

JANUARY 18, 2017

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

RECEIVED

JAN 20 2017

S.C. SUPREME COURT

FROM: BOBBY JOE BARTON, PRO SE
: APPEAL CASE NO. # 2016-000995

Re: "MOTION TO SUPPLEMENT THE RECORD TO CONFORM TO THE EVIDENCE
AND MOTION TO TAKE JUDICIAL NOTICE OF ADJUDICATIVE FACTS (PURSUANT-
TO RULE 15(b) SCACR AND RULE 201, SCRE)

- COVER LETTER -

: DEAR CLERK,

I AM REQUESTING THAT YOU PLEASE FILE MY MOTION TO
SUPPLEMENT THE RECORD TO CONFORM TO THE EVIDENCE AND REQUESTING
OF THE COURT TO TAKE JUDICIAL NOTICE OF ADJUDICATIVE FACTS, THE PETITIONER
DID PLACE THE LOWER COURT AND DISTRICT ATTORNEY'S OFFICE ON NOTICE ON 18TH
DAY OF NOVEMBER, 2016. PETITIONER VERBALLY REQUESTED JUDGE HALL TO
HEAR THIS MOTION ON DECEMBER 15, 2016 IN OPEN COURT; THE DISTRICT ATTOR-
NEY'S OFFICE OBJECTED FOR STRATEGIC REASONS THAT THIS EVIDENCE NOT TO
BE HEARD. THE LOWER COURT PASSED ON HEARING IT. THE PETITIONER HAS AFTER
THE COURT PASSED ON IT A FILED A MOTION TO WITHDRAW IT AND NOW PRE-
SENT IT TO THE MOTION TO SUPPLEMENT RECORD TO THE SOUTH CAROLI-
NA SUPREME COURT TO BE HEARD AT THE HONORABLES COURTS' DISCRETION.

THE PETITIONER RESPECTFULLY REQUESTS THAT THE CLERKS OFFICE TO IN-
THE COURT THAT PETITIONER GAVE THE LOWER COURT OPPORTUNITY TO REVIEW
SAID MOTION. See: (DEC. 15, 2016 P.C.R. TR. 13, II. 10-THRU-TR. 15, II. - 23)
SHIRLEY BROOM, 16TH CIR. CT. REPORTER.

RESPECTFULLY SUBMITTED,

Bobby Joe Barton
BOBBY JOE BARTON, #163627

JIAN JADE
MOON JIAN

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL
RECEIVED

BOBBY JOE BARTON,
S.C.D.C. NO: #163629
APPELLANT

V.

STATE OF SOUTH CAROLINA,
RESPONDENT

NOTION TO SUPPLEMENT ^{RECORDED TO} THE RECORD TO
CONFIRM TO ^{SC SUPREME COURT} THE EVIDENCE COURT
AND TO TAKE
JUDICIAL NOTICE OF THE EVIDENCE
COURT OF COMMON PLEAS NO: 2014-CR-23-5047
APPELLATE CASE NO: #2016-000995

THE ABOVE APPELLANT MOVE UPON THE HONORABLE COURT WITH A MOTION TO SUPPLEMENT THE RECORD TO CONFIRM TO THE EVIDENCE PURSUANT TO SOUTH CAROLINA RULES OF CIVIL PROCEDURE, RULE 15(b) AND TO TAKE JUDICIAL NOTICE OF THE EVIDENCE OF ADJUDICATIVE FACTS. PURSUANT TO SCACR, RULE 201(e) OPPORTUNITY TO BE HEARD WHERE AS THE COURT OF COMMON PLEAS PASSED ON HEARING THIS MOTION ON DECEMBER 15, 2016 IN THE UNION COUNTY COURTHOUSE WHERE MOTION WERE PRESENTED BEFORE THE COURT.

THE APPELLANT HUMBLY REQUEST THE APPELLATE COURT USE ITS DISCRETION TO ENTERTAIN AND TO TAKE JUDICIAL NOTICE OF AUTHENTIC EVIDENCE FROM AN REPUTABLE SOURCE THAT CAN NOT BE DISPUTED AND BEING CERTIFIED AND A RECOGNIZED ORIGIN WHICH IS DIRECT EVIDENCE THAT WILL DISPUTE THE TESTIMONY GIVEN BY TRIAL ATTORNEY "SUSANNAH ROSS" ON FEBRUARY 18, 2016 AT THE POST CONVICTION HEARING HELD IN GREENVILLE COURT OF COMMON PLEAS BEFORE "JUDGE DANIEL D. HALL".

THE APPELLANT STATES IN THE LANDMARK CASE OF "MULLER V. OREGON", 208 U.S. 412 (1908) (PROVIDES THAT IT IS CLEAR THAT A COURT MAY CONSIDER MATTERS OF A GENERAL NATURE CONSISTING OF PUBLISHED STATISTICAL DATA FROM OFFICIAL SOURCES) SEE: "SEMINOLE TRIBE OF FLA. V. BUTTERWORTH", 491 F. SUPP. 1015 (1980) (558 F.2d 310 (5th Cir. 1981)) AND "SHAHAR V. BOWLES", 120 F.3d 211 (11th Cir. 1997) (DISTINGUISHED)

JAN 29 2017
MOON JAMES

THE PETITIONER REQUEST THE COURT TO TAKE JUDICIAL NOTICE PURSUANT TO SOUTH CAROLINA RULES OF CIVIL PROCEDURE, RULE 201 JUDICIAL NOTICE ADJUDICATIVE FACTS, RULE 201, RULES OF EVIDENCE, Sub. Sec. (6)(b)(c)(d)(e), AND REQUESTING "OPPORTUNITY TO BE HEARD"; THE PETITIONER REQUEST OF THE COURT TO TAKE JUDICIAL NOTICE ON SEVERAL DISPUTABLE FACTS CONCERNING THE TESTIMONY THAT TRIAL ATTORNEY "SUSANNAH RUSS" GAVE WHILE ON THE WITNESS STAND AT PETITIONERS' P.C.R. EVIDENTIARY HEARING HELD ON FEBRUARY 18th, 2016. PETITIONER WOULD LIKE TO SUPPLEMENT THE RECORD WITH EVIDENCE THAT CONFORMS TO THE EVIDENCE AND THE RECORD WITH CERTIFIED DOCUMENTS ESTABLISHING ITS AUTHENTICITY AND ORIGIN. THE DOCUMENTS ARE FACTUAL AND ARE RELEVANT WHICH CAN BE ACCURATELY AND READILY DETERMINED FROM RELIABLE SOURCES AND WHOSE AUTHORITY AND ACCURACY CAN NOT REASONABLY BE QUESTIONED. THE PETITIONER BELIEVES THERE IS A REASONABLE PROBABILITY HAD THE P.C.R. JUDGE KNOWN OF THIS, THE OUTCOME COULD HAVE BEEN DIFFERENT AND A REASONABLE PROBABILITY TO UNDERMINE THE OUTCOME.

1st ISSUE TO BE AMENDED

1.) PETITIONER ALLEGED COUNSEL FAILED TO ADEQUATELY CONVEY A FORMAL PLEA OFFER OF ITS TERMS AND CONDITIONS AND FAILING TO KEEP HIM REASONABLY INFORMED OF THE STATUS OF THE CASE AND TO EXPLAIN THE OFFER FOR THE APPLICANT TO MAKE AN INFORMED DECISION. SEC. (APP. P.C.R. TR. 16, II, 10-THRU-TR. 2, II, -20.)

"TRIAL COUNSEL "SUSANNAH RUSS" TESTIFIED THAT THE DEFENDANT REFUSED TO BE TRANSPORTED TO THE GREENVILLE COUNTY COURTHOUSE FROM THE GREENVILLE COUNTY DETENTION CENTER ON MARCH 25, 2010 AND STATED HER NOTES REVEAL THIS. COUNSELOR GOES ON TO STATE DEFENDANT WAS ADAMANT ABOUT REFUSING TRANSPORT TO THE COURTHOUSE. SHE STATED SOMEONE TOLD HER THAT,

BUT WHEN ASK, WHO TOLD HER SHE SAYS "SHE DOES NOT KNOW. WHEN CROSS-EXAMINED AND ASK HOW DID SHE GET THE INFORMATION, SHE ANSWERED "I DON'T KNOW AND SAID I WOULD NOT MAKE THAT UP." COUNSEL FOR PETITIONER ASK HER WAS THERE ANYTHING IN WRITING? MS. ROSS RESPONDED "HU-UH!" See; (P.C.R. TR. 85, II, 10-22, TR. 87, II, 26, TR. 102, II, 7-21, TR. 103, II, 20-THAT TR. 104, II, 1-14)

PETITIONER WOULD LIKE TO AMEND THE RECORD WITH CERTIFIED DOCUMENTATION OF THE DEFENDANT'S MOVEMENT IN AND OUT OF THE GREENVILLE COUNTY DETENTION CENTER AND THREE (3) OFFICIAL DATES SET ASIDE FOR PLEA DEALS FOR PETITIONER BY THE 13TH CIRCUIT SOLICITOR OFFICE AND AUTHENTICATION FROM JINNY MURAN, CAPTAIN & COUNTY RECORDS MANAGER AT THE DEPT. OF PUBLIC SAFETY & RECORDS MANAGEMENT SERVICE DIVISION AND DOCUMENT ARE CERTIFIED,

-EXHIBITS-

- 1.) THE FIRST "EXHIBIT-A" PETITIONER BRINGS TO THE ATTENTION OF THE COURT ARE "COURT TRANSPORTATION RECORDS" (JANUARY 2010 - AUGUST 2010) JINNY MURAN INDICATES DEFENDANT'S CELL MOVEMENT SHEET, HISTORY FOR THIS TIME.
- 2.) THE SECOND "EXHIBIT-B" IS A "INMATE CELL MOVEMENT HISTORY" (2 PAGES) THIS RECORD WILL REFLECT THE DEFENDANT WAS TRANSPORTED TO GREENVILLE COUNTY COMETHOUSE ON SIX (6) OCCASSIONS, THESE DATES AS FOLLOWS: SEPT. 10, 2009, NOV. 12, 2009, JULY, 12, 2010, AUG. 9, 2010, AUG. 10, 2010, & AUG. 11, 2010. ... THE PETITIONER STATES THE RECORD REFLECT THE DAYS HE WAS TRANSPORTED AND ON JULY 12, 2010 JURY DISCONTINUED. PETITIONER ASK THE COURT TO TAKE JUDICIAL NOTICE THAT THE SOLICITOR CONTROLS THE DOCKET AND WHICH DETAINEE THAT COMES TO THE COMETHOUSE,
- 3.) THE THIRD EXHIBIT-C IS A DOCUMENT ENTITLED "COURT TRANSACTION RECORDS" "JINNY MURAN" CONFIRMS THE SOLICITOR'S OFFICE GIVE HER THREE (3) DATES FOR PLEA COURT FOR THE DEFENDANT, WHICH WERE 1.) 2/9/10, 2.) 3/9/10, & 4/6/10 IN WHICH NON-CO-INCIDE WITH A MARCH 25, 2010 AND ALSO TWO OF THESE DATES

HAS ELAPSED BUT NO MARCH 25, 2010 IS ON "THE PLEA OFFER COURT DATES"
BUT THERE ARE TWO (2) JURY TRIAL DATES NOTED 1.) 7/12/2010 & 8/9/2010.

IN COMPARISON (EXHIBIT-# C-(1)) A LETTER FROM THE 13TH CIRCUIT SOLICITOR OFFICE
STATING THE EXACT SAME DATES FROM KATIE TUCKER CP OF THE SOLICITORS OFFICE.

TRIAL COUNSEL "SUSANNAH ROSS" CLAIMED PETITIONER REFUSED TO SEE HER.
See: (P.C.R. TR. 86, II, 12-19)

PETITIONER REQUEST OF THE COURT TO TAKE NOTE AND REFLECT BACK ON (P.C.R.-
EXHIBIT-#3) See: (P.C.R. TR. 25, II, 14-THRU-TR. 27, II, -20) "THE PROFESSIONAL VISITA-
TION SHEET" WILL SUBSTANTIATE THAT COUNSEL CAME TO SEE DEFENDANT A TOTAL OF
NINE (9) TIMES AND SHE GAINED ENTRY INTO THE DETENTION CENTER NINE (9) TIMES
AND THE PETITIONER SPOKE WITH HER NINE (9) TIMES. SHE CAME FOUR (4) TIMES IN
2009. SHE CAME ONE (1) TIME ON JANUARY 29, 2010. See: (P.C.R. TR. 23, II, 3-25)
AND THE NEXT TWO (2) TIMES WERE JULY 7, & 8, 2010. AT THIS POINT IN TIME,
THE PLEA OFFER HAD EXPIRED ON 4/30/2010. THE LAST TIME COUNSEL CAME
WAS JULY 29, 2010 AND AUGUST 6, 2010.

PETITIONER ASK THE COURT TO TAKE NOTE OF JUDICIAL NOTICE AND LET
THE EVIDENCE SUBSTANTIATE AND SHOW THROUGH DOCUMENTATION THAT THE
DEFENDANT MET WITH COUNSEL EVERY TIME COUNSEL CAME TO VISIT HIM
IN THE GREENVILLE DETENTION CENTER. See: (P.C.R. TR. 26, II, 17-25, EXHIBIT-
#3) AND SIX (6) TIMES IN GENERAL SESSIONS COURT TEAM'S PORTATION RUNS.
(TR. 29, II, 1-20)
THE PETITIONER IS DOCUMENTED AS SHOWING UP AT THE COURT HOUSE. See: (EX-
HIBIT-#B)

PETITIONER ASK THE COURT TO TAKE NOTE THE FORMAL PLEA OFFER HAD
105 DAYS SHELF LIFE WHEN COUNSEL RECEIVED IT. See: (P.C.R. EXHIBIT-#1) SEE
UPPER RIGHT CORNER, RECEIVED ON 1/14/2010. COUNSEL VISITED DEFENDANT
ON 1/29/2010, SIXTEEN DAYS HAD PASSED WHEN SHE FAILED TO ADEQUATELY
CONVEY THE FORMAL PLEA OFFER AND ITS TERMS AND CONDITIONS. ON 1/29/
2010 VISIT THERE WERE 90 DAYS WERE LEFT ON THE ACTIVE PLEA OFFER WHICH
EXPIRED ON 4/30/2010. See: (P.C.R. EXHIBIT-#1, See, 2ND PAGE)

LEGAL
COUNSEL

PETITIONER ASK THE COURT TO TAKE NOTE THAT COUNSELOR FAILED AT HER DUTIES AND RESPONSIBILITIES OF RULE 407 OF SCRIPES OF PROFESSIONAL CONDUCT AND ATTEMPTS TO SHIFT THE BURDEN OF THEM.

RULE 1.3 DILIGENCE; WHICH PROVIDES

[1.] A LAWYER SHOULD PURSUE A MATTER ON BEHALF OF A CLIENT DISPIE OPPOSITION, OBSTRUCTION, OR PERSONAL INCONVENIENCE TO THE LAWYER, AND

RULE 1.4 COMMUNICATION

Sub. Sec.'s

1, 2, 3, 4, 5 & (b)

COUNSEL ATTEMPTS TO TURN THE TABLE CONCERNING HER RESPONSIBILITIES, FAILING TO DUE DILIGENCE AND NOT COMMUNICATING A FORMAL PLEA OFFER BY TESTIFYING THE DEFENDANT REFUSED TRANSPORT IN WHICH IT'S NOT LEGALLY RELEVANT. PETITIONER WAS A DETAINEE AND COULD NOT POST BOND COUNSEL HAD THE OPPORTUNITY TO VISIT THE DEFENDANT, SHE WAS THE ATTORNEY AND KNEW THE LAW, SHE EVEN KNEW THERE WAS AN EXPIRATION DATE ON THE PLEA OFFER, COUNSEL TESTIFIED PETITIONER REFUSED TO SEE THE VISITATION RECORD REFUTES THIS.

2nd ISSUE TO BE AMENDED

2.) THE PETITIONER ALLEDGE THE PROSECUTION KNOWINGLY USE PERJURED TESTIMONY AND HE KNEW OR SHOULD HAVE KNOWN THE TESTIMONY WAS PERJURY.

PETITIONER TESTIFIED THAT ON JULY 8, 2010 HE OBSERVED THE PROSECUTOR "MARK MOYER" AND HIS INVESTIGATOR SECRETLY INTERROGATING HIS CO-DEFENDANT "PATRICIA RICE", WHILE SHE WAS OFFICIALLY STILL UNDER INDICTMENT BY THE STATE, "MS. RICE" WAS OUTSIDE THE AFFORDED PRO-

TECTION OF HER "ATTORNEY CHRISTOPHER POSEY!" WHO WERE NOT PRESENT AT ANY STAGE OF THIS MEETING (14TH AMEND. U.S.C.A. VIOLATION) See: "MASSIAH V. U.S." 397 U.S. 201. (POST-INDICTMENT INTERROGATION)

TRIAL COUNSEL "SUSANNAH ROSS" TESTIFIED (PARAPHRASING; See: P.C.R. TR. 88, II. 23-THRU-TR. 89, II. -18.) "THAT SHE HAD SEEN A LETTER IN HER FILE A COUPLE OF DAYS PRIOR TO MARK MOYER" MEETING WITH THE CO-DEFENDANT (PATRICIA RICE) THAT HE WAS GOING TO DISMISS THE CHARGES AND A LETTER WAS ATTACHED TO "CHRISTOPHER POSEY", ATTORNEY FOR MRS. RICE, COUNSEL TESTIFIED THAT THIS OCCURRED BEFORE PROSECUTOR MET CO-DEFENDANT, ON JULY 8, 2010. See: P.C.R. EXHIBIT-#6 ALSO P.C.R. TR. 44, II. 24-THRU-TR. 45, II. -24.)

PETITIONER ASK THE COURT TO TAKE NOTE OF HIS TESTIMONY AT THE P.C.R. HEARING. PETITIONER STATED TO COUNSEL "THAT HIS CO-DEFENDANT 'PATRICIA RICE' WAS HERE IN PRO-VISIT AT THE SAME TIME TALKING TO SOMEBODY!" COUNSEL ASK "ARE YOU SAYING SHE'S DOWN THERE IN A CUBICLE TALKING TO SOMEBODY?" I SAID "YEAH!" FOUR CUBICLES DOWN!" COUNSEL SAID "I'M GOING DOWN THERE AND TALK TO HER (PATRICIA RICE), ON JULY 8, 2010. See; (P.C.R. TR. 46, II. 25-THRU-TR. 47, II. -18)

PETITIONER STATES THERE WERE NO SUCH LETTER PRIOR TO MARK MOYER, PROSECUTOR MEETING WITH PATRICIA RICE. PETITIONER ASK THE COURT TO TAKE JUDICIAL NOTICE OF "EXHIBIT-# D" WHICH IS A COPY OF A LETTER THAT "MARK MOYER" FAXED TO "SUSANNAH ROSS", COUNSEL FOR THE PETITIONER ON JULY 9, 2010 STATING THAT IT IS HIS DECISION TO DISMISS CHARGES AGAINST "MRS. RICE". THIS IS THE LETTER THE PROSECUTOR SENT TO COUNSEL AND IT IS A DAY AFTER THE JULY 8, 2010 MEETING AND NOT PRIOR TO IT AS COUNSEL TESTIFIED TO. COUNSEL HAS INTENTIONALLY BEEN DECEPTIVE IN HER TESTIMONY.

PETITIONER ASK THE COURT TO TAKE NOTE AND COMPARE THE LETTER SENT TO BOTH ATTORNEYS

ROOM 1007
JAN 10 2011

"CHRISTOPHER POSEY" MS. RICE ATTORNEY AND THE LETTER SENT TO SUSANNAH ROSS.

See: "MR. POSEY'S" LETTER. "P.C.R. EXHIBIT #7" (P.C.R. TR. 46, II. 3-23) IT STATES THAT HE IS DISMISSING CHARGES AGAINST "MS. RICE," BY MARK MUYER, PROSECUTOR. IT WAS FAXED FROM THE SOLICITORS OFFICE ON JULY 9, 2010 @ 9:28 AM.

See: "SUSANNAH ROSS" LETTER. (EXHIBIT # D) IT STATES THAT HE IS DISMISSING CHARGES AGAINST "MS. RICE," BY MARK MUYER, PROSECUTOR.

IT WAS FAXED FROM THE SOLICITORS OFFICE ON JULY 9, 2010 @ 9:28 AM.

THE PETITIONER ASK THE COURT TO TAKE NOTE THAT BOTH OF THESE LETTERS WERE FAXED THE SAME DAY JULY 9, 2010 AT THE SAME TIME 9:28 AM. TO BOTH COUNSELS "ONE DAY AFTER THE MEETING WITH THE CO-DEFENDANT ^{MS.} RICE," AND THEREFORE TRIAL COUNSEL SUSANNAH ROSS TESTIMONY ABOUT BEING INFORMED THAT "MARK MUYER" WAS GOING TO MEET "MS. RICE," IN THE FUTURE TENSE OF A LETTER IS NOT ACCURATE AND IS FABRICATED AS BEING THE TRUTH. THE LETTERS SPEAK FOR THEMSELVES HAD HE SENT ONE IN ADVANCE THERE WOULD NOT BE A NEED FOR A SECOND LETTER STATING THE SAME THING.

See: (P.C.R. TR. 88, II. 23-THRU-TR. 89, II. -18.)

PETITIONER WOULD LIKE TO BRING ATTENTION TO THE COURT AND TO TAKE NOTICE OF TRIAL COUNSEL'S TESTIMONY, BEHAVIOR AND DISRESPECT FOR THE PETITIONER AND THE COURT IN WHICH COULD BE DRAWN SOME REASONABLE INFERENCE THAT HER TESTIMONY IS NOT FREE OF A REASONABLE APPREHENSION OF VINDICTIVENESS DUE TO THE FACT THAT THE PETITIONER MADE A MOTION TO RELIEVE HER AS HIS COUNSEL AND ACCUSED COUNSEL OF "BREACH OF CONFIDENTIALITY" PRIOR TO TRIAL. (see: TRIAL TR. 6, II. 13-THRU-TR. 16, II. -12) AND FILED A COMPLAINT AGAINST HER WITH THE S.C. BAR ASSOCIATION. See: (P.C.R. TR. 94, II. 3-14 & TR. 97, II. 17-THRU-TR. 98, II. -9.)

PETITIONER ASK THE COURT TO TAKE NOTE OF AND TAKE JUDICIAL

NOTICE OF COUNSELOR'S TESTIMONY AND THE USE OF PROFANITY BEFORE THE COURT ACCUSING PETITIONER OF MAKING DERROGATORY STATEMENTS TOWARD THE SOLICITOR STATING ON SEVERAL INSTANCES ON THE WITNESS STAND "HE SAID TELL THE SOLICITOR TO KISS MY SS!" see (P.C.R. TR. 85, JL. 14 & 15 AND TR. 99, JL. 23, 24.). PETITIONER DENIES EVER MAKING SUCH A STATEMENT AND COUNSELORS' CONDUCT WAS VERY UNPROFESSIONAL AND VULGAR. PETITIONER IS ASKING THE COURT TO TAKE NOTE OF COUNSEL'S BEHAVIOR, CONDUCT, AND LANGUAGE IN THE HONORABLE COURT AND TO SUBSTANTIATE THAT SHE (SUSANNAH ROSS) ABANDONED HER RESPONSIBILITIES TOWARD PETITIONER DURING HER REPRESENTATION FROM AUGUST 6, 2009 THRU AUGUST 13, 2010.

THE PETITIONER BELIEVES THAT HE CAN SHOW JUST CAUSE WHY THE HONORABLE COURT SHOULD ACCEPT HIS EXPLANATION OF WHY THIS INFORMATION IS NOW COMING FORTH. (1ST) HE HAD NO IDEA COUNSEL WOULD LIE UNDER OATH. (2ND) PETITIONER INSTRUCTED "CAROLINE M. HURLBECK" TO GET RECORDS FROM "CAPTAIN JINNY MORAN", MANAGER OF PUBLIC SAFETY AND CRIMINAL RECORDS AND AMEND THERE CARD BEFORE "JUDGE DANIEL D. HALL" RULE ON HIS P.C.R. CASE.

"EXHIBIT #E" (1ST LETTER COPY DATED FEBRUARY 28, 2016 MAILED ON FEB. 29, 2016 MAILED TO: "CAROLINE M. HURLBECK, ESQUIRE"

"EXHIBIT #F" (2ND LETTER COPY DATED MARCH 28, 2016 MAILED ON MARCH 2016 MAILED TO: "CAROLINE M. HURLBECK, ESQUIRE"

THE PETITIONER STATES AS IN THE CASE OF "SHAHIR V. BOWERS" (DISTINGUISHED) 120 F. 3d. 211 (11TH CIR. 1997) PETITIONER IS NOT ATTEMPTING

JAN JAGG
MOON
BOOM

TO BRING COUNSEL'S PERSONAL LIFE INTO THE ISSUE BUT IS BRINGING HER PROFESSION AS A ATTORNEY IN THE COMPLICITY TO WHICH SHE TESTIFIED AT THE P. C. R. HEARING AND HER RESPONSIBILITIES AS A MEMBER OF THE SOUTH CAROLINA BAR ASSOCIATION AND A OFFICER OF THE COURT WHO'S UNDER OATH AT ALL TIMES AND HAVE SWORN TO TELL THE TRUTH ALWAYS, THE TESTIMONY THAT SUSANNAH ROSS GAVE CONCERNING THESE ISSUES CAN BE REASONABLY DISPUTED BY THE EVIDENCE OF THE DOCUMENTS, COUPLED WITH THE TESTIMONY OF THE PETITIONER TO SUBSTANTIATE THAT TRIAL COUNSEL SUSANNAH ROSS TESTIMONY WAS NOT TRUTHFUL AND WAS FABRICATED TO MISLEAD THE COURT TO COME TO AN UNJUST DECISION,

THE PETITIONER STATES THAT THESE DOCUMENTS ARE RELEVANT TO THE TWO (2) ISSUES ABOVE AND ARE CERTIFIED OF THEIR ORIGIN AND THE SOURCE(S) ARE RELIABLE AND UNDISPUTABLE.

THE PETITIONER ASK TO COURT TO PLEASE TAKE NOTE OF A CERTIFIED GENERAL SESSIONS TRACKING SHEET COPY OF "PATRICIA ROSALIND RICE" THAT SHOW THE WARRANT NO: # I-478795 & INDICTMENT # 2009-65-23-9564 AND #4) DISM./NOT PROS/PROS, ENDED OFFICIALLY ON JULY 13, 2010, See (EXHIBIT # G) THE PROSECUTOR WAS OBSERVED INTERROGATING PETITIONERS CO-DEFENDANT / PATRICIA RICE OUTSIDE THE PRESENCE OF HER COUNSEL WHILE UNDER INDICTMENT. See (APP. P.C.R. TR. 46, II, 4-THRU-TR. 47, II, - 18 & TR. 63, II, 22-THRU-TR. 64, II, - 15.) THE PROSECUTOR ADMITS TO MEETING WITH THE CO-DEFENDANT SEVERAL TIMES. See (APP. P.C.R. TR. 72, II, 1-17). TRIAL COUNSEL SUSANNAH ROSS ADMITTED TO KNOWING THE PROSECUTOR MET WITH CO-DEFENDANT

"PATRICIA RICE" AND STATES HER OPINION "IT'S PRETTY CLEAR HE HAD PERMISSION TO MEET WITH HER." See: (APP. P.C.R. TR. 89, II 3-18). IN THE CASE OF "MASSIAH V. U.S.," 377 U.S. 201, & "SPANO V. NEW YORK," 360 U.S. 315 (THE SUPREME COURT HELD THAT ONCE INDICTMENT ATTACHES ALL SECRET INTERROGATION MUST CEASE OUTSIDE THE PRESENCE OF DEFENDANT'S ATTORNEY. COMPARE "EXHIBIT-#6" TO P.C.R. "EXHIBIT-#6" TO SUPPORT THE CLAIM THAT THE PROSECUTION VIOLATED THIS CARDINAL RULE (MASSIAH RULE "OF POST INDICTMENT INTERROGATION") THE MEETING HAPPENED ON JULY 8TH, 2010. THE FORMAL CHARGES WERE DISMISSED ON JULY 13, 2010. THESE ACTIONS CONTRAVENES THE FUNDAMENTAL FAIR TRIAL, See; EXHIBIT-#H, EXHIBIT-#I, AND EXHIBIT-#J, IN WHICH THE GREENVILLE COUNTY COMMON PLEAS, RECEIPT # 299247, CLERK HORTON L SUPPLIED THIS INFORMATION TO PETITIONER ON 7/21/2014

THE PETITIONER RESPECTFULLY REQUEST THE HONORABLE COURT AT ITS OWN DISCRETION TO ENTERTAIN REVIEW AND ALLOW HIM TO SUPPLEMENT THE RECORD TO CONFORM TO THE EVIDENCE. PURSUANT TO RULE 15(b), SCRCP AND TO TAKE JUDICIAL NOTICE OF THE EVIDENCE TO THE ADJUDICATIVE FACTS PURSUANT TO SCRE, RULE 201 AND SUB. SEC. (e) REQUESTING OPPORTUNITY TO BE HEARD, AFTER THE LOWER COURT PRESSING ON IT ON DECEMBER 15, 2016. THE COURT OF COMMON PLEAS AND THE ATTORNEY GENERAL'S OFFICE WAS PLACED ON NOTICE ON NOVEMBER 18, 2016. THE DISTRICT ATTORNEY'S OFFICE DOES NOT WANT THE COURT TO ENTERTAIN THIS EVIDENCE.

THE PETITIONER BELIEVES THAT HE HAS "SHOWN JUST CAUSE" WHY THE HONORABLE COURT SHOULD REVIEW HIS MOTION AND ITS MERITS AND GRANT THIS MOTION IN THE SUPREME COURT.

IT IS WITH MUCH HOPE AND MANY PRAYERS THAT THE HONORABLE COURT WILL GRANT HIS MOTION AND GRANT HIM THE RELIEF THAT HE IS SEEKING ON THESE ISSUES.

RESPECTFULLY SUBMITTED,

~~Patrick Schnepfer, Pro Se~~
BOBBY JOE BARTON, #163629
McCORMICK CORR. INST.
386 REDEMPTION WAY
McCORMICK, SC 29899

REPRESENTATION, PRO SE

CC: PATRICK SCHNECKPEPER, ESQUIRE
BOBBY JOE BARTON, PRO SE

JAM JARVIS
MOOP JAM



Department of Public Safety
Records Management Services Division

Jinny Moran, Captain
County Records Manager
(864) 467-5211
www.greenvillecounty.org

EXHIBIT - #A

May 2, 2016

Bobby J. Barton #163629
Perry Correctional Inst. Q-4-A-103
430 Oaklawn Road
Pelzer, SC 29669 - 9363

RE: Court Transportation Records (January 2010 – August 2010)

Dear Mr. Barton:

We have received your request for the above information. The enclosed Cell Movement History record is for the time period when you were in the Greenville County Detention Center from 08/04/2009 – 08/11/2010. This record reflects when an inmate is signed out and returned to the Greenville County Detention Center. We are unable to provide a movement record for the specific time period you requested, because the Cell Movement History record is based on the booking date through the release date.

You also requested information for any reasons why an inmate may not have went to court. Please be advised that there are not any records for why an inmate did not go to court.

I apologize for the delay in our response, but I thought the record had already been mailed to you. The Records Division processes hundreds of requests for information each month, and several staff members assist in processing requests, to include FOIA letters. Once again, I apologize for any delay.

Sincerely,

Captain Jinny Moran
County Records Manager

GREENVILLE COUNTY
DETENTION CENTER
RECORDS
CERTIFIED COPY
10/24/16
Current Date

PJL014R
4/18/2016 11:41:59AM
Job Number: 1420598

Greenville County Detention Center
Inmate Cell Movement History

EXHIBIT #B

Pack# 0036588 Jail# 0241 BARTON, BOBBY JOE

Sex M Race B DOB

Booked 08/04/2009 Cell

Date	Time	Reason	Cell	Auth Officer	Explanation
08/11/2010	07:00:00	RELEASED	SHUA	GILBERT, KESHA	RELEASED
08/10/2010	22:06:21	MOVED IN	SHUA	KMCCARTHY	✓SENTENCED INMATE
08/10/2010	15:51:49	MOVED IN	BLU	DICKERSON, TIFFINY Y	✓SIGNED IN
08/10/2010	07:39:39	SIGNED OUT	SO	MORGAN, NATASHA	✓SO W LOLLIS-GCPD
08/09/2010	17:42:45	MOVED IN	BLU	BOWMAN, ANTOINE D	✓S/I WITH PRUITT
08/09/2010	07:47:13	SIGNED OUT	SO	GILMORE, CHRISTOPHER C	✓S/O TO COURT W/ PRUITT
07/12/2010	15:39:55	MOVED IN	BLU	JALLEN	✓RET BY PRUITT
07/12/2010	08:09:07	SIGNED OUT	SO	TWHALEY	✓S/O TO COURT W/DEP. PRUITT
07/10/2010	14:56:17	MOVED IN	BLU	TURNER, TROY W	BLU POD RREHOUSED TO GREEN POD FOR LIGHTING PROJECT
06/28/2010	10:05:58	MOVED IN	GRN01	MILLAR, JAMES N	LIGHTING PROJECT
06/08/2010	12:03:54	MOVED IN	BLU	CARR, CASSANDRA L	TIME SERVED IN SHU
06/04/2010	16:26:45	MOVED IN	SHUB	JGINThER	PER SGT BAMBERG
04/13/2010	13:35:25	MOVED IN	BLU	SMITH, DOUGLAS T	MISTAKEN REHOUSE IN COMPUTER
04/13/2010	13:31:55	MOVED IN	GRN01	SMITH, DOUGLAS T	PER CLASSIFICATION
04/07/2010	09:21:29	MOVED IN	BLU	RIVERA, MISAEL	CLEARED CPL PATTERSON
03/26/2010	08:43:55	MOVED IN	SHUB	PONDER, THOMAS G SR	101 PER SGT ROBERTS
01/13/2010	14:27:10	MOVED IN	GRN01	COLLOGAN, CHRISTOPHER D	FOR SPACE ON STACKER BUNK
01/08/2010	11:36:11	MOVED IN	F	NORMAN, ARMITT J	REHOUSED ROM YELLOW
12/31/2009	23:42:49	MOVED IN	YEL	RLOCKABY	PER SGT. WILLIAMS
12/22/2009	16:56:21	MOVED IN	3B	HIEBERT, LARRY D	CANE REMOVED/ RETURN TO 3B
12/22/2009	09:45:28	MOVED IN	3A	KEANEY, MARK F.	PER MEDICAL
12/21/2009	16:17:57	MOVED IN	3B	SIMMONS, AKELIA S	PER CLASSIFICATION
12/16/2009	14:12:05	MOVED IN	ISO02	KCARLIN	PER MEDICAL
12/15/2009	09:28:57	MOVED IN	BLU	ALLEN, WILLIAM E	PER NURSE WOODALL
12/14/2009	19:07:54	MOVED IN	MH	DUNCAN, SAMUEL R II	PER NURSE SPICER
11/12/2009	11:11:45	MOVED IN	BLU	✓GLENN, DEBBIE J	✓RETURNED FROM COURT BY RAINEY
11/12/2009	08:34:34	SIGNED OUT	SO	✓GLENN, DEBBIE J	✓GEN SESSION W/PRUITT
09/10/2009	12:00:10	MOVED IN	BLU	HOLMES, TANIKA E	✓S/I WITH OFC RAINEY
09/10/2009	08:01:33	SIGNED OUT	SO	WILLIAMS, TIMOTHY	✓S/O WITH PRUITT GEN SESS
09/03/2009	13:01:42	MOVED IN	BLU	HOLMES, TANIKA E	RECLASSED PER CPL GAMBLE
08/28/2009	15:49:50	MOVED IN	N1	HUDSON, LILLIAN D	RET W/INV.BENES A.
08/28/2009	14:49:42	SIGNED OUT	SO	GANTT, KEVIN L	S/O W/BENES A. GCSO
08/27/2009	11:54:55	MOVED IN	N1	JGINThER	S/I W/ BROWN
08/27/2009	10:56:20	SIGNED OUT	SO	JGINThER	S/O W/ BROWN 000
08/25/2009	10:14:19	MOVED IN	N1	GONZALEZ, ANDRES A JR	PER CLASSIFICATION PATTERSON
08/13/2009	16:00:56	MOVED IN	REDC	WOOTEN, KAREN	REHOUSED PER MH GILCHRIST.
08/07/2009	19:20:52	MOVED IN	L	MOORE, TORIS D	PER CLASSIFICATION
08/07/2009	18:32:24	MOVED IN	N3	COLLINGWOOD, THERESA	REHOUSE PER CLASSIFICATION
08/05/2009	09:15:55	MOVED IN	D	PLACE, HEATHER A	INITIAL HOUSING
08/04/2009	17:48:51	BOOKED IN	LDTNK	KMCCARTHY	INITIAL BOOK

GREENVILLE COUNTY
DETENTION CENTER
RECORDS
CERTIFIED COPY
4/18/16
Current Date

"EXHIBIT-#C"



**Greenville
County**

**Department of Public Safety
Records Management Services Division**

**Jinny Moran, Captain
County Records Manager
(864) 467-5211
www.greenvillecounty.org**

May 12, 2016

Bobby J. Barton #163629
Perry Correctional Inst. Q-4-A-103
430 Oaklawn Road
Pelzer, SC 29669 - 9363

RE: Court Transportation Records

Dear Mr. Barton:

We have received your most recent letter inquiring about the above information. We have already provided the Cell Movement History form that reflects when you were signed out and returned to the Detention Center. I checked with the Detention Center operations staff and was advised there are not any records that reflect if an inmate was pulled from housing for court, but then did not actually go to court. The records would only reflect the inmate was returned to housing.

I checked with the Solicitor's Office to determine if they had any records regarding Court Transportation forms, and was advised they do have a listing but the records are only maintained for a period of two (2) years, but then destroyed under the retention schedule. Please be advised the actual report form would have listed multiple subject names that may have been listed for court during the same week. The Solicitor's Office* was able to inquiry their system and it had the below dates listed in it, but they cannot print out or provide an official record, since the report is printed for the week of court on pleas and/or trials, and there is not a program to re-create a court report from years past. Please note that the below dates does not imply you actually went to the court.

*Bobby Barton placed on transport list on 2/9/2010, 3/9/2010, 4/6/2010 (PLEA COURT); and 7/12/2010, 8/9/2010, (TRIAL DOCKET).

If you have further questions on this matter, please contact the Solicitor's Office directly.

Sincerely,

Captain Jinny Moran
County Records Manager

GREENVILLE COUNTY
DETENTION CENTER
RECORDS
CERTIFIED COPY

10/24/16
Current Date

State of South Carolina Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. WALTER WILKINS

May 27, 2016

Bobby Joe Barton, #163629
Perry Correctional Institution (Q-4-A-104)
430 Oaklawn Road
Pelzer, SC 29669-9363

Re: Freedom of Information Act Request

Dear Mr. Barton:

Our office is in receipt of your letter dated May 22, 2016 in which you requested copies of Orders to Transport Bobby Joe Barton between the Greenville County Detention Center (GCDC) and the Greenville County Courthouse during the period of August 4, 2009 to August 12, 2010. Our records indicate that Mr. Barton was transported from GCDC to the Courthouse five (5) times during the specified period. Three (3) transports were for appearance in Plea Court. The dates were 2/9/10, 3/9/10, and 4/6/10. Two (2) transports were for appearance at trial on 7/12/10 and 8/9/10. However, these transports were simply placed on a standard transport list. Therefore, there are no Orders to Transport associated with the events outlined herein. Our research does not indicate any additional transports during that time period for Bobby Joe Barton.

Pursuant to S.C. Code Ann. §34-4-10 et. seq, please allow this letter to serve as our response to your FOIA request in the above referenced matter.

Sincerely yours,

Katie Tucker, CP
Assistant to the Solicitor
Thirteenth Judicial Circuit

"EXHIBIT #C-1"

RECEIVED

1/14/10

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor

Robert M. Ariail

1/11/2010

SUSANNAH ROSS
GREENVILLE COUNTY COURTHOUSE
ROOM 123 PUBLIC DEFENDER
GREENVILLE, SC 29601

RE: Plea Offer for State v. Bobby Joe Barton

Dear Susannah Ross :

I am willing to make the following proposal to your above-referenced client in order to dispose of these charges by way of a guilty plea:

The State will reduce the following:

Warrant Number: Charge:
1478797 Armed Robbery

Plead to Charge:

to Common law robbery

The State will dismiss the following:

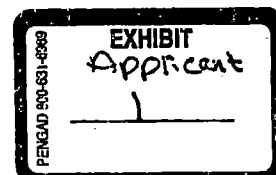
Warrant Number: Charge:
1478798 Possession of a weapon during violent crime

The State will make the following sentence recommendations/negotiation:

If defendant pleads guilty by the due date and agrees to cooperate with the prosecution of the co-defendant, if necessary, I will reduce the charge as indicated and recommend a sentence of 15 years, suspended on the service of 8 years, followed by probation. In the alternative, the defendant may plead without a recommendation. There will be \$500.00 restitution.

Other conditions/comments:

I have enclosed a copy of the sentencing sheet and restitution order.



PJL014R
4/18/2016 11:41:59AM
Job Number: 1420598

Greenville County Detention Center
Inmate Cell Movement History

EXHIBIT #B

Pack# 0036588 Jail# 0241 BARTON, BOBBY JOE

Sex M Race B DOB

Booked 08/04/2009 Cell

Date	Time	Reason	Cell	Auth Officer	Explanation
------	------	--------	------	--------------	-------------

*****End of Report*****

GREENVILLE COUNTY
DETENTION CENTER
RECORDS
CERTIFIED COPY
4/18/16
Current Date

Please contact me as soon as possible with your client's response as plea negotiations must be concluded and the guilty plea entered before 4/30/2010 or this and any other offers are automatically withdrawn. If your client does not plead guilty by this date, the case(s) will be placed on the trial calendar for disposition without further negotiation.

Yours very truly,



Mark Moyer
Assistant Solicitor

PJV004R

Greenville County Detention Center

5/29/2014 5:22:30PM

Inmate Visits

Job Number 831822

Inmate 0241 BARTON, BOBBY JOE

Sex M Race B DOB

Booked 08/04/2009

Cell

From Date	Time	To Date	Time	Type	Visitor	Status
08/06/2010	10:46	08/06/2010	11:38	Professional	ROSS, SUSANNAH	Visited
07/29/2010	10:23	07/29/2010	10:50	Professional	ROSS, SUSANNAH	Visited
07/08/2010	10:20	07/08/2010	11:52	Professional	ROSS, SUSANNAH	Visited
07/07/2010	10:36	07/07/2010	12:00	Professional	ROSS, SUSANNAH	Visited
01/29/2010	13:40	01/29/2010	14:56	Professional	ROSS, SUSANNAH	Visited
10/16/2009	12:46	10/16/2009	13:19	Professional	ROSS, SUZANNAH	Visited
10/05/2009	13:50	10/05/2009	14:55	Professional	ROSS, SUZANNAH	Visited
09/10/2009	14:14	09/10/2009	14:35	Professional	JONES, ANDREW	Visited
09/09/2009	10:30	09/09/2009	12:42	Professional	ROSS, SUZANNAH	Visited
08/12/2009	09:40	08/12/2009	10:40	Professional	ROSS, SUZANNAH	Visited

*****End of Report*****

GREENVILLE COUNTY
DETENTION CENTER - RECORDS
CERTIFIED COPY

5/29/14
Current Date

EXHIBIT
Applicant
3
PENGAD 800-631-6869

PJV004R

Greenville County Detention Center

2/11/2016 10:47:14AM

Inmate Visits

JMORAN

Job Number 1364539

Inmate 0245 RICE, PATRICIA ROSALIND

Sex F Race B DOB

Booked 08/03/2009

Cell

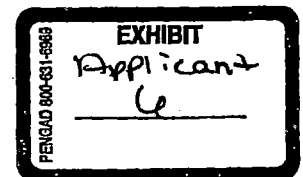
ID Pack# 0031656

From Date	Time	To Date	Time	Type	Visitor	Status
07/08/2010	10:00	07/08/2010	10:34	Professional	MOYER, MARK	Visited

*****End of Report*****

GREENVILLE COUNTY
DETENTION CENTER - RECORDS
CERTIFIED COPY

2-11-16 *[Signature]*
Current Data



State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor

Robert M. Ariail

July 9, 2010

"EXHIBIT-#D"

Susannah Ross, Esquire
Greenville County Public Defender Office
Greenville County Courthouse
Room 123
305 East North Street
Greenville, South Carolina 29601

RE: State v. Bobby Barton

Dear Susannah:

This is to let you know that the armed robbery charge against your client's co-defendant, Patricia Rice, is being dismissed. I am enclosing a copy of the letter of explanation that I am sending to her attorney, Chris Posey. Please feel free to call if you have any questions. With kind regards, I am

Truly Yours,

L. Mark Moyer
Assistant Solicitor

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610



Solicitor
Robert M. Arlall

Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

July 9, 2010

Sent via US Mail and facsimile

Christopher T. Posey, Esquire
P.O. Box 426
Greenville, South Carolina 29602
Facsimile number: 233-5067

RE: State v. Patricia Rice
Warrant number I478795

Dear Chris:

As you know, I have been preparing for the armed robbery trial of Bobby Barton, scheduled for Monday, July 12. Your client, Patricia Rice, was charged with armed robbery along with Bobby Barton. My analysis of the case has led me to the conclusion that there is insufficient evidence to meet the burden of proof that your client is guilty of this charge. For that reason, I am dismissing the warrant.

With your approval, Ms. Rice has met with me to discuss the case. She has cooperated and is prepared to testify as a State's witness. However, I want to be clear that the reason for the dismissal is not because she has cooperated. And although I still intend to call Ms. Rice as a witness in the trial, the dismissal of the charge is not conditioned on her continued cooperation. Please feel free to call if you have any questions. With kind regards, I am

Truly Yours,

L. Mark Moyer
Assistant Solicitor



W EXHIBIT # E 11
FRONT BACK

FEBRUARY 28, 2016

RECEIVED

ATTN: CAROLINE M. HORLBECK, ESQUIRE
101 WHITSETT ST.
GREENVILLE, SC 29601

FEB 29 2016

P.C.I. MAILROOM

FROM: BOBBY JOE BARTON, #163629 WARRANT NO# I-478797 (ARMED ROBBERY)
CASE NO# 2014-CP-23-5047

Re: "RELEVANT EVIDENCE TO DISPROVE SUSANNAH ROSS TESTIMONY AT
MY P.C.R. EVIDENTIARY HEARING ON FEBRUARY 18, 2016"

DEAR MS. HORLBECK,

I AM REQUESTING THAT YOU CONTACT CAPTAIN JIMMY MURPHY,
OF PUBLIC SAFETY AND RECORDS DIVISION, LAW ENFORCEMENT CENTER,
4 MCGEE ST, SUITE 110, GREENVILLE, SC 29601 AND REQUEST ANY
COURT TRANSPORTATION RECORDS FOR THE PURPOSE OF DISPROVING
SUSANNAH ROSS TESTIMONY THAT I REFUSED TRANSPORT AS EXCUSE
FOR HER NOT ATTEMPTING TO CONVEY THE GUILTY PLEA BEFORE IT'S
EXPIRATION DATE OF 4/30/10. PLEASE MOVE FOR THESE RECORDS
QUICKLY WHICH WOULD GIVE US OPPORTUNITY TO AMEND THE P.C.R.
APPLICATION WITH EVIDENCE TO COUNTER (S. ROSS) TESTIMONY THAT
I REFUSED TRANSPORT BUT IN ITSELF THAT IT DOES NOT NEGATE
HER DUTY AND OBLIGATION TO DO SO. PLEASE ASSIST ME WITH THIS
ISSUE AND LET THE RECORD REFLECT HER CLAIM OR TESTIMONY AGAINST
HER. I KNOW THAT THE P.C.R. CAN BE AMENDED AT ANYTIME AS LONG
AS THE JUDGE HAS NOT RULED.

RESPECTFULLY SUBMITTED,

Bobby Joe Barton

PAGE 1/2

* SEE REVERSE SIDE *

BOBBY JOE BARTON #163629

"EXHIBIT # E"

PROOF-OF-SERVICE

THE HEREBY UNDERSIGNED STATES UNDER PENALTY OF PERJURY THAT HE HAS MADE COUNSEL CAROLINE M. HORLBECK KNOWN THAT EVIDENCE TO COUNTER TESTIMONY OF SUSANNAH ROSS AT HIS HEARING IS POSSIBLY BEING HELD BY JIMMY MORAN, PUBLIC SAFETY AND RECORDS AND HAS INSTRUCTED HER TO OBTAIN AND MOVE TO AMEND IN HIS PCR APPLICATION BEFORE THE JUDGE HALL MAKES HIS RULING BY MAILING THE DIRECTIVE TO HER BY MAIL FROM PERRY MAILROOM BY IT'S PERSONEL MS. CONNELLY/MS. MORGENTHAU ON 27th day of FEBRUARY, 2016.

Bobby Joe Barton
BOBBY JOE BARTON #163629
PERRY CORR. INST. (044103)
430 OAKLAWN RD
PATER, SC 29669-9363

CC: BOBBY JOE BARTON, PETITIONER

BB

"EXHIBIT # F"

MARCH 28, 2016

ATTN: CAROLINE M. HURLBECK, ESQUIRE
ATTORNEY-AT-LAW
101 WHITSETT ST.
GREENVILLE, SC 29601

RECEIVED
MAR 28 2016
P.C.I. MAILROOM

FROM: BOBBY JOE BARTON, #163629 (CASE NO# 2014-CP-23-5047)

Re: "SECOND REQUEST TO OBTAIN 'COURT TRANSPORTATION RECORDS!'"

DEAR MS. HURLBECK,

ONCE AGAIN I'M REQUESTING THAT YOU FILE A MOTION FOR A COURT ORDER FOR MY "COURT TRANSPORTATION RUN RECORDS" FROM THE GREENVILLE DETENTION CENTER. IN FEB. 28, 2016 I MAILED YOU A LETTER REQUESTING THAT YOU CONTACT CAPTAIN JENNY MORAN OF PUB. SAFETY AND REQUEST THESE RECORDS. I REQUEST THAT YOU GET THESE RECORDS QUICKLY AS POSSIBLY CAN AND TO AMEND AS REBUTTLE AGAINST MS. ROSS TESTIMONY THAT I REFUSED TO BE TRANSPORTED SO SHE COULD GO FURTHER INTO THE TERMS AND CONDITION OF THE PLEA OFFER. PLEASE SEND ME A COPY THATS UNREDACTED IMMEDIATELY. IN FEB. 28, 2016 I REQUESTED THESE RECORDS PURSUANT TO F.O.I.A. § 30-4-30(b) BUT CAPTAIN MORAN HAS FAILED TO COMPLY WITH THE (15) DAY REQUIREMENT OF SUBSECTION (C). THANKS ONCE AGAIN AND PLEASE GET THESE RECORDS QUICKLY AND AMEND AND REPERMISE EVIDENCE. RESPECTFULLY SUBMITTED,

Bobby Joe Barton
Bobby Joe Barton, #163629
Perry Corr. Inst. (04A-103)
430 SAKLAWN RD.
PETER, SC 29687-9368

CC: BOBBY JOE BARTON, PETITIONER

THE HEREBY UNDERSIGNED STATES UNDER THE PENALTY
OF PERJURY HE HAS SERVED A REQUEST NOTICE FOR "COURT
TRANSPORTATION RECORDS" FROM PUBLIC SAFETY RECORDS AND AMEND
TO Post P.C.R. APPLICATION, TO: ATTORNEY "CAROLINE M. HURLBECK,"
BY MAIL FROM PERRY CURR. INST. ON 28TH DAY OF MARCH, 2016 BY
HAND DELIVERING IT TO MR. CONWELL/INS. MERCHANT, MAILROOM
PERSONEL.

RECEIVED

MAR 28 2016

P.C.I. MAILROOM

[Signature]
Bobby Stebbins #12345

v.l.
EXHIBIT-#7

RECEIVED

MAR 28 2016

P.C.I. MAILROOM

BOOK WITH BOOK

MAR 28 2016

RECEIVED

Jail

General Sessions Tracking Sheet
Indictment # 0000GS23

Name: Rice, Patricia Rosalind

Warrant/Ticket # I478795

AKA:

Date of Arrest: 08/03/2009

Addr: 10 Gettysburg St
Greenville, SC 29605

Date of Offense: 07/25/2009

Date Rcv by Clerk 08/20/2009

Magistrate: Hudson, James E.

SSN#

Counts: Code: 0139/Robbery / Armed Robbery,
robbery while armed or allegedly armed with a
deadly weapon

Sex: F Race: B

DOB:

DL#

Indictment # 0000GS23

2009-GS-23-9564

Disposition information

1. Transmitted to SOL & SCCA:
2. Disp Received by Clerk:
3. Date of Disposition: 7/14/10

JUL 13 2010

- | | | | |
|-------------|-------------------------------|----------|---|
| Disposition | 1. Guilty plea | Explain: | _____ |
| | 2. Trial -- guilty | Explain: | _____ |
| | 3. Trial -- not guilty | Explain: | _____ |
| | X 4. Dism/Not Pros/Pros Ended | Explain: | <u>Insufficient evidence to convict beyond reasonable doubt</u> |
| | 5. Judicial Commitment | Explain: | _____ |
| | 6. Judicial Dismissal | Explain: | _____ |
| | 7. Remanded | Explain: | _____ |
| | 8. Dismissed at Prelim | Explain: | _____ |
| | 8. No Bill | Explain: | _____ |
| | 9. Failure to Appear | Explain: | _____ |
| | 10. Other | Explain: | _____ |

Judge: _____

Court Reporter: _____

Defense Atty: C. Posey

Solicitor: L. M. Meyer

Counts = _____ Code: _____

Sentence: _____

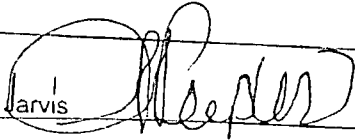
"EXHIBIT # G"

A Certified Copy
 Paul B. Wilkerson
 Clerk of Court C.P. & G.S.
 Greenville County, SC
 Dated 7-29-10

FAXED
 Date: 7/16/10
 To: JAIL
 By: JLT

WITNESSES

Michael Jarvis



Greenville County Sheriffs Office

8/3/2009

ARREST WARRANT NUMBER

1478795

ACTION OF GRAND JURY



FOREMAN GRAND JURY

VERDICT

For person of Petit Jury

Date:

DOCKET NO. 2009-GS-23-
LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS
February 10
TERM 2009

THE STATE

vs.

PATRICIA ROSALIND RICE

EXHIBIT # H

Indictment for

0139

ARMED ROBBERY

VIOLATION § 16-11-0330

EXHIBIT #1

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ARMED ROBBERY

At a Court of General Sessions, convened on **FEB 16 2010** the Grand Jurors of Greenville

County present upon their oath:

That PATRICIA ROSALIND RICE did in Greenville County, on or about the 25th day of July, 2009, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: a Wallet, and/or money from the person or presence of Edwin Perez. This is in violation of §16-11-0330 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

J. Mark ...
SOLICITOR

Greenville County Common Pleas
Paul B. Wickensimer Greenville County Clerk O
305 East North Street
Greenville, SC 29601-2120
(864) 467-8551

EXHIBIT-#J

Received From: BOBBY BARTON

Date : 7/29/2014

Paying for: BOBBY BARTON,

RECEIPT # 299247

Clerk: HORTONL

Payment Type: Money Order

\$2.50

Reference # 9110004165

Total Paid

2.50

Comment:

<u>Cost Description</u>	<u>Amount Paid</u>
Copy Fees 100%	\$2.50



Total Amount Paid: \$2.50

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON,
S.C.D.C. NO: 163629
PETITIONER
V.

STATE OF SOUTH CAROLINA,
RESPONDENT

-MOTION TO WITHDRAW-

MOTION TO SUPPLEMENT THE RECORD
TO CONFORM TO THE EVIDENCE

CASE NO: 2014-~~16~~^{CP}-23-5047
B.B. 12/18/16

THE ABOVE PETITIONER MOVES UPON THE HONORABLE COURT WITH
A "MOTION TO WITHDRAW HIS MOTION TO SUPPLEMENT THE RECORD TO CONFORM
TO THE EVIDENCE," AT THIS TIME.

THE PETITIONER DID FILE THIS MOTION PURSUANT TO SCRPC, RULE
15(b) ON THE 18TH DAY OF NOVEMBER, 2016 FROM MCCORMICK CORR. INST.
AND THE CLERK OF COURT DATE STAMPED IT AS THE 30TH DAY OF NOVEMBER,
2016. PETITIONER HAS GIVEN MUCH THOUGHT TO THE MATTER AND
BELIEVES FOR EFFICIENCY AND EXPEDITIOUS PURPOSES THAT THE COURT
ACCEPT HIS "MOTION TO WITHDRAW," SAID MOTION, AT THIS TIME.

IT IS WITH MANY PRAYERS AND MUCH HOPE THAT THE COURT WILL GRANT
THIS MOTION.

RESPECTFULLY SUBMITTED;

CC: PATRICK SCHMECK PER PERESQUIRE
BOBBY JOE BARTON, PRO SE PETITIONER

Bobby Joe Barton, Pro se
BOBBY JOE BARTON, #163629
MCCORMICK CORR. INST.
366 REDEMPTION WAY
MCCORMICK, SC 29899

MAILED ON: 19TH DAY OF DECEMBER, 2016

PETITIONER'S COPY

11/18/16
MCCORMICK

AFFIDAVIT-OF-SERVICE

COURT OF COMMON PLEAS: 2014 CP-23-5047 - APPELLATE CASE NO: 2016-JU08995

THE HEREBY AFFIANT "BOBBY JOE BARTON" #163629 STATES UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED AN "MOTION TO SUPPLEMENT THE RECORD TO CONFIRM TO THE EVIDENCE (S.C.R. 1567) ALONG WITH A MOTION TO TAKE JUDICIAL NOTICE OF THE EVIDENCE OF ADJUDICATIVE FACTS (S.C.R. 201) ACCOMPANIED WITH SEVERAL EXHIBITS - #A-~~THRU~~ #F & P.C.R. EXHIBITS - #1, #3, #6, & #7, UPON: "DANIEL E. SHEAROUSE", CLERK OF COURT, S.C. SUPREME COURT, P.O. BOX 11330, COL., SC 29211, & "PATRICK SCHMECKPEPER", DISTRICT ATTORNEYS' OFFICE, P.O. BOX 11549, COL., SC 29211-1549. THE AFFIANT STATES THAT HE DID FORWARD THESE "MOTIONS TO "CHRIS SWENSKI", LEGAL ASSISTANT, DIVISION OF APPELLATE DEFENSE FOR COPYING AND TO FORWARD TO THE COURT AND OTHER PROPER AUTHORITIES. THIS WAS ACCOMPLISHED BY HAND DELIVERING SUCH DOCUMENTS TO: MS. FRANKLIN, MAILROOM PERSONEL AT MCCORMICK CORR. INST., ON THE 18TH DAY OF JANUARY, 2017.

BY
BOBBY JOE BARTON, PROSE
S.C.D.C. NO #163629
MCCORMICK CORR. INST.
386 REDEMPTION WAY
MCCORMICK, SC 29899

CC: PATRICK SCHMECKPEPER, ESQUIRE
BOBBY JOE BARTON, PROSE PETITIONER