(5)

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 05, 2017

Steven L. Barnes
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

Re: Steven Barnes v. SCDC
Appellate Case No. 2017-000967

Dear Mr. Barnes:

The Court has received your motion and initial brief. Because you are represented by counsel, we are returning your filings to you. See Miller v. State, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially pro se and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed pro se by a person represented by counsel are not to be accepted unless submitted by counsel.").

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Lake Eric Summers, Esquire
Stephen Hollis Lunsford, Esquire

Shane Edwin Goranson, Esquire
William Sean McGuire, Esquire

(5)

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
OCT 04 2017
SC Court of Appeals

APPEAL from THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Administrative law Judge

Case no. 15-ALJ-30-0318-AP

Edgefield sheriff Department, et. Al

Respondent - Appellees

v

STEVEN LOUIS BARNES

petitioner - Appellant

PETITIONER MOTION for LEAVE TO FILE ENLARGED BRIEF UNDER RULES 208 (b)(5) SCALR

The petitioner, steven louis Barnes, pursuant to Rule 208 (b)(5), SCALR moves this Court for leave to file an enlarged brief. In support of the motion, the petitioner shows the following to the Court:

FACTS

on and about July 7, 15 the petitioner counsels had filed a contested hearing in the Administrative Court Regarding the Edgefield sheriff Department; pursuant to South Carolina Governor Executive ORDER 2000-11, petitioning

to the South Carolina Department of Correction (SCDC) in order to place the petitioner in the SCDC in which the Governor had approved on April 28, 15. The petitioner Counsels were ineffective for failure to Raise the issues below, in which are the basis of the petitioner brief, at the Contested hearing in front of the Administrative law Judge, Ralph King Anderson. The below issues in his brief are the following:

1) WHETHER THE STATE PLACEMENT OF THE PETITIONER WITHIN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION WAS PUNISHMENT FOR INVOKING HIS SIX AMENDMENT RIGHT

2). WHETHER THE STATE VIOLATED THE PETITIONER DUE PROCESS LIBERTY INTEREST RIGHT ACCORDING TO SC CODE § 17-3-120 BY TRANSFERING THE PETITIONER TO DIFFERENT COUNTY DETENTION CENTER. AND IF YES, WHETHER THE STATE MISCONDUCT CAUSED THE PETITIONER PRE-JUDICE PER THE STATE PLACING HIM INSIDE THE SOUTH CAROLINA DEPARTMENT OF CORRECTION

3). WHETHER THE STATE VIOLATED VITEK V JONES 445 US 480 (1980) BY PLACING THE PETITIONER WITHIN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION AS A SAFEKEEPER PRE TRIAL DETAINEE WHEN THEY KNEW THAT THE PETITIONER IS A SEVERE MENTAL HEALTH INMATE

4). WHETHER THE STATE FAILURE TO UTILIZE THE CODIFIED VERSION, SC CODE §§ 44-22-10 THROUGH 44-22-220 OF VITEK V JONES 445 US 480 (1980) BEFORE PLACING THE PETITIONER INCORRECTLY IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION THAT VIOLATED HIS DUE PROCESS RIGHTS

5). WHETHER THE STATE ARBITARY OR CAPRICIOUS DECISION TO PLACE THE PETITIONER WITHIN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION HAD VIOLATED HIS CONSTITUTIONAL AND STATUTORY RIGHTS

6). WHETHER THE STATE VIOLATED THE PETITIONER LIBERTY INTEREST RIGHT TO HIS REPUTATION

7). WHETHER THE STATE PUNISHED THE PETITIONER FOR EXERCISING HIS FIRST AMENDMENT RIGHT

8). WHETHER THE STATE VIOLATED THE BILL OF ATTAINDER BY THEIR MISCONDUCT IN THE PETITIONER CRIMINAL CASES PRIOR TO ADJUDICATION OF GUILT

9). WHETHER BOTH THE PETITIONER ILLEGAL TRANSFER AND PLACEMENT UNDER EXTREME CONDITION OF CONFINEMENT BY THE STATE IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION CONSTITUTE EXTREME PUNISHMENT SHOCKING TO THE CONSCIENCE. AND IF YES, WHAT PRETRIAL DEPRIVATION PROCEDURAL SAFEGUARDS THAT PETITIONER SHOULD BE ENTITIED TO IN ORDER TO SANCTION THE STATE FOR VARIOUS DEPRIVATIONS OF HIS CONSTITUTIONAL RIGHTS

10) WAS CAPITAL COUNSELS INEFFECTIVE for FAILURE TO PRESERVE ISSUES AT THE CONTESTED HEARING PROCEEDING IN THE ADMINISTRATIVE COURT UNDER THE SIXTH AMENDMENT

11). WAS CAPITAL COUNSELS INEFFECTIVE for FAILURE TO PRESERVE ISSUES AT THE CONTESTED HEARING IN THE ADMINISTRATIVE COURT THAT VIOLATES THE PETITIONER DUE PROCESS RIGHTS

12). WAS CAPITAL COUNSELS INEFFECTIVE for FAILURE TO APPEAL THE ADMINISTRATIVE JUDGE DECISION TO THE COURT of APPEAL UNDER THE DUE PROCESS CLAUSE

13). WHETHER THE SIXTH OR DUE PROCESS STRICKLAND v WASHINGTON STANDARD APPLIES IN THIS COURT, WHAT CORRECTIVE PROCESS IS THE PETITIONER ENTITLED TO FOR COURT APPOINTED COUNSEL ERRONEOUS DEPRIVATION of SIGNIFICANT CONSTITUTIONAL RIGHTS

24). WHETHER THE PETITIONER MEETS THE REQUIREMENTS of THE FUTILITY DOCTRINE ON APPEAL TO THIS COURT

25). WHETHER THE ADMINISTRATIVE LAW COURT LACK SUBJECT MATTER JURISDICTION TO HEAR ISSUES REGARDING THE STATE PLACEMENT of PETITIONER WITHIN THE DEPARTMENT of CORRECTION AS A SEVERE MENTAL HEALTH INMATE

The issues presented on appeal are numerous and complex and the petitioner needs to exceed the 50-page limitation to be able to address the issues supra adequately; for example, in short, this court lacks subject matter jurisdiction as stated in issue 25 supra that is in the petitioner brief; And because subject matter jurisdiction can be raised at any time current counsels are ineffective for not raising the issues of 3-4 supra that is also in the petitioner brief in both the Administrative Court and this Court as stated in issue 10 supra that is also in his brief. furthermore, because there's no corrective process for counsel ineffectiveness for not raising issues 1-9 supra that is also in the petitioner brief at the contested hearing by way of putting up evidence of the Executive Branches misconduct of the petitioner, the exhaustion requirement is a futility as stated in issue 24 supra that is also in the petitioner brief. This gives this court jurisdiction to hear issues 1-13 supra that is also in the petitioner brief because SC-code § 24-3-80 doesn't provide the petitioner a corrective process for not only being placed within the SCDC but also counsels ineffectiveness.

The petitioner believes that he can address those issues in an adequate fashion if the court will allow the petitioner to exceed the page limitation by 50 pages.

WHEREFORE, the petitioner moves this court to allow the petitioner to exceed the page limitation by 50 pages and/or such other and further relief this court seems just and proper.

Date: 9/29/17

STEVEN LAMAR BARNES SB# 5290
Lee County PRISON
990 Wisacky Hwy
Bishopville SC. 29010

To: South Carolina Supreme Court Justices
South Carolina Supreme Court
P.O Box 11330
Columbia SC. 29211

from: Steven Louis Barnes, SS# 5290
lee County prison
990 Wisacky Hwy
Bishopville SC 29010

RE: Barnes v SC Dept of Correction case # ALJ-30-0315-AP

Dear supreme Court Justices:

please file the Enclosed documents in this Court.

Upon the supreme Court Justices Reading these documents, it's so important that I have a speedy hearing on those issues in the Initial Brief. The purpose of me filing Barnes v McMaster, no. 16-8581 in the United States supreme Court because South Carolina Courts are not giving me a prompt hearing on my pro-se civil actions; for Example, my post Conviction Relief have been pending in the South Carolina Courts for two (2) years and on and about eight (8) months because South Carolina Courts doesn't have a Corrective process Regarding my Interstate Agreement of Detainer Act issue. see Barnes v state 2015-CP 19-0335

I am Requesting this Court to supervise not only the pending action, Barnes v SC Dept of Correction supra in the South Carolina Court of Appeals but also those issues in Barnes v McMaster supra so those issues can move along quickly.

lastly, please direct South Carolina officials from Retialating on me for Exercing my Constitutional Rights. I pray for such other and further Relief this Court seem Just and proper.

Date: 9/29/17

RESPECTfully SUBMITTED
STEVEN LOUIS BARNES

To: Clerk, South Carolina Court of Appeals
P.O Box 11629
Columbia SC. 29211

From: Steven Louis Barnes SK #5290
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC. 29010

RECEIVED
OCT 04 2017
SC Court of Appeals

RE: Barnes v. SC Dept of Correction Case # 15-ALJ-30-0318-AP

Dear Clerk:

Please file the enclosed legal documents in your office.

Thank you kindly.

Date 9/29/17

Respectfully submitted
Steven Louis Barnes

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Administrative law Judge

Case no. 15-ALJ-30-0315-AP

RECEIVED
OCT 04 2017
SC Court of Appeals

South Carolina Department of Correction, et. Al

Respondent - Appellees

V

STEVEN LOUIS BARNES

petitioner - Appellant

CERTIFICATE OF SERVICE

I, Steven louis Barnes, do hereby certify that on 9/29/17, I desposited the following documents the PETITIONER MOTION FOR LEAVE TO FILE ENLARGE BRIEF UNDER Rule 208 (b)(s) SCACR AND A copy of INITIAL BRIEF that I am filing in the South Carolina Court of Appeals in the united states mail with sufficient postage to the below people:

SERVED
laise Summers, Esq, Malone,
Thompson, Summers, & Ott-LLC
339 Hayward street - suite
200
Columbia SC 29201

SERVED
South Carolina Supreme Court
P.O Box 11330
Columbia SC 29211

SERVED:

South Carolina Attorney General
P.O Box 11549
Columbia SC 29211

SERVED: Clerk, South Carolina Court of Appeals
P.O Box 11629
Columbia SC 29211

Steven Louis Barnes, SR # 5290
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

RECEIVED
OCT 04 2017
SC Court of Appeals

Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia SC 29211

(5)

THE STATE of SOUTH CAROLINA
IN THE COURT of APPEALS

Appeal from THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Administrative law Judge
Case No. 15-ALJ-30-0318-AP

South Carolina Department of Corrections; 11th circuit solicitor office; South Carolina Governor; Aiken County Detention Center; Edgefield County Detention Center; Lauren County Detention Center

Respondents

v

Steven Louis Barnes

Plaintiff - Appellant

INITIAL BRIEF

STEVEN LOUIS BARNES, SK # 5290
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010
pro-se Petitioner - Appellant

Jake Summers, Esquire Malone.
Thompson, Summers & Ott LLC
Attorney & Counselors At Law
339 Heyward Street - Suite 200
Columbia, SC 29201
Attorney for SC Dep of Correction

TABLE of CONTENTS

TABLE of AUTHORITIES

STATUTES

CONSTITUTION

Rules of Court / SCDC Rules

OTHER

STATEMENT of ISSUES ON APPEAL

I. WHETHER THE STATE PLACEMENT OF THE PETITIONER WITHIN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION WAS PUNISHMENT FOR INVOKING HIS SIX AMENDMENT RIGHT

II. WHETHER THE STATE VIOLATED THE PETITIONER DUE PROCESS LIBERTY INTERST RIGHT ACCORDING TO SC CODE § 17-3-120 BY TRANSFERRING THE PETITIONER TO DIFFERENT COUNTY DETENTION CENTER. AND IF YES, WHETHER THE STATE MISCONDUCT CAUSED THE PETITIONER PREJUDICE PER THE STATE PLACING HIM INSIDE THE SOUTH CAROLINA DEPARTMENT OF CORRECTION

III. WHETHER THE STATE VIOLATED VITEK V JONES 445 US 480 (1980) BY PLACING THE PETITIONER WITHIN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION AS A SAFEKEEPER PRETRIAL DETAINEE WHEN THEY KNEW THAT THE PETITIONER IS A SEVERE MENTAL HEALTH INMATE

IV. WHETHER THE STATE FAILURE TO UTILIZE THE CODIFIED VERSION , SC CODE §§ 44-22-10 THROUGH 44-22-220 OF VITEK V JONES 445 US 480 (1980) BEFORE PLACING THE PETITIONER INCORRECTLY IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION THAT VIOLATED HIS DUE PROCESS RIGHTS

V. WHETHER THE STATE ARBITARY OR CAPRICIOUS DECISION TO PLACE THE PETITIONER WITHIN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION HAD VIOLATED HIS CONSTITUTIONAL AND STATUTORY RIGHTS

VI. WHETHER THE STATE VIOLATED THE PETITTIONER LIBERTY INTEREST RIGHT TO HIS REPUTATION

VII. WHETHER THE STATE PUNISHED THE PETITTIONER for EXERCISING HIS FIRST AMENDMENT RIGHT

VIII. WHETHER THE STATE VIOLATED THE BILL of ATTAINDER BY THEIR MISCONDUCT IN THE PETITTIONER CRIMINAL CASES PRIOR TO ADJUDICATION of GUILT

IX. WHETHER BOTH THE PETITTIONER ILLEGAL TRANSFER AND PLACEMENT UNDER EXTREME CONDITION of CONFINEMENT BY THE STATE IN THE SOUTH CAROLINA DEPARTMENT of CORRECTION CONSTITUTE EXTREME PUNISHMENT SHOCKING TO THE CONSCIENCE. AND IF YES, WHAT PRE-DEPRIVATION PROCEDURAL SAFEGUARDS THAT PETITTIONER SHOULD BE ENTITLED TO IN ORDER TO SANCTION THE STATE for VARIOUS DEPRIVATIONS of HIS CONSTITUTIONAL RIGHTS

X. WAS CAPITAL COUNSELS INEFFECTIVE for FAILURE TO PRESERVE ISSUES AT THE CONTESTED HEARING PROCEEDING IN THE ADMINISTRATIVE COURT UNDER THE SIXTH AMENDMENT

XI. WAS CAPITAL COUNSELS INEFFECTIVE for FAILURE TO PRESERVE ISSUES AT THE CONTESTED HEARING IN THE ADMINISTRATIVE COURT THAT VIOLATES THE PETITTIONER DUE PROCESS RIGHTS

XII. WAS CAPITAL COUNSELS INEFFECTIVE for FAILURE TO APPEAL THE ADMINISTRATIVE JUDGE DECISION TO THE COURT of APPEAL UNDER THE DUE PROCESS CLAUSE

XIII. WHETHER THE SIXTH OR DUE PROCESS STRICKLAND V WASHINGTON STANDARD APPLIES IN THIS COURT, WHAT CORRECTIVE PROCESS IS THE PETITIONER ENTITLED TO for COURT APPOINTED COUNSEL ERRONEOUS DEPRIVATION of SIGNIFICANT CONSTITUTIONAL RIGHTS

XIV. WHETHER THE STATE PLACEMENT of A SEVERE MENTAL HEALTH INMATE IN THE SOUTH CAROLINA DEPARTMENT of CORRECTION UNDER EXTREME CONDITION of CONFINEMENT, ESPECIALLY WHEN THEY KNEW THAT THE DOES NOT BELONG THERE VIOLATES VARIOUS of THE PETITIONER SUBSTANTIVE DUE PROCESS RIGHTS AND PROCEDURAL DUE PROCESS AND EQUAL PROTECTION RIGHTS

XV. WHETHER THE STATE FAILURE TO ALLOW THE PETITIONER TO PAY for BOTH SUFFICIENT POSTAGE TO MAIL BULK LEGAL MAIL AND SUFFICIENT LEGAL SUPPLIES IS BURDENING HIS SIXTH AMENDMENT RIGHT TO SEEK COUNSEL of CHOICE

XVI. WHETHER THE STATE DENIAL of PUBLICATION TO THE PETITIONER VIOLATES HIS FIRST AMENDMENT RIGHT

XVII. WHETHER STATE FAILURE TO ALLOW THE PETITIONER TO PURCHASE EXTRA PERSONAL MAILING SUPPLIES IN ORDER TO WRITE FAMILLY AND FRIENDS VIOLATES THE PETITIONER FUNDAMENTAL RIGHTS

XIII. WHETHER THE STATE IS VIOLATING THE PETITIONER EQUAL PROTECTION RIGHT TO BE SIMILAR SITUATED ALIKE WITH CONVICTED INMATES OR PRETRIAL DETAINEES WHO ARE DISCIPLINARY FREE

XIX. WHETHER THE SOUTH CAROLINA DEPARTMENT of CORRECTION POLICY OF LEGAL SUPPLIES HAS PLACE UNCONSTITUTIONAL CONDITIONS ON THE PETITIONER PROSE LEGAL CONCERNS

XX. WHETHER THE STATE IS DEPRIVING THE PETITIONER of A FEDERAL CAUSE of ACTION

XXI. WHETHER THE STATE HAS VIOLATED THE PETITIONER ACCESS TO THE COURTS

XXII. WHETHER THE STATE IS DELIBERATE INDIFFERENCE BY INTERFERING WITH THE PETITIONER VARIOUS MEDICAL NEEDS

XXIII WHETHER THE STATE IS IN VIOLATION of STATUTORY PROVISION REGARDING THE PAYMENT of MEDICAL CARE TO THE PETITIONER

XXIV. WHETHER THE PETITIONER MEETS THE REQUIREMENTS of THE FUTILITY DOCTRINE ON APPEAL TO THIS COURT

XXV. WHETHER THE ADMINISTRATIVE LAW COURT LACK SUBJECT MATTER JURISDICTION TO HEAR ISSUES REGARDING THE STATE PLACEMENT of PETITIONER WITHIN THE DEPARTMENT of CORRECTION AS A SEVERE MENTAL HEALTH INMATE

RESPONDENTS

The petitioner in this brief will Refer to the above Caption Respondents Collectively as the state unless he name Each of them individually below.

STATEMENT of CASE

on november of 2010 the petitioner had went to trial for Capital murder in Edgefield South Caroling. The Jury had found the petitioner guilty and he was Sentenced to death.

On appeal to the state supreme Court the petitioner had argued that the trial Judge denial of his six Amendment Right to self Representation was ERROR. In turn, the state had argued that the petitioner have severe mental health and it agreed with the doctors that the Defense Counsel had used for the mitigation in the sentencing stage in his Capital trial that the petitioner has post-traumatic stress disorder, that he has IQ of 82 which would be in the borderline Range of intellectual functioning to the very low part average Range of intellectual functioning, that he has Cognitive disorder not otherwise specified which Reflect the Cognitive deficit as noted on those neuro-psychological testing ... see state v Barnes Appellate Case # 2010-178247, brief of state pages 25-28

on october 16, 13 the state supreme Court had overturned the petitioner Capital Case on self Representation Ground. On January 15, 2014 the state supreme Court had Remodified its opioin but still overturned the petitioner Case. See state v Barnes 753 S.E 2d 545 (2014)

On febuary 6, 14, the petitioner was transferred from lieber correctional Institution death Row unit to Edgefield Lanty Detention Center (EDCD) and boarsed there and then transferred to Aiken Lanty Detention Center (ACDC) to be housed there until trial.

The petitioner sought two capital lawsels, private Attorney Elizabeth franklin-Best and William Mcguire of the capital trial Division of the affile of Indigent Defense (hereafter provisional lawsels)

Judge william p. Keesley set an appointment of lawsel hearing for April 23, 14. At the hearing, the petitioner, the petitioner provisional lawsels, the South Caroling Lawmission of Indigent Defense, General lawsel, Hugh Ryan, who opposed private lawsel to be appointed to the petitioner, and the 11th Circuit former solicitar, Dannie Myers, who opposed lawsels to be appointed to the petitioner at all. The Judge at the hearing asked the petitioner, the petitioner provisional lawsels, the solicitar, and the affile of Indigent Defense to file a brief. Everyone above named filed a brief; however, the former Solicitar-Myers did not serve the petitioner and the other Interested parties his brief.

on June 3, 14, Judge Keesley, adopted in part the former Solicitar brief arguiment, that the Court lacked Jurisdiction to appoint lawsel because Jurisdiction of petitioner Capital case was exclusively in the Authority of Judge R. N. Knox Mc Mahon. But see State v Lample 656 S.E 2d 371 (2005) (it's a long standing Rule of law that a trial Judge is without Jurisdiction to lonsider a Criminal matter once the term of Court during which Judgement was entered expired; except for post trial motions.)

The petitioner was denied by the Court Capital Counsels.

In the meantime of the Judge June 3, 14 order for lack of Jurisdiction, the petitioner sought both the ECDC official LT. Hall and ACDC official Captain Gallam for indigent legal supplies, legal photocopying, and legal materials, and he notified them Regarding the Judge June 3, 14 order for lack of Jurisdiction to appoint Counsel, in order to set forth legal grounds on the Record that he was denied appointment of Counsel in his Capital Case Contrary to both his Six Amendment Right and SC Code § 16-3-26. This has been prejudicial to the petitioner. Three days before the ten days Expiration of Rule 29 of the South Carolina Rules of Criminal procedure timeline to file post trial motions the petitioner wrote Judge Keesley to Rescind it lack of Jurisdiction order because the solicitor did not serve the petitioner its brief. The Judge denied the petitioner the Right to file a Cause of action under state and federal law Regarding the petitioner Right to Counsel because the Judge invoked Rule 29 ten day Requirement as a Crutch to stand on in not Rescinding it order. Right after this, both ECDC and ACDC officials denied his inmate grievances for the above named supplies in order to use to petition the state or federal Court for his Right to Counsel.

In the meantime of all that, the petitioner did managed to appeal the Judge June 3, 14 lack of Jurisdiction order to appoint Counsel to the state supreme Court. The Court promptly denied his appeal. see state v Barnes Appellate Case # 2014-001283 The petitioner then filed a motion to Reinstate the

appeal, motion for writ of mandamus, and motion for original court jurisdiction. The supreme court denied those motions as well; however, the court gave Judge Diana S Goodstein thirty (30) days to appoint counsel to the petitioner capital case. Id

on september 11, 14, Judge Goodstein appointed one private counsel and one attorney from the capital trial Division; however, at the hearing, the Attorney General of South Carolina and the 11th Circuit solicitor office objected to the appointment of counsel on the ground that the petitioner had got his capital case overturned on self Representation in the state supreme court. Judge Goodstein denied the state objection on the clean slate Rule and that the petitioner have all of his six amendment Right to counsel. The state then appealed Judge Goodstein ORDER appointing Counsel to the petitioner to the state supreme court. See State v Barnes Appellate # 2014-001966 The state then filed to that court an Extraordinary petition to Reinstate the petitioner death sentence because the petitioner invoked his six Amendment Right to Counsel. The state supreme court had ordered the parties to file briefs Regarding the six Amendment.

ISSUE 1:

WHETHER THE STATE PLACEMENT OF THE PETITIONER WITHIN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION WAS PUNISHMENT FOR INVOKING HIS SIX AMENDMENT RIGHT

Because the state sought to Reinstate the petitioner death sentence,

Edgefield Conspired with state officials to move the petitioner from Aiken County Jail to lauren County Jail where he could be closer to death Row Just in case the state supreme Court Reinstate the petitioner death sentence. Because his transfer on information and belief under false pretext, on April 15, 15 the County Detention Center official of Aiken and lauren got together with Edgefield to make up slanderous and libelous misconduct on the petitioner allegedly done by by him at their Jails as stated in issue 5-9 infra in which the petitioner Crave Reference to those facts in this section for Relief. on April 30, 15 Edgefield Sheriff Department filed an affidavit and other Exhibits with the South Carolina Department of Correction (SCDC) for the petitioner to be housed in the Department of Correction as a safekeeper inmate. The Department of Correction official Responsible for processing safekeeping Request of Sheriff officials to detain pretrial detainees within the SCDC had looked at Edgefield Sheriff affidavit and Exhibits when it Recommended to the Governor for the petitioner to be placed into the SCDC. The Department of Correction official base its decision to Recommend the petitioner in the SCDC on the following: petitioner convictions that was Recently overturned by the State Court, his nolle prosequi charges of throwing bodily fluid on an officer, and Edgefield accusation of petitioner throwing bodily fluid on food trays that it did in 2007 charged his inmate account for the trays but withdrawn the charges to his inmate account when the petitioner filed a law suit in the South Carolina District Court. [see issue 5-9 infra for further details] on April 30, 15 because of the Recommendation of the Department of Correction, the South Carolina Governor used Executive order 2000-11 and SC code § 24-3-80 to place the petitioner in the Department of Correction despite the fact that

the petitioner was I is severe mental health. The Attorney General before the petitioner Capital Case was overturned by the state supreme Court had argued on appeal that the petitioner was severe mental health to Represent himself at trial. The state is Judicial estoppel, Collateral estoppel, and Res judicata from arguing in this Court otherwise. furthermore, this Court can take Judicial notice of the above facts. see wise v wise 716 S.E 2d 117 (2011) (a Court can take Judicial notice of its own Records, files, and proceedings for all proper purposes including facts established in its Record) on July 1, 15 not only did the state supreme Court granted the petitioner the Right to Counsel but also the Court stated in part:

" We also note with Concern the implication of the state's argument. The State's position is that the erroneous denial of a defendant's six Amendment Right to self Representation at the first proceeding Resulted in that defendant having a dismished six Amendment Right in a second trial. In otherwords, the state seeks to punish the defendant whose Constitutional Right have been violated, a Concept that is Contrary to both Justice and Common Sense.

see state v Barnes 774 S.E 2d 454 (2015)

The supreme Court in Washington v Glucksberg 521 US 702, 721 (1997) stated that the substantive due process Clause " protects those fundamental Rights and liberties which are objectively deeply Rooted in this history and tradition ... and implicit in the Concept of ordered liberty such that neither liberty nor Justice would exist if they were sacrificed " The Right to Counsel is one of them.

The petitioner has a Constitutional Right to Counsel for his Criminal case. Gideon v Wainwright 372 U.S 335, 342 (1967), and a Right not to have Government intrusion in the petitioner Attorney-client Relationship. See Weatherford v Bursy 429 U.S 545 (1971); United States v Morrison, 449 U.S 361, 365 (1981) furthermore, the petitioner has a Constitutional Right not to be punished prior to an adjudication of guilt. See Bell v Wolfish 441 U.S 520 (1979); United States v Salerno 481 U.S. 739, 747 (1987) (distinguishing between "impermissible punishment and permissible regulation of pretrial detainee) See e.g Bordenkircher v Hayes, 434 U.S 357 (1978) (To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort . . . and for an agent of the state to pursue a course of action whose objective is to penalize a person's Reliance on his legal Rights is patently unconstitutional") These Rights are deeply in the history and tradition . . . and Implicit in the concept of ordered liberty such that neither liberty nor justice would exist if they were sacrified"

ISSUE 2: WHETHER THE STATE VIOLATED THE PETITIONER DUE PROCESS LIBERTY INTEREST RIGHT ACCORDING TO SC CODE § 17-3-120 BY TRANSFERRING THE PETITIONER TO DIFFERENT COUNTY DETENTION CENTER. AND IF YES, WHETHER THE STATE MISCONDUCT CAUSED THE PETITIONER PREJUDICE PER THE STATE PLACING HIM INSIDE THE SOUTH CAROLINA DEPARTMENT OF CORRECTION

FACTS

The Petitioner Crave Reference to and incorporate the facts in issue 1

above in this section for Relief.

S.C Code § 17-3-120 doesn't allow a County Detention Center to Remove a person from a prison to another without Cause. § 17-3-120 states in full:

" If any person, a citizen of this state, shall be committed to any prison or in custody of any officer whatsoever for any criminal or supposed criminal matter such person shall not be removed from such prison and custody of any other officer, unless it be:

(1) By habeas corpus or some other legal writ; (2) when the prisoner is delivered to a constable or other inferior officer, to carry such prisoner to some common jail; (3) when any person is sent, according to law, to any common workhouse of correction; (4) when the prisoner is removed from one place or prison to another within the same county for his trial or discharge in due course of law; (5) in case of sudden fire, infection or other necessity; or (6) when brought into court as a witness in some matter or cause as provided by law"

Id

The petitioner is charge with Capital murder and Kidnapping in Edgefield County in South Carolina. Edgefield County is an Eleventh Judicial Circuit. Contrary to § 17-3-120, the petitioner was first transferred to Allsen County, a second Judicial Circuit, then to Laurken County, a 8th or 9th Judicial Circuit, and then to Greenwood County, another Judicial Circuit until he was Ultimately incarcerated within the South

South Carolina Department of Correction as a Safekeeper inmate. These unauthorized transfers as a matter of law has prejudiced the petitioner.

MANDATORY LANGUAGE

The petitioner has a state created Right to not be transferred to any institution Unless for cause. See Snipes v Meandrew 313 S.E 2d 294, 297 (1984) (citing Bd. Of Regents of State Coll. v Roth, 408 U.S 564 (1972) (To determine if the expectation of entitlement is sufficient will depend largely upon the extent to which the statute Contains mandatory language that Restricts the discretion of [officials]...) TNS Hills, INC v SC Dept of Revenue, 503 S.E 2d 471, 476 n.3 (1998) (finding the use of the word "shall" in a statute ordinary means the action Referred to is mandatory)

It's obvious that the petitioner doesn't fall in the category of 1-3 and 5, 6 Clauses of § 17-3-120. The petitioner falls under clause 4 of the statute that States:

> "when the prisoner is Removed from one place to another within the same County for his trial or discharge in due Course of law"
>
> Id

If the Respondents Contends that § 17-3-120 doesn't apply to the petitioner, their Contentions are sadly misplaced. See Vile v Harvey 451 F. Supp. 1031 (D.S.C 1978) (State § 17-3-120 strictly applies to pre trial detainees)

ISSUE 3°. WHETHER THE STATE VIOLATED VITEK V JONES 445 US 480 (1980) BY PLACING THE PETITIONER WITHIN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION AS A SAFEKEEPER PRETRIAL DETAINEE WHEN THEY KNEW THAT THE PETITIONER IS A SEVERE MENTAL HEALTH INMATE

FACTS

The petitioner Crave reference to and incorporate the facts in issue 1-2 supra in this section for Relief.

Before the petitioner Capital case was overturned by the state supreme court, the state had used the testimony in its Appellate brief a Mitigation specialist that was hired by the petitioner defense for the sentencing phase of the trial. In the transcript Record on appeal to the state supreme court on pages 2011 - 2100 DR price had testified Regarding the petitioner Severe Mental health:

(David TAR) "Q Can you name some of the diagnoses that he was given?
(DR. price) A Well, the diagnoses varied.

Some of the diagnoses he was given related to learning disabilities that he had. He was in special ed up to the sixth or seventh grade and ultimately dropped out of school.

But he had significant psychiatric diagnoses of adjustment disorder, a variety of depression disorders - depression - not otherwise specified; Major depressive episode; Major depressive episode - Recurrent type, bi polar disorder

He was given a diagnosis of psychotic disorder - not otherwise specified

He was given a diagnosis of personality disorder - not otherwise specified

He was given a diagnosis at one time to Rule out schizophreniform disorder.

schizophreniform disorder is the first diagnosis - -- whenever you have a schizophrenic episode, the first time you have it you're diagnosed schizophrenic.

Those are the major ones, but it indicates that he had significant psychopathology ..."

(Transcript pages 2099 L-11-25; 2100 L-1-13 of State v Barnes Appellate # 2010-178247 in the State Supreme Court)

On October 16, 13 the State Supreme Court had granted the petitioner a new trial in his Capital case. On January 15, 14 the State Supreme Court Remodified it decision in his Capital case but still granted the petitioner a new trial. See State v Barnes 753 S.E 2d 545 (2014)

On febuary 6, 14 Edgefield Sheriff Department had picked the petitioner up from death Row and transferred him to Edgefield County Detention Center in South Carolina. In a period of one year and Some months, the petitioner was transferred to three County Detention Center facilities of Aiken, Laurens and Greenwood.

County Detention Center of Edgefield, Aiken, Lauren, and Greenwood had Knew that the petitioner was/is a Severe Mental health inmate when Edgefield petition to the South Carolina Department of Correction (SCDC) to place the petitioner in the Department of Correction as a safekeeper inmate until trial.

South Carolina Governor Executive ORDER 2000-11 Section 6 Reads in pertinent parts:

"... Mentally ill or Retarded individuals are not eligible for safekeeping at the Department of Corrections"

Also, SCDC safekeeper policy Reads the same as section 6 of Governor order Regarding mentally ill inmates. Despite policies saying otherwise, the SCDC Director had Recommended to the South Carolina Governor that the petitioner should be placed within the SCDC. On April 30, 15 the Governor had placed the petitioner as a safekeeper at lee County prison, in South Carolina, despite the fact the Governor Attorney General had argued in state v Barnes 753 S.E 2d 545 (2014) that the petitioner is a Severe Mental health inmate; therefore, ineligible to be placed in the SCDC by the above officials.

Vitek v Jones 445 US 480 (1980) is a case where the state transfer a Severe Mental health inmate to an institution for mental health and/or behavorial treatment without due process of law. The Supreme Court mandated the following pre-deprivation procedural safeguards when the state decide to transfer an inmate for behavorial treatment:

(1) Written notice of the, contemplated transfer for enough in advance of the

hearing to permit the prisoner to adequately prepare for it; (2) a hearing that the inmate has a Right to attend; (3) the Right to make an oral statement at hearing; (4) the Right to be apprised of the information upon which the transfer Recommendation is predicated; (5) the Right to present documentary evidence in opposition to the transfer; (6) the Right to call witnesses to testify on the prisoner behalf unless there is good cause for not permitting the prisoner to call a particular witness to testify; (7) the Right to confront and Cross Examine adverse witnesses unless there is good cause for prohibiting the Exercise of those Rights; (8) the Right to have an Independent decision maker make the transfer decision (although this decision maker might work within the prison or mental hospital and still be considered sufficiently independent); (9) the Right to Receive a written statement outlining the evidence on and the Reasons for the transfer; and (10) effective and timely notice of all the above Rights. Id

Id (quoted out of the law of sentencing Correction and prisoners' Rights, in a nut shell, by lynn s Branham)

Before the petitioner placement within the SCDC, the County Detention Center officials above, the SCDC, the Governor did not provide the petitioner any of the predeprivation safeguards of Vitek v Jones supra; therefore violating his due process Rights

ISSUE 4: WHETHER THE STATE FAILURE TO UTILIZE THE CODIFIED VERSION, SC CODE §§ 44-22-10 THROUGH 44-22-220 OF VITEK V JONES 445 US 480 (1980) BEFORE PLACING THE PETITIONER INTERFACILITY IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION THAT VIOLATED HIS DUE PROCESS RIGHTS

facts

SC Code § 44-23-220, Admission of Persons in Jail, that states in full:

" No person who is mentally ill or who has intellectual disability shall be confined for safekeeping in any jail. If it appears to the officer in charge of the jail that such a person is in prison, he shall immediately cause the person to be examined by two examiners designated by the Department of mental health or the Department of Disabilities and special needs or both and if in their opinion is warranted, the officer in charge of the jail shall commence proceeding, pursuant to section 44-17-510 through 44-17-610, be discharged from the custody of the officer in charge of the jail and shall be admitted to an appropriate mental health or intellectual disability facility "

-Id

the County Detention Center officials of Edgefield, Aiken, and Lauren were aware of the petitioner severe mental health, but instead of them following § 44-23-220 to seek two examiners designated by the Department of mental health to see whether or not the petitioner needed to be held in a mental health facility in South Carolina, see State v Bailey 785 S.E 2d 622 (2016) (the statute [SC Code 44-23-220] certainly mentions the Role of a designated examiner in the process of ensuring mentally ill persons are not confined in South Carolina jail ... Instead, section 44-23-220 focuses more on what the officer in charge of the jail is required to do) they petition to the Department of Correction who Recommended to the Governor for the petitioner to be held in Lee County prison as a safekeeper inmate when they knew that not only the petitioner was a severe mental health inmate but also contrary to the following; section 6 of Governor Executive order 2000-11, SCDC procedures, and SC Code § 44-13-10, which doesn't allow mental health safekeeper inmates in the Department of Correction unless temporarily for Emergency

Reasons that states in part:

" pending his Removal to a state mental health facility a individual ... shall not except because of and during an Extreme Emergency be detained in a non Medical establishment used for detention of individuals Charge with or convicted of penal offenses. The County governing body supervisor or manager shall take such Reasonable measures including provision of Medical Care as may be necessary to assure proper Care of an individual temporarily detained under this section "

MANDATORY LANGUAGE

The petitioner has a state created Right to not be held in any Jail or the Department of Correction as a Safekeeper inmate when they determine that the petitioner is showing symptom of severe mental illness in their facility. See Sipes v Mcandrew 313 S.E 2d 294, 297 (1984) (citing Bd of Regents of State Coll v Roth 408 U.S 564 (1972) (To determine if the expectation of entitlement is suffivent will depend largely upon the extent to which the statute contains mandatory language that Restricts the discretion of the officer) Tns Mills, Inc v SC Dept of Revenue 503 S.E 2d 471, 476 n3 (1998) (finding the use of the word shall in a statute ordinary means the action Referred to is mandatory)

SC code § 44-22-10 through 44-22-220 sets up a Hybrid of procedural safeguards for severe mental health inmates such as § 42-22-20 Right to writ of habeas corpus; § 44-22-30, Right to Counsel for Involuntarily Committable Suffering from mental illness ... and § 44-22-80 patients Rights and et. Al Rights.

ISSUE 5: WHETHER THE STATE ARBITARY OR CAPRICIOUS DECISION TO PLACE THE PETITIONER WITHIN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION HAD VIOLATED HIS CONSTITUTIONAL AND STATUTORY RIGHTS

The petitioner Crave Reference to and incorporate the statement of case facts and issue 1-4 supra facts in this section for Relief.

FACTS

While the state motion to Reinstate the petitioner Capital case because he invoked his Right to Counsel was pending in the state supreme court, on April 20, 2015, Edgefield County, with the backing of the state, put together an Extremely misleading affidavit to the Department of Correction General Counsel David M Tartarsky (General Counsel), With fabricated exhibits such as non affadavits from both Aiken County Captain Gallam and Lauren County Kathy Tanner of alleged misconduct that they falsely accused the petitioner of committing in their jails without any evidentiary support such as violent and uncontrolable behavior disciplinary charges that he committed at their jails; however, the Edgefield sheriff did place on the Record almost one hundred grievances of the petitioner Requesting to seek Counsel for his Capital case, and among other issues, because he was pro-se as a Result of the Judge Keesley June 3, 14 order for lack of Jurisdiction to appoint Counsel.

Upon the Recommendation of General Counsel to the Governor of South Carolina, Nikki R. Haley, on April 30, 15 the petitioner was placed within the Lee County Department of Correction arbitarily contrary to both SC code § 24-3-50 and Section 2 of Executive order 2006-11

The petitioner will now slowly break down the contents of the Edgefield sheriff affidavit in order to show that the petitioner placement within the SCDC is arbitary:

JUDICIAL ESTOPPEL FACTS

On December of 2013 the petitioner was sentenced in Columbia County, in Georgia, to life and fifty years for an Arm Robbery, and among other charges. Because the petitioner filed an Interstate Agreement of Detainer (IAD) Act, on 5/15/08 the petitioner was transferred from Ware state prison, in Waycross GA., to Edgefield County, in S.C, so he could fight his murder charges. Edgefield classified the petitioner to Administrative Segregation (C-max unit (C-max unit) of the Jail.

The petitioner filed a lawsuit in the South Carolina District Court. In Barnes v Dobey 2007 WL 2965574 DSC Aug 8, 2007, the petitioner had challenge the Edgefield placement of him into C-max unit. Edgefield officials argued that the classification of the petitioner in C-max unit was for the following Reasons: his life and fifty years conviction and charges in Ga., his current murder charges that was pending in their County, and his violent behavior in the Jail. The District Judge allowed the Edgefield to keep the petitioner in C-max unit of their Jail.

furthermore, In Barnes v Redmond 2009 WL 3176576 DSC Sep. 29, 2009 the petitioner had challenged the bare bones warrant affidavits that the Edgefield magistrate Judge Rubber stamped and Edgefield served them on

the petitioner on 12/4/06 against Trustee Charles Taylor and on 11/1/07 against Cpl. James Florida and ofc. Steven Turner. Because of that suit the 11th Circuit Solicitor on 3/13/08 nolle prosequi the former warrant and on 3/14/08 it nolle prosequi the latter warrant against the petitioner. [see Heidi Pressley summary Judgment affidavit in Dedmond supra]

Also, the petitioner challenged the Edgefield official charging the petitioner inmate account for allegedly throwing bodily fluid on food trays without affording the petitioner due process. see Dedmond supra Regarding that suit Lt. Warren Jagger had took the money for the alleged destruction of the food trays off the inmate account. The federal Court Judge mooted that claim because Lt. Jagger done that. Dedmond supra.

On march of 2008, the petitioner was found guilty and sentenced to fifteen (15) years for throwing bodily fluid on Edgefield employee Marcus Smith. On this charge, the petitioner did time at lieber Correctional Institute (lieber C.I). There the petitioner caught three charges: assault on inmate, possession of shank, and possession of phone charger.

On november 2010, the petitioner was found guilty and sentenced to death for a murder charge. On this charge, the petitioner did time at lieber C.I death Row unit. The petitioner was disciplinary free while there.

On march 20, 13 the state supreme Court had overturned the petitioner throwing bodily fluid conviction while on death Row. see State v Barnes 739 S.E 2d 629 (2013)

on october 16, 13 the state supreme court had overturned the petitioner murder charge. Again on January 15, 14 the state supreme court Remodified its opion still granting the petitioner Relief while the petitioner was on cleath Row. See State v Barnes 753 S.E 2d 545 (2014)

The Entire time the petitioner was in the Department of Correction he had only caught three (3) disciplinary charges as stated above. The petitioner went a total of on and about 4 years and some months without any disciplinary charges in the Department of Correction.

The petitioner was, after he was transferred from cleath Row, incarcerated in Administrative Segregation at the County Detention Centers of Aiken, Lauren, and Greenwood. While at all those cletention Centers, the petitioner only caught two (2) minor charges at Aiken Jail.

furthermore, in november of 2015, Edgefield Retried the petitioner for allegedly throwing bodily fluid on markus smith. Edgefield failed again. The petitioner got a hung Jury.

This Court can take Judicial notile of the above criminal and civil proceedings. See Wise v Wise 716 S.E 2d 117 (2011)

The petitioner above dissection of the Edgefield Sheriff affidavit to the SCDC in order to place the petitioner on safekeeper status at lee County prison has been torn apart, with only one exception: the petitioner almost one hundred grievances. The state is Judicial estoppel from arguing otherwise because of the

above adjudication of facts in the above criminal and civil proceedings see Zimmerman v Central Union Bank 8 S.E 2d 359, 365 (1940) (where a party assumes a certain position in a legal proceeding and succeed in maintaining that position, he may not thereafter, simply because his interest have changed, assume a contrary position)

furthermore, as stated in issue 1 above that the punishing an inmate for conduct that is not proscribed by Rules or policy of any of the Detention Center of Aiken, Lauren, and Greenwood are arbitary government action. See Reeves v pettcox 19 f.3d 1060, 1062 (5th cir. 1994) (due process violation because prisoner charged with offense had no fair warning and opportunity to know that behavior was unlawful); Coffman v TRAVIS 854 f.3d 1057, 1060 (8th Cir. 1989) (due process violation because charge failed to specify what Rule inmate violated when inmate waived at visitor through security fense)

The state placement of the petitioner on saferseeper status also burden various fundamental Rights as stated in issue 1 above through 23 infra in which the petitioner Crave Reference to and incorporate those facts in this action for Relief; plus the state action are arbitary under both South-Carolina Constitution see Hamilton v Board of trustees, 319 S.E 2d 712, 721 (Ct. App. 1984) and the federal Constitution, see washington v Glucksberg 521 U.S 702, 721 (1997) and this Court must apply the strict scrutiny test to this case. See washington v Salisbury 308 S.E 2d 600 (1983) (To survive strict scrutiny analysis the legislation must be necessary to promote a compelling state interest)

SC Code § 24-3-50 as applied to the petitioner is unconstitutional and the petitioner pray for such other and further Relief as stated in issue 9 infra

ISSUE 6: WHETHER THE STATE VIOLATED THE PETITIONER LIBERTY INTEREST RIGHT TO HIS REPUTATION

FACTS

The petitioner Crave Reference to and Incarporate the facts in issue 1-5 above in this section for Relief.

The Edgefield Sheriff Department affidavit and its non affidavit Exhibits to the SCDL of both Captain Wallam of Aiken and Kathy Tucker of Lauren have not only placed a stigma on the petitioner that had caused the SCDL to put the petitioner at lee Curty prison but also affected the petitioner at his 2015 throwing bodily fluid trial in front of Judge Frank Addy in the Edgefield Court of General sessions. (See Edgefield Clerk files State v Barnes 2005-GS-19-0011 Transcript of Record (hereafter Referred to as (TR))

for Example of one stigma was at the throwing bodily fluid trial. Capital Counsel had brought up the fact of the stun belt the state was using on the petitioner at the trial. Capital Counsel argued that:

" In all that time almost two year period he (petitioner) had one minor incident I believe at (Aiken Jail) where he was instructed to close his cell door and he did not. So in the last two years there has been no

incident of violation. No assault. No attempted assault. No weapons. No No Nothing . . . "
[TR page 5-6]

The state argued afterwards that he got convictions in Georgia for life and fifty (50) years and . . .

" Every place that MR. Barnes has been held as an inmate in pretrial confinment, your honor he has been a problem. The sheriff has difficulty even getting other County Detention Centers to hold him he is such a problem in them. The state's allegations in this case from 11/2 and 11/3 where it took whole teams of officers to go in and do cell extractions on him, your honor - He is a demonstrated violent individual. law enforcement has had continual and ongoing problems with him showing out in the jail, being a security risk ... I defer to their expertise . . . He's a demonstrated dangerous person. That is not in the past. That is an ongoing situation. I know the sheriff of this county does not want to have him in his detention center he is so difficult to deal with here and has had ongoing problems with even getting other County Detention Centers to hold and detain him because of his violent nature and his ongoing predisposition to give problems, to be violent be manipulative to show out, . . . "
(TR. pages 7 L-7-17, 23-25 ; TR. pages 8 L-1-8)

The Supreme Court held in Wisconsin v Constantineau 400 U.S 433 (1971) that " Where person's good name, Reputation, honor, or integrity are at stake because of what government is doing to him, notice and opportunity to be heard are essential."

In photos v Township High School Dist. No 639 f. Supp. 1050 (N.D Ill 1986) " A liberty interest is implicated when either (1) the individual good name, Reputation, honor or integrity are at stake by such charges as Immorality, dishonesty, alcoholism, disloyality, communism or subversive acts, or (2) the state imposes a stigma or other disability which forecloses other opportunities." muson v frike, 754 f. 2d 683, 693 (7th Cir. 1985)

The libelous and slanderous non affidavit of first Aiken Captain Gallam who said:

" Due to his classification we had to keep him in C2 which is single cell occupancy and very need for our own inmates. while in C2 he was very manipulative with other inmates and with some of or less experienced staff ;"

and then lauren Captain tucker who stated:

" Due to his current violent charges and past history of violent charges both here in South Carolina and Georgia; he has been housed in our i-max unit and is housed alone ... and gets the other inmates that are housed in this unit agitated as well. He flies just below the radar as not to Receive any disciplinarians " ...

It should be noted that the Laurty Detention Center of Aiken and lauren was all aware of the classification status of petitioner when he first entered these Jails. The laurty Detention Centers of Edgefield, Aiken, and lauren had placed a stigma on the petitioner Regarding alleged misconduct that he did not commit. The purpose of holding the petitioner is for trial that is future looking Rather than punishing the petitioner for something he allegedly

done in the past. The petitioner Crave Reference to and incorporate the facts in issue 9 infra Regarding the State Bill of Attainder of the petitioner.

ISSUE 7: WHETHER THE STATE PUNISHED THE PETITIONER FOR EXERCISING HIS FIRST AMENDMENT RIGHT

FACTS

The petitioner Crave Reference to and incorporate the facts in issue 1-6 above in this section for Relief.

JUDICIAL ESTOPPEL

The petitioner Crave Reference to and incor-porate the Judicial Estoppel section in issue 5 in this section for Relief Regarding the alleged facts that Edgefield Sheriff Department used in their affidavit Regarding the petitioner throwing bodily fluid on an affiler, see State v Barnes 739 S.E 2d 629 (2013); Barnes v Dedmondt supra; on fluid trays, See Barnes v Dedmondt; and petitioner Capital case, see State v Barnes 753 S.E 2d 545 (2014); and that ELDC C-Hall maxium unit is inadequate to hold the petitioner there. see Barnes v Dobey

once again, the petitioner dissected the Edgefield sheriff entire affidavit except for the paragraph:

" Barnes has also been housed at the County detention Center in both Aiken and laurens... Aiken logged in one hundred plus grievances, and Reports in approximately one year. laurens County after several complaints

in three months asked us to come get him because of his actions.
[see Edgefield petition to the Department of Correction]

Edgefield affidavit also had attached to it two non affidavits of County Detention officials.
Captain Tucker of Lauren County stated in part:
" we are currently housing the above-mentioned inmate for you ... Also, since he has been here he has conveyed complaints about everything from his housing unit not being able to practice his Religon by being able to spray oil up the unit walls and now to the cleanliness of the unit. He constantly "suggest lawsuits" ...
[see Edgefield affidavit exhibit to the Department of Correction]

Captain Gallam of Aiken County stated in part:
" Polly, I do apologize that we could not keep Inmate Barnes longer than we did ... As you will see in inmate Barnes file he was a very difficult inmate to manage. He was constantly Requesting legal materials and going back and forth whether he was pro-se or had legal Representation. unfortunately we do not have a legal library at the Aiken County Detention Center which made it clifficult to meet his legal needs. He would often threaten litigation, which no Jail administration wants to have to defend.
[see Edgefield affidavit exhibit to the Department of Correction]

The state can not sanction the petitioner for writing grievances. See Bains v Ayers 515 f. Supp. 2d 59, 112 (2007) (The first Admendment protects an inmate's Right to file Administrative grievances at least to the extent that such

grievances are truefal and not otherwise offensive to legitimate penological interest); furthermore, the state can not transfer the petitioner for exercising his Right to Counsel. See e.g Tanner v Heise 879 f.2d 572 (9th Cir.) (Allegation that officers planned and excuted arrested for the purpose of deterring or punishing arrestee's first Amendment protected Religious expression stated a claim for violation of civil Rights and, if meritorious, was one of which officers would not enjoy qualified immunity); nor can they Retaliate on the petitioner exercising his first Amendment Right. see Crawford-El v Britton 523 US 574, 588 n. 10 (1998) (stating that the Reason why ... Retaliation offends the Constitution is that it threatens to inhibit exercise of the protected Right); fogle v pierson 435 f.3d 1252, 1263 (10th Cir. 2006) (The plaintiff alleged that he was transferred to long-term Administrative segregation at another facility in Retaliation for Complaint about his placement in Administrative segregation and threatening to file suit)

The Laurens County Detention Center of Edgefield, Aiken, and Laurens statements above shows that they violated and punished the petitioner for exercising his first Amendment Right by transferring him into the SCDC.

ISSUE 8: WHETHER THE STATE VIOLATED THE BILL OF ATTAINDER BY THEIR MISCONDUCT IN THE PETITIONER CRIMINAL CASES PRIOR TO ADJUDICATION OF GUILT

The petitioner Crave Reference to and Incorporate the facts in issue 1 - through 7 above in this section for Relief.

In Ameca v Gates 759 f.3d 317 (2014) that Court held that "a legislative act is an unconstitutional Bill of Attainder if it singles out an individual or narrow class of persons for the purpose without a judicial proceeding Id at 329 SC Code § 24-3-80 gives the Governor the power to place the petitioner within the Department of Correction only under three exception outlined in section 1 of Executive Order 2000-11 that states in part:

"(1) is a high escape risk; (2) exhibits extremely violent and uncontrollable behavior; and/or (3) must be removed from the County facility to protect the individual from the general population or from other detainees."

Id

The petitioner was single out and then forced into these criterias above by the Governor and her agents abusiveness of state procedures so they could place the petitioner in a facility close to death Row because he invoked his Right to Counsel. This, and coming other facts of being single out by the Governor Executive order, the Court in Gates supra stated that the Courts must "apply three general test to determine whether a statutory provision qualifies as a prohibited bill of Attainder: (1) a historical test that looks to traditional forms of legislative punishment, (2) a functional test that looks to the purpose served by the bill and (3) a motivational test that looks to actual legislative motives.

A Historical Test That looks To Traditional forms of legislative punishment.

The petitioner has a substantive due process Right not to be punished prior to adjudication of guilt. See Bell v wolfish 441 US 520 (1979). Surrounding this Right

the supreme Court in U.S v Salerno 107 S.Ct. 2095 (1987) stated seven exceptions that the government has in detaining a person:

1) in times of war or insurrection, when society's interest is at its peak, the government may detaine an individuals whom the government believes to be dangerous; (2) Detention of potentially dangerous Resident aliens pending deportation; (3) detain mentally unstable individuals who present a danger to the public; (4) detain dangerous defendant's who become incompetent to stand trial; (5) post arrest Regulatory detention of Juveniles when they present a continuing danger to the community; (6) In the Criminal Justice system, Government can detain a police suspect, an individual of a crime, they may arrest and hold him until a neutral magistrate determine whether probable cause exists; and (7) an arrestee may be incarcerated until trial if he presents a Risk of flight.

Id

Anything other than the seven exceptions above allowed by law for the detainment of American citizens without due process of law amount to punishment. The petitioner is that Rare case. It should be noted that S.C Const. Art. IV § 15 states:

" The Governor shall take care that the laws be faithfully executed..."

Id

This is not the case. The petitioner sought Capital Cancels where the state, the Attorney General and the solicitor, whom are part of the Executive Branch of South Carolina, objected to it. The Judge granted the petitioner Cancel. They appealed to reinstate the death sentence. Thinking they were going to win they conspired after knowing that the petitioner was severe mental health and was not eligible to be housed in the

Department of Correction placed the petitioner there anyway. These facts have shown not only the functional approach of the Executive order but also the state motivational aims of placing the petitioner in the Department of Correction; therefore, the petitioner meets the three prongs of the Gates test because of the state actions of conspiring to use the Executive pen of the Governor that was not only directed to the petitioner but also to put him inside of the Department of Correction.

furthermore, applying the Gates test as to why the Governor and its agents placement of the petitioner in the Department of Correction was punitive, especially considering the extreme condition of confinment that the SCDC are well aware of, see TR v South Carolina Dept. of Correction No. 2005-CP-40-02925, and aware of the petitioner Requesting medical treatment that the doctor Recommended such as X-Rays on the right bone of his leg that could be Sarcoma, a cancerous disease, see issue 21-23 infra and to limit his access to legal paper and supplies to contest his confinement in other courts than this proceeding see issue 19-21 infra and to get the petitioner upset so they could use any misconduct Reacting to his extreme condition of confinement as a non aggravating factor in his capital case see issue 14 infra and to obstruct his six amendment right to contact his counsels Regarding his criminal cases, see issue 15 infra and other pretrial conditions that are outside of holding a pretrial detainee prior to trial 1-7 above and issue 16-18 below that doesn't fall in the area of the Government seven exceptions for holding a person in detention; therefore, these conditions singly or combinedly constitute punishment. see Wilson v Seiter 501 US 294 (1991)

lastly, the Supreme Court give the state the power to classify an inmate to the appropriate section of the correctional facility that warrant security Restrictions such as to maintain order, discipline, and security. See Moody v Daggett 429 US 78, 88 n 9 (1976)

punishing a pretrial detainee for pending criminal charges or criminal charges that has been nolle prosequi by the solicitor or non disciplinary acts such as writing grievances are way out of the Governor Range of Classification of the petitioner under section one of the Executive order 2000-11; therefore, the petitioner placement within the Department of Correction is to punish the petitioner for those charges prior to an adjudication of guilt. Neither the Governor nor the legislature has the power to punish the petitioner for non convictions that he had not had a trial yet. see Richmond v Ja Croson Co; 488 US 469, 513-514 (1989) (legislature are primarily policy-making bodies that promulgate Rules to govern future conduct. The constitutional prohibitions against enactment of Exposto facto laws and Bill of Attainder Reflect a valid Concern about the use of the political process to punish or characterize past conduct of private citizens. It is the Judicial System Rather than the legislature process that is best equipped to identify past wrong doers and to fashion Remedies that will create the conditions that would have existed had no wrong been committed) (steven J., Concurring in part and Concurring in Judgment)

ISSUE 9: WHETHER BOTH THE PETITIONER ILLEGAL TRANSFER AND PLACEMENT UNDER EXTREME CONDITION OF CONFINEMENT BY THE STATE IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION CONSTITUTE EXTREME PUNISHMENT SHOCKING TO THE CONSCIENCE. AND IF YES, WHAT PRE-DEPRIVATION PROCEDURAL SAFEGUARDS THAT PETITIONER SHOULD BE ENTITLED TO IN ORDER TO SANCTION THE STATE FOR VARIOUS DEPRIVATIONS OF HIS CONSTITUTIONAL RIGHTS

facts

The petitioner in this section Crave Reference to and incorporate the facts in

issues 1-8 supra and 14-23 supra Regarding the South Carolina officials outrageous misconduct in enforcing state law procedures to the petitioner of, but not limited to it, not only violating his statutory Right to Counsel, SC Code § 16-3-26 but also denial of appointment of Counsel as a matter of Right to him under the Constitution, Gideon v Wainwright 372 U.S 335, 342 (1967); unlawfully transferring the petitioner outside of Edgefield II Judicial Circuit, SC Code § 17-3-100; violation of the safekeeping statute for placing petitioner, a severe mental health inmate, in a County Jails, SC Code § 44-23-220; and failure to apply those procedural safeguards to him, §§ 44-23-10 through 220; punishing the petitioner because he sought his Right to Counsel, see United States v Salerno 481 U.S 739, 747 (1987); Boerdon Kircher Hayes 434 U.S 357 (1978) (To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort ...); and placing the petitioner in the South Carolina Department of Correction for the following Reasons:

(1) In violation of Section 6 of the Governor Executive Order 2000-11 that doesn't allow Severe mental health inmates in the SCDC, See also SC Code § 44-13-10; (2) Arbitarily and in violation of statutory provision of SC Code § 24-3-80; for punishment for writing grievances in the County Detention Center of Aiken and Laurens; (4) under false pretense to his Reputation; (5) Bill of Attainder; and (6) under the following Extreme Condition of Confinement that should be looked at singly or within its totality, See Wilson v Seiter 501 US 294 (1991)

(A) Denial of publication; (B) Denial of Right to purchase supplies to write his family and friends; (C) failure to be equally treated as other pretrial detainee in other County Jails who are in Administrative Segregation that are entitled to

The petitioner in this matter [illegible]

all of their inmates privileges such as canteen, Recreation seven times a week, and showers seven times a week and ect . . . ; (D) Burden the petitioner Right to seek counsel for failure to supply petitioner adequate Indigent legal supplies and postage; (E) placing unconstitutional condition on legal supplies; (F) and as a Result of paragraph (E) denying the petitioner to a federal Cause of action; (G) and as a Result of paragraph (E) and (F) closing the petitioner to access to the court; (H) failure to compel Edgefield to pay for the petitioner medical treatment Regarding the petitioner sarcoma, a cancerous disease, neurotin Medication, and Colonosopy; (I) and being denied the medical treatment in paragraph (H), see issue 22-23 infra.

once the petitioner is in the state custody they can not intentionally deprive him of life, liberty, and property without due process of law. Youngberg v Romeo, 457 U.S 307 (1982) In Haywood v Ball 586 F.2d 996 (4th Cir. 1978) police Refused a prison Request for medical treatment to punish him for fleeing the scene of a serious automobile accident Id the court Ruled that the police violated the prisoner Right to substantive due process when the stated showed shocking indifference to the man serious medical needs. Id the state intentional deprivation of the petitioner life, liberty above and below, but not limited to it, are shocking to the conscience. See Sacramento v Lewis 523 US 833 (1998) The petitioner must now show prejudice. See palmetto Alliance v SC public Authority 319 S.E2d 695 (1984) The petitioner states three prejudices, but not limited to it, before he get to what process is due under the due process for the various Constitutional violations above and below:

1). The State in his capital case can use, if the petitioner is convicted, in the sentencing phase the state version of the petitioner being placed in the Department of Correction unjustly. This too implicate implicitly the petitioner 5th Amendment Right to

Self incrimination, especially when the state is falsely distorting the petitioner Reputation to such extent by itself is shocking to the conscience";

2). As stated in issue 10-11 infra Regarding Ineffective of (capital) Counsel, the petitioner has lost faith and confidence in his attorneys for their conduct in not protecting the petitioner Constitutional Rights, especially when they pursued the contested hearing in the Administrative Court instead of going in front of Judge Diana Goodstein addressing these issues under the proper Remedy; and

3). The petitioner Sarcoma, a cancerous disease on the Right bone of his leg that is spreading to the point of imminent death. The petitioner has lost a total of eighty-five (85) pounds and is very sick and getting to the point he can not stand on his Right leg. Three times in 2016 the doctor had ordered for the petitioner to have his Right leg x-rayed. This, along with the above facts, is intentional. The state is trying to literally kill the petitioner for exercising his Constitutional Rights.

DOES THIS COURT HAVE THE POWER TO SANCTION THE STATE SUCH AS DISMISSAL OF AN INDICTMENT UNDER THE CONSTITUTION

In Kendall v Ballenzan 450 f. 3d 515 (C.A.4 (MD) 2011) that court stated that in order for the petitioner to succeed in a procedural due process claim, the petitioner must show: (1) cognizable liberty or property interest; (2) deprivation of that interest by some form of state action"; and (3) that procedures employed were Constitutional inadequate.

The petitioner above has already shown the cognizable life, liberty interest and the

State deprivation of those interest. What concerns the petitioner is the last one: that the procedures employed were Constitutional Inadequate.

The petitioner Crave Reference to and incorporate the facts in issues 10-12 infra in this section of why the above and below issues were not Raised in this Court.

In Case v State of Neb. 381 US 336 (1965) the United States Supreme Court had stated that "the fourteenth Amendment Requires that the states afford state prisoners some adequate Corrective process for the hearing and determination of claims of violation of federal Constitutional guarantees".

SC Code § 24-3-80 Reads as applied to the petitioner:

"No person so Committed and detained shall have a Right or Cause of action against the state or any of its affilers or servants by Reasons of having been Committed and detained in the state prison system"

following § 24-3-80, on november 5, 15 the Administrative Judge had issued an order dismissing the petitioner Contested hearing the grounds that it lacked Jurisdiction because of the statute in question. This is Contrary to several provisions of the South Carolina Constitution — one of them, Article I, section 22 in which gives the petitioner one he has shown a Cognizable liberty, property, or life interest from the deprivation of an agency such as both the SCDC and the Governor, who had placed the petitioner in the Department of Correction, decision to a Mandatory hearing.

South Carolina Article I, section 22 Reads in part:

> " No persons shall be finally bound by a judicial OR quasi-judicial decision of an administrative agency affecting private Rights except on due notice and opportunity to be heard ... and he shall have in all such instances the Right to judicial Review "

The other provision of the South Carolina Constitution makes SC ART I § 22 mandatory on all Courts in South Carolina Regarding any Government Administrative agency facilities. Regarding SC ART I § 22 the US 4th Circuit Court of Appeals in Beckham v Harris 756 f.2d 1032 f.N 11 (4th CIR. 1985) held that that provision " does not create a protectable property Right, but Merely protects one already in Existence. see Bunting v City of Columbia 639 f.2d 1090, 1094 (4th CIR. 1980) South Carolina can not prohibit a federal Cause of action in their Courts because it is a property interest under the Due process Clause. see Zipperer v City of fort myers 41 f.2d 619 (1995) (the supreme Court has specifically held that a Cause of action is a species of property protected by the fourteenth Amendment due process Clause); logan v Zimmerman Brush Co., 455 US 422 (1982)

The Administrative Judge must enforce the state Constitution provision such as but not limited to SC Const. ART I § 22 despite state law telling the Judge otherwise. This too, as of now, make the Administrative Court as applied to the petitioner an inadequate Remedy for the agency decisions of both the SCPC and the Governor.

Since the petitioner has proven an inadequate state Remedy the next question is what due process procedures are due to the petitioner:

South Carolina has two adequate procedures for the petitioner to challenge before trial in order to sanction the state, beside the trial court, for the state deprivation of the petitioner life and liberty prior to an adjudication of guilt.

SC Code § 17-27-20 (A)(5) Reads in part:

"he is otherwise unlawfully held in custody or other Restraint"

This post Conviction Relief procedure has all of the pre-deprivation procedural safeguards already in place such as for a full and fair hearing, with the appointment of Counsel, and the Right to put up evidence, and the Right to Cross Examine witnesses.

The next procedures that South Carolina has in place is the contested hearing of the Administrative procedure act. This procedure too has all the procedural safeguards required by due process pursuant to SC Code §§ 1-23-10 through 1-23-600

furthermore, because of the significant life and liberty interestes that are at stake in this case, would the Constitutional adequate procedures have a mechanism in it for pre trial detainees who have been punished by the state prior to an adjudication of guilt that would sanction the state for punishing a pretrial

detainee such as, as applied to the petitioner, strike the death penalty, State v Atkins, 399 S.E.2d 760 (1990) or dismiss an Indictment, see US v Morrison 441 U.S 361, 364-66 (1981) and/or such other and further Relief that this Court seem Just and proper.

In whatever procedures fashioned by this Court according to due process of law, the petitioner Requestes new Counsels, a fair and impartial hearing, the Right to put up evidence and so on Regarding his Constitutional Claims in this motion and/or such other and further Relief this Court seem Just and proper.

ISSUE 10: WAS CAPITAL COUNSELS INEFFECTIVE FOR FAILURE TO PRESERVE ISSUES AT THE CONTESTED HEARING PROCEEDING IN THE ADMINISTRATIVE COURT UNDER THE SIXTH AMENDMENT

FACTS

On 7/7/15, the petitioner Capital Counsels filed a Contested hearing in the Administrative Court. A hearing was held without the petitioner knowing about it. On November of 2015, the petitioner Received in the prison mail an order from Judge Ralph Anderson. The petitioner doesn't know what Counsels had Raised at the hearing. All he knows is that the Administrative Judge order which is dated november 5, 15 states in part:

" petitioner nevertheless claims that even if the Governor is the final decision-maker as to safekeeper status her decision would have to be Reviewable by

this Court OR Else section 24-3-80 would be unconstitutional ... However, this Court is empowered to hear as applied challenges to statutes Regulation [Citation omitted] Here, the Court has been provided with no authorities indicating that a prisoner has a state-created liberty interest ... [A]s to the Governor's basis for his classification and transfer of a prisoner as a safekeeper, petitioner has failed to establish that section 24-3-80 was unconstitutionality applied in this case."

see Barnes v SC Dept of Correction, supra

The Judge then Remanded the petitioner Condition of Confinement issues back to the SCDC to exhaust SCDC Administrative procedures.

As stated in issue II infra, in which he Crave Reference to and incorporate the facts in this section for Relief, Counsels did not appeal the transfer issue.

Regarding the Condition of Confinement issues within the SCDC, the petitioner had filed grievances. on July 21, 2016, SCDC Responded to the Grievances. on August 22, 2016, the petitioner had timely appealed. on October 17, 2016, briefs were ordered by the Administrative Judge. Review of the petitioner Counsels brief had forced the petitioner to file a brief in the Administrative law Court but due to SCDC access to the Court and its other policies such as the 20-sheets a week, and including the Relevance of the petitioner other pro-se pending legal issues such as his writ of certiorari in the united states supreme Court - as stated in more details in issues 19-21 infra in which he Crave Ref-

ence and incorporate in this section for Relief, he could not file a brief in that Court. The SCDC had filed a brief substantiating his facts in this brief in issue 1-9 supra. on March 29, 2017, the Administrative Judge had issued a final order denying all the petitioner claims in his grievances. Counsel and the state appealed to this Court. Counsels had filed a brief on this appeal worser than their brief in the Administrative Court. the petitioner then converted his Administrative Court brief into this Appellate brief for Relief in this Court.

The Administrative Contested hearing process has a host of Constitutional adequate predeprivation procedural safeguards; for example, SC Code § 1-23-320 gives the petitioner a notice and hearing, a Right to depositions of witnesses, a Right to subpoena witnesses and documents, and a Right to fair and impartial hearing; including after the Administrative Judge has made a final decision Regarding the parties issues at the Contested hearing pursuant to § 1-23-350, the Administrative procedure Act has a host of post deprivation procedural safeguards. Both procedural safeguards are mandated by procedural due process under both state and federal Constitutions when the deprivation is centered around a governmental Agency such as in the petitioner case concerning SC Code § 24-3-80 which has caused the petitioner incarceration within the Department of Correction unlawfully.

In William v Taylor 529 US 362, 392-93 (2000) the supreme Court held that the prejudiced prong under Strickland vs Washington 466 US 668 (1984) does not focus solely on the more out-come determination but look to whether the proceeding was fundamental unfair or unReliable, ie., whether it deprived the [petitioner]

of any substantial or procedural Right which the law entitled him.

Applying the outcome - determination test, Capital Counsels were ineffective for failure to put up evidence, but not limited to, taking depositions of the South Carolina Governor, the Director of the South Carolina Department of Correction, County Detention Center officials of Edgefield, Aiken, and Lauren and the 11th circuit solicitor and then subpoena them to the Contested hearing as evidence and then Cross Examine them for Example in issue 1 supra Regarding them punitively placing the petitioner in the Department of Correction until the state supreme Court Reinstate his death sentence because he had sought Counsel as stated in issues 2-9.

Concerning the Counsels approach on the petitioner Condition of Confinement issues, their actions has been detrimental to the petitioner as stated in issues 14-23 infra in which he Crave Reference to and Incorporate the facts in this section for Relief that has substantially prejudiced the petitioner.

furthermore, the Counsels Choice of Remedy Concerning the Administrative law Court Rather than the state writ of Habeas Corpus under SC Code §§ 14-3-310 and 44-22-20 in which the latter governs when a severe mental health inmate is unlawfully in the Department of Correction such as in the petitioner Case. This too has been prejudicial to the petitioner because it has Caused, of Course by the state doing, the petitioner to loose Confidence in his Counsels because of various state interferences in his Criminal Case such as, but not limited to, the South Carolina office of Indigent Defense.

lastly, if the state was to argue that the 6th Amendment should not apply

to the Contested hearing, the petitioner beg to differ for two Reasons: for one, the petitioner has the solicitor offile, which is part of the Executive Branch following to SC Code § 1-1-110, including the Governor offile, as defendents if this Court grant a new hearing in this action; and two, the State Supreme Court held in both Huckably v State 408 S.E 2d 242, 244 (1991) and Nichols v State 417 S.E 2d 860 that in a probation Revocation Context that the probationer Retains his full Sixth Amendment Right to Counsel. Surely, in the petitioner Context that he Retains all of his Sixth Amendment Right to Counsel.

The petitioner Request for a new hearing or for the Court to Rescind it prior order Remanding this Case back to the trial Court who has Exclusive Jurisdiction over this Case and/or such other and further Relief this Court seem Just and proper by virtue of a significant life and liberty interestes are at stake in this Case as stated in issues 1-9 supra

ISSUE 11: WAS CAPITAL COUNSEL'S INEFFECTIVE for FAILURE TO PRESERVE ISSUES AT THE CONTESTED HEARING IN THE ADMINISTRATIVE COURT THAT VIOLATES THE PETITIONER DUE PROCESS RIGHTS

FACTS

The petitioner Crave Reference to and incorporate those facts in issue 9 and 13 in this section Regarding the proper due process predeprivation Procedural safeguards

Regarding issue 10 facts of ineffectiveness of Counsel, which he incorporate in this section as well for Relief. Assuming Arguendo that this Court Rules that the due process Clause Rather than the six Amendment applies in the Contested hearing in the Administrative Court, this Court should Rule that the petitioner should be entitled to effective assistance of Counsel under both state and federal Constitution. See In Re Issack J. 4 Cal. App. 4th 525 (1992) (Where there is due process Right to Counsel, there is Concomitant Right to effective assistance of Counsel)

Regarding the proper standard that this Court should use in Contested hearing Cases, In Turner v State, 680 S.E 2d 792 (2009) the state supreme Court have held that a probationer has a Right to Counsel under the due process clause and then fashioned the Strickland v Washington test that should be applied to Counsel effectiveness in that proceeding. Id surely, the same Strickland v Washington test in probation Cases should apply to the petitioner in the Contested hearing. Does pre trial detainees have more Rights than Convicted felons? see eg. Mosher v Nelson 589 f. 3d 488, 494 (1st Cir 2009) (Due process clause provides at least as much protection for pretrial detainees as 8th Amendment provides for Convicted prisoners)

for this Court to discriminate the Strickland v Washington standard in Turner Supra to the petitioner, it would then change the legal standard from Strickland to Griffin v Illinois 351 US 12 (1956) where the petitioner will face by this Court an invidious discrimination of standards on Appellate Review. See MLB v SJ; 519 U.S 102 (1996) ([I]n the Court's Griffin-line Cases, " due process and equal protection principles Converge) The petitioner Contends that he's entitled to not only the predeprivation procedural safeguards that Convicted prisoners

uses, see eg Al Shabazz v State 527 SE 2d 742 (2000), including the Corrective process in Al Shabazz supra, but also the Strickland test as in Turner, especially considering the significant interest that are at stake because not only his life is on the line because of Counsels ineffectiveness but also the deprivation of significant liberty interestes as shown in issues 1-9 supra that are Res judicata from the petitioner Raising in the trial court proceeding Regarding the State Retaliatory transfer of him in the Department of Correction that warrants dismissal of his Indictment and/or some other sanction to the state prior to the petitioner adjudication of guilt.

ISSUE 12°. WAS CAPITAL COUNSELS INEFFECTIVE FOR FAILURE TO APPEAL THE ADMINISTRATIVE JUDGE DECISION TO THE COURT OF APPEAL UNDER THE DUE PROCESS CLAUSE

FACTS

The petitioner Crave Reference to and incorporate the facts in issues 10-11 in this Section for Relief.

on november 5, 15, the Administrative Judge made its final decision as to the Retaliatory transfer by stating that SC Code § 24-3-80 as applied to the petitioner did not violate his liberty interest Rights. Capital Counsels did not appeal that issue to the South Carolina Court of appeal according to SC Code § 1-23-380 (1980). The transfer issue, and any thing associated with it,

as stated in issue 1-9 supra in which he Crave Reference to and Incorporate in this section, is the law of the case and Res judicata / Collateral Estoppel from the petitioner Raising it both in this Court and the trial Court. This is ineffectiveness of Counsel.

The petitioner advances two species of the due process clause: one starting from the protection after a person is convicted, and the other under the liberty interest clause of due process when a person suffer a grevious loss. see Lassister v Department of Social Services of Durham County, N.C 452 US 18 (1981)

The former due process clause, the case Roe v flores-ortega 528 U.S 470 (2000) governs when a person challenges that Counsel failure to advise him of his Right to appeal. See e.g William v Ozmint 671 S.E 2d 600 (2008) (Every applicant has the Right to appellate Review of the denial of post Conviction Relief, and every applicant is entitled to the assistance of Counsel in seeking Review of the denial of post Conviction Relief) The latter falls under In Re Issac J. 4 Cal. App-4th 525 (1992) (where there is due process Right to Counsel, there is Concomitant Right to effective Assistance of Counsel)

The petitioner Crave Reference to and incorporate the facts in issue 9 above and issue 13 infra in this section Regarding the Remedy for this type of claim prior to the petitioner adjudication of guilt.

ISSUE 13: WHETHER THE SIXTH OR DUE PROCESS STRICKLAND V WASHINGTON STANDARD APPLIES IN THIS COURT, WHAT CORRECTIVE PROCESS IS THE PETITIONER ENTITLED TO FOR COURT APPOINTED COUNSEL ERRONEOUS DEPRIVATION OF SIGNIFICANT CONSTITUTIONAL RIGHTS

FACTS

The petitioner Cease Reference to and incorporate the facts in issue 9 supra and the legal argument Regarding the predeprivation procedural safeguards that should apply to pretrial detainees as the petitioner in this court or such other and further Relief this court seem just and proper and the facts in issues 10-11 Regarding the strickland v washington testes that should apply to counsels deprivation of significant Rights of its clients in contested hearing in this section for Relief.

SC Code § 24-3-80 doesn't have any corrective process for the state placement of the petitioner in the Department of Correction. furthermore, there are no procedures under South Carolina law in order to raise the court appointed counsel erroneous deprivation of counsels at the contested hearing.

Besides the trial court where the petitioner is Res judicata from Raising issues 1-9 supra, In the petitioner situation as a pretrial detainee prior to an adjudication of guilt he doesn't have any corrective process for the state deprivation of life and liberty by its agents, court appointed counsel. In Mathews v Eldridge 424 US 319 (1976) it had laid out three testes: The private interest

at stake, the government's interest, and the risk that the procedures used will lead to erroneous decisions. mathew supra at 335 The petitioner private interestes that are at stake as stated in issues 1-9 supra but not limited to it and the government interest in not only Respecting the petitioner Constitutional Rights but also to make sure that appointed Counsels are effective. And by this, the state setting up procedures to prevent the erroneous deprivation of significant Rights by Counsel who they appointed to protect the petitioner Constitutional Rights are essential, along with other common sense facts Regarding the mathew test. And assuming Arguendo that the state was to argue for the fiscal Restraint of mathew test supra, the state can not argue that budgetary concerns will not allow the petitioner a hearing because convicted prisoners Receives more Corrective processes than pretrial detainees for deprivation of Constitutional Rights by the state in general. See e.g Case v state of Neb. 381 us 336 (1965) (the fourteenth Amendment Requires that the states afford state prisoners some adequate Corrective process for the hearing and determination of claims of violation of federal Constitutional Rights)

furthermore, without the Corrective process prior to the petitioner adjudication of guilt he does not have any state Remedies to exhaust his federal Constitutional Claims in order to file a federal habeas corpus under 28 USC § 2241 as for the petitioner confinement and treatment while in the Department of Correction. see e.g. Exparte Hall 312 US 546 (1941) (The Court stated that the state and it's officers may not abridge or impair petitioner's Right to apply to a federal Court for a writ of habeas Corpus); Richardson v Miller 716 f.supp. 1246 (1989) (Constitutional prohibition against a state's efforts to deprive a state prisoners

from access to a federal court's habeas corpus jurisdiction is granted on the due process clause of the fourteenth Amendment) This per-se should mandate a corrective process for pre trial detainee claims of state or its agents, court appointed counsel, erroneous deprivation of constitutional Rights before trial.

furthermore, on another grand for this court to Review in this section, the state can not discriminate on their corrective procedures Regarding pretrial detainees and convicted felons because the former has more Rights and protections than the latter. for Example, convicted prisoners are not only entitled to good time for behavior, and if taken away by the state, a hearing for the state deprivation of liberty interest that is Reviewed by the elaborate procedures of Al Shabazz v State 527 S.E.2d 742 (2000); In addition to this, once a person is found guilty as a matter of law they can petition for ineffective Assistance of counsel on collateral Review on post conviction Relief pursuant to SC code § 17-27-20. the petitioner can not use those procedures. This is invidious discrimination of a shocking Nature. See Griffen v Illinois 351 US 12 (1956) When the petitioner trial counsel goes haywire before trial off of it effectiveness contrary to the constitution, the petitioner should not have to wait until he is convicted at trial in order to Receive a fair and impartial corrective process to contest counsel erroneous deprivation and/or the state erroneous deprivations as stated in issues 1-9 supra for Relief. All south Carolina corrective processes is for convicted prisoners such as Habeas corpus, PCR where the prisoners can exhaust their state Remedies for Relief, or to seek federal habeas Relief; the petitioner once again can not use those procedures or exhaust his state Remedies for federal Habeas corpus Relief. This

per se violates the petitioner due process and equal protection Rights under both state and federal Constitution.

lastly, the petitioner should have notice of the procedures used to challenge the effectiveness of Counsel at the Contested hearing. see Stile v Copoley 115 f. supp 2d 854 (ND ohio 2000) (for due process purposes notice must be of such nature as Reasonably to Convey Required information)

ISSUE 14: WHETHER THE STATE PLACEMENT OF A SEVERE MENTAL HEALTH INMATE IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTION UNDER EXTREME CONDITION OF CONFINEMENT, ESPECIALLY WHEN THEY KNEW THAT THE PETITIONER DOES NOT BELONG THERE, VIOLATES VARIOUS OF THE PETITIONER SUBSTANTIVE DUE PROCESS RIGHTS AND PROCEDURAL DUE PROCESS AND EQUAL PROTECTION RIGHTS

FACTS

The petitioner Crave Reference to and incorporate the facts in issues 3-4 supra

The SCDC placement of the petitioner in the Department of Correction shows the state officials subjective intentions to punish the petitioner, who's a Severe mental health inmate, prior to his adjudication of guilt, and as stated in issue 4 supra and issues 16-23 infra, shows the objectiveness of the petitioner Extreme Condition of confinement, especially when Combined, see Wilson v Seiter supra and Bell vi Wolfish 441 US 520 (1979)

Despite this evident punitive intent by the state placement of the petitioner in the South Carolina Department of Correction (SCDC) as a Severe mental health inmate, it further shows that the state knew of the punitive condition of confinement within this institution Regarding TR v South Carolina Dept of Correction no. 2005-cp-40-03925, and although the state supreme court Recently Rescinded the lower court decision of that case because of the settlement agreement between inmates and SCDC, Id the petitioner contends that it still does not take away the knowledge of the state knowing that the condition of confinement here is Extreme. See e.g Gutierrez-Rodriguez v Cartagena 882 f.2d 533, 575 (1st Cir. 198) (past civilian complaint against a defendant were properly submitted to prove that his supervisors were on notice of the complaints and not to prove what the complaints said); Lane v Griffen, 834 f.2d 703, 707-08 (th Cir 1987) (testimony concerning what the chaplin told the superintendent about the plaintiff was not hearsay because it was offered to explain the superintendent [about the plaintiff was what he was doing and this went to the official] State of mind and not for the truth of what it asserted)

In issue 9 supra the petitioner had listed all of the state before and after placement within the SCDC Regarding it abusiveness of State laws in order to punish the petitioner outside of the context of holding the petitioner just for trial. The petitioner advances the following substantive due process violations:

One, as stated on page 2, Respondents part of this brief, when the petitioner Refers to the state he Refer collectively to the above-caption defendant unless they are named individually in this brief; for Example, the 11th

Circuit solicitor, the Attorney General had conspired with County Detention Center officials of Aiken, Lauren, and Edgefield to petition to both the Director of SCDC and the Governor when they knew that the petitioner was ineligible to be placed within the SCDC as a Severe Mental health safekeeper inmate so that to punish the petitioner because he sought Counsels for his Capital case. This falls in line of the prosecutorial / Governmental outrageous misconduct outside and/or within the indictment that warrants dismissal of the Indictment, see US v Morrison, 449 US 361, 364-66 (1981); US v Russell 411 US 423, 432 (1973) if the petitioner can show prejudice. See Morrison supra 449 US at 364-66 (Indictment need not be dismissed because no prejudiced to defendant Concerning Counsel's effectiveness at trial though government meeting with the defendant outside of presence of Counsel and disparaging Remarks about Counsel interferred with defendant's 6th Amendment Right to Counsel);

and two the state continuous placement of the petitioner, who is a severe mental health pretrial detainee, in Extreme Condition of Confinement in order to cause both the degeneration of his Mental health illness so he could react violently Regarding his Condition of Confinement such as Regarding Medical treatment for the cancerous growth on the Right bone of his leg he's not being treated by SCDC NOR treated for his chronic back and nerve pain and the Excessive Fighting of grievances for those things, but not limited to it, so the state could use it as non aggravating factors, if convicted, at the Sentencing phase of his Capital case. This is prejudicial per-se and should warrant some type of Constitutional sanctions such as the dismissal of the death penalty OR Indictment for the state misconduct while awaiting trial.

and three, Concerning his Extreme Condition of Confinement within the Department of Correction as stated in details in issue 9 above, whether Collectively and/or individually, the Conditions amount to punishment. see Wilson v Seiter 501 US 294 (1991) (That Condition of Confinement alone OR in Combination MAY deprive prisoners of the minimal Civilized measure of life necessities) and Bell v Wolfish supra furthermore, the state action as stated in issue is Regarding SCDI not allowing the petitioner to debit his inmate account to purchase legal supplies, legal postage, and bigger manila Envelopes in order to mail bulk legal mail that also burden his substantive due process fundamental Rights and his 6th Amendment Counsel of choice. This also shows that the state placement of the petitioner under those Conditions were for the sole Reasons of punitively suppressing his meaningful access to Courts and to further punish the petitioner as stated in issues 1-9 supra and issues 20-21 infra prior to his adjudication of guilt.

Procedural Due Process

The petitioner advances three procedural due process legal theories:

1) when the state deprives the petitioner of his life, liberty, and property interestes, he's entitled to predeprivation procedural safeguards, see Al Shabazz v State 527 S.E 2d 742 (SC 2000) (The Requirements of procedural due process apply only to the deprivation of interests encompassed by the fourteenth Amendment's protection of liberty and property); Lose v Nebraska 381 US 336 (1965) (The fourteenth Amendment Requires that the state's afford state prisoners some adequate Corrective process for the hearing and determination of claims of

violation of federal Constitutional guarantees) when the established state procedures, Logan v Zimmerman Brush Co 455 US 422 (1982) and the state action is foresee-ability, see Zinermon v Burch 494 US 113 (1990) deprives him of those interestes;

and 2) when the state punish petitioner prior to an adjudication of guilt, some pre deprivation procedural safeguards are Required depending on the Circumstances before, see Higgens v Carver, 286 f.3d 437, 438 (7th Cir 2002) (A pretrial detainee can not be placed in segregation as punishment for a disciplinary infraction without notice and opportunity to be heard, due process Requires no less); or after, see Dilworth v Adams 841 f.3d 246 (4th Cir 2016); Evans v Welch 213 f.3d 631 (4th Cir 2000) (Appellant were not entitled to qualified immunity as to Evans claim that he had been placed in solitary confinement as punishment for his lack of cooperation with efforts to interrogate him); O Bar v opinion 953 f.2d 74, 84-85 (4th Cir. 1991) (Recognizing that administrative segregation can be a form of punishment); and

3) the state placement of the petitioner in the SCDC without any notice and hearing on whether or not his continuous confinement here is warranted in Administrative segregation is violating his Rights according to Hewit v Helms, 459 US 460 (1983). see Stevenson v Carroll 495 f.3d 62, 70 (3d Cir 2007); Benjamin v fraser 264 f.2d 175, 190 (2d Cir 2000) (prison officials must provide detainees who are transferred into more Restrictive housing for Administrative purpose only an explanation of the Reason for their transfer as well as an opportunity to Respond . . . this informal non adversary Review is satisfied when an inmate Receives some notice of the charges against him and an

opportunity to present his views to the prison official charged with deciding whether to transfer him to administrative segregation) (quoted in stevenson 495 f.3d at 69)

Equal protection

Convicted prisoners who are classified in the Restrictive Housing unit (RHU) of SCDC as a Security Detention (SD) inmate according to SCDC policy OP 22.83, 3.9 Receives notice (The inmate will Receive a written disposition from the Committee within (10) working days of the hearing) and an appeal of SCDC decision for Convicted inmate to be placed in SD status, Id section 3.12 (Inmates may appeal the decision of the RHU Coordinator and RHU's Multi Disciplinary Committee through the inmate grievance system) and a hearing every 90 days in order to determine whether or not the inmate Continued placement on SD level II is warranted. Id section 4.6 (The inmate will be present for his 90 day behavioral Reviews unless the inmate's behavior is not Conductive to Removal . . .) The petitioner who is a pretrial detainee is classified in RHU as SD level II and he should be entitled similarly situated to the same procedures outlined above as Convicted prisoners in RHU.

ISSUE IS: WHETHER THE STATE FAILURE TO ALLOW THE PETITIONER TO PAY FOR BOTH SUFFICENT POSTAGE TO MAIL BULK LEGAL MAIL AND SUFFICENT LEGAL SUPPLIES IS BURDENING HIS SIXTH AMENDMENT RIGHT TO SEEK COUNSEL of CHOICE

FACTS

On september 11, 15 the petitioner had went in front of Judge Diana S Goldstein

for a scheduling hearing. There, the petitioner, along with Capital Counsels, sought the Judge for third Counsel. The Judge gave the petitioner and his Capital Counsel thirty (30) days to Report back to her Regarding third Counsel. see State v Barnes 2005-GS-19-273-457 Due to Capital Counsels having matters in their own hands without the petitioner consent such as in issues 10-13 above, the petitioner will not assume on this Record what had happened for Counsels to go against the petitioner interest for third Counsel. Since that date, the petitioner have needed to seek any pro bono Civil Rights organization such as Black lives matter organization lawyers Regarding pro bono third Counsels. When the petitioner had told Counsels of this matter, it was brushed off every time.

Within the SCDC, in the Restrictive Housing unit (RHU) and/or Special management unit (SMU), the petitioner can not debit his inmate account in order to purchase extra postage, for Example depending on the weight of the Envelope, to send legal documents to those organizations about Attorney-client issues that's dealing with his Capital Case and/or any other Criminal/Civil matters in both Georgia and South Carolina. This too include to purchase extra legal paper, Envelopes, and pencils. In RHU-SMU whether an inmate is indigent or not they are only allowed once a week the following indigent legal supplies: 20 sheets of paper, 5-envelopes, 2-brown manila envelopes, and a flex pen that breaks Real easily. furthermore, indigent legal mail can only be sent to attorney of Record and/or to attorney on a pending case or if the petitioner was filing a case in Court. SCDC will not send indigent legal mail to an attorney if the petitioner can not meet the above Criteria.

the six Amendment Reads that In all Criminal prosecutions, the accused shall enjoy the Right ... to have the Assistance of Counsel for his defense. The Supreme Court have held that the element of the six Amendment Clause who does not Require appointment of Counsel is the Counsel of choice to assist in his defense at trial. see Wheat v United States 486 US 153, 159 (1988) This is a fundamental Right which can not be abridge. Any law OR policy that Restricts OR imposes a fundamental Right " is subject to strict scrutiny in determining its Constitutionality. see Hamilton v Board of trustees, 319 S.E 2d 717, 720 (Ct. App. 1984); Washington v Salisbury 306 S.E 2d 600 (1983) To survive " strict scrutiny analysis the legislation must be necessary to promote a Compelling state interest. Id

The petitioner challenges the SCDC policy on three grounds:

That SCDC policy burden his 6th Amendment Right, see e.g Murphy v Walker 51 F.3d 714, 718 (7th Cir 1995) (per curiam) (detainee stated 6th Amendment claim if Revocation of phone privileges interferences with Access to Counsel); That SCDC action of limited legal supplies to the petitioner is intentional, see e.g Crawford-El Britton, 523 US 574 (1998) (claim stated by prisoner alleging that misdelivery of box of legal papers denied Rights to Courts); and that challenging SCDC policy under South Carolina Constitution will fall under strict scrutiny standard, see Washington v Salisbury supra and under federal law procunier v Martinez 416 US 396 (1974) standard will apply.

ISSUE 16: WHETHER THE STATE DENIAL OF PUBLICATION TO THE PETITIONER VIOLATES HIS FIRST AMENDMENT RIGHT

FACTS

The petitioner Crave Reference and incorporate the facts in issues 1-7 above

In this section for Relief of why the petitioner is punitively held within the SCDC.

The Canty Detention Center of Edgefield, Aiken, Lauren and Greenwood had the petitioner classified to Administrative Segregation. He was not allowed around inmates because of the Jails classification system. The petitioner was entitled to his Right to purchase publications such as legal boass and Regular boass to obtain knowledge that did not violate the Jail security Concerns. At those Jails there was no Reasonable Related security Concerns in obtaining publications. furthermore, since the petitioner have been off death Row the petitioner had only caught two minor disciplinary charges at Aiken County Jail for failure to go to his cell and having excessive towels and cleaning supplies in his cell.

Applying the turner v safley 482 US 78 (1987) as applied to the petitioner he should be allowed publication (This is no statement that petitioner Consent to being housed within the SCDC)

ISSUE 17: WHETHER STATE FAILURE TO ALLOW THE PETITIONER TO PURCHASE EXTRA PERSONAL MAILING SUPPLIES IN ORDER TO WRITE FAMILY AND FRIENDS VIOLATES THE PETITIONER FUNDAMENTAL RIGHTS

FACTS

The petitioner Crave Reference to and incarporate issues 1-7 above of why the petitioner is punitively held within SCDC and issue 16 above as to the County Jails that the petitioner was in Administrative segregation that allowed him

publication that did not found any Reasonable Related Security Concerns in this section Relief.

The petitioner have a friend in the united Kingdom that he would like to write. petitioner would like to Restart an intimate Relationship with her, hopely one day to marry her, if feasible. The SCDC Restrictive Housing Unit (RHU) policy does not allow for an inmates to debit their inmate account for Extra postage, paper, and envelopes in order to write friends and familly. Once a month an inmate gets personal mailing supplies in order to write familly and friends. It Consist of 8 sheets of paper, 2 Envelopes and 1-flex pen that breaks easily. The two envelopes that are given a month by SCDC can not weigh anymore than an 0.2. Anything over than that the petitioner can not write to friends and familly members.

The Right to Association is a fundamental Right. see Griswold v Connecticut 381 US 479 (1965) Also, the freedom of speech to ask Someone to marry him are two fundamental liberty interest Rights. The freedom of Expression is another one. The SCDC is violating his Rights under both State and federal Constitution.

ISSUE 18: WHETHER THE STATE IS VIOLATING THE PETITIONER EQUAL PROTECTION RIGHT TO BE SIMILAR SITUATED ALIKE WITH CONVICTED INMATES OR PRETRIAL DETAINEES WHO ARE DISCIPLINARY FREE

FACTS

The petitioner Crave Reference to and incorporate issues 1-17 supra of why the petitioner is punitively held within the SCDC in this section for Relief.

The petitioner at the Canty Detention Center of Edgefield, Aiken, Laurer and Greenwood were housed in the Administrative Segregation unit of their Jails and was allowed publications such as books and legal books from the publication Company, and 1-hour a week Recreation, and visitation, and showers 7-days a week, and Canteen privileges such as to purchase legal supplies if the petitioner was not indigent, food, soaps, lotion and any other Canteen items that the Jails sold to inmates, who are pretrial detainees, on Administrative Segregation or in general population. At those Jails there was no Reasonable Related security Concerns Regarding pretrial detainees having those privileges. furthermore, at those Jails the petitioner was housed near inmates in disciplinary Confinement, just like on Safekeeper status within the SCDC, and still Received the privileges that the Jail afforded inmates disciplinary free.

furthermore, within the SCDC death Row is a similar situated special management Unit (SMU) where inmates are classified as security Detention level II as safe-Keepers at lee Canty institution and who are afforded all of the above

privileges on death Row. In the years of late november of 2010 through the early part of 2014 the petitioner was housed in smu on death Row at lieber Correctional Institute (lieber CI). on information and belief, inmates were held on death Row as safekeeper inmates who got their capital cases overturned. They had Received all of the inmate privileges as inmates who are disciplinary free in both death Row and in general population within the SCDC.

Assuming Arguendo there are no safekeeper pretrial detainees on death Row where the petitioner was housed, the petitioner was allowed all the canteen privileges and five (5) days a week showers and Recreation and other privileges as inmates in general population of SCDC. The closely similar Related unit to where the petitioner is now housed as a safekeeper detainee is death Row — and if there is no Reasonably Related security Concerns to the above privileges on death, why not pretrial detainees who has not been convicted of a Crime Receives the same privileges as death Row inmates who security level is Security Detention II and who are on smu as the petitioner?

The equal protection clause of the South Carolina Constitution parallel that of the United States Constitution. see Theisen v Theisen 676 S.E 2d

In thompson v South Carolina Comm'n on Alcohol and Drug abuse, 229 S.E 2d 718, 722 (1976) the state supreme court stated that " the Constitutional guaranty of equal protection of the law Requires that all persons shall be treated alike under like Circumstances and conditions both in the privileges conferred and in the liabilities imposed ... The equal protection guaranty is intended to secure equality of protection not only for all, but against all similarly situated. see also veney v wyche 293

f.3d 726, 730 (4th Cir 2002); Morrison v Garraghty 239 f.3d 648, 654 (4th Cir. 200)

Whether or not safekeepers are on death Row, its similar to smu and security level. Contrasting both this prison smu and death Row smu inmates are the same, but there is only one exception: pretrial detainees can not be punished prior to an adjudication of guilt. If there's no security concerns of death Row inmates on smu whether or not inmates or detainees then the same applies to detainees housed up on smu at lee county prison. This is what the purpose of Equal protection formed to do: place similar situated inmates in the same positions as others.

ISSUE 19: WHETHER THE SOUTH CAROLINA DEPARTMENT OF CORRECTION POLICY OF LEGAL SUPPLIES HAS PLACE UNCONSTITUTIONAL CONDITIONS ON THE PETITIONER PRO-SE LEGAL CONCERNS

FACTS

The petitioner Crave Reference to and incorporate the facts in issues 15-17 supra Regarding SCDC policy of not allowing inmates to debit their inmate accounts in smu in order to purchase legal supplies, personal mailing supplies to write family, and to purchase publications and issues 20-21 infra Regarding other impediments to his access to the Courts by SCDC in this section for Relief.

The petitioner have pending, including this action, the following: writ of habeas Corpus in the federal Court; Writ of Certoriari in the united states supreme Courts;

post Conviction Relief where he's involuntarily proceeding pro se, see Barnes v state 2015-cp-19-0335. Tort claim suit against the office of Indigent Defense, 2016-cp-4005524; Tort claim suit against Court Reporter Carol M Thueme that he have not heard anything from the Court Regarding a case number; An appeal in the Georgia Court of appeals, see state v Barnes, case # A17A0346; and a Criminal case that is dead docket in Richmond County in Augusta Georgia that he's trying to take off the dead docket in Georgia. see state v Barnes, Indictment #

SCDC only allows once a week smu inmates to Receive for indigent legal supplies 20-sheets of paper, 1-flex pen that breaks easily, 3 to 5 Regular envelopes, and it just Recently started 2-brown manila envelopes once a month. This policy has been prejudicial to the petitioner because it has forced the petitioner to sacrifice his Criminal Cases in Georgia that he's trying to proceed pro se in both his cases in Georgia and this include legal matters in South Carolina.

for Example, Regarding legal matters in South Carolina where both the SCDC once a week legal policy and the delay on waiting on SCDC to provide the petitioner the sufficient amount of legal paper that Excessively had delayed his pro se legal Concerns that he needs to pursue such as, but not limited to, his writ of habeas Corpus that took eighty-eight (88) pages, and his writ of certiorari that took on and about thirty-three (33) pages; and this include on and about two (2) hundred and something pages to draft those document, and the three (3) month process of stopping and going Repeatedly until the petitioner had finished writing those documents - it had took the petitioner on and about seven (7) months

to complete those documents. As stated above, this time frame had took away from his pending cases in Georgia and pending civil and Criminal cases in South Carolina because of the unconstitutional condition SCDC policy has placed on the petitioner pro se legal matters, of course intentionally.

furthermore, this court can take Judicial notice of the above pending actions in South Carolina and Georgia and federal courts. See wise v wise 716 SE 2d 113 (2011) (a court can take Judicial notice of its own Record, files, and proceedings for all proper purposes including facts established in its Record)

As stated in details in issues 15-17 the petitioner is forced to purchase indigent legal supplies from the SCDC because it will not allow him to debit his inmate account to buy from the canteen and/or other legal sources legal supplies with his own money. this too has been prejudicial to the petitioner, along with the his other impediments to his access to the court by SCDC as stated in issues 20-21 infra, in forcing the petitioner to give up one of his Constitutional Rights to meaningful Access to the courts in order to proceed Regarding petitioning the Government for grievances.

forcing a Criminal defendant to surrender one Constitutional Right in order to assert another is intolerable. Simmon v united states, 390 us 377, 394 (1968) (describing situation whereby defendant was obliged either to forfeit what he believed to be valid fourth Amendment privilege against self incrimination) see also lefkowitz v cunning ham 431 us 801, 807-08 (1977) (finding state statute impermissibly coercive in part because it forces forfeiture of one Constitutional Rights as the price for

exercising another)

lastly, this Court set a deadline for the parties to file a brief. the lateness of this brief explains how long that it takes the petitioner to get legal documents out to the Courts Regarding this brief, and his pending pro se legal Concerns.

This is Capable of Repetition whether or not the petitioner is Convicted in the Department of Correction.

ISSUE 20: WHETHER THE STATE IS DEPRIVING THE PETITIONER of A FEDERAL CAUSE of ACTION

FACTS

The petitioner Crave Reference to and incorporate the facts in issue 15 Regarding the SCDC policy on legal supplies burdening the petitioner 6th Amendment Right to Counsel of Choice and issues 16-17 Regarding SCDC policy of not allowing inmates in special management unit to debit their account in order to purchase from the Canteen legal supplies and personal mail supplies, and publication and issue 19 Regarding SCDC policy dealing with placing him under Unconstitutional Condition as to legal supplies, and among ~~other~~ other things, in this section Relief.

SCDC Access to the Courts policy, along with the Restrictive ones above, is non Existence OR is not followed Regarding the following:

SCDL policy doesn't allow inmates to purchase legal photocopying by hand even if the petitioner pay for it, see Hendricks v SC Dep't of Correction 681c S.E 2d 191 (2009); SCDL law library staff in General population of this prison who is assigned to come to smu does not come here three times a week per SCDL policy; plus, the law library does not have Georgia law books, and if the petitioner Request for Georgia case law off the prison law computer the law library staffs will not print the cases, and if the petitioner Request legal copies per SCDL policy, see Hendericks, supra it will take a month or so to bring the copies back to him despite pending dead lines from the Courts; and the computer on smu be brose or the Internet down a lot. Plus, there are hundred of inmates on smu who might need to use the one computer on smu; plus, he's not allowed to purchase legal books on Georgia law and/or any other law books while on smu; and as stated issues 15, 17, 19 the petitioner is only limited to 20 sheets of paper and ect., a week, except brown manila Envelopes that are now one a month; Also, the Excessive delays as stated in issue 19 in getting his legal documents off to the Courts Regarding his pending litigations or non pending litigations because of SCDL 20 sheets of paper a week Rule; plus, SCDL Correspondence policy doesn't allow attorney of Record and/or any other person to send legal supplies through the mail; Also, the SCDL one legal box Rule is hindering the petitioner (SCDL is Res judicata / Judicial Estoppel from arguing differently Regarding the one box legal Rule as applied to the petitioner because of the SCDL position in Barnes v SCDL c/a # 4:10-2147-MBS-TER); Also, the SCDL doesn't have any pre deprivation

from existence of it's post following regarding the following

procedures in place for an inmate with a pending or initiating a state and/or federal cause of action in order to present his case to a SCDC official, for example, to avoid any and all arbitarily and intentionally SCDC decision making of depriving the petitioner of causes of actions as those stated in issue 21 in which he crave reference to and incorporate in this section for relief.

DUE PROCESS VIOLATION BY SCDC DEPRIVATION OF PETITIONER CAUSE OF ACTION

The supreme court in logan v Zimmerman Brush Co, 455 US 477 (1982) held that a cause of action is a property interest under the due process clause and can not be deprived of a person unless provided predeprivation procedural safeguards. In order to determine whether or not SCDC access to the courts procedures are depriving the petitioner of a cause of action as stated in issue infra the supreme court in Mathews v Eldridge 424 US 319 (1976) had made up a three part test: the private interest at stake, the effect on governmental interests of incorporating a particular procedural safeguard into the decision-making process, and the safeguard value and the risk of an erroneous deprivation of the private interest at stake if the safeguard were not put in place.

The petitioner contends that his private interest lays between the first Amendment, the Right to petition the government and the 14th Amendment, the Right to access to the courts — both of them is a

fundamental Rights that SCDC Access to the Courts procedures are hindering his federal causes of actions in issue 21 infra - a liberty interest Rights under the due process clause per-se. The other two Mathews tests, the effect on governmental interest, and the Risk of Erroneous decision; are the same as Procunier v Martinez 416 US 396 (1974) for SCDC; for Example, in Procunier v Martinez supra the supreme Court held that "inmates and the individuals with whom they Corresponded had not been afforded procedural due process when their mail was censored. To avoid Errors and arbitariness in Censorship decision the Court said that the following procedural safeguards have to attend the Censorship process: (1) notice to an inmate is censored. (2) an opportunity afforded the letter's author to protest the Censorship decision; and (3) Review of the Censorship decision by someone other than the individual who made the initial decision." (quoted out of the law of Sentencing Correction and Prisons Rights, in a nut shell, by Lynns Branham) But there's one promblem though: the supreme Court has already informed state prison officials about Censorship of legal documents before inmates file them with the Courts. See Exparte Hull 312 US 546 (1941); Johnson v Avery 393 US 483 (1994); however, Sometype of procedural safeguards to protect the petitioner from SCDC arbitarily denying him of the causes of actions in issue 21 infra when he advises the SCDC he needs for Example more legal paper for his pro-se legal needs. The SCDC according to Ex parte Hull supra has an interest of the petitioner filing his causes of actions such as in issue 21 infra in a timely fashion in the Courts and due process procedures will ensure that the SCDC will not make intentional Erroneous decision Regarding the petitioner causes of actions.

ISSUE 21: WHETHER THE STATE HAS VIOLATED THE PETITIONER ACCESS TO THE COURTS

FACTS

The petitioner Crave Reference to and incorporate the facts in issues 9-13, and 19-20 supra Regarding SCDC various impediments on the petitioner access to the Courts.

The petitioner must show actual injury to his pro-se litigation via the SCDC access to the Court policy in order to be entitled to Relief. see lewis v Casey 518 US 343 (1996) The supreme Court in Christopher v Harbury 536 U.S 403 (2002) had elaborated on meaning of actual injury:

> " Whether an access claim turns on a litigating opportunity yet to be gained or an opportunity already lost, the very point of Recognizing any access claim is to provide some effective vindication for a separate and distinct Right to seek judicial Relief for some Wrong . . . [O]ur Cases Rest on the Recognition that the Right is ancillary to the underlying claim, Without which a plaintiff Cannot have suffered injury by being shut out of Court"

Id

Also in Christopher v Harbury supra the supreme Court had set forth a specific pleading standard that the petitioner must state in order to

prove an access to the Court claim whether backward-looking that "can not now be tried with all Material evidence, no matter what official may be in the future, and foward-looking claim that "the opportunity has not been lost for all time Rather, it has been lost in the short term" Id at 413 the petitioner must show the following:

" The underlying Cause of action, whether anticipated OR lost, is an element that must be described in the Complaint, just as much as allegations must describe the official acts frustrating the litigation. It follows, too, that when the access claim (like this one) looks backward, the Complaint must identify a Remedy that may be awarded as Recompense but not otherwise available in Some suit that may yet be brought. There is, after all, no point in spending time and money to establish the facts Constituting denial of access when a plaintiff would end up just as well off after litigating a simpler Case without the denial-of-access element. "

Id at 415

Except for showing the SCDL officials offending Conduct Regarding its access to the Court and its other procedures, in which he had already described and shown in details in issues 19-20 supra, below the petitioner will show the hindered underlying Cause of actions that SCDL had frustrated then describe the Remedy that was available in the underlying Cause of action and show too that his Cause of action are not frivolous and show the arguable nature of the underlying Cause of action is more than hope. Christopher supra 536 at 416

CAUSE of ACTION I

WHETHER THE STATE of GEORGIA APPELLATE DELAYS of APPOINTMENT of EFFECTIVE ASSISTANCE of APPELLATE COUNSELS IN GEORGIA HAS PREJUDICED THE APPELLANT DIRECT APPEAL PROCESS VIA APPELLATE COUNSELS DENYING HIM THE RIGHT TO A NEW TRIAL HEARING IN ORDER TO RAISE INEFFECTIVENESS of TRIAL COUNSEL

BACKGROUND FACTS

on febuary of 2002 the petitioner was charged with ARM Robbery in Columbia Canty in Georgia. on september of 2002 the petitioner was indicted for veerious charges stemming from one charge of alleged ARM Robbery. See state v Barnes, Indictment # 2002-CR-163 on November of 2003, the petitioner had went to trial for ARM Robbery, and among other charges, and the Jury had convicted the petitioner. on December of 2003, the trial Judge had sentenced the petitioner to life and fifty years. After the petitioner conviction of life and fifty years in Georgia, in December of 2003 former trial Counsel, Randolph Frails (hereafter TRIAL COUNSEL), had filed a motion for new trial on the petitioner behalf upon information and belief.

FACTS

on and about six (6) years the petitioner was without Appellate Counsel in Georgia. on and about september of 2009, the petitioner was appointed

his first Appellate Cansel, Edward J. Coleman III (hereafter first Appellate Cansel). Upon information and belief, first Appellate Cansel had abandoned his clients cases including the petitioner. While first Appellate Cansel was on the petitioner case, the petitioner had told Cansel to file a Motion for New trial hearing on the grand of ineffectiveness of trial Cansel. On and about three (3) years later, on August 12, 13, the petitioner was appointed his second Appellate Cansel, Anne Marie Nicholson (hereafter second Appellate Cansel), who's a public defender in Columbia Canty Georgia. Because of a statutory Conflict of interest under Georgia law, the public defender had withdrawed off his case on March of 2014. Second Appellate Cansel was too advised by the Appellant to file a Motion for new trial hearing on the grand of ineffectiveness of trial Cansel. On and about two years later, on July 8, 2014, the petitioner third Appellate Cansel, James S V Weston (hereafter third Appellate Cansel) had sunt the petitioner a letter at lee Canty prison, in south Carolina that Reads:

" Dear Mr. Barnes

please find enclosed an order denying your motion for new trial in this matter. Also, enclosed in the notile of Appeal which I have filed on your behalf.

That was the first time that the petitioner had heard from third Appellate Cansel, as stated in more details in Cause of action II infra. Also Enclosed in third Appellate Cansel letter was various documents Regarding his appointment to the petitioner Criminal Case in Georgia.

NON FRIVOLOUS ARGUMENT

Georgia Court adopts the four (4) point test of Barker vs Wingo 407 US 514 (1972) in determining Appellate delay. See Threat v state 640 S.E 2d 316 (2006) ((i) the length of the delay, (ii) the Reason for the delay, (iii) the defendant assertion of his Right and (iv) the prejudiced to the defendant)

LENGTH of Delay

The petitioner meets the thirteen (13) years delay prong of Appellate delay. See Threat supra and state v Lar 598 S.E 2d 468 (2004)

THE REASON for THE DELAY STEMS from THE following:

(A) Actual denial of Appellate Counsel on new trial and then appeal by the State of Georgia for on and about 6-years the petitioner contends that prejudice is presumed. See pullen v state 431 S.E 2d 696 (1993) (In certain sixth Amendment Context prejudiced is presumed. Actual or Constructive denial of Counsel altogether is legally presumed to result in prejudiced); (B) Abandonment of the Appellate first Appellate Counsel for a period of on and about four years on new trial and then appeal is attributable to the state. See Maples v Thomas 132 S.Ct 912, 923-24 (2012) (under agency principles a client cannot be charged with the acts or ommission of an attorney who has abandoned him . . .); (C) The state Appointment of second Appellate Counsel for on and about a year with

Conflict of interest the prejudiced is presumed. See Edward v Lewis 658 S.E 2d 116 (2008) (with Regard to ineffective assistance of Counsel claims, a limited presumption of prejudiced arises where an attorney Represents a client despite an actual Conflict of interest; in this situation, the attorney breaches the duty of loyalty, perhaps the most basic of Counsel duties); Cuyler v Sullivan 446 US 335 (1980) OCGA § 17-12-22; (D) and Regarding the Appellate third Appellate Counsel failure for two years to Conversate with the petitioner about whether or not to waive his procedural Right to file ineffectiveness of trial Counsel at a Motion for new trial hearing the petitioner was Constructively denied Counsel as stated in Cause of action II. See Pullen v state supra This too is attributable to the state. The petitioner Contends that (A) through (D) supra shows an Institutional break down in the state of Georgia Appointment of Appellate Court system. See Thomas v state 771 S.E 2d 255 (2015) (The state may be charged with those months if the gaps Resulted from the trial Court failure to appoint Replacement Counsel with dispatch); VT v Brillon 556 US 81 (2009); Weis v state 694 S.E 2d 350 (2010) (To the Extent that the delay Caused by the lack of funding is attributable to the state, it can only be weighed against the state)

DEMAND for Appellate Review

The petitioner had Requested Repeatedly first and second Appellate Counsel to file and preserve for Appellate Review his motion for new trial hearing on the Ground of ineffectiveness of trial Counsel.

GEORGIA STANDARD FOR Appellate Delay PREJUDICE

In Georgia Courts the petitioner must show that there is a Reasonable probability that his appeal would have been different but for his Counsel not filing an ineffectiveness of Counsel motion for new trial hearing, Chatman v Mancill 626 S.E 2d 102 (2006) and that the petitioner must first show the outcome on the Appeal was prejudiced before " any prejudiced a defendant might suffer in a Retrial is iRRelevent. see PAYNE v State 715 S.E 2d 104 (2011)

The petitioner Crave Reference to and incorporate the facts of Cause of action III prejudice prong of ineffectiveness of Appellate Counsel in this section for Relief by virtue of under Georgia the Appellate delay prejudied prong is the same. See Chatman v Mancill 626 S.E 2d 102 (2006) (The appropriate test for prejudice as Elements for Establishing a due process violation based on post Conviction direct appeal delay is the akin to the second prong of the Strickland test for ineffectiveness assistance of Counsel . . .)

CAUSE of ACTION II

WHETHER THE PETITIONER WAS CONSTRUCTIVELY DENIED COUNSEL WHEN THIRD APPELLATE COUNSEL NOT ONLY FAILED TO CONSULT WITH THE PETITIONER BUT ALSO WAIVED RAISING INEFFECTIVENESS of TRIAL COUNSEL BY NOT FILING A MOTION FOR NEW TRIAL HEARING

FACTS

After third Appellate Counsel was appointed to the petitioner case on march

of 2014, third Appellate Counsel had Received the Attorney-client files of both first and second Appellate Counsels. In those files were the petitioner position of first and second Appellate Counsels filing a motion for new trial hearing on the grounds of ineffectiveness of trial Counsel. once eppointed for two years third Appellate Cansel did not Consult with the petitioner about the status of his Case until he'd Received a letter from Counsel on July of 2016 where the petitioner not only had found out that third Appellate Counsel was appointed to his Case but also a General New trial motion was filed by Counsel and heard by the Judge and then an appeal was being taken to the Georgia Court of Appeals because the Judge had denied the motion. See State v Barnes, Georgia Court of Appeals # A17A0346 Third Appellate Cansel had waived the petitioner Motion for New trial hearing on the grand of ineffectiveness of trial Counsel without the petitioner permission.

NON FRIVOLOUS ARGUMENT

In order to show Constructive denial of third Appellate Counsel, the petitioner must show "Counsel entirely fails to subject the prosecution Case to meaningful adversarial testing [in a Motion for new trial hearing on the ground of ineffectiveness of trial Counsel] see TURPIN v Curtis 606 S.E 2d 244 (2004) and that third Appellate Counsel failure at the hearing must be Complete and must occur through out the proceeding and not merely at specific points. see TURPIN supra and Bell v Cone 535 US 685, 696-697 (2002) If the petitioner show this prejudile is presumed. see Pullen v State 431 S.E 2d 696 (1993) (... Constructive denial of Counsel altogether is legally presumed to Result in prejudiced) third Appellate Counsel had

failed to talk to the petitioner about the motion for new trial and the grounds of his ineffectiveness of trial counsel. See ABA 4th ed of Criminal Justice standards for the Defense function - standard 4.6.4(A) (defense counsel should not accept disposition agreement waivers of post-conviction claims addressing ineffective assistance of counsel unless such claims are based on past instances of conduct specifically identified in an agreement or in the transcript of proceedings that addressed the agreement) quoted in state v Garland 781 S.E 2d 787 (2016) (Defendant was prejudiced by counsel ineffective assistance in entering into agreement with state and withdrawing motion for new trial with the defendant knowledge or consent ...) see paul v smith Lambrell & Russell 267 Ga App. 107 (2004) (A lawyer should always act in a manner consistent with the best interest of his client) Since third Appellate counsel had failed to communicate with the petitioner before July of 2016, counsel action concerning the New trial motion held by him, the state, and the Judge are their own, not the petitioner. See 1 Restatement (second) of Agency § 112 (1957) (" The authority of an agent terminates if, without knowledge of the principle, he acquires adverse interest or if he is otherwise guilty of a serious breach of loyalty to the principle) (quoted in Maples v Thomas 132 S.Ct 912 (2012); therefore, third Appellate counsel not putting the petitioner ineffectiveness of trial counsel to the Adversarial testing at a Motion for new trial hearing, especially without consultation with the petitioner was complete; or better said abandonment of his ineffectiveness of trial court issues — prejudice is still presumed — on direct Review on appeal. See Maples v Thomas supra (under agency principles a client cannot be charge with the acts or ommission of an attorney who has abandoned him)

CAUSE OF ACTION III

ASSUMING ARGUENDO THAT THE PETITIONER WAS NOT CONSTRUCTIVELY DENIED COUNSEL WAS THE PETITIONER THIRD APPELLATE COUNSEL INEFFECTIVE FOR FAILURE TO FILE A MOTION FOR INEFFECTIVENESS OF TRIAL COUNSEL

FACTS

The petitioner Crave Reference to and incarporate the facts in Cause of action II through III in this section for Relief.

NON FRIVOLOUS ARGUMENT

The waivement of a statutory Right to Raise ineffectiveness of trial Counsel on direct Review via Motion of New trial is ineffectiveness of third Appellate Counsel. see e.g Shockley v State 199 S.E 2d 791 (1973) (Having invoked the Motion for new trial proledure instead of direct appeal the defendant is entitled to be heard on his motion in the trial Court before a Ruling is made therein); while v Kelse, 401 S.E 2d 733 (1991) (discussing application of Rule that new Counsel must Raise claim of previous Counsel ineffectiveness at first possible stage of post-Conviction Review) The state of Georgia OR its agents, third Appellate Counsel, can not deney the petitioner a state Created Right. See Hicks v Oklahoma 447 US 343 (1980); Kimmelman v Morrison 477 US 368, 378 (1986) (The sixth

Amendment mandates that state bear the Risk of constitutionally deficient assistance of Counsel); Strickland v Washington 466 US 668, 687-678 (1984) (To prove deficient performance by legal Counsel, defendant must show that Counsel performed his or her duties in an objectively unReasonably way, considering all the circumstances and in light of the prevailing professional norms)

Georgia Rules of professional Conduct Rules 1.4 mandates Communication of lawyer with clients:
(A) A lawyer shall:
(1) promptly inform the client of any decision or circumstances with Respect to which the client's informed Consent as defined in Rule 1.0 (h), is Required by these Rules; (2) Reasonably Consult with the client's objectives are to be accomplished; (3) Keep the client Reasonably informed about the status of the matter; (4) promptly Comply with Reasonable Request for information; and (5) Consult with the client about any Relevant limitation on the lawyer's Conduct when the lawyer knows that the client expects assistance not permitted by the Rules of professional Conduct or other law; (6) A lawyer shall explain a matter to the extent Reasonably necessary to permit the client to make informed decisions Regarding the Representation

The petitioner was denied his substantive Right to Raise, or Consult with Counsel to Raise, or Consult with Counsel to Raise, ineffectiveness of trial Counsel by way of the procedural Mechanism of a Motion for New trial hearing on direct Review. See Battles v Chapman 506 S.E 2d 838 (1998) (prejudice Component under Strickland involves a determination whether...

there is a Reasonable probability that the outcome of the proceeding would have been different) there is a Reasonable probability that if third Appellate Counsel would have filed such motion a hearing would had been ordered by the Judge. see Battles v chapman supra (The prejudice analysis does not focus solely on mere outcome determination, but looks to whether the Result of proceeding was fundamentally unfair or unReliable, i.e., whether it deprived the defendant of any substantive or procedural Right to which the law entitle him) without a ineffectiveness of trial Counsel hearing on direct Review the direct Review Appellate process was unReliable and fundamentally unfair because the petitioner was'nt allowed to put up evidence through third Appellate Counsel; for Example, the Cross Examination of former trial attorney. see Godfrey v State 617 S.E 2d 213 (2005) (That a claim that post Conviction Counsel provided ineffective assistance at the new trial phase of Criminal proceeding could, under certain Circumstances, be Raised for first time on direct appeal. The defendant alleged that his second attorney ineffective assistance by, among other things, failure to call the first attorney as a witness at his new trial hearing ... because Godfrey current appellant Counsel did not undertake his Representation until after the appeal was filed he did not have opportunity to Raise his claim of ineffective assistance of Counsel before trial); (mi - GA smyrna, LLC v Atlanta Real Estate Investments LLC 756 S.E 2d 504 (2014) (Neither the federal nor State Constitution's due process Rights guarantees a particular form or Method of procedure, but is satisfied if a party has Reasonable notice and opportunity to be heard, and to present its claim or defense, due Regard being had to the nature of the proceeding and the character of the Rights which may be affected by it) A determination whether ...

Three other substantive and procedural Rights that the state of Georgia has made the petitioner direct Appeal process unReliable and fundamentally unfair are the following:

1) third Appellate Counsel failure to Exhaust his ineffectiveness of trial Counsel claims on direct Review so he can file a 28 USC § 2254 habeas Corpus in the federal Court. See TURNER v Company 827 F.2d 526, 528 (9th Cir) ("Generally . . . a prisoner need exhaust only one avenue of Relief in state Court before bringing a habeas petition in federal Court. This is true even where alternative avenues of Reviewing Constitutional issues are still available in state Court; thus, it was unnessary for petitioner to have filed for state habeas Relief when he Raised each of his claims by direct state appeal (cert denied 489 US 1059 (1989)); and 2). Regarding Counsel ineffectiveness, as described above and in Cause of action II, Constructive denial of Counsel, third Appellate Counsel had forced the petitioner on state Collateral Review where 1) the legal standard is higher than, see e.g upton v Jones 280 Ga 895 (2006) (with Regard to the alleged irregularity in jury Conduct the habeas Court Merely Relied on the presumption of prejudice which applies in direct appeals. That Reliance was misplaced. Even if prejudice is presume for certain ERRORS when they are timely Raised . . . a procedural bar does not have the benefit of that presumption of prejudice and must instead meet the actual prejudice test) the legal standard on direct Review. See e.g Clayton v Butler United States Court of Appeals, Eleventh Circuit september 25, 12, 490 fed. App 331 2012 WL 4354681 (structural defects such as the closing of a trial to the public are presumed to be prejudicial when Raised on direct appeal)

and 2) where the petitioner is not allowed Counsel. see state v Davis 269 S E 2d 461 (1980) (Indigent habeas Corpus petitioners are not entitled to appointed Counsel); and 3). because third Appellate Counsel had failed to inform the petitioner of his Right to appeal to Georgia supreme Court as stated in Cause of action IV infra in which he Crave Reference to and Incorporate the facts in this section for Relief, the petitioner Could not appeal to both the Georgia supreme Court and the united states supreme Court. This has furthered prejudiced the petitioner for the following Reasons:

On July 7, 2017, the state of South Carolina had dropped the death penalty in exchange for seeking life without the possibility of parol under South Carolina two strike law. The state of South Carolina had argued that the petitioner Conviction of Arm Robbery in Columbia County Georgia qualifies as a violent felony under South Carolina two strike law.

CAUSE OF ACTION IV

WAS THIRD APPELLATE COUNSEL INEFFECTIVE FOR FAILURE TO ADVISE THE PETITIONER OF HIS RIGHT TO APPEAL TO THE GEORGIA SUPREME COURT

FACTS

The petitioner Crave Reference to and incorporate the facts in issues I through III in this section for Relief.

On April 24, 2017 the petitioner had Received a letter from Third Appellate Counsel that stated:

" Enclosed please find a copy of the Georgia Court of Appeals' decision entered in your case on April 4, 2017. As you can see, the Court Reversed your Kidnapping Conviction; however, the Court disagreed with the argument that the trial Court erred in denying your motion to suppress. I do not think the Georgia Supreme Court will allow your case for further Review"

On and about May 11 2017 a scheduled phone Conference was held between the petitioner and third Appellate Counsel and that is when Counsel had informed the petitioner that no further action by Counsel was being taken to either the Georgia Court of Appeal or Georgia Supreme Court and that it was the petitioner Responsibility to file a motion to appeal to the Georgia Supreme Court.

NON FRIVOLOUS ARGUMENT

Georgia law gives the petitioner the Right to be notified by Counsel of his Right to appeal. See Nesbitt v State 671 S.E 2d 877 (2008) The petitioner has the same Right to be informed according to Roe v Flores - Ortega 528 US 470 (2000) Third Appellate Counsel was deficient in failing to advise the petitioner of his Right to appeal. The petitioner Crave Reference to and incorporate the prejudiced that he'd sustain in Cause of action III in this section for Relief.

LOST REMEDY

Georgia Courts give the petitioner a Right to Waive Counsel on direct Review under appropriate waiver made in Court. See Cochran v state 315 S.E 2d 653 (1984); Weber v state 416 S.E 2d 868 (1997) This would of taken the petitioner away from hybrid Representation on appeal to Raise pro-se in the Court of appeal the Cause of Action I through III, but not limited to it, and why he need appellate Counsel appointed to the petitioner. See Garland v state 687 S.E 2d 842 (2009) (Appointment of new Counsel to Raise a Claim of ineffective Assistance of Counsel does not Require an intial showing by defendant that the claim has potential Merit); Wilson v state 686 S.E 2d 104 (2009) (The Court of Appeal has also Recognized that some Claims of ineffective assistance of appellate Counsel, which are not premised on a procedural barred Claim of ineffective assistance of trial Counsel, can be Raised on the first time on appeal, and are not limited to habeas Review. for instance, a Claim that first appellate Counsel failed to call a witness, or present other evidence, at a motion for new trial hearing is not procedurally barred and may therefore be Raised on appeal by new appellate Counsel) Georgia law mandates that the petitioner must inform the Georgia Court of Appeal as soon as possible Regarding ineffectiveness of Appellate Counsel. See Morris v state 769 S.E 2d 863 (2015)

South Carolina Department of Correction access to the Court and other policies as stated in issues 19-20 supra had deprived the petitioner of this Remedy in the Georgia Court of Appeals. This Court can take Judicial notice Regarding the dates of his pro-se filing the petitioner has filed in Court, including

the united states supreme court. see Barnes v McMaster No. 16-8581. There was no way practical that from the date of July 2016 that the petitioner had first received the third Appellate Cansel letter up and until now that he could had litigated effectively in Georgia Courts without sufficient legal supplies and legal materials such as Georgia case laws and legal books on Appellate procedures in Georgia.

lastly, Regarding Cause of action IV, the petitioner had lost a Remedy of filing a out of time appeal and writ of certiorari to the Georgia supreme court twenty (20) days after the April 4th 17 Georgia Court of Appeals decision, see state v Barnes GA Appellate # A17A0346, pursuant to Rule 38(2) of the Supreme Court of Georgia. The time and effort to put this brief and writ of certiorari and writ of habeas corpus to the united states supreme court, but not limited to other pro-se documents that are already or are about to be filed in court, together - This includes legal Research and the amount of legal paper to draft them - Took away from all efforts from litigating in Georgia period; for Example, after the 90-days to file a writ of certiorari to the united states supreme court the petitioner had found out by legal Research in the SCDC law computer Room that he could had by passed the Georgia supreme court and went strait to the US supreme court pursuant to Rule 40 of the supreme court of Georgia because the state of Georgia makes the Exhaustion Requirement final in the Georgia court of appeal. Assuming Arguendo that SCDC would had provided the petitioner all the legal supplies and legal materials that he'd needed to sustain his pro-se litigations as stated in details in issue 19 supra the petitioner could had all legal documentations in the courts in a timely manner or with few continuances.

OFFICE OF INDIGENT DEFENSE SECTION

Because the petitioner has already written 20 pages in the Access to the Court section, the petitioner will only state one more cause of action that deals with the petitioner law suit against the offile of Indigent Defense.

LOST REMEDY

on and about september 8, 15 the petitioner had filed a Complaint in the Richland Canty Clerk offile, in Columbia South Carolina. on september 12, 16 the petitioner Complaint was filed with that Court. see Barnes v offile of Indigent Defense C/A # 2016-CP-40-05524 Rule 15(A) of the South Carolina Rules of Civil Procedure gives the petitioner the Right to amend his Complaint "once as a matter of course at any time before or within 30-days after a Responsive pleading is served ..." without the leave of Court. Because of the above facts and the facts in issues 19-20 supra Regarding SCDI Access to the Court and other policies the petitioner could not file an amended Complaint before or within 30-days of filing his Complaint stating the following:

CAUSE OF ACTION II
AIDING AND ABETTING A BREACH OF FIDUCIARY DUTY

1) The offile of Indigent Defense | General Counsel Hugh Ryan (hereafter General Counsel Ryan) are state officials of South Carolina.

2). At the Appointment of Counsel hearing on April 23, 14 General Counsel Ryan | offfice of Indigent Defense had breached the fiduciary duty owed to the petitioner by informing the Capital trial DIVision attorney, Bill Mcguire (hereafter attorney Mcguire) that it was going to object to the petitioner Request for private Counsel to be appointed to the petitioner

3). General Counsel | offfice of Indigent Defense interest in evading one of the petitioner provisional Counsel, Attorney Mcguire, fiduciary duty to him was to get two attorneys from said Attorney offfice to be appointed to the petitioner former Capital Case.

4). General Counsel Ryan | offfice of Indigent Defense had knowingly participated in the breach of fiduciary duty of attorney Mcguire to the petitioner in order to get two Counsels from Attorney offfice appointed to the petitioner at the hearing.

5). To prove this, after Judge william p. Keesly had ordered the interested parties, including the petitioner, at the hearing to file briefs Regarding appointment of private Counsel, Attorney Mcguire in its brief had stated in part:

" Mr Barnes is understandably concerned too that William Mcguire will adopt offfice of Indigent Defense (hereafter OID) goal of seeking cheaper (not better) death penalty Representation. Mr Barnes fears that Mr. Mcguire, while knowledgeable in mounting an appropriate death penalty defense, will not do so solely to save his employer some amount of money. similarily,

Mr Barnes is concerned that Mr. Mcguire will not challenge efforts by OID to pursue cost saving, as opposed to life saving, measures. Again, this is because Mcguire is dependent on that office for his continued employment, Raises, ect. Barnes notes that Mcguire declined to stand and voice a position on the Counsel issue at the April 24th hearing when advocating for his client would have been adverse to the position taken by Ryan and OID

6) Upon information and belief, General Counsel Ryan / office of Indigent Defense has directly participated in the breach of fiduciary between current Counsel and the petitioner when said Counsel Representing the petitioner at the Contested hearing in the Administrative Court had acquiesce to the state Regarding funding for the petitioner Safekeeper lawsuit where the state will not allow funding for current Counsels to take deposition of the Governor and SCDC and County Detention Center officials Regarding their placement of the petitioner in the Department of Correction as a safekeeper inmate.

7). That the office of Indigent Defense / General Counsel Ryan persistence interference in the prompt defense preparation of current Counsel fiduciary duties to the petitioner has caused the petitioner to loose confidence in his current Counsels.

Due process

The petitioner Crave Reference to and incorporate the due process section of issue 19, 20 Regarding the mathew v Eldridge test in this section for Relief when the state deprives him of a liberty interest Right such as access to the Courts.

ISSUE 22: WHETHER THE STATE IS DELIBERATE INDIFFERENCE BY INTERFERING WITH THE PETITIONER VARIOUS MEDICAL NEEDS

FACTS

The petitioner Crave Reference to and incorporate issue 1 of why the petitioner is punitively held within the SCDC and issue 5 Regarding why the petitioner was arbitarily placed in the SCDC as a safekeeper inmate.

At the Canty Detention Center of Aiken, Lauren, and Greenwood the petitioner was on neuroten Medication because the doctors at those facilities had allowed the petitioner to be on that Medication for his chronic back and nerve pain in his legs. Also, the doctor at Lauren Canty Jail had Recommended for the petitioner to have a Colonoslopy done because of chronic gastrointestinal Complaints. And lastly, the SCDC doctor had Recommended for a year and on and about seven months the petitioner to have X-Rays done on his Right leg to see whether OR not he have Sarlomer, a Cancerous disease.

SCDC INTERFERENCE WITH THE PETITIONER MEDICAL NEEDS ON NON MEDICAL GRAND

Three different Canty Detention Center doctors had approved the petitioner to have neuroten Medication for his chronic back and nerve promblem in his legs; However, the SCDC doctors had gave up their professional Medical opion for non Medical grands of the SCDC because SCDC

Will not allow it within the SCDC whether the petitioner or third party or Edgefield will pay for the petitioner neuroten Medication. This is state interference at its finest. see Estelle v Gamble 429 US 97 (1976) ([prison official] intentionally interfering with the treatment once prescribed) Two years and some months the petitioner has been intentionally denied his Neuroten Medication. The petitioner has been in chronic pain up and until now and Counting.

furthermore, it has been almost the same amount of years above since the doctor at lauren County Jail had Recommended the petitioner a Colanoscopy in order to see whether or not the petitioner have chronic gastrointestinal disease such as Crohn's disease. The SCDC has failed to order such Medical treatment for the petitioner.

lastly, the SCDC doctor had ordered x-Rays on the petitioner Right leg to see whether or not he have Sarcoma, a Cancerous disease, on the following dates: on 3/25/16 (Roa 278); on 4/6/16 (Roa 278); 5/26/16 (Roa 314); 6/23/16 (Roa 314); 8/2/16 (Roa 313, 342); 12/8/16 (Roa The SCDC on Non Medical grounds has failed to take the petitioner to get x-Rays on his Right leg. The deadly disease is spreading Rapidly up and down my Right leg bone. see Estelle v Gamble supra ([prison officials] in intentionally denying or delaying access to Medical Care)

All three diseases Combined Constitute outrageous Government Misconduct and Wanton Infliction of pain. see Wilson v seiter 501 US 294 (1991) (Some Conditions of Confinement may establish a [Constitutional] violation in Combination)

ISSUE 23: WHETHER THE STATE IS IN VIOLATION of STATUTORY PROVISION REGARDING THE PAYMENT OF MEDICAL CARE TO THE PETITIONER

FACTS

The petitioner Crowe Reference to and incorporate issue 1 of why the petitioner is punitively held within the SCDC and issue 5 Regarding why the petitioner was arbitarily placed in the SCDC as a safekeeper inmate and issue 22 Regarding being intentionally denied Medical treatment.

SCDC policy SK 22.02, Safekeepers, paragraph 3.3.8 provides the following:

"The safekeeper will be seen by Medical staff, who will conduct a Medical screen, history, and physical Exam pursuant to SCDC procedures Relating to health screens and Exams for the Reception and Evaluation of inmates. If a Referral to a Community Care given is necessary, the County will be notified and will be finacially Responsible for these costs."

The SCDC is ResponsibLE for delegating Responsibility for Medical Cost to the Edgefield Jail officials for the following: neuroten Medication, Colanoscopy, and X-Rays on his Right leg and any other Cost for Medical treatment that the petitioner is entitled to. The SCDC and Edgefield Substantial delay in denying Medical treatment to the petitioner is in violation of Section 7 of Governor Executive order 2000-11 and SCDC policy

And lastly, but not limited to it, the SCDC had agreed to provide the petitioner Dove Soap for medical Reasons at a contested hearing before the Administrative Judge november 5, 15 ORDER Regarding laws of Jurisdiction to hear claims on the petitioner placement within the SCDC. In fN 6 of its order, the Judge stated:

" Petitioner also mentioned in his memorandum that he had been denied access to Dove Soap, which SCDC's medical unit had approved for a skin condition. However, the Department asserted at the hearing that this particular matter had been Resolved."

Id Barnes v SC Dept of Correction

The Judge november 5, 15 ORDER is the law of the case; therefore, its effect is as though a statutory policy as to the petitioner. SCDC has never provided the petitioner dove Soap for Medical Reasons. The state is arbitarily enforcing its statutory provisions on who provides or pays for medical treatment as for the petitioner. See Deese v SC state Bd of Dentistry 332 S.E 2d 539, 541 (Ct. app 1985) (a decision is arbitary if it is without a Rational basis, is based alone or one's will and not upon any Course of Reasoning and Exercise of Judgment, is made at pleasure, without adequate determining principles or is governed by no fixed Rules or standards)

ISSUE 24: WHETHER THE PETITIONER MEETS THE REQUIREMENTS OF THE FUTILITY DOCTRINE ON APPEAL TO THIS COURT

FACTS

The Petitioner Crave Reference to and incorporate the facts in issues

1-23 supra in this section for Relief.

The petitioner advances four grounds under the futility doctrine that gives him the Right to by pass the Administrative law Court to this Court:

One, there's no Corrective process in South Carolina to challenge issues 10-13 supra Regarding Counsel ineffectiveness, see Brown v James 697 S.E 2d 604 (2010) (A Commonly Recognized exception when a party demonstrate that pursuant of administration Remedies would be a vain or futile act; however, futility must be demonstrated by a showing Comparable to the administrative agency taking a hard and fast position that makes an adverse Ruling a Certainty) and issues 1-9 supra; two, SC Code § 24-3-80, safekeeping statute, doesn't allow the petitioner to Raise a Cause of action as stated in issues 1-9 supra in the Administrative law Court; three, the administrative law Court lacks subject matter Jurisdiction under SC Code § 44-22-20 because a state writ of Habeas Corpus is the proper Remedy for Challenging the petitioner placement in the SCDC as a Severe mental health inmate. See SC Code §§ 44-22-10 through 44-22-220; See Brown v James supra (Exception to the Exhaustion of Administrative Remedies Requirement is Recognized when an agency has acted outside of its authority); lastly, the Administrative law Court does not have Jurisdiction to hear Challenges to statutes, SC Code § 24-3-80, on its face. See Travels Cape, LLC v SC Dept of Rev. 705 S.E 2d 28-38-39 (2011) (holding that the ALC may not Rule upon a facial Challenge to the Constitutionality of a Regulation or statute but may Rule upon an as-applied Challenge)

ISSUES 25: WHETHER THE ADMINISTRATIVE LAW COURT LACK SUBJECT MATTER JURISDICTION TO HEAR ISSUES REGARDING THE STATE PLACEMENT OF PETITIONER WITHIN THE DEPARTMENT OF CORRECTION AS A SEVERE MENTAL HEALTH INMATE

FACTS

The petitioner Crave Reference to and incorporate the facts in issues 3-4 Supra in this section for Relief.

SC Code § 44-22-20 Reads in full:

"patient have the Right to the Writ of Habeas Corpus"

SC Code §§ 44-22-10 through 44-22-220 governs the pre deprivation procedural safeguards before and after the petitioner placement in a Mental health facility; and importantly, SC Code § 44-13-10 governs when the County Detention Center officials placement of the petitioner temporarily in the Department of Correction. Habeas Corpus Court, Court of Common pleas, is the Court that has subject matter Jurisdiction Regarding the petitioner placement in the Department of Correction Rather than the Administrative law Courts. See State v Richburg 403 S.C 2d 315 (1991) (The lack of subject matter Jurisdiction may be Raised at any time and may be Raised for the first time on appeal)

CONCLUSION

whether or not the petitioner is convicted in this state; for Example, because of pending charges, because of a hung Jury, and because of some other factors that entails future events of trial, the petitioner claims, some are described below, are capable of Repetition. South Carolina Courts has carved out three Exceptions to the doctrine: (1) the issues Raised is capable of Repetition but generally will evade Review, (2) if the issues before the Appellate Court is a question of importance and manifest urgency, (3) if a decision by the trial court may effect future events, or may have collateral consequences for the parties, the appeal is not moot, despite the appellate court inability to give effective Relief in the present case. see sloan v Greenville city 670 S.E2d 663, 667 (Ct. App. 2009) Regarding issue 6 supra for Example, there's already a collateral consequence from the state placement of the petitioner unjustly in the SCDC for Exercising his Constitutional Rights. under the third Exception, the petitioner meets the capable of Repetition doctrine. furthermore, the questions that are in front of this court is of manifest urgency and of Extreme importance because of how the state is punishing the petitioner as stated in issues 1-9 supra prior to an adjudication of guilt; and this court setting the legal standards for the petitioner, if convicted, and then case overturned again, that County Detention center officials and SCDC officials are put on notice of pre deprivation procedural safeguards before pre trial detainees are placed on Safe Keeping status. This places the petitioner under the second Exception of the capable of Repetition doctrine; and assuming Arguendo that the petitioner is convicted and housed within the SCDC, issues 14-23 supra will still have legal effect because the SCDC uniquely punishing the petitioner for his

litigation in Court such as Intentionally denying the petitioner Medical needs; and if the petitioner is in the SCDC lock up, the same procedures as safekeepers the Convicted prisoners faces as well. This places the petitioner under the first prong of Capable of Repetition doctrine.

furthermore, the Administrative Judge in its final order on march 29,17 dismissing the petitioner Appeal of the SCDC Responses to his inmate grievances had Referred to Turner v safley 482 US 78, 89 (1987) standard on Ruling on SCDC policies of lack of Recreation, showers; no publication; no muslim oil and so-on as to pretrial detainees on safekeeper status instead of Bell v Wolfish 441 US 520, 539 (1979) that handles all of pretrial detainee issues whether Condition of Confinement or SCDC policies dealing with Condition of Confinement. Assuming Arguendo that Turner v safley supra applies, the petitioner must meet four factors:

1) [whether there is] a valid, Rational Connection between the prison Regulation and the legitimate governmental interest put foward to justify it;
2) whether there are alternative means of Exercising the Right that Remain open to prison inmates;
3). The burden on prison Resources that would be imposed by accommodating the Right; and
4). whether there are less drastic means of achieving the legitimate objectives of the Regulation.

The Turner v Safley first factor, Reasonable Related security Concerns as shown in issues 16 and 18 supra, both the local County Detention Center, where the petitioner was held before he was placed here, and death Row, where the petitioner was housed before he had got his Capital Case overturned, had allowed in Administrative segregation / special management unit (smu) the same privileges as those inmates in General population because those Jails and death Row had fashioned their policies that there was no Reasonable Related security Concerns of having those privileges, and the factors 2-4 of Turner v Safley also falls under the same facts as factor one because, for Example, the death Row inmate who have been sentenced to death, who is in security Detention level II and in smu the same as the petitioner here, is allowed its inmate privileges; To deny the petitioner those privileges under the same Confinement holding Condition — The difference is one going to trial and the other to death — will amount to punishment; therefore, kicking in the Bell v wolfish standard, OR the Equal protection OR Turner v safley standards. furthermore, there's no burden on SCDC Resources providing safekeeper pre trial detainees here their inmate privileges; lastly, the petitioner have pointed to this Court a lesser means of "acheiving the legitimate objective" of the SCDC safekeeper Regulation.

lastly, besides issues 1, 3, 4 and 25 supra where this Court lacks subject matter Jurisdiction, the petitioner prays for the following:

1). Declaratory and injunctive Reliefs, and Jury trial, on issues 2,5, 6-24 supra;

2). A speedy hearing where he can put up evidence, Cross-Examine witnesses, and including the appointment of Counsel as stated in issues 9 and 13 supra.

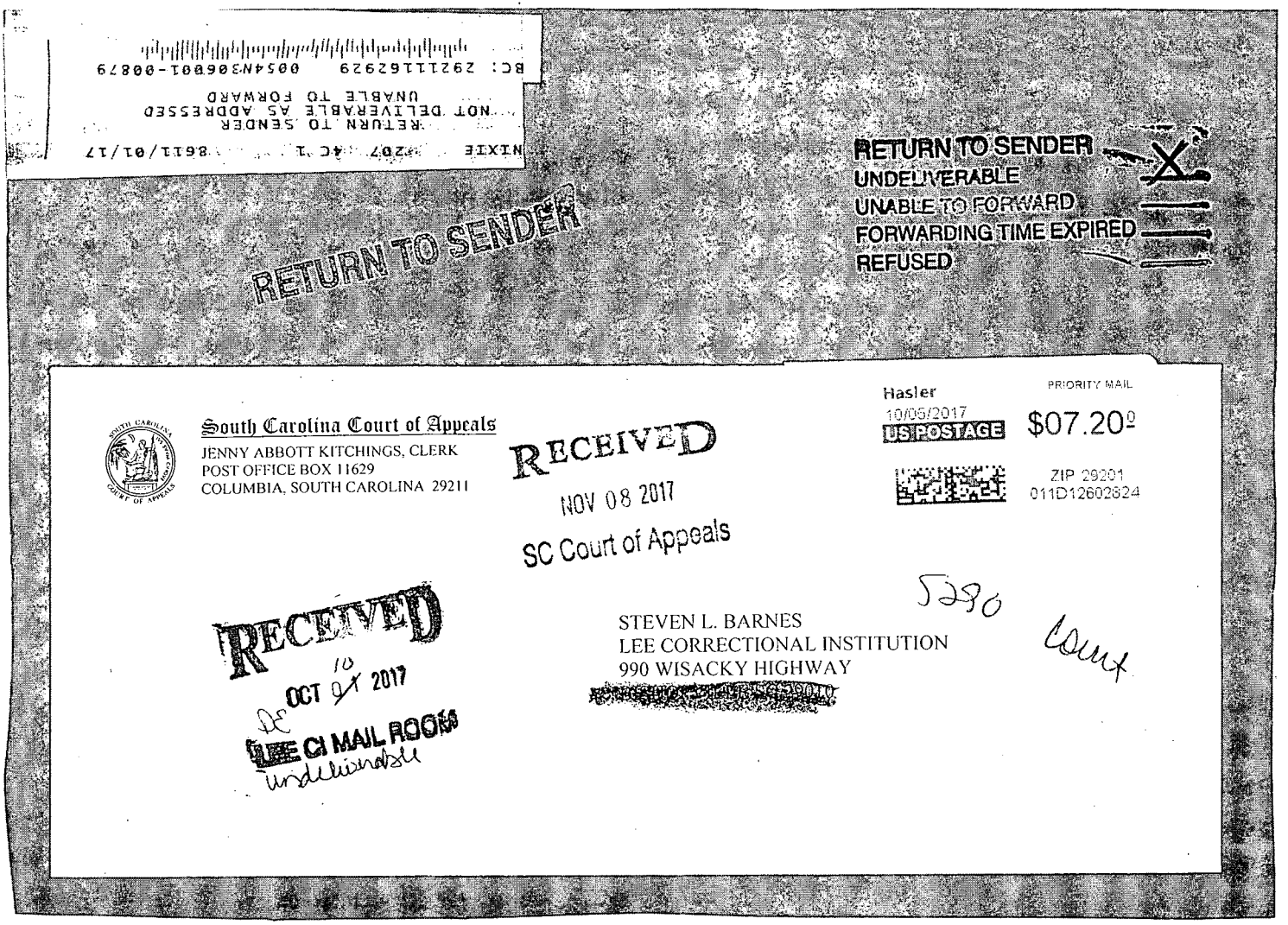
Date: 9/29/17

Steven Louis Barnes
SK # 5290
Lee County Prison
990 Wisacky Hwy
Bishopville, SC 29010

Steven Louis Barnes, SR # 52590
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

RECEIVED
OCT 04 2017
SC Court of Appeals

Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia SC 29211



NIXIE 207 4C 1 8611/01/17
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 29211162929 0054N3068801-00879

RETURN TO SENDER
UNDELIVERABLE
UNABLE TO FORWARD
FORWARDING TIME EXPIRED
REFUSED

RETURN TO SENDER

Hasler
10/05/2017
US POSTAGE
PRIORITY MAIL
$07.20
ZIP 29201
011D12602824

South Carolina Court of Appeals
JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

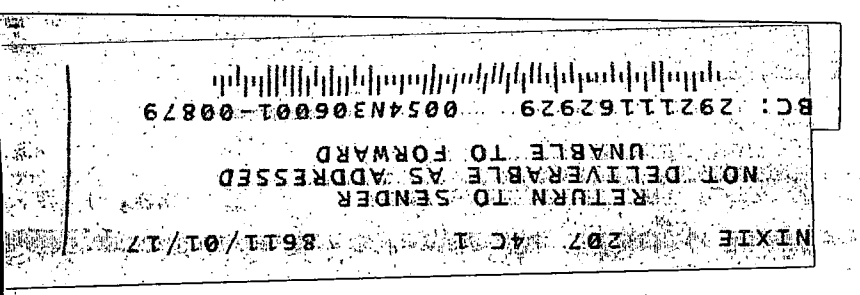
RECEIVED
NOV 08 2017
SC Court of Appeals

RECEIVED
OCT 10 2017
LEE CI MAIL ROOM
undeliverable

5290

STEVEN L. BARNES
LEE CORRECTIONAL INSTITUTION
990 WISACKY HIGHWAY
[redacted]

Court



South Carolina Court of Appeals
JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

RECEIVED
NOV 08 2017
SC Court of Appeals

Hasler
10/05/2017
US POSTAGE
PRIORITY MAIL
$07.20⁰
ZIP 29201
011D12602824

RECEIVED
OCT 10 2017
LEE CI MAIL ROOM
Undeliverable

5290
Court

STEVEN L. BARNES
LEE CORRECTIONAL INSTITUTION
990 WISACKY HIGHWAY
[redacted]

RECEIVED

NOV 27 2017

SC Court of Appeals

South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

Hasler
11/14/2017
US POSTAGE
PRIORITY MAIL
$07.20
ZIP 29201
011D12602824

RETURN TO SENDER
ADDRESSEE UNKNOWN
NO DORM / INMATE NUMBER
PAROLED, LEFT NO ADDRESS
RELEASED, LEFT NO ADDRESS
UNAUTHORIZED ITEM

RETURN TO SENDER
ADDRESSEE UNKNOWN
NO DORM / INMATE NUMBER
PAROLED, LEFT NO ADDRESS
RELEASED, LEFT NO ADDRESS
UNAUTHORIZED ITEM

STEVEN L. BARNES
[redacted]

Unable To Identify
Need SCDC
ID