

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, and et. al

Respondent

Steven Louis Barnes

Appellant

MOTION IN OPPOSITION TO RESPONDENT MOTION TO  
DISMISS THE APPEAL AS moot

SUMMARY OF LEGAL THEORIES

The Appellant advances the following legal theories as to Respondent Motion to dismiss: 1) That this case should be dismissed in part for lack of subject matter jurisdiction. Below, the Appellant

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has labeled the subject matter Jurisdiction into two sections as for clarity of those issues; and 2) As to the three exceptions to the mootness doctrine, the ineffectiveness of counsel, and among other issues, falls into the exception of the mootness doctrine. And as a result of that this Appeal has a live controversy. The Appellant states the following legal theories for relief on this Appeal.

## Lack of Subject Matter Jurisdiction I

On November of 2010, the Appellant was convicted of an alleged murder and was sentenced to death. On Appeal to the South Carolina Supreme Court, the State of South Carolina had argued the position of both former trial attorneys and the trial judge at trial that the Appellant was a severe mental health inmate and that he was not allowed to represent himself in the trial court but he could assist his attorneys under the Edward standard. On January of 2014, the State Supreme Court did not agree with the State of South Carolina and granted the Appellant a new trial on self representation grounds. See *State v Barnes* 753 S.E.2d 545 (2014). The State of South Carolina, and its

Co-conspirators such as the South Carolina Attorney General and the South Carolina Department of Correction (SCDC) is Res judicata and Judicial Estoppel from arguing on this appeal that the appellant is/was a severe mental health inmate.

The County Detention Center of Edgefield, Aiken, Laurens, and Greenwood; the South Carolina Governor, the South Carolina Attorney General, SCDC, the 11th Circuit Solicitor, and among others, had violated various mental health laws of South Carolina in order to place the petitioner in the SCDC as a safekeeper inmate. See Governor Executive Order 2010-1, Section 6; SCDC safekeeper policy; SC Code §§ 44-22-10 through 44-22-220; 44-23-220, State v. Barly 785 S.E.2d 622 (2016) (while the state [§ 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 jails - - section 44-23-220 focus more on what the officer in charge of the jail is required to do)

SC Code § 44-22-20 gives the Habeas Corpus Court of South Carolina jurisdiction to hear cases when a severe mental health person such as the appellant is placed in the Department of Correction. See SC Code § 44-13-10 (pending his removal to a state mental health facility an individual

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taken into custody . . . but he shall not, except because of and during an Extreme emergency, be detained in a non medical establishment used for the detention of individuals charged with or convicted of penal offenses) According to § 44-13-10 and et.al mental health statutes a hearing, that the Appellant did not have while housed or safekeeper status within SCDC, was supposed to be immediately had. The Appellant former counsel, Jeff Blom and Bill Mequire of the office of Indigent Defense nor the SCDC lawyers had not at the contested hearing or this court argued this court lacks subject matter jurisdiction. The petitioner leave Reference to and incorporate his writ of mandamus to the South Carolina Supreme Court regarding state-action in his criminal case. NOR did SCDC for or and about two years had utilized the mental health statutes cited above in order to correct SCDC mistake in placing the Appellant inside of the Department of Correction. Therefore, this court lacks subject matter Jurisdiction pursuant to § 44-22-20 to hear anything regarding the Appellant placement inside of the SCDC as a safekeeper inmate.

## lack of subject matter jurisdiction II

On April 23, 14 Appointment of Counsel hearing, the then 11th Circuit Solicitor, Donnie Myers, had resought the death penalty of the Appellant. Judge Diana S Goodstein was given exclusive Jurisdiction over any and all factual matters regarding his Criminal case. The Appellant former counsel, Jeff Blum and Bill Mcquire of the office of Indigent Defense, had Raised the safekeeper issue in their speedy trial brief to Judge Goodstein. In issues 10-13 in the Appellant one hundred page brief that was filed in this court, and the South Carolina Supreme Court, on September 29, 2017, the brief goes into details of the Appellant counsel's ineffectiveness concerning the safekeeper issues such as not calling witnesses and putting up evidence. Furthermore, the Appellant leave reference to and incorporate the issues in the Conclusion section of his brief in this motion for Relief regarding the three Exception to the mootness doctrine. Therefore, Judge Goodstein had Exclusive Jurisdiction over any and all issues concerning the safekeeper issue.

## THREE EXCEPTION TO THE MATRINESS DOCTRINE

In the conclusion section of his one hundred page brief to this Court, the Appellant went into details concerning the three Exception to the mootness doctrine. See *Shib v. Portland Memorial Hospital*, 564 S.E.2d 681, 687 (S.C. Ct. App. 2002)

The three exceptions are:

- (1) If the issue raised is capable of repetition but evading review;
- (2) Questions of imperative and manifest urgency to establish a rule for future conduct of public interest; and (3) If a decision by the trial court may affect future events, or have collateral consequences for the parties.

Id

The Appellant writ of Mandamus that is attached to this motion shows the continuous state action of the state regarding punishing the Appellant, or stopping his legal issues, when the Appellant utilizes his protected rights such as to access to the court, to a cause of action, and to counsel free of state interferences. See *Strickland v. Washington* 104 S.Ct 252 (1984); *State v. Quattlebaum* 527 S.E.2d 105 (2000); *Weatherford v. Burson* 469 US 545 (1977)

The various forms of punishments, but not limited to those that are cited in the Appellant 1-hundred page brief to this Court, by SCDC, the South Carolina Attorney General, 11th circuit solicitor office, and the local Jail officials are capable of repetition. Also, a Rule should be put in place to stop the Government Campaign of Harassment because the Appellant utilization of his fundamental rights. plus, the Government Campaign of Harassment of the Appellant would effect future Appellants, especially, as stated in the Appellant writ of Habeas Corpus that is attached to this motion, when they are currently depleting the Appellant of this Court hearing his one hundred page brief.

Furthermore, the Appellant still have not been treated for Sarcosis, a cancerous disease on the right base of his leg. This too falls in both all three exceptions of the mootness doctrine and the prejudice prong of the Appellant speedy trial issue, the latter in more details below. The same applies to the continuous wanton infliction of pain of not having his case soap and neuropathic medication and so-on.

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Furthermore, there is no telling what type of punishment the SEC will inflict on the Appellant for filing this motion. The Appellant is in real and immediate danger of further retaliatory punishment from the SEC and other governmental officials such as the office of Indigent Defense.

Also, in front of Judge Goodstein at the Appellant October 9, 17, Speedy trial hearing, Counsel's speedy trial brief had raised the Safeguard issue to the trial court in order to show prejudice. See United States v Ewell 383 US 116, 120 (1966) prejudice to the defendant, in the context of a constitutional speedy trial analysis is based on three factors: (1) whether there has been oppressive pretrial incarceration; (2) the anxiety and concern of the accused; and (3) the possibility of harm to the accused defense. See Bargo vs Wingo 407 US 514 (1972); Vermont v Bertton, 125 S.Ct 1283 (2009) It's not the Appellant fault that there is conflicting jurisdiction, the Administrative court issues in the Appellant one hundred page brief, on September 29, 17, that specifically states this court has jurisdiction over such as the live controversies above and below, and Judge Goodstein trial court. This is result of ineffectiveness of Counsel. Issues 10-13 of the Appellant 1-hundred page brief goes into

details of Counsel ineffectiveness concerning calling witness, and jurisdictional issues surrounding the safekeeper issue; for example, the ineffective assistance of counsel issue in 10-13 coincide with issues 1-9 and issues 14-26, of his one hundred page brief. What's the Remedy? Those issues in part in his brief falls within all three exception of the mootness doctrine despite the Court doesn't know what relief to grant. The Appellant should not be sanctioned for what counsels, and SDC, and its co-conspirators, have done concerning the safekeeper issue. The Appellant is demanding immediate relief.

The Appellant stops here because of lack of legal paper, and the same issues in issues 19-21 in his one hundred page brief is still occurring while on Kirkland CI and for any other SDC general population yard concerning SDC Access to the Court policies. These issues are capable of repetition. Also, the Access to the Court policy, and among others, while the Appellant is indigent will affect future litigation of the Appellant. Furthermore, because of potential retaliation of SDC of lock-up or if the Appellant goes to lock up for any reason, both the safekeeper policy and lock up access to the Court policies are the same.

The SCDC are Res judicata and Judicial estoppel for arguing differently on this appeal regarding the policies not the same for both safe-keeper and convicted prisoner on low-up.

## CONCLUSION

WHEREFORE, the appellant prays for the relief that requested herein and in his one hundred page brief to this court and such other and further relief this court seem just and proper. The Appellant also request for oral arguments on the issues inside this motion and his one hundred page brief.

Date: 11/21/17

Steven Lewis Barnes

STEVEN LEWIS BARNES

# 327117

Kirkland LAZ

4344 Broad River Rd

Columbia, SC 29210

To: Clerk of Court, Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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SC Court of Appeals

From: Steven Louis Barnes, # 387117  
KIAK and R & E  
4344 Broad River Rd  
Columbia, SC 29210

Re: Barnes v SC Dept of Correction Cl # 15-ALJ-30-0318-A7

A copy of writ of Mandamus that is filed in the state  
Supreme Court.

Dear Clerk:

According to the Rules of Court the Appellant must serve a copy  
of the writ of mandamus on the parties involved in that action.

As stated in issues 15-21 of the Appellant one hundred page  
brief that he'd filed in this court on September 29, 17, the  
Appellant does not have access to legal photo-copying for  
legal copies that are hand written by the Appellant and  
does he have sufficient amount of legal paper in order to

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Send a copy of this writ to Lora Earl Summers, 339 Howard Street, Suit 200, Columbia SC 29201 near the South Carolina Commission on Indigent Defense, 1330 Lady St. Suite 401, Columbia SC, 29201  
This too shows a live case and controversy that falls under the exception of the mootness doctrine as described in the Appellant 1-hundred page brief and the motion in opposition to the Respondent motion to dismiss. Since ad standard 1.7, the Appellant has only been allowed the less paper that the mail room give him despite his specific amount that he'd requested from the Mail room. (See exhibit (1) to this letter) SCOC Access to the Court policy applies the same to any inmate in general population or in lock-up - no matter political detainee or safekeeping status, or convicted indigent inmates. The Appellant at all times within the SCOC will be indigent for long periods of time. Because the Appellant owes SCOC 4-thousand and 8-hundred and eight-eight dollars, the Appellant will only be allowed 6-dollars and 43-cents on his Inmate. Any money that the Appellant gets over

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that amount will be taken from the appellant. This violates the taxing clause of the 5th Amendment per-se.

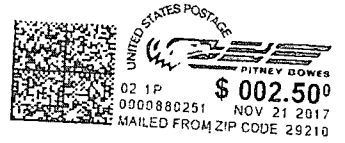
The Appellant prays for such other and further relief that this Court grant the Appellant regarding his issues on appeal to this Court in his 4-binded case brief.

Date: 11/21/17

RESPECTFULLY SUBMITTED  
Steven Louis Zamec

Steven Louis Barnes # 327117, A2-23

Mailroom  
Kirkland Correctional Institution  
4344 Broad River Road  
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