

JANUARY 12, 2017

ATTN: PAUL B. WICKENSIMMER, ESQUIRE  
CLERK OF COURT, 13TH JUDICIAL CIRCUIT  
COURT OF COMMON PLEAS  
305 E. NORTH ST.  
GREENVILLE, SC 29601-2120

RECEIVED

FEB 09 2017

S.C. SUPREME COURT

FROM: BOBBY JOE BARTON #163629

: CASE NO: 2014-CP-23-5047 (A.K.A. CA 2014CP-23-4405047) <sup>UNION COUNTY COURTHOUSE</sup>

Re: MOTION TO CHALLENGE THE ACCURACY OF TRANSCRIPT AND TO PRESERVE  
THE TAPE FOR EXAMINATION AND TO LISTEN TO IF BE NECESSARY.

: DEAR CLERK,

I AM FILING A PRO SE MOTION TO CHALLENGE THE TRANSCRIPT  
OF DECEMBER 15, 2016 HEARING HELD IN UNION COUNTY COURTHOUSE BEFORE  
"THE HONORABLE DANIEL HALL" AND "COURT REPORTER SHIRLEY BRODM," OF  
FORT MILL, SC 29715-1830 @ 502 UNITY STREET, AND TO PRESERVE THE  
TAPE IMMEDIATELY FOR EXAMINATION AND TO LISTEN TO IF BE NECESSARY.  
I REQUEST THAT YOU NOTIFY THE ADMINISTRATIVE CURRENT JUDGE OF THIS  
MOTION AND TO SPECIFICALLY CONVEY THE MOTION TO PRESERVE THIS TAPE  
AGAINST ERASING, RECORDING OVER IT, LOSS, DAMAGE OR DESTRUCTION. I AM  
WITHIN THE (30) DAY TIME LIMIT OF LOT (1) SCRPC. PLEASE RETURN TO  
ME A CLOCK STAMP COPY OF COVER LETTER AND MOTION. I'VE ENCLOSED  
A SELF-ADDRESSED ENVELOPE TO DEFRAY COST. I THANK YOU IN ADVANCE  
FOR YOUR TIME AND ASSISTANCE.

RESPECTFULLY SUBMITTED,

~~#1 Bobby Joe Barton~~  
BOBBY JOE BARTON #163629  
McCORMICK CORP. BLDG.  
386 REDEMPTION WAY  
McCORMICK, SC 29599

2017 JAN 12 10:54 AM

RECEIVED

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT  
S.C. SUPREME COURT  
CASE NO: 2014-CP-23-5049

BOBBY JOE BARTON  
PETITIONER

MOTION TO CHALLENGE THE ACCURACY  
OF THE TRANSCRIPT AND TO PRESERVE  
THE TAPE FOR EXAMINATION AND TO  
LISTEN TO IF NECESSARY.

VS.

STATE OF SOUTH CAROLINA  
RESPONDENT

FILED  
JAN 25 2017  
PM 4 15  
CLERK OF COURT  
GREENVILLE CO. S.C.  
WICKENSIMER

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 (16<sup>TH</sup>) 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.

THE PETITIONER STATES THAT THE COURT CALLS COURT REPORTER CHERYL A. SMITH TO TESTIFY AS TO WHETHER SHE COMPLIED WITH THE REQUIREMENTS OF RULE 607(1) OF S.C.A.C.R. See; P.C.R. TR. 14, II. 1-THRU- TR. 15, II. - 5.)

THE PETITIONER STATES THAT CHERYL A. SMITH STATED IN OPEN COURT THAT "SHE RECEIVED THREE (3) LETTERS OF COMMUNICATION FROM THE PETITIONER BUT THEY WERE NOT ADDRESSED TO HER THEREFORE SHE DID NOT RESPOND TO THEM." . . . MS. SMITH ALSO STATED THAT "SINCE SHE ACTUALLY REALIZED THE TRANSCRIPT WERE BEING CHALLENGED THE PETITIONER HAVE NOT POINTED OUT ANY ERRORS IN THE TRANSCRIPT FOR HER TO CHECK OUT."

THE PETITIONER STATES THAT THIS TESTIMONY HAS BEEN LIMITED FROM THE CHALLENGE OF THE P.C.R. HEARING TRANSCRIPT BECAUSE THE PETITIONER TESTIFIED AT THE HEARING HELD IN UNION COUNTY COURTHOUSE THAT THESE THREE (3) LETTERS WERE SPECIFICALLY ADDRESSED TO CHERYL A. SMITH AND THE EVIDENCE SUBMITTED TO THE HONORABLE DANIEL D. HALL. PRIOR TO DECEMBER 25, 2016 WOULD SUBSTANTIATE THE EXACT TESTIMONY WHEREAS CHERYL A. SMITH ATTEMPTED TO EXPLAIN HER RECOLLECTION OF COMMUNICATION TO HER.

THE PETITIONER ALSO CHALLENGES THE AUTHENTICITY OF THE TRANSCRIPT BECAUSE THERE IS NO SIGNATURE OF ORIGIN AS TO WHERE THEY CAME FROM AND NO SWORN SIGNATURE TO SHOW ACCOUNTABILITY THAT THE INDIVIDUAL WHOM TRANSCRIBED IT WOULD PURSUE

THEIR SIGNATURE IN 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 (4<sup>TH</sup>) 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 PETER, 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~~

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

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

HAN  
MOOR

"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: "PALL B. WICKENSIMER", CLERK OF COURT, 13<sup>TH</sup> 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 13<sup>TH</sup> DAY OF JANUARY, 2017

Bobby Joe Barten Prose

BOBBY JOE BARTEN, #163629  
McCORMICK CORR. INST.  
386 REDEMPTION WAY  
McCORMICK, SC 29879

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

2014-CP-23-5047  
1/13/17