
4. Provide the Clerk of Court with the prepared documents that you wish to file *In Forma Pauperis.*
5. Please note that you will not receive clocked copies of your filings until after the Administrative Judge has ruled on your motion. Our office will notify you of the judge's decision. If the judge denies your motion you will be required to pay the filing fee within three (3) business days. Failure to pay the filing fee on a denied motion will result in the automatic dismissal of your case.

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, BOBBY JOE BARTON, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	$ -0-	$ N/A	$ -0-	$ N/A
Self-employment	$ -0-	$ N/A	$ -0-	$ N/A
Income from real property (such as rental income)	$ -0-	$	$ -0-	$
Interest and dividends	$ -0-	$	$ -0-	$
Gifts	$ -0-	$	$ -0-	$
Alimony	$ -0-	$	$ -0-	$
Child Support	$ -0-	$	$ -0-	$
Retirement (such as social security, pensions, annuities, insurance)	$ -0-	$	$ -0-	$
Disability (such as social security, insurance payments)	$ -0-	$	$ -0-	$
Unemployment payments	$ -0-	$	$ -0-	$
Public-assistance (such as welfare)	$ -0-	$	$ -0-	$
Other (specify): _____	$ -0-	$	$ -0-	$
Total monthly income:	$ 6.00	$ N/A	$ 6.00	$ N/A

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NONE			$
NONE			$
NONE			$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	$ $ $ N/A

4. How much cash do you and your spouse have? $_____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
S.C.D.C. FINANCE ACCT	INMATE ACCOUNT	$ 7.51	$
STATE PRISONER		$	$ $ N/A

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value NONE

☐ Other real estate
Value NONE

☐ Motor Vehicle #1
Year, make & model NONE
Value _____

☐ Motor Vehicle #2
Year, make & model NONE
Value _____

☐ Other assets
Description NONE
Value _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
S.C.D.C.	$ THOUSANDS'	$ N/A
STATE COURTS	$ HUNDREDS'	$ N/A
DIST FED. CT.	$ HUNDREDS'	$ N/A

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
NONE	NONE	NONE
N/A	N/A	N/A
N/A	N/A	N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	$ -0-	$ N/A
Are real estate taxes included? ☐ Yes ☒ No Is property insurance included? ☐ Yes ☒ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	$ -0-	$
Home maintenance (repairs and upkeep)	$ -0-	$
Food	$ -0-	$
Clothing	$ -0-	$
Laundry and dry-cleaning	$ -0-	$
Medical and dental expenses	$ THOUSANDS'	$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	$ -0-	$ N/A
Recreation, entertainment, newspapers, magazines, etc.	$ -0-	$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	$ -0-	$
Life	$ -0-	$
Health	$ -0-	$
Motor Vehicle	$ -0-	$
Other: _____	$ -0-	$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	$ -0-	$
Installment payments		
Motor Vehicle	$ -0-	$
Credit card(s)	$ -0-	$
Department store(s)	$ -0-	$
Other: _____	$ -0-	$
Alimony, maintenance, and support paid to others	$ -0-	$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$ -0-	$
Other (specify): _____	$ -0-	$ N/A
Total monthly expenses:	$ 20% of 46'00	$ N/A

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

BECAUSE I AM INDIGENT-INMATE IS SC DEPT. OF CORR, AND ONLY RECIEVE $6.00 MONTHLY OR EVERY OTHER MONTH,

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 24TH, DAY OF JULY, 2026

(Signature)

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

BOBBY JOE BARTON, #163629 PLAINTIFF,

V.

STATE OF SOUTH CAROLINA, DEFENDENT.

APPELLATE CASE NO: 2026-001140

"CERTIFICATE OF SERVICE"

MOTION IN FORMA PAUPERIS"

CIVIL ACTION NO: 2025-CP-23-05555

THE HEREBY UNDERSIGNED STATE UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED A MOTION TO PROCEED IN FORMA PAUPERIS FOR INITIATION FEE $250.00, THE $50.00 MOTION FILING FEE AND ANY OTHER FEES CONNECTED WITH THIS CASE, UPON CLERK JENNY HIBBEN KITCHINGS, CLERK OF COURT OF APPEALS & A COPY TO MS. CARLY H. DAVIS, ESQ. OF SC ATTORNEY GENERALS OFFICE WITH THE NECESSARY DOCUMENTS & EXHIBITS TO SUPPORT HIS APPLICATION FOR PROCEEDING IN FORMA PAUPERIS. THIS WAS ACCOMPLISHED BY PLACING IN THE U.S. POSTAL SERVICE ON THE 24, DAY OF JULY, 2026.

SWORN AND SCRIBED before me
this 17th, day of JULY, 2026
Heather Karen Farmer
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 5.21.34

/s/ Bobby Joe Barton, Prose

BOBBY JOE BARTON, PRO SE
#163629

SCDC
JUL 24 2026
MAILROOM

SCDC
JUL 24 2026
MAILROOM

CC: CARLY H. DAVIS, ESQ
BOBBY JOE BARTON, PRO SE
COMMISSION OF INDIGENT DEFENSE

EXHIBIT #1

The Supreme Court of South Carolina

Bobby Joe Barton, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2026-002032

ORDER

Petitioner has filed a motion to proceed in forma pauperis and a motion to stay his appeal in this matter. We deny the motions. *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). Petitioner shall, within fifteen days of the date of this order, pay the filing fee in this matter.

C.J.

J.

J.

J.

Columbia, South Carolina
October 15, 2026

cc:
Bobby J. Barton, 163629
Carly Harter Davis

EXHIBIT-#1

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

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

Supreme Court of SC
PO Box 11330
Columbia SC 29211

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

Bobby Barton 163629
PO Box 580
Lina 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) 10·19·26.

On (Date) 10·19·26, the above referenced correspondence was delivered to Inmate Bobby Barton, SCDC # 163629, and his signature was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log".

Additional Notes:

H Ramer
Postal Director/Institution

10/19/26
Date

SCDC Form 10-29 (Created April 2018)

FORM 4

EXHIBIT 2

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2025CP2305538

Bobby Joe Barton		South Carolina State Of	
PLAINTIFF(S)		DEFENDANT(S)	
Submitted by:		Attorney for: ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant	

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other:

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other:

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**

☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order. (formal order to follow.) ☐ Statement of Judgment by the Court.

ORDER INFORMATION

I HEREBY DIRECT THE CLERK OF COURT TO FILE THE ABOVE CASE AND COLLECT THE FILING I ACCORDANCE WITH S.C. CODE ANN. STATUTE 24 27 100 ET. SEQ.

This order ☐ ends ☐ does not end the case.
Additional Information for the Clerk:

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge — 2755 Judge Code — 9/3/2025 Date

For Clerk of Court Office Use Only

ORIGINAL

EXHIBIT-#3

9589 0710 5270 1506 9996 35

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE SCDC

Certified Mail Fee
$

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$ 12.21

Sent To: Clerk of Court
Street and Apt. No., or PO Box No.: 305 E. North St
City, State, ZIP+4®: Greenville SC 29601

MAY 04 2026 Postmark Here
MAIL ROOM

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1506 9997 03

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE SCDC

Certified Mail Fee
$

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$ 10.73

Sent To: Carly Days
Street and Apt. No., or PO Box No.: PO Box 71349
City, State, ZIP+4®: Columbia SC 29224

MAY 04 2026 Postmark Here
MAIL ROOM

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1506 9996 28

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®

OFFICIAL USE SCDC

Certified Mail Fee
$

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$ 10.00

Sent To: SC Commission of Indigent
Street and Apt. No., or PO Box No.: PO Box 11433
City, State, ZIP+4®: Columbia SC 29211

MAY 04 2026 Postmark Here
MAIL ROOM

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1506 9996 42

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For delivery information, visit our website at www.usps.com®

OFFICIAL USE SCDC

Certified Mail Fee
$

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$ 11.67

Sent To: Clerk of the Supreme Ct
Street and Apt. No., or PO Box No.: PO Box 11330
City, State, ZIP+4®: Columbia SC 29211

MAY 04 2026 Postmark Here
MAIL ROOM

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

"MAY 4, 2026"

SCDC
MAY 04 2026
MAIL ROOM

ATTN: JAY GRESHAM, ESQ.
CLERK OF CLERK
305 E. NORTH ST.
GREENVILLE, SC 29601-2121

FROM: BOBBY JOE BARTON, Pro Se, #163629
CASE NO: 2025-CP-23-05538

EXHIBIT-#3

Re: "NOTICE-OF-APPEAL!"

DEAR CLERK,

ENCLOSED IS A "MOTION OF A NOTICE-OF-APPEAL" TO YOUR OFFICE AND A TRUE COPY HAS BEEN SERVED UPON THE CLERK OF SC SUPREME COURT, THE OFFICE OF THE ATTORNEY GENERAL, & THE COMMISSION OF INDIGENT DEFENSE, DIVISION OF APPELLATE DEFENSE. I HAVE ALSO ENCLOSED AN X-TRA COPY WITH AN S.A.S.E. REQUESTING THAT YOU CLOCK STAMP AND DATE IT AND RETURN TO ME. ALL INTERESTED PARTIES HAVE BEEN SERVED AS THE CERTIFICATE-OF-SERVICE SHOWS WHICH WERE DONE BE CERTIFIED RETURN RECEIPT U.S. MAIL. AS ALWAYS I THANK YOU FOR YOUR TIME REGARDING THIS MATTER,

RESPECTFULLY SUBMITTED,

/s/ Bobby Joe Barton

CC: BOBBY JOE BARTON, Pro Se
#163629

CERTIFIED RETURN RECEIPTS TICKETS ON BACK SIDE (#4 TKTS)

EXHIBIT #4

The South Carolina Court of Appeals

Bobby Joe Barton, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2026-001140

The Honorable Vernon F. Dunbar
Greenville County
Trial Court Case No. 2025CP2305538

ORDER

Appellant has failed to provide a copy of the final order or pay the notice of appeal filing fee, as required by Rule 203 of the South Carolina Appellate Court Rules and this Court's letters dated May 18, 2026 and June 4, 2026. Accordingly, this matter is dismissed. Due to the Court's disposition herein, we decline to act on Appellant's motion to stay. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY Catherine Jannin, deputy
CLERK

Columbia, South Carolina

FILED
Jun 25 2026

cc:
Bobby J. Barton, 163629
Carly Harter Davis, Esquire

{EXHIBIT #4}

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

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

Greenville County
Clerk of Court
305 East North St
Greenville SC 29601

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

Bobby Barton #163629
PO Box 580
Lina 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) 8.21.26.

On (Date) 8.21.26, the above referenced correspondence was delivered to Inmate Bobby Barton, SCDC # 163629, and his signature was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log".

Additional Notes:

Heamer
Postal Director/Institution

8.21.26
Date

"JULY 2, 2026"

EXHIBIT #5

ATTN: JENNY HABBOTT-KITCHING
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET
COLUMBIA, SC 29201

& ATTN: MS. CARLY H. DAVIS, ESQ.
ATTORNEY GENERALS OFFICE
P.O. BOX 11549
COL. S.C. 29211

RECEIVED
JUL 08 2026
SC Court of Appeals

FROM: BOBBY-JOE BARTON, PLAINTIFF/APPELLANT
CIV. NO.: 2025-CP-23-05538 APP. NO.: 2026-001140

RE: MOTION REQUESTING TO RECIND REMITTUR & RE-OPEN MATTER FOR APPELLATE REVIEW AT THE LATER APPROPRIATE TIME.

MS./MR. CLERK,

ENCLOSED IS MY "MOTION REQUESTING TO RECIND THE REMITTUR AND RE-OPEN THE MATTER FOR APPELLATE REVIEW AT THE PROPER TIME OF PROPER FILING OF NOTICE OF APPEAL"; ALL PARTIES INVOLVED HAVE BEEN SERVED WITH A COPY OF THE MOTION. I'VE ENCLOSED AN X-TRA COPY OF THE COMPLAINT/MOTION W/A S.A.S.E. PLEASE CLOCK STAMP IT AND RETURN TO ME. I ASK THE COURT TO PLEASE ORDER THE LOWER COURT TO RESPOND TO THE RULE 59(e) & 52(a) SCRCP, ALTER OR AMEND, IN WHICH THEY CLOCKED STAMP ON JUNE 2, 2026 [EXHIBIT "A"] SHOWS IN THIS MOTION DOCUMENT, "PLAINTIFF ATTACHES EXHIBITS - #A - THRU - H" WITH THIS MOTION ALSO. THIS IS RESPECTFULLY SUBMITTED TO THE COURT FOR CONSIDERATION AND I THANK YOU IN ADVANCE.

RESPECTFULLY SUBMITTED

Bobby J. Barton, Pro Se

CC: MS. CARLY H. DAVIS, ESQ.
BOBBY J. BARTON, Pro Se

EXHIBIT-#5

RECEIVED
JUL 08 2026
SC Court of Appeals

"THE SOUTH CAROLINA COURT OF APPEALS"

BOBBY JOE BARTON,
PLAINTIFF,
V.
STATE OF SOUTH CAROLINA,
DEFENDANT.

APPELLATE CASE NO: 2026-001140
MOTION REQUESTING TO RECIND THE REMITTUR AND REOPEN THE MATTER FOR APPELLATE REVIEW AT THE PROPER TIME OF PROPER FILING OF NOTICE OF APPEAL

CIVIL ACTION: 2025-CP-23-05538

THE PLAINTIFF IN THE ABOVE ACTION MOVED ON THE COURT WITH A "MOTION REQUESTING TO RECIND OF THE REMITTUR AND REOPEN THE MATTER FOR APPEALLATE REVIEW IN THE FUTURE AT THE APPROPRIATE TIME WHEN THE COURT RESPOND TO RULE 59(e) SCRCP, ALTER OR AMEND MOTION AND 52(a), SCRCP WAS FILED, See (A TRUE COPY ATTACHED, EXHIBIT-# A") FILED 5/27/2026. THE COURT FILED THE COMPLETE FINAL ORDER ON 5/15/2026 AND PLAINTIFF RECIEVED THE MORE COMPLETE FINAL ORDER ON 5/18/2026. See; EXHIBIT-#B & # C). PLAINTIFF RECIEVED THE COURT APPEALS ORDER TO DISMISS HIS PREMATURE NOTICE OF APPEAL AS S.C.D.C. LEGAL CORRESPONDENCE RECEIPT SHOWS. See; EXHIBIT-# D)

PLAINTIFF STATE THAT HE HAS DEMONSTRATED TO THE COURT AND ALL PARTIES INVOLVED THAT HE HAD PREMATURELY FILED A NOTICE OF APPEAL AND WAS SERVED BY THE LOWER COURT WITH A JUDGMENT INDICATED THAT A MORE FULL AND COMPLETE AND WAS FOLLOWED AFTER PLAINTIFF FILED THAT NOTICE.

PLAINTIFF REMINDED THE COURT THAT PURSUANT TO RULE 203, SCACR "NOTICE OF APPEAL" A PARTY NEED NOT APPEAL UNTIL RECEIPT OF

1,

OR THE WRITTEN NOTICE OF THE ENTRY OF THE MORE COMPLETE ORDER OR JUDGMENT. PURSUANT TO RULE 203(d)(b) SCACR.

PLAINTIFF STATE THAT THE 59(e) & 52(d) MOTION WAS FILED IN A TIMELY MANNER WITHIN THE (10) DAYS AFTER RECIEVE THE FINAL ORDER ON 5/15/26. IN RULE 203, SCACR, IT PROVIDES THAT A TIMELY FILING OF THE 59(e) ALTER TO AMEND MOTION THAT IT STAYS THE TOLLING OF TIME UNTIL RECIEVING THE WRITTEN NOTICE OF THE ORDER GRANTING OR DENYING THE 59(e) MOTION.

PLAINTIFF STATE AS OF THE MOTION TO THE COURT OF CLERK OF THE 13TH JUDICIAL CIRCUIT HAS NOT RESPONDED TO THE 59(e) MOTION TO ALTER OR AMEND WHICH WOULD GIVE ME THE PROCEDURAL RIGHT TO FILE THE NOTICE OF APPEAL.

THE PLAINTIFF ENCLOSES THE COURT STAMPED CLOCK COPY OF THE RULE 59(e) & 52(d), SCACR, MOTION ALONG WITH THE EXHIBITS ATTACHED AND CARBON COPY ADDRESSED TO "CARLY H. DAVIS, ASST. ATT. GEN, OFFICE OF ATTORNEY GENERAL OF SOUTH CAROLINA, P.O. BOX 11549 COLUMBIA, SC 29211 MAILED ON THE 27TH DAY OF MAY, 2026. AS THE CERTIFICATE-OF-SERVICE REVEALS.

PLAINTIFF HAVE FILED THE MOTION IN "GOOD-FAITH" AND PLACING EVIDENCE BEFORE THE COURT THAT THE LOWER COURT HAVE NOT GRANTED OR DENIED THE MOTION (RULE 59(e)) AND BY THE RULES OF RULE 203, (d)(b)(1) THAT THE PREVIOUS FILED NOTICE-OF-APPEAL WAS PREMATURE SHOULD NOT HAVE BEEN FILED WHEN IT WAS FILED HOWEVER THE PLAINTIFF DID ON TWO (2) SEPARATE OCCASSIONS NOTIFY THE COURTS OF THE MIS-

STAKE OF PREMATURE FILING AND RESPECTFULLY ASK THE COURT TO VOID OR NULLIFY THE APPELLATE CASE NO. #2026-001140

THE LOWER COURT HAVE NOT FILED A RESPONSE TO THIS MOTION WHICH IS LISTED AS EXHIBIT-#A AND HAVE NOT FILED A COPY TO THE DEFENDENT AND A TRUE COPY TO THE PLAINTIFF. THE COURT DATE STAMP ON THE RULE 59(e) & 52(d) FACTS OF FINDING IS "June 2, 2026" THE LOWER COURT, CT. OF COMM. PLEAS CAN NOT SHOW ANY DATE AFTER THIS DAY AND THEREFORE THIS MOTION SHOULD BE ACTIVE AND PENDING. BECAUSE THE ACTUAL FINAL COMPLETE ORDER WAS DELIVERED TO THE PLAINTIFF ON MAY 15, 2026 HOWEVER PLAINTIFF INADVERTANLY AND PREMATURELY FILED A NOTICE-OF-APPEAL ON MAY-4, 2026 AS YOUR RECORDS WILL SHOW, HOWEVER ON (2) OCCASSIONS PLAINTIFF DID NOTIFY THE COURT WITH AN EXPLAINATION AND A APOLOGY. See: (EXHIBIT-#E ATTACHED) WITH "EXHIBIT-#2" ATTACHED TO EXHIBIT-#E) WHICH A RULE 203, "NOTICE-OF-APPEAL" LETTER TO CLERK OF COURT OF APPEALS, PROOF-OF-SERVICES WITH (5) EXHIBITS ATTACHED.

PLAINTIFF STATE THAT "EXHIBIT-#5," ATTACHED TO {EXHIBIT-#E} IS THE ORDER THAT HE MISTAKINGLY MISINTERPETED AS BEING THE FINAL ORDER, See: "THE EXHIBIT-#5" SIGNED BY HON. VERNON F. DUNBAR ON 4/1/2026, HOWEVER THE IN QUESTION DATED AS MARCH 10, 2026 IS ACTUALLY "THE ORDER OF INSTRUCTIONS" See: "EXHIBIT-#F, ATTACHED SIGNED HON. VERNON F. DUNBAR. PLAINTIFF NOT A LAWYER AND DOES NOT UNDERSTAND THE COURT ORDER AND BELIVED THIS AND EXHIBIT-#5 TO BE THE FINAL ORDER. See: {EXHIBIT-G ATTACHED}

PLAINTIFF HAS RESPECTFULLY COME BEFORE THE COURT AND TO

PRESENT BEFORE THE COURT AND ASK THE COURT TO PLEASE EXAMINE {EXHIBIT-#B} WHICH IS THE OFFICIAL ORDER, FILED WITH THE CLERK OF COURT ON MAY 15, 2026, RECIEVED ON THE 18TH DAY OF MAY, 2026. THIS ORDER PROVES THAT THE ORDER (EXHIBIT-#E) WHICH WAS MISTAKEN AS THE OFFICIAL ORDER IS PREMATURE AND SHOULD BE RECOGNIZED AS SUCH AND NOT DISMISSED UNTIL THE LOWER COURT GRANT OR DENY THE RULE 59(e) MOTION TO ALTER OR AMEND WHICH WAS FILED AGAINST TO ORDER OF DISMISSAL. See {EXHIBIT-#A COMPARE TO EXHIBIT-#B}. THIS WILL CLEARLY SHOW THAT THE ORDER OF DISMISSAL HAVE NOT OFFICIALLY BEEN "NOTICE-OF-APPEAL" DUE TO THE FACT THAT THE COURT OF COMMON PLEAS HAVE NOT RESPONDED, NOR HAVE THE GRANTED OR DENIED THE 59(e) MOTION AS THE RULES 203(b)(6)(i) SCACR PROVIDES, THAT; "WHEN A TIMELY MOTION FOR JUDGMENT N.O.V. (RULE 50, SCRCP), MOTION TO ALTER OR AMEND THE JUDGMENT (RULES 52 AND 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."..."WHEN A FORM OR SHORT ORDER OR 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. NOTICE OF APPEAL, RULE 203, SCACR.

PLAINTIFF HAS MADE GOOD FAITH EFFORTS AND TO SHOW GOOD CAUSE HOW AND WHY HE INADVERTANTLY FILED A PREMATURE NOTICE-OF-APPEAL AND WHY THE COURT SHOULD RECIND THE REMITTUR AND RE-OPEN THE PATHWAY FOR HIM TO RE-FILE A NOTICE OF APPEAL WHEN THE COURT

"THE SOUTH CAROLINA COURT OF APPEALS"

RECEIVED
JUL 08 2026
SC Court of Appeals

BOBBY JOE BARTON,
PLAINTIFF,
V.
STATE OF SOUTH CAROLINA,
DEFENDANT

APPELLATE CASE NO. 2026-001140

CERTIFICATE-OF-SERVICE
MOTION REQUESTING TO RECIND REMITTUR AND RE-OPEN MATTER FOR APPELLATE RE-VIEW AND TO FILE APPROPRIATE NOTICE OF APPEAL

CIVIL ACTION NO: 2025-CP-23-05538

THE HEREBY UNDERSIGNED STATE UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED A MOTION REQUESTING THE S.C.C.A. TO RECIND THE REMITTUR AND REOPEN THE MATTER FOR APPELLATE REVIEW IN THE FUTURE AT THE APPROPRIATE TIME FOR FILING A NOTICE OF APPEAL AT THE APPROPRIATE TIME UPON JENNY ABBOTT KITCHINGS CLERK OF COURT AND A TRUE COPY TO CARLY H. DAVIS, ATTY. GENERALS OFFICE, P.O. BOX 11549, COL. SC. 29211, & ITS EXHIBITS. THIS WAS DONE BY PLACING MOTION IN THE U.S. POSTAL AUTHORITY ON THE 2nd DAY OF JULY, 2026. CERTIFIED RETURN RECEIPT TO JENNY ABBOTT KITCHINGS, SC COURT OF APPEALS

Bobby Joe Barton
BOBBY JOE BARTON, PRO SE.

SWORN AND SCRIBED BEFORE ME
THIS 1st DAY OF JULY, 2026

Heather Karen Garner
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 5-21-34

{EXHIBITS #A, #B, #C, #D, #E, #F, #G, & #H}

CC: CARLY H. DAVIS, ATTY GEN. OFFICE
BOBBY JOE BARTON, PRO SE
JENNY ABBOTT KITCHINGS, S.C.C.A. APP. (ORIGINAL MOTION)

RECEIVED
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PRESCRIBES THAT THE COURT TO DO SO,

PLAINTIFF REQUEST THAT THE PLEADING BE REMANDED BACK TO THE LOWER COURT OF COMMON PLEAS WITH AN ORDER DEMANDING THE RESPONSE TO THE RULE 57(e) & 52(d), SCALE SO THAT THE APPEAL PROCESS BE INITIATED IN ITS PROPER AND TIMELY MANNER.

WHEREFORE IT IS WITH MANY PRAYERS AND MUCH HOPE THAT THE COURT WILL GRANT PLAINTIFF'S MOTION AND ANY OTHERWISE THE HONORABLE COURT DEEMS TO BE JUST AND APPROPRIATE,

RESPECTFULLY SUBMITTED,

/s/ Bobby Joe Burton

BOBBY JOE BURTON,
PRO SE

IN "HAINES V. KERNER", 404 U.S. 519, 520 (1972) PLAINTIFF STATE THAT PRO SE COMPLAINTS "ARE TO BE LESS STRINGENT STANDARDS THAN FORMAL PLEADINGS DRAFTED BY LAWYERS, ESPECIALLY WHEN THEY REQUESTED AID LAWYERS HELP,

CC: JENNY ABBOTT-KITCHING, S.C. OF HHS.
CC: CARLY H. DENIS, ESQ.
BOBBY JOE BURTON, PRO SE

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

EXHIBIT #7

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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June 4, 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:

The Court received your correspondence addressed to the Supreme Court. By order dated May 15, 2026, this matter was transferred to this Court for disposition. Please direct any filings in this case to the Clerk of Court of Appeals.

We sent two deficiency letters to you on May 18, 2026, which are enclosed herein for reference. If you wish to amend your notice of appeal to include the most recent order, you may file a motion to amend the notice of appeal. Be sure to include the dates of all orders from which you wish to appeal, as well as a copy of the order(s) on appeal. We are awaiting the case initiation fee of $250.00 as well as the motion filing fee of $50.00 before considering your motion to stay. You must correct these deficiencies within ten (10) days of the date of this letter, or your appeal will be dismissed.