

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

RECEIVED  
JAN 08 2018  
SC Court of Appeals

South Carolina Department of  
Corrections, and et. Al

Respondent

Steven Louis Burnes

Appellant

MOTION for RECONSIDERATION | for REHEARING EN BANC

According to Rule 219 and Rule 221 of the Appellate Rules of procedure the Appellant moves this Court to Reconsider and for Rehearing en banc the Appellant motion to Relieve Counsel, for ineffectiveness of Appellate Counsel, and for the three Exception to the mootness doctrine, and for this Court takes subject matter jurisdiction, in part, to hear this appeal because this Court has overlooked significant facts of exceptional importance where the uniformity of the full Court is needed in this case.

The Appellant base this motion on the following facts.

## FACTS

The Appellant have Reference to and incorporate the facts in this section for Relief his are hundred page brief in this Court that goes into details in issues 1-25 Administrative & Appellate Counsel Ineffectiveness on this appeal and the motion to Relieve and substitute Counsel, and motion in opposition to Respondent dismissal of the Appeal as moot, and his writ of Mandamus on this Court, and among others.

## ARGUMENT IN SUPPORT OF THIS MOTION

subject matter Jurisdiction can be Raised at any time. see Knight pub. Co v University of South Carolina 367 S.E2d 20 (1988); State v Richburg 403 S.E2d 315 (1991) This Courts lacks subject matter Jurisdiction over the safekeeper issue because Judge Diana S Goodstein was given Exclusive Jurisdiction over the Appellant Capital Case by the state supreme Court, and two, SC Code § 44-22-20, habeas Corpus of South Carolina has Jurisdiction over the Appellant placement in the South Carolina Department of Correction (SCDC) as a Severe mental health inmate.

next, the Appellant falls under the three Exception of the mootness doctrine for the following Reasons, but not limited to it, that this Court had over looked?

The Appellant will get his October 13, 17 murder conviction overturned on appeal. This will in turn place him of being placed as a severe mental inmate back into the South Carolina Department of Correction when South Carolina knows for a fact that the Appellant is ineligible to be placed there. See e.g. *Nelson v Ozmint*, 702 S.E.2d 369, 370 (2010) (addressing moot issue of the Department's calculation of the prisoner's sentence as not including good time credits or earned work credits because it was an issue that was capable of repetition, yet it would usually evade review); *Hayes v State* 777 S.E.2d 6 (2015) (Because petitioner is no longer incarcerated, this issue is moot. However, an appellate court can take jurisdiction... if the issue is capable of repetition... the issue here is capable of repetition but evading review; therefore, we address the merits) furthermore, there's no judicial guidance for the executive and judicial branches officials of South Carolina on the safekeeper issue. This too falls under the second exception of the mootness doctrine. See *Slown v Department of Transp.* 466 S.E.2d 236 (2005)

plus, the Appellant faces the same condition of confinement as safekeeper status as special management unit (smu) lock up when the Appellant goes back there. The lack of legal paper, legal materials on Georgia law, legal computer access - the same access to the court policy as stated in issues 19-21 in his one hundred page brief - the Appellant will face in repetition. This includes two in

since the denial of publication such as law books or books from the outside publisher company, the non credit of the Appellant inmate account or since for extra postage, and the denial of medical treatment as stated in issue 22-23 of his brief.

furthermore, Counsel ineffectiveness in issues 10-13 of his one hundred page brief has caused the Appellant collateral consequences for Counsel's not raising the lack of subject matter jurisdiction as stated above in either this Court, the Administrative Law Court, or in front of Judge Goodstein regarding the safekeeper issue as stated in issues 1-25 in his brief.

furthermore, the Appellant is in a violent clam within the SCU because of the Executive Branch version of the Appellant being a violent inmate in the County Detention Center of Edgefield, Aiken, Laurens, and Greenwood that had placed the Appellant on safekeeper status.

furthermore, Counsel conspiracy with SCU lawyer on the safekeeper issue in both the Administrative Law Court and this Court has been state action to the extreme. This includes too with the South Carolina Court of Appeals in blatantly changing the Appellant issues on this appeal for the state; for example, the denial of the Appellant motion to relieve and substitute Counsel in an arbitrary way without any due process of law.

CONCLUSION

WHEREFORE, the Appellant prays that this Court grant this motion and such other and further relief this Court seem just and proper.

Date: 1/3/18

~~STEVEN LAZZI BARNES~~  
STEVEN LAZZI BARNES

# 327117

McCormick Institution  
386 Redemption Way  
McCormick, SC 29899

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South Carolina Department of  
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Respondent

Steven Louis Barnes

v

Appellant

PROOF OF SERVICE

I, Steven Louis Barnes, do hereby certify that on 1/3/18, I  
deposited the following documents MOTION for RECONSIDERATION /  
for REHEARING EN BANC that I am filing in the South Carolina  
Court of Appeals in the United States mail with sufficient postage  
to the below party:

SERVED

Lase Summers

Attorney At Law

339 Hayward Street - Suite 200

Columbia SC 29201

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

From: Steven Louis Barnes # 327117  
McCormick Correctional Institution  
356 Redemption Way  
McCormick SC 29899

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SC Court of Appeals

RE: Barnes v SCL  
Appellate Case # 2017-000967

Dear Clerks:

Please file my motion for Reconsideration / for Rehearing En Banc regarding the appellant, Steven Louis Barnes, motion to Relieve Counsel / to substitute Counsel, and among other things within my rights to access to the courts and the right to petition the government for the redress of grievance.

Thank you kindly!!!

Date: 1/3/18

Respectfully SUBMITTED  
STEVEN LOUIS BARNES  
# 327117

STEVEN LOUIS BARNES #327117

McCORMICK Correctional Institution

386 Redemption way

McCORMICK SC 29899

South Carolina Court of Appeals

Jenny ABBOTT Kitchings, Clerk

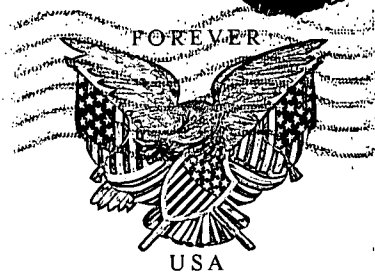
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