

"SEPTEMBER 27, 2017"

ATTN: DANIEL E. SHEAROUSE, ESQUIRE
CLERK, SOUTH CAROLINA SUPREME COURT
P.O. BOX 11330
COL., SC 29211

RECEIVED

OCT 03 2017

S.C. SUPREME COURT

FROM: BOBBY JOE BARTON #163629
: APPELLATE CASE NO. # 2016-0000995

Re: "MOTION FOR DEFAULT"

COVER LETTER

! DEAR MR. SHEAROUSE,

I AM FILING THIS MOTION FOR DEFAULT WITH YOUR CLERK'S OFFICE. I HAVE SERVED THE ATTORNEY GENERAL'S OFFICE AND ENCLOSED AN EXTRA COPY THAT I RESPECTFULLY ASK THAT YOU CLOCK STAMP AND PLEASE RETURN IT TO ME. I THANK YOU FOR YOUR TIME AND ASSISTANT REGARDING THIS MATTER.

RESPECTFULLY SUBMITTED,

Bobby Joe Barton

BOBBY JOE BARTON #163629
PERRY CORR. INST. (J-2A-207)
430 CHARLTON RD
PELZER, SC 29669-9363

REPRESENTATION PRO SE

September 27, 2017

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

OCT 03 2017

BOBBY JOE BARTON,
PETITIONER,

Vs.

STATE OF SOUTH CAROLINA,
RESPONDENT.

S.C. SUPREME COURT
"MOTION FOR"
DEFAULT

LOWER COURT CASE NO: 2014-CP-23-5047

APPELLATE CASE NO: 2016-000995

THE ABOVE PETITIONER MOVES UPON THE HONORABLE COURT WITH A
"MOTION FOR DEFAULT" AGAINST THE RESPONDENT PURSUANT TO RULE 55
S.C.R.C.P., Sub. Sec. (b) WHICH PROVIDES: JUDGMENT BY DEFAULT MAY BE
ENTERED AS FOLLOWS:

"STATE OF SOUTH CAROLINA AS THE RESPONDENT HAS FAILED TO
FILE A RETURN PURSUANT TO RULE 243(g) S.C.A.C.R. AND DISREG-
ARDING RULE 240 (2), (b), & (g): WHICH GOVERNS "MOTIONS AND
PETITIONS GENERALLY, AND BE IT KNOWN THAT PETITIONER DID FILE
HIS PETITION FOR CERTIORARI ON JANUARY 18, 2017.

1.) THE RESPONDENT HAS REQUESTED THREE (3) THIRTY DAY EX-
TENSIONS AND THE SUPREME COURT HAS GRANTED ALL THREE, WITH THE
LAST AND THIRD (3rd) EXTENSION GRANTED WITH AN ADMONITION AGAINST
ANY FURTHER EXTENSIONS OTHER THAN EXTRAORDINARY CIRCUMSTANCES
BUT GRANTED IT UNTIL MAY 19, 2017.

2.) THE RESPONDENT ON MAY 15, 2017 FILED A MOTION TO COMPEL
PETITIONER TO CORRECT AND NUMBER APPENDIX ALSO TO DESIGNATION

OF MATTERS AND REQUESTING THAT PETITIONERS' PETITION FOR CERTIORARI BE PLACED IN ABEYANCE.

3.) THE PETITIONER DID WILLFULLY AND VOLUNTARILY CORRECT AND NUMBER THE APPENDIX AND SET FORTH THE DESIGNATION OF MATTERS ON AUGUST 11, 2017 AND SERVED UPON OPPOSING COUNSEL AND THE CLERK OF THE SUPREME COURT THE ORIGINAL AND SIX (6) COPIES FOR THE JUSTICES

THE PETITIONER STATES THAT THE RESPONDENT HAS FAILED TO FILE ITS RETURN PURSUANT TO RULE 243(g), SCACR, WHICH PROVIDES, WITHIN THIRTY (30) DAYS AFTER SERVICE OF THE PETITION AND APPENDIX, RESPONDENT SHALL SERVE A COPY OF HIS RETURN ON OPPOSING COUNSEL AND SHALL FILE WITH THE CLERK OF SUPREME COURT AN ORIGINAL AND SIX (6) COPIES OF HIS RETURN AND PROOF-OF-SERVICE SHOWING THAT THE RETURN HAS BEEN SERVED.

THE PETITIONER BRINGS TO THE ATTENTION OF THE COURT THAT FOR ALL THREE (3) EXTENSIONS REQUESTED BY THE RESPONDENT, THE SUPREME COURT HAS GRANTED BY ORDER OF THE COURT SIGNED BY THE CHIEF JUSTICE, HOWEVER THERE IS "NO COURT ORDER" SIGNED BY ANY JUSTICE OF THE SUPREME COURT AS OF THE FILING OF THIS "DEFAULT MOTION."

THE PETITIONER ALSO STATES PURSUANT TO RULE 240, SCACR, WHICH GOVERNS "MOTIONS AND PETITIONS GENERALLY" Sub. Sec. (a) "APPLICABILITY" DOES NOT INCLUDE ANY MOTION FILED ON BEHALF OF PETITIONER OR RESPONDENT. . . . Sub. Sec. (b) "STAY OR TIME LIMITS" STATES THAT TIME LIMITS IMPOSED BY THE RULES "SHALL NOT" BE STAYED BY THE FILING OF A MOTION OR PETITION WITH THE EXCEPTION OF A MOTION TO DISMISS OR TO RELIEVE COUNSEL, WHICH AUTOMATICALLY STAY THE TIME LIMITS

FOR PERFECTING THE APPEAL UNTIL THE MOTION IS DECIDED. . . , Sub. SEC.
(9) "FAILURE TO COMPLY" MAY BE DEEMED AN ABANDONMENT OF THE MOTION
OR PETITION.

PETITIONER STATES THAT SINCE THE RESPONDENT IS AN ACTUAL LAWYER
AND KNOWS THE RULES OF COURT BUT HAS FAILED TO FILE A RETURN
IN A TIMELY MANNER. THERE IS ALSO "NO COURT ORDER" STAYING THE TIME
AS STATED IN RULE 240 (b) SCACR, SIGNED BY A SUPREME COURT JUSTICE(S)
OF THE APPELLATE COURT.

PETITIONER BELIEVES HE HAS SHOWN JUST CAUSE WHY THE
HONORABLE COURT SHOULD GRANT HIS "MOTION FOR DEFAULT"
AND GRANT HIS PETITION FOR CERTIORARI ON ALL ISSUES.

WHEREFORE, THE PETITIONER PRAYS THIS COURT WILL GRANT
HIS "MOTION FOR DEFAULT"; PURSUANT TO RULE 55(b) SCRCR
AND/OR ORDER RESPONDENT TO ANSWER PETITION IN A TIMELY
MANNER IN ACCORDANCE WITH THE THIRD (3RD) DEAD-LINE
EXTENSION OF MAY 19, 2007 PRIOR TO THEIR MAY 15, 2017
MOTION TO COMPEL. PETITIONER REQUESTS OF THE COURT TO GRANT
HIS MOTION AND FURTHER RELIEF AS THE COURT MAY DEEM JUST
AND PROPER.

RESPECTFULLY SUBMITTED,
~~/s/ Betty Joe Barton, Pro se~~
BUBBA JOE BARTON, #163629
PERRY CORR INST. (02A-2017)
430 OAKLAWN RD.
PELZER, SC 29669-9363
REPRESENTATION PRO SE

SEPTEMBER 27, 2017

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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CERTIORARI TO GREENVILLE COUNTY
COURT OF COMMON PLEAS
THE HONORABLE DANIEL D. HALL, CIRCUIT COURT JUDGE

S.C. SUPREME COURT

APPELLATE CASE NO. 2016-000995

BOBBY JOE BARTON, PETITIONER,

v.

STATE OF SOUTH CAROLINA, RESPONDENT.

CERTIFICATE OF SERVICE

THE HEREBY UNDERSIGNED CERTIFIES THAT A TRUE COPY OF THE
"MOTION FOR DEFAULT" IN THE ABOVE REFERENCED CASE HAS BEEN
SERVED UPON: "DESHAWN H. MITCHELL," ESQUIRE, ASSISTANT ATTORNEY
GENERAL, P.O. BOX 11549, COLUMBIA, SC 29211.

I FURTHER CERTIFY THAT ALL PARTIES
REQUIRED BY RULE TO BE SERVED HAVE BEEN
SERVED THIS 29TH, DAY OF September, 2017

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

Bobby Joe Barton, Pro Se
BOBBY JOE BARTON, #163629
PERRY CORR. INST. (0-2-A-201)
430 OAKLAWN RD.
PELZER, SC 29669-9363
REPRESENTATION PRO SE

THE STATE OF SOUTH CAROLINA
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"STATE OF SOUTH CAROLINA AS THE RESPONDENT HAS FAILED TO FILE A RETURN PURSUANT TO RULE 243(g) SCACR AND DISREGARDING RULE 240(a),(b), & (g); WHICH GOVERNS MOTIONS AND PETITIONS GENERALLY AND BEIT KNOWN THAT PETITIONER DID FILE HIS PETITION FOR CERTIORARI ON JANUARY 18, 2017.

1.) THE RESPONDENT HAS REQUESTED THREE (3) THIRTY DAY EXTENSIONS AND THE SUPREME COURT HAS GRANTED ALL THREE, WITH THE LAST AND THIRD EXTENSION GRANTED WITH ADMONITION AGAINST ANY FURTHER EXTENSIONS OTHER THAN EXTRAORDINARY CIRCUMSTANCES BUT GRANTED UNTIL MAY 19, 2017.

2) THE RESPONDENT ON MAY 15, 2017 FILED A MOTION TO COMPEL PETITIONER TO CORRECT AND NUMBER APPENDIX ALSO TO DESIGNATION OF MATTERS AND REQUESTING THAT PETITIONERS' PETITION FOR CERTIORARI BE PLACED IN ABEYANCE.

3) THE PETITIONER DID WILLFULLY AND VOLUNTARILY CORRECT AND NUMBER THE APPENDIX AND SET FORTH THE DESIGNATION OF MATTERS ON AUGUST 11, 2017 AND SERVED UPON OPPOSING COUNSEL AND THE CLERK OF THE SUPREME COURT THE ORIGINAL AND SIX (6) COPIES FOR THE JUSTICES.

THE PETITIONER STATES THAT THE RESPONDENT HAS FAILED TO FILE ITS RETURN PURSUANT TO RULE 243(G), SCACR, WHICH PROVIDES, WITHIN THIRTY (30) DAYS AFTER SERVICE OF THE PETITION AND APPENDIX, RESPONDENT SHALL SERVE A COPY OF HIS RETURN ON OPPOSING COUNSEL, AND SHALL FILE WITH THE CLERK OF SUPREME COURT AN ORIGINAL AND SIX (6) COPIES OF HIS RETURN AND PROOF-OF-SERVICE SHOWING THAT THE RETURN HAS BEEN SERVED.

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OF PETITIONER OR RESPONDENT. . . . Subsec. (b) "STAY OR TIME LIMITS," STATES THAT TIME LIMITS IMPOSED BY THE RULES "SHALL NOT" BE STAYED BY THE FILING OF A MOTION OR PETITION WITH THE EXCEPTION OF A MOTION TO DISMISS OR TO RELIEVE COUNSEL, WHICH AUTOMATICALLY STAY THE TIME LIMITS FOR PERFECTING THE APPEAL UNTIL THE MOTION IS DECIDED; . . . Subsec. (g) "FAILURE TO COMPLY" MAY BE DEEMED AN ABANDONMENT OF THE MOTION OR PETITION.

PETITIONER STATES THAT SINCE THE RESPONDENT IS AN ACTUAL LAWYER AND KNOWS THE RULES OF COURT BUT HAS FAILED TO FILE A RETURN IN A TIMELY MANNER, THERE IS ALSO "NO COURT ORDER" STAYING THE TIME AS STATED IN RULE 240(b) SCACR, SIGNED BY A SUPREME COURT JUSTICE OF THE APPELLATE COURT.

PETITIONER BELIEVES HE HAS SHOWN JUST CAUSE WHY THE HONORABLE COURT SHOULD GRANT HIS "MOTION FOR DEFAULT" AND GRANT HIS PETITION FOR CERTIORARI ON ALL ISSUES.

WHEREFORE, THE PETITIONER PRAYS THIS COURT WILL GRANT HIS "MOTION FOR DEFAULT" PURSUANT TO RULE 55(b) SCRCR AND/OR ORDER RESPONDENT TO ANSWER PETITION IN A TIMELY MANNER IN ACCORDANCE WITH THE THIRD (3RD) DEAD-LINE EXTENSION OF MAY 19, 2017 PRIOR TO THEIR MAY 15, 2017 MOTION TO COMPEL. PETITIONER REQUESTS OF THE COURT TO GRANT HIS MOTION AND ANY FURTHER RELIEF AS THE COURT MAY DEEM JUST AND PROPER.

SEPTEMBER 29, 2017

RESPECTFULLY SUBMITTED,
~~for Bobby Joe Barton Rose~~
BOBBY JOE BARTON, #163629
PERRY CORR, INST. (0-2A-2017)
430 OAKLAWN RD.
PELZER, SC 29667-9363
REPRESENTATION PROSE

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

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SERVED UPON: DESHAWN H. MITCHELL, ESQUIRE ASSISTANT
ATTORNEY GENERAL, P.O. BOX 11549, COLUMBIA, SC 29211.

I FURTHER CERTIFY THAT ALL PARTIES
REQUIRED BY RULE TO BE SERVED HAVE BEEN
SERVED THIS 21TH DAY OF SEPTEMBER, 2017.

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

/s/ Bobby Joe Barton Pro Se.
BOBBY JOE BARTON, #163629
PERRY CORR. INST. (02A201)
430 OAKLAWN RD.
PELZER, SC 29667-9363
REPRESENTATION PRO SE

BOBBY BRATON #163629
PERRY CORR. INST. (0-2-A-207)
430 OAKLAND RD.
PELZER SC 29669-9363

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SEP 27 2017

P.C.I. MAILROOM

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

LEGAL MAIL