

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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MAR 10 2017

BOBBY JOE BARTON,
S.C.D.C. NO: #163629
PETITIONER

MOTION TO TRANSFER
P.C.R. TRANSCRIPT HEARING
SOUTH CAROLINA COURT OF APPEALS
APPEALS

V.

STATE OF SOUTH CAROLINA,
RESPONDENT

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MAR 14 2017

S.C. SUPREME COURT

P.C.R. CASE NO: 2014-CP-23-5047
APPELLATE CASE NO: 2016-D00995

THE ABOVE PETITIONER RESPECTFULLY MOVE UPON THE HONORABLE SUPREME COURT WITH A "MOTION REQUESTING TO TRANSFER HIS APPEAL OF THE HONORABLE DANIEL D. HALL'S DENIAL THAT THE P.C.R. TRANSCRIPT ARE NOT ACCURATE BUT RULED THE TRANSCRIPTS ARE ACCURATE AND DENYING PETITIONERS' ATTEMPT TO CORRECT THE RECORD.

THIS HEARING WAS HELD ON DECEMBER 15, 2016 IN UNION COUNTY, THE SIXTEENTH (16TH) CIRCUIT AT UNION COUNTY COURT HOUSE. THE COURT REVIEWING JUDGE RULED ON JANUARY 5, 2017 THE TRANSCRIPTS WERE ACCURATE.

THE PETITIONER FILED AN APPEAL WITH THE SUPREME COURT ON JANUARY 9, 2017. PETITIONER ALSO SERVED A TRUE EXACT COPY UPON THE LOWER COURTS' CLERK PAUL B. WICKENSIMER, AND PATRICK SCHNECKEPPER, DISTRICT ATTORNEYS' OFFICE ON THE SAME DATE.

AS THE COURT KNOWS THE PETITIONER IS NOT A LAWYER AND SHOULD NOT BE HELD TO THOSE STANDARDS OF DRAFTING PETITIONS AND KNOWING THE PROPER COURT TO FILE ALL DOCUMENTS, HAINES V. KERNER, 404 U.S. 519. THE PETITIONER NOW BELIEVES THE SOUTH CAROLINA

CLERK JAMES
MORAN

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SC Court of Appeals

FILED IN THE COURT OF APPEALS
GREENVILLE CO., S.C.
PAUL B. WICKENSIMMER
2017 JAN 10 PM 1 27

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
STATE OF SOUTH CAROLINA,)
v.)
BOBBY JOE BARTON,)

IN THE COURT OF COMMON PLEAS

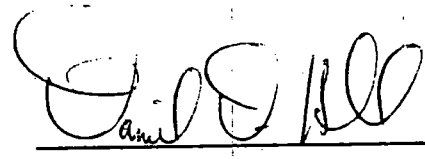
2014-CP-23-5047

ORDER

Pursuant the Supreme Court's Order, dated November 9, 2016, a hearing was held on December 15, 2016, to determine the accuracy of the transcript prepared in the matter of Bobby Joe Barton's ("Petitioner") application for post-conviction relief. At this hearing, Petitioner provided this Court with a document ("Petition") outlining 30 errors, misspellings, and omissions he alleges the transcript to contain. Following the hearing, Petitioner was given until January 1, 2017 to submit additional exhibits which were received by mail dated December 20, 2016 ("Addendum").

This Court has considered Petitioner's Petition, Petitioner's testimony at the hearing, the Petitioner's Addendum, and testimony of the court reporter. As a result, this Court finds that the transcript prepared in this matter is accurate.

And it is so ordered.



Daniel D. Hall

Greenville, SC

York, SC

January 5, 2017

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

JUDGMENT IN A CIVIL CASE
CASE NO: 2014CP2305047

FILED
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2017 JAN 10 PM 1 17

Bobby Joe Barton vs. South Carolina State Of

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.

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

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

- 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; Statement of Judgment by the Court:
Dated at Greenville, South Carolina, this .

Court Reporter:

PRESIDING JUDGE - Daniel D Hall

This judgment was entered on the , and a copy mailed first class this , to attorneys of record or to parties (when appearing pro se) as follows:
Bobby Joe Barton 163629
Pro Se Petitioner
Mccormick Correctional Institute

Patrick Schmeckpeper
Attorney General Office
Columbia SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court
- Clerk of Court

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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY

COURT OF COMMON PLEAS

DANIEL D. HALL, CIRCUIT COURT JUDGE

CASE NO: 2014 CP 23 5017

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SC Court of Appeals

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MAR 14 2017

S.C. SUPREME COURT

BOBBY JOE BARTON APPELLANT

v.

STATE OF SOUTH CAROLINA RESPONDENT

NOTICE OF APPEAL

APPELLANT APPEALS THE HONORABLE DANIEL D. HALL'S ORDER DENYING
HIS RULING THAT THE POST CONVICTION TRANSCRIPT ARE ACCURATE.

APPELLANT RESPECTFULLY BRINGS TO THE ATTENTION OF THE HONORABLE COURT
EVIDENCE THAT THE COURT REPORTER OF THE P.C.R. HEARING CHERYL A. SMITH
COMMITTED PERJURY AT THE HEARING CHALLENGING THE P.C.R. TRANSCRIPT ON
DECEMBER 15, 2016, ALSO THE P.C.R. COURT ABUSE OF DISCRETION.

MAILED 9th, DAY OF JANUARY, 2017

~~Bobby Joe Barton Prose~~

BOBBY JOE BARTON PROSE

S.C.D.C. #163629

McCormick Corp. INST.

38% REDEMPTION PAY

McCormick SL 24829

CC: PATRICK SCHMECKER, ESQUIRE

BOBBY JOE BARTON, PRO SE

PAUL B. WICKENSIMER, CLERK OF COURT.

MOORE JAMES

- CERTIFICATE OF SERVICE -

P.C.R. CASE NO: 2014-CP-23-
APPELLATE CASE NO: 2016-0011995

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MAR 10 2017
SC Court of Appeals

THE HEREBY UNDERSIGNED STATES UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED A "MOTION TO TRANSFER APPEAL OF THE COURT'S RULING THE PCR TRANSCRIPT TO BE ACCURATE TO THE COURT OF APPEALS" SERVING DANIEL E. SHEAROUSE, CLERK OF SUPREME COURT WITH THIS MOTION AND A TRUE EXACT COPY UPON JUSTIN J. HUNTER, DISTRICT ATTORNEY OFFICE AND PAUL B. WICKENSIMER, CLERK OF COMMON PLEAS 13TH JUDICIAL CIRCUIT BY HAND DELIVERING SAID MOTION TO MCCORMICK MAILROOM PERSONEL ON THE 23 DAY OF FEBRUARY, 2017. ALSO (1) TO THE HONORABLE "JENNY ABBOT KITCHINGS"

Bobby Joe Barton

BOBBY JOE BARTON #163629
MCCORMICK CORR. INST.
386 REDEMPTION WAY
MCCORMICK, SC 29899

REPRESENTATION, PRO SE

SWORN AND SUBSCRIBED BEFORE ME
ON THIS 21 DAY OF FEBRUARY, 2017

J. Alan Co.
NOTARY PUBLIC FOR SOUTH CAROLINA

12-16-2019

MY COMMISSION EXPIRES

- CC: PAUL B. WICKENSIMER, CLERK OF COURT
- JUSTIN J. HUNTER, ATTORNEY GENERAL OFFICE
- BOBBY JOE BARTON, PRO SE PETITIONER
- JENNY ABBOT KITCHINGS, COURT OF APPEALS

11/16/17
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COURT OF APPEAL WOULD BE THE PROPER VENUE TO INITIATE THIS APPEAL TO ENSURE THAT HE RECEIVE A FULL REVIEW IN THE COURTS OF SOUTH CAROLINA.

ON DECEMBER 15, 2016 THE REVIEWING P.C.R. JUDGE ABUSED HIS DISCRETION BY REFUSING TO ALLOW THE PETITIONER TO TESTIFY ABOUT PERSONAL KNOWLEDGE OF THE EVENTS AND HIS OWN TESTIMONY THAT PETITIONER TESTIFIED TO ON FEBRUARY 18, 2016 AND REFUSING TO ACCEPT TRIAL TRANSCRIPT SUBSTANTIATION EVIDENCE.

ON DECEMBER 15, 2016 THE P.C.R. EVIDENTIARY HEARING COURT REPORTER "CHERYLA SMITH" TESTIFIED AND COMMITTED PERJURY.

THE PETITIONER STATES THAT DUE TO THE FACT THE MISSING PORTIONS OF THE TRANSCRIPTS HAS PREJUDICE THE DEFENDANTS RIGHT TO A MEANING APPEAL, See; 28 U.S.C.A. § 953(b)

THE PETITIONER BELIEVES THAT HE HAS SHOWN JUST CAUSE WHY THE HONORABLE COURT SHOULD GRANT HIS MOTION TO TRANSFER THE LOWER COURTS RULING THAT THE P.C.R. TRANSCRIPT ARE ACCURATE.

IT IS WITH MUCH HOPE AND MANY PRAYERS THE HONORABLE COURT WILL GRANT HIS MOTION.

RESPECTFULLY SUBMITTED,

[Signature]

CC: THE HONORABLE JENNY ABBOT KITCHINGS
THE HONORABLE PAUL B. WICKENSIMER
JUSTIN J. HUNTER, ESQUIRE
BOBBY JOE BARTON, PRO SE PETITIONER

BOBBY JOE BARTON
McCORMICK CORP. JUST.
386 REDEMPTION WAY
McCORMICK, SC
29589