

JANUARY 12, 2017

ATTN: DANIEL E. SHEAROUSE, ESQUIRE
CLERK OF COURT, S.C. SUPREME COURT
P.O. BOX 11330
COL., SC 29211

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JAN 19 2017

S.C. SUPREME COURT

FROM: BOBBY JOE BARTON, #163629
: CASE NO: 2014-CP-23-5047
: " " 2014-CP-23-4405047

Re: CHALLENGING THE ACCURACY OF THE TRANSCRIPT AND THEIR VALIDATION, AND TO PRESERVE THE TAPE FOR EXAMINATION.

DEAR CLERK,

AS YOU KNOW MY SC COURT APPEAL CASE (2016-000995) IS IN ABEYANCE AT THIS TIME UNTIL THE ACCURACY OF THE P.C.R. TRANSCRIPT CAN BE CONFIRMED. I HAD A HEARING ON THIS DECEMBER 15, 2016. I AM CHALLENGING THESE TRANSCRIPT FOR STATED REASONS AND I'M APPEALING JUDGE HALLS RULING. IN A SEPARATE MOTION, PLEASE FILE THIS MOTION IN MY CURRENT CASE AND PLEASE SEND ME A CLOCK STAMPED COPY OF THIS MOTION! I HAVE NOTIFIED ALL PROPER PARTIES THAT I'M CHALLENGING THIS TRANSCRIPT PURSUANT TO RULE 607(j), SCACR AND A MOTION TO PRESERVE THE TAPE AGAINST, ERASING, TAPING OVER, LOSS, DAMAGE, OR DESTRUCTION.

RESPECTFULLY SUBMITTED,

Bobby Joe Barton
BOBBY JOE BARTON, #163629
MCCORMICK CORP. INST.
386 REDEMPTION WAY
MCCORMICK, SC 29879

CC: PAUL B. WICKSIMER, CLERK OF COURT.
SHIRLEY BROOM, CVM, CH. REPORTER
PATRICK SCHNECK PEPPER, ESQUIRE

JAN 13 2017
ROOM 11330

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
BOBBY JOE BARTON
PETITIONER
VS.
STATE OF SOUTH CAROLINA
RESPONDENT

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT
CASE NO: 2014-CP-23-5047
" " 2014-CP-23-4405047
MOTION TO CHALLENGE TO ACCURACY
OF THE TRANSCRIPT AND TO PRESERVE
THE TAPE FOR EXAMINATION AND TO
LISTEN TO IF NECESSARY.

THE ABOVE PETITIONER MOVES THE HONORABLE COURT TO CHALLENGE THE ACCURACY OF THE TRANSCRIPT OF THE HEARING TO DETERMINE THE ACCURACY OF THE ORIGINAL POST CONVICTION HEARING AND REQUESTING TO PRESERVE THE TAPE FOR EXAMINATION AND TO LISTEN TO IF BE NECESSARY PURSUANT TO RULE 607(D), OF SOUTH CAROLINA APPELLATE COURT RULE AND THE COURT REPORTERS MANUAL OF SOUTH CAROLINA, SECTION XIII, B.

IN DECEMBER 15, 2016 A HEARING WAS HELD IN THE UNION COUNTY COURTHOUSE OF THE SIXTEENTH (16TH) CIRCUIT FOR THE PURPOSE TO THE DETERMINATION OF THE ACCURACY OF THE P.C.R. TRANSCRIPT THAT WAS HELD ON FEBRUARY 18, 2016. THE HONORABLE DANIEL D. HALL, PRESIDED OVER THIS HEARING. PATRICK SCHMECK-PEPER REPRESENTED THE STATE. THE PETITIONER REPRESENTATION WAS PRO SE.

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1.)

THEIR SIGNATURE ON IT AS REQUIRED BY THE RULES THAT GOVERNS RULE 607(C), PREPARATION OF TRANSCRIPT AND IN THE MANNER PRESCRIBED BY THE COURT REPORTERS MANUAL PUBLISHED BY THE OFFICE OF COURT ADMINISTRATION. (SCACR. 607(C) & (D). RETENTION OF TAPES)

THE PETITIONER STATES THE TRANSCRIPT DID NOT HAVE A SIGNATURE AS TO CERTIFY, OR SWEAR UNDER OATH THAT THE TRANSCRIBING OF THE TRANSCRIPT IS TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND THE EVIDENCE INTRODUCED IN THE PROCEEDINGS OF "BARTON V. STATE," 2014-CP-23-5047

THE PETITIONER BELIEVES THE OMITTED TESTIMONY FROM THIS UN-CERTIFIED TRANSCRIPT IS VERY CRUCIAL AND IS MERITORIOUS TO SUBSTANTIATE PETITIONERS CLAIM THAT COURT REPORTER CHERYL A. SMITH WERE IN POSSESSION OF THE P.C.R. HEARING TAPES WHEN SHE RECEIVED THE FOURTH (4th) LETTER DATED SEPTEMBER 23, 2016 AND "CHERYL A. SMITH" COMMITTED PERJURY AT THE HEARING WHEN SHE TESTIFIED THAT NONE OF THE THREE (3) LETTERS WERE NOT ADDRESSED TO HER. THE PETITIONER SUBMITTED THREE (3) LETTER OUTER ENVELOPES WITH RETURN TO SENDER STAMPS ON THEM TO "THE HONORABLE DANIEL D. HALL" ON DECEMBER 20, 2016 WITH CHERYL A. SMITH-CVR-M NAME IS CLEARLY WRITTEN ON THEM.

THE PETITIONER STATES UNDER THE PENALTY OF PERJURY THAT HE RECEIVED THIS UNCERTIFIED TRANSCRIPT FROM PATRICK SCHMECK PEPPER, ESQUIRE OF THE ATTORNEY GENERALS OFFICE ON

JANUARY 3, 2017

THE PETITIONER BELIEVES THAT HE HAS "SHOWN JUST CAUSE" WHY THE HONORABLE COURT WILL GRANT HIS MOTION TO CHALLENGE THE ACCURACY OF THE TRANSCRIPT AND ORDER THE COURT TO PRESERVE THE TAPE FOR EXAMINATION AND TO BE LISTEN TO, IF BE NECESSARY.

IT IS WITH MUCH HOPE AND MANY PRAYERS THAT THE HONORABLE COURT WILL GRANT HIS MOTION TO CHALLENGE THE TRANSCRIPT AND TO ORDER THE TAPE TO BE PRESERVED IMMEDIATELY.

RESPECTFULLY SUBMITTED,

Bobby Joe Barton, Pro se

BOBBY JOE BARTON, #163629
McCORMICK CURR. INST.
386 REDEMPTION WAY
McCORMICK, SC 29849

CC: PATRICK SCHMECKREPER, ESQUIRE
SHIRLEY BROOM, CVR-M, COURT REPORTER
BOBBY JOE BARTON, PRO SE PETITIONER

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S.C. SUPREME COURT

"CERTIFICATE-OF-SERVICE"

P.C.R. CASE NO. 2014-CP-23-5047

THE HEREBY UNDERSIGNED STATES UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED A "MOTION TO CHALLENGE THE ACCURACY OF THE TRANSCRIPT AND TO PRESERVE THE TAPE FOR EXAMINATION AND TO LISTEN TO IF BE NECESSARY," UPON: "PAUL B. WICKENSIMER", CLERK OF COURT, 13TH JUDICIAL CIRCUIT 305 E. NORTH ST., GREENVILLE, SC 29601 AND MAILED COPIES TO THOSE NAMED IN THE LOWER LEFT CORNER. THIS WAS ACCOMPLISHED BY HAND DELIVERED TO MCCORMICK'S MAILROOM PERSONNEL ON 13TH DAY OF JANUARY, 2017

Bobby Joe Barton Prose

BOBBY JOE BARTON, #163629
MCCORMICK CORR. INST.
386 REDEMPTION WAY
MCCORMICK, SC 29879

CC: PATRICK SCHNECKPETER, ESQUIRE
SHIRLEY BROOM, CVR-M, COURT REPORTER
BOBBY JOE BARTON, PROSE PETITIONER

MAIL ROOM
JAN 19 2017

Bobby Barton #163629
McCormick Correctional Institute
386 Redemption Way
McCormick, SC 29899

DANIEL E. SHEPHERD, ESQUIRE
S.C. SUPREME COURT, CLERK OFFICE
P.O. Box 11330
Columbia, SC 29211

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McCORMICK CORRECTIONAL INST.
S.C. DEPARTMENT OF CORRECTIONS

THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CENSORED THIS ITEM. THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR THIS CONTENTS.