

"AUGUST 14, 2017"

ATTN: THE HONORABLE DANIEL E. SHEAROUSE
CLERK, SOUTH CAROLINA SUPREME COURT
P.O. BOX 11330
COLUMBIA, SC 29211

FROM: BOBBY JOE BARTON, #163629

Re: Bobby Joe Barton V. STATE OF SOUTH CAROLINA
APPELLATE CASE NO. 2016-000995
LOWER COURT CASE NO. 2014-CP-23-5047

RECEIVED

AUG 17 2017

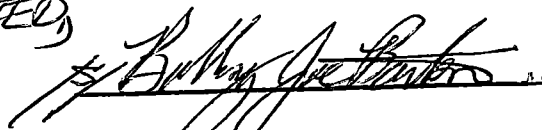
S.C. SUPREME COURT

COVER LETTER

: DEAR MR. SHEAROUSE,

ATTACHED ARE THE ORIGINAL AND SIX (6) COPIES OF MY
"WAVIER MOTION" TO BE FILED IN YOUR CLERKS OFFICE WITH
THE SUPREME COURT. I AM ALSO ENCLOSING ONE (1) EXTRA
COPY REQUESTING THAT YOU TO PLEASE RETURN IT TO ME
CLOCK DATED AND STAMPED. I'VE ENCLOSED A SELF AD-
DRESS STAMPED ENVELOPE TO DEFRAY THE COST. I THANK
YOU FOR YOUR ASSISTANCE AND TIME REGARDING THIS MATTER.

RESPECTFULLY SUBMITTED,



BOBBY JOE BARTON
PERRY CORR. INST.
430 OAKLAWN RD.
PELZER, SC 29669

CC: DESTAWN H. MITCHELL, ESQUIRE

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO GREENVILLE COUNTY
COURT OF COMMON PLEAS

THE HONORABLE DANIEL D. HALL, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2016-000995

BOBBY JOE BARTON, PETITIONER,

v.

STATE OF SOUTH CAROLINA, RESPONDENT.

WAIVER MOTION

THE ABOVE PETITIONER RESPECTFULLY MOVE UPON THE HONORABLE COURT PRO SE REQUESTING TO "WAIVER" OF THE MOTION THAT THE RESPONDENT FILED "TO COMPEL OF CORRECTED APPENDIX AND TO SUPPLEMENT APPENDIX."

ON MAY 15, 2017 THE RESPONDENT DID FILE A MOTION TO COMPEL (PETITIONER) FILING OF CORRECTED APPENDIX

AND TO SUPPLEMENT APPENDIX FOUR (4) DAYS PRIOR TO THE DEAD LINE OF MAY 19, 2017 OF THE THIRD (3RD) EXTENSION TO ANSWER PETITION FOR CERTIORARI.

THE PETITIONER RESPECTFULLY REQUEST OF THE HONORABLE COURT TO WAVE THIS MOTION ON HIS BEHALF BECAUSE HE (THE PETITIONER) HAS WILLFULLY AND VOLUNTARILY COMPLIED WITH THEIR MOTION BY:

1.) SERVING A COPY OF THE APPENDIX AND PETITION FOR WRIT OF CERTIORARI UPON OPPOSING COUNSEL PURSUANT TO RULE 243(d), SCACR AND RULE 243(f) CONTAINING;

1.) THE ENTIRE LOWER COURT RECORD,

2.) A COPY OF THE FINAL ORDER OF POST CONVICTION PROCEEDING,

3.) AN INDEX SETTING FORTH THE PRINCIPAL MATTERS CONTAINED IN THE APPENDIX AND IN THE SAME FORM REQUIRED FOR A RECORD ON APPEAL UNDER RULE 210(e).

2.) THE PETITIONER HAS INCLUDED IN THE INDEX SETTING FORTH THE PRINCIPAL MATTERS CONTAINED IN THE APPENDIX AND NUMBERING THE PAGES PURSUANT TO RULE 243(f) SCACR AND INCLUDE IN THE ORDER OF THIS COURT DATED NOVEMBER 9, 2016 TO DETERMINE THE ACCURACY OF THE TRANSCRIPT; THE

TRANSCRIPT OF THE HEARING TO DETERMINE THE ACCURACY OF THE TRANSCRIPT HELD ON DECEMBER 15, 2016 AND THE FINAL ORDER FROM THE HONORABLE DANIEL D. HALL, DATED JANUARY 12, 2017.

3.) THE PETITIONER INCORPORATE A COPY AS AN EXHIBIT A MOTION TO SUPPLEMENT THE RECORD TO CONFORM TO THE EVIDENCE FILED IN THE COURT OF COMMON PLEAS AND CLOCKED STAMPED ON NOVEMBER 30, 2016 WITH SUPPORTING DOCUMENTS ALSO A MOTION TO WITHDRAW IT AND CLOCK STAMPED JANUARY 9, 2017. THIS MOTION SUBSTANTIATES THAT THE LOWER COURT HAD OPPORTUNITY TO REVIEW THE MOTION ON DECEMBER 15, 2017 BY THE HONORABLE DANIEL D. HALL, PASSED UPON IT, AND PETITIONER DID FILE THIS MODIFIED MOTION TO THE SUPREME COURT ON JANUARY 18, 2017 ALONG WITH HIS PETITION FOR CERTIORARI.

4.) THE CLERK OF COURTS' OFFICE HAS NOTIFIED PETITIONER THAT VARIOUS MOTIONS ARE PENDING RELATING TO THE APPENDIX YET TO BE RULED UPON THEREFORE CANNOT BE AMENDED UNLESS APPROVED BY THE COURT. SUCH AS THE MOTION FOR LEAVE TO AMEND FILED ON APRIL 11, 2017. ALSO THE MOTION TO SUPPLEMENT THE RECORD TO CONFORM TO THE EVIDENCE AND TO TAKE JUDICIAL NOTICE OF THE EVIDENCE FILED ON JANUARY 18, 2017. THESE MOTIONS

ARE NOT PART OF THE APPENDIX DUE TO THE FACT THEY ARE YET TO BE RULED UPON BY THE HONORABLE COURT.

5.) THE PETITIONER BELIEVES THAT HE HAS "SHOWN JUST CAUSE" WHY THE HONORABLE COURT SHOULD "GRANT HIS MOTION OF WAIVER" TO RESPONDENTS' MOTION TO COMPEL FILING OF CORRECTED APPENDIX AND TO SUPPLEMENT APPENDIX DUE TO THE FACT THAT PETITIONER HAS WILLEFULLY AND VOLUNTARILY COMPLIED WITH THE RULES OF RULE 243 CERTIORARI TO REVIEW POST-CONVICTION RELIEF ACTIONS.

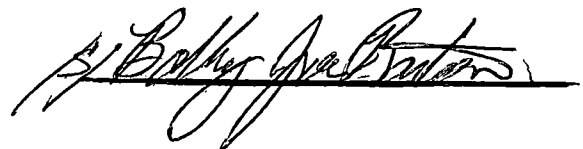
THE PETITIONER RESPECTFULLY REQUEST THE HONORABLE COURT TO REMOVE HIS CASE FROM "ABEYANCE" OR "INACTIVATION" AND PLACE IT BACK ON "ACTIVE STATUS" OF MAY 15, 2017 DATE OF SUSPENSION AND BACK ON COURSE OF THE FOUR (4) DAYS LEFT TO ENDING OF THE COURT-ORDERED DEAD-LINE SINCE THERE ARE NO MORE EXTRAORDINARY CIRCUMSTANCES TO WARRANT ANYMORE EXTENSIONS.

THE PETITIONER RESPECTFULLY REQUEST OF THE HONORABLE COURT TO ORDER THE RESPONDENT TO FILE ITS ANSWER TO PETITIONERS' PETITION-FOR-CERTIORARI IN A TIMELY MANNER.

WHEREFORE, THE PETITIONER PRAYS THIS COURT WILL GRANT HIS "MOTION-OF-WAIVER" AND ACCEPT THE APPENDIX

CORRECTED IN ACCORDANCE WITH RULE 243 (d) & (f), SCACR
AND RULE 210(e) OF RECORD ON APPEAL, AND TO REMOVE HIS
PETITION FROM ABEYANCE AND GRANT SUCH OTHER AND ANY
FURTHER RELIEF AS THE COURT MAY DEEM JUST AND PROPER.

RESPECTFULLY SUBMITTED,



BOBBY JOE BARTON, #163629
PERRY CORR. INST. (A-2-A-203)
430 OAKLAWN RD
PELZER, SC 29669-9363
REPRESENTATION PROSE

CITY OF PELZER,
COUNTY OF GREENVILLE, SC
MAILED ON 15th DAY OF AUGUST, 2017

CC: DeSHAWN H. MITCHELL, ESQUIRE
BOBBY JOE BARTON, PROSE PETITIONER

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO GREENVILLE COUNTY
COURT OF COMMON PLEAS

THE HONORABLE DANIEL D. HALL, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2016-000995

BOBBY JOE BARTON PETITIONER,
V.
STATE OF SOUTH CAROLINA RESPONDENT.

CERTIFICATE OF SERVICE

I BOBBY JOE BARTON, CERTIFY THAT I HAVE TODAY SERVED THE WITHIN "MOTION-OF-WAIVER" UPON RESPONDENT BY DEPOSITING A COPY OF THE SAME IN THE UNITED STATES MAIL @ PERRY CORR. INST, POSTAGE PREPAID ADDRESSED TO: DESHAWN H. MITCHELL, ESQUIRE ASSISTANT ATTORNEY GENERAL, P.O. BOX 11549, COLUMBIA, SC 29211

[Signature]
BOBBY JOE BARTON #163621
PERRY CORR. INST,
430 OAKLAWN RD,
PEZZER, SC 29669-9363
REPRESENTATION PRO SE

I FURTHER CERTIFY THAT ALL PARTIES REQUIRED BY RULE TO BE SERVED HAVE BEEN SERVED THIS 15th DAY OF AUGUST, 2017.

CC: DANIEL E. SHEAROUSE, ESQUIRE
BOBBY JOE BARTON, PRO SE