

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

CERTIORARI TO GREENVILLE COUNTY
COURT OF COMMON PLEAS

THE HONORABLE DANIEL D. HALL, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2016-000995

BOBBY JOE BARTON PETITIONER,

V.

STATE OF SOUTH CAROLINA RESPONDENT.

APPENDIX

BOBBY JOE BARTON
PERRY CORR. INST,
430 OAKLAWN RD,
PELZER, SC 29669

REPRESENTATION, PROSE

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THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY

COURT OF COMMON PLEAS

DANIEL D. HALL, CIRCUIT COURT JUDGE

CASE NO: 2014-CP-23-5047

BOBBY JOE BARTON APPELLANT,

V.

STATE OF SOUTH CAROLINA RESPONDENT.

DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL

APPELLANT PROPOSES THE FOLLOWING BE INCLUDED IN THE RECORD ON APPEAL,

- (1.) ARREST WARRANTS
- (2.) TRUE-BILLED INDICTMENTS
- (3.) TRIAL TRANSCRIPT PAGES: TR. PAGES 1-THRU-276 (COMPLETE TRANSCRIPT)
TR. 6, II. 1-THRU-TR. 16, II. 1-12, TR. 175, II. 5-18, TR. 209, II. 14-THRU-TR. 210, II.
1-13, TR. 194, II. 19-THRU-TR. 195, II. -23, TR. 208, II. 4-THRU-TR. 209, II. -6, TR.-
210, II. 23-THRU-TR. 211, II. -9, 10-20, TR. 212, II. 1-24, TR. 249, II. 8-22, TR. 157,
II. 18-THRU-TR. 158, II. -13 (a), TR. 164, II. 1-5, TR. 164, II. 1-THRU-TR. 166, II. -5,
TR. 56, II. 4-THRU-TR. 58, II. -20, TR. 109, II. 17-THRU-TR. 112, II. -25, TR. 165, II.
2-THRU-TR. 167, II. -23, TR. 171, II. 5-25 (*ESP. 14-25), TR. 70, II. 16-THRU-

Tr. 89, II, -3, Tr. 133, II, 13-THRU-Tr. 134, II, -5, Tr. 145, II, 9-THRU-Tr. 156, II, -8, Tr. 153, II, 25-THRU-Tr. 154, II, -21, Tr. 153, II, 1-8, Tr. 44, II, 14, 15, Tr. 123, II, 4-20, Tr. 129, II, 1-THRU-Tr. 130, II, -22, Tr. 64, II, 13-THRU-Tr. 68, II, -5, Tr. 51, II, 4-13, Tr. 51, II, 4-8, Tr. 24, II, 5-THRU-Tr. 266, II, -15,

(4) P. C. R. HEARING TRANSCRIPT: TR. PAGES 1-THRU-105 (COMPLETE TRANSCRIPT.) 1-15, 16-66, 67-72, 73, -87, 82-104, & 105.

(5) APPLICANT'S EXHIBITS:

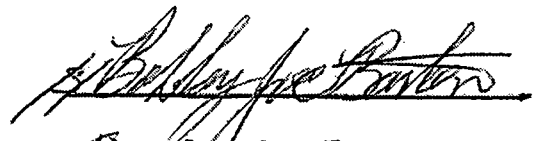
<u>NO. #</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD.</u>
1#	PLEA OFFER	18	19
2#	AFFIDAVIT	21	24
3#	VISITATION SHEET	26	27
4#	LETTERS FROM BOBBY BARTON	30	31
5#	STATE TRIAL WITNESS LIST	36	37
6#	GGDC INMATE VISITS	44	45
7#	7/9/10 LETTER FROM MARK MOYER TO CHRIS POSEY	46	46
8#	MINGSHOT MAGAZINE AND COVER LETTER	58	59
9#	MOTIONS FROM APPLICANT	62	N/A

(6) P. C. R. ORDER OF DISMISSAL, PAGE 1-THRU-18 (475-492)
(COMPLETE ORDER OF DISMISSAL)

(7) TRANSCRIPT OF ACCURACY HEARING (COMPLETE TRANSCRIPT)
PAGES 1-THRU-29 (ASSIGNED # 499-THRU-527)

- 8.) MOTION TO SUPPLEMENT THE RECORD TO CONFORM TO THE EVIDENCE. (EXHIBIT-#10 (TO LOWER COURT))532
- 9.) MOTION TO WITHDRAW. (EXHIBIT-#11 (FROM LOWER COURT))564

I CERTIFY THAT THIS DESIGNATION CONTAINS NOTHING IRRELEVANT TO THIS APPEAL. MAILED ON 7TH DAY OF AUGUST, 2017.



BOBBY JOE BARTON
PERRY CORR. INST.
430 OAKLAWN RD.
PELZER, SC 29669

REPRESENTATION PRO SE

CC: DeSHAWN H. MITCHELL, ESQUIRE
BOBBY JOE BARTON, PRO SE

E-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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1 THE COURT - Good morning, ladies and gentlemen.
2 We're on the record in the case of Bobby Joe Barton titled
3 petitioner versus the State of South Carolina. We're here
4 pursuant to an order of the South Carolina Supreme Court
5 dated November the 9th, 2016 in which this Court received
6 the order directing this Court to hold a hearing within 45
7 days of the date of the order to determine the accuracy of
8 the transcript prepared in this matter. Present in the
9 courtroom is -- Mr. Schmeckpeper, your first name? ---

10 MR. SCHMECKPEPER - Patrick, Your Honor.

11 THE COURT - --- Patrick Schmeckpeper on behalf of
12 the State of South Carolina from the attorney general's
13 office. Also present is Mr. Bobby Joe Barton, the
14 petitioner, and he is -- appears to be unrepresented, so,
15 Mr. Barton, if you wouldn't mind standing. I need to ask
16 you some questions. Let me just make sure, you are Bobby
17 Joe Barton?

18 MR. BARTON - Yes, sir.

19 THE COURT - Mr. Barton, I was ordered by the
20 Supreme Court to have this hearing and you don't have a
21 lawyer. Is that correct?

~~22 MR. BARTON - Um, from what -- from what I~~
23 understand is I'm representing myself pro se and the
24 Supreme Court I have -- I have no resource to obtain an
25 attorney for the Supreme Court, but from what I understand,

1 as this point here is this is only to clear the record up.
2 This is not -- this is -- from what I understand this is
3 not a new PCR hearing; this is not a redo. This is only
4 concerning my testimony and my testimony only.

5 THE COURT - All right. All right, well, that's -
6 - then you and I are on the same page. That's why I
7 understand we're here, too. You're right; this is not an
8 evidentiary hearing. This is not a redo of your post
9 conviction relief, so my question -- question for you --
10 you're without an attorney today. What is it that you're
11 asking this Court to do?

12 MR. BARTON - I have paperwork. What I'm here to
13 ask the Court to do is to straighten the transcript out,
14 because I don't know who this lady, this Cheryl whatever,
15 but I don't -- I don't know how she derived to -- to this
16 transcript the way that she did. I found, let's say, 55 or
17 more errors in my transcript, and the way that I understand
18 is if the transcript is not clear -- clear and correct to
19 my testimony of whatever I testified to, then once it gets
20 to the Supreme Court, there's no way for them to
21 understand. It's just like if I -- if I were to -- I --
22 from what I understand, English is the hardest language in
23 the world to understand. It's more harder to understand
24 than Spanish, Japanese and all this to learn, so therefore,
25 if you -- concerning this nouns or -- let's say preposition

1 phrases, if the lady does not phrase something the way that
2 I phrase it and then she leave words out, there's no way
3 for the Supreme Court to understand what it was that I
4 said.

5 THE COURT - All right, well, let me stop you
6 right there then. Your allegation is, is that there are 55
7 errors in the transcript?

8 MR. BARTON - I have it written down here, Your
9 Honor, but I want to ask you if you don't mind, I want to
10 know -- I would like -- if you would just hold that
11 thought, please sir ---

12 THE COURT - Well, let me -- yeah, I'll do that;
13 I'll hold that thought, but my question is, for purposes of
14 this hearing, how do you intend to show that there was
15 error in the transcript? Do you have any evidence that you
16 tend to present?

17 MR. BARTON - The evidence that I have is what I -
18 - that I submitted to a Ms. Cheryl uh -- Ms. Cheryl A.
19 Smith, and the testimony that I have is not exactly what I
20 said.

21 THE COURT - Well, here's my question. We had a
~~22 hearing, and that hearing was -- there was a record of that~~
23 hearing; the court reporter made that record, and now
24 you're saying that there are 55 errors in what she -- let
25 me just be sure I get this right -- that she did not take

1 down -- she missed 55 -- she did 55 things wrong in what
2 was said and what was in the transcript. Is that correct?

3 MR. BARTON - Okay, um -- you can say something,
4 but this -- I'm going to break it all down to you. Between
5 -- between misspelling of names -- okay, misspelling of
6 names, between words that are added in there that should
7 not have been in there, words that are omitted and
8 testimony that is not even in the record, is not in the
9 record. You know, ever since then, you ruled on my case;
10 it took me two months to get the proposed order and I'm
11 pretty much sure you'll say that's not on your part, took
12 two months to get proposed order after you -- after you
13 ruled and then once they assigned my transcripts to the uh
14 -- to the appeal Court and they gave it to an attorney in
15 the appeal Court, it still took me took months to get the
16 transcripts. So therefore, the opportunity to challenge
17 this transcript under 607(i) had expired, but that was not
18 my fault and I have -- I have made a complaint against the
19 bar association for that attorney, because I sent him a
20 letter once he -- once he notified me that he was the
21 attorney of my case on July the 1st, July the 12th I called
22 him and told him -- I called him and told them that I
23 wanted the transcripts, because he wanted to file a brief
24 petition of certiori without me seeing the transcripts, and
25 I told him no. I said that's not -- that's not standard;

1 that's not procedure. The procedure is, give me those
2 transcripts, let me read them to make sure that they're
3 accurate before you proceed. He held them for two months
4 before he sent them to me, so once he held them, once he
5 sent them to me two months after having them, then I
6 challenged them within six days, but the Supreme Court had
7 tried to say that the time had expired, and I have the
8 record to substantiate all this.

9 THE COURT - All right, hold on just a minute, Mr.
10 Barton. I guess my question -- and I'm going to speak to
11 Mr. Schmeckpeper a minute -- he represents the State - is -
12 --

13 MR. BARTON - All right.

14 THE COURT - --- is it -- is your contention that
15 there are errors in the record. Right?

16 MR. BARTON - Yes, sir.

17 THE COURT - And you -- your offer -- your proof
18 that there are errors is going to be based on what you
19 remember.

20 MR. BARTON - Sir, I've been studying this case
21 for over three years waiting to get here.

~~22 THE COURT - All right, just answer my question.~~

23 MR. BARTON - Right. Right.

24 THE COURT - Do you have any witnesses?

1 MR. BARTON - I mean -- hey, you were there. What
2 you mean do I have any witnesses? You were there. And you
3 you will see that the lawyer -- and it's in the transcript
4 where the lawyer that I had ---

5 COURT REPORTER - Could I ask that he stop banging
6 the ---

7 THE COURT - Yeah, don't bang on ---

8 MR. BARTON - Okay, all right, okay.

9 THE COURT - All right, hold on just a minute.
10 Let me hear from Mr. Schmeckpeper. Mr. Schmeckpeper,
11 you've gotten his -- you've received a copy of his -- his
12 allegations. What is the State's view on where we are
13 today?

14 MR. SCHMECKPEPER - Your Honor, um -- and I was
15 standing earlier just to say, the applicant wants to go
16 into -- the reasons that we are here -- I think the Court -
17 - our Supreme Court has already addressed that. The
18 State's position is, the transcript is the best evidence of
19 what happened at the hearing, and I don't think the
20 applicant's memory is enough to refute that alone. In any
21 event I've got the applicant's PCR attorney, the court
22 reporter and the State's attorney who represented the
23 applicant or whoever represented the State at the time to
24 testify as to their recollections.

25 THE COURT - Hold on just a minute.

1 (WHEREUPON, BRIEF PAUSE IN THE RECORD.)

2 MR. BARTON - Your Honor, I have a request of you.

3 THE COURT - Yes, sir.

4 MR. BARTON - I have a request to make on the
5 Court, please.

6 THE COURT - All right.

7 MR. BARTON - I would ask that -- if you don't
8 mind I would ask that would you please allow me to be on
9 the same level as the district attorney is and remove these
10 chains to where I can get to my paperwork and get -- I
11 would assure you that I will not get unruly or anything
12 like that. I just want to be able to get to my paperwork
13 to substantiate my claim and just like you asking Mr.
14 Schmeckpeper for his -- he was not there. He does not have
15 any idea; he don't have any idea. I mean you know what the
16 State is going to say, this and that, but what I'm saying,
17 unless you give me the opportunity to present my argument,
18 then you won't -- you basically -- you don't have anything
19 to go by. The reason why I know what I said is because,
20 like I said, I've been preparing my case, this case for
21 over three years, PCR, and basically, the testimony that I
22 ~~have that I've written down concerning what the lady has~~
23 omitted or didn't do, it will line up with the blanks that
24 she has left -- left out, the misspelling, the names, the
25 words that are missing, the words that are added. I'm

1 pretty much sure you know enough about the law, you have
2 enough experience to be able to see that however a sentence
3 start and a sentence end, where they make sense, is it
4 consistent. -- And I'm pretty much sure what I've said the
5 lady has left out, and it's just like I say, they took --
6 they withheld these transcripts for over two months before
7 they gave them to me. It was all to me, in my opinion, it
8 almost like it was planned and it was a plan all along,
9 because I have written documents that I demanded this man
10 turn over these transcripts, and he wouldn't do it. He --
11 I wrote to him and I told him on July the 12th, I demand
12 that you turn these transcripts over to me for me to check
13 them for their accuracy, and that was on July the 12th. He
14 held these transcripts all the way to August the 26th and
15 um, the Court said he received them on -- let me see,
16 what's the date -- June the 23rd. The Court said he had
17 these transcripts ever since June the 23rd, and when I
18 talked to him, he lied that he did not have them. But that
19 seem to be -- I have all this information right here, and
20 you know, if you care to see it, examine it, I have his
21 letters; I have my letters, and they're -- they are stamped
22 and they are clocked and all of that. And then he's
23 somebody who is over there -- but maybe I can't even argue
24 that but regardless, he only has 18 months of experience as
25 a trial lawyer. They going to give him my case -- you

1 know, it's like a set-up already. Eighteen months and he's
2 going to handle -- he's going to handle an appellate case.

3 MR. SCHMECKPEPER - Your Honor, I hate to
4 interrupt. Obviously, his appellate attorney isn't here to
5 defend himself ---

6 THE COURT - Yeah, we're listening to him; that's
7 all right.

8 MR. SCHMECKPEPER - Yes, sir.

9 MR. BARTON - But only thing -- only thing I'm
10 telling you, I'm asking you is, if you would allow me to be
11 on the same level where I can freely get to my stuff ---

12 THE COURT - No, we're not going to do that. I'll
13 listen to you; I'll give you plenty of time. Here's the
14 thing, Mr. Barton, this hearing is simply to determine
15 whether ---

16 MR. BARTON - The accuracy of the transcript. Is
17 that correct?

18 THE COURT - That's correct.

19 MR. BARTON - But if you don't hear me -- if you
20 don't hear me out to tell you what I say is wrong with the
21 transcript ---

22 ~~THE COURT - Well, you have -- you have submitted~~
23 a petition where you lay them all out. Isn't that correct?

24 MR. BARTON - Well, I -- I've went over it to make
25 sure, so I've probably found just a couple more things ---

1 THE COURT - You got more you want to add to it?

2 MR. BARTON - It probably -- it's probably not
3 that many more, but I have to just run over it, just like
4 the lady Cheryl Smith. She said she didn't get but one
5 letter contacting me. I got four letters in here right now
6 to showing that I sent them to Cheryl Smith and they came
7 back to me. I have four -- I have four returned letters,
8 four returned letters that went to her address.

9 THE COURT - All right, just have a seat. Just
10 have a seat. Let me step back for just a moment. We're
11 going to be at ease for a few minutes. I'll be back.

12 MR. BARTON - And um the clerk of court in
13 Greenville, they supplied me with the wrong address for
14 Cheryl Smith ---

15 THE COURT - Okay, don't -- if you're sitting and
16 I'm not looking at you, don't be talking.

17 MR. BARTON - Okay.

18 THE COURT - You understand that?

19 MR. BARTON - Yes, sir. Yes, sir.

20 (WHEREUPON, THE JUDGE EXITS THE COURTROOM AND A
21 BRIEF RECESS IS TAKEN)

22 (WHEREUPON, THE JUDGE ENTERS THE COURTROOM AND
23 THE HEARING RESUMES)

24 THE COURT - Let me do this. We're back on the
25 record in the matter of Bobby Joe Barton versus State of

1 South Carolina. This is a hearing, again, ordered by the
2 Supreme Court to determine the accuracy of the transcript.
3 The Court on its own -- in essence Mr. Barton's not
4 represented and has no witnesses; he's representing
5 himself. The Court's going to call Cheryl Smith.

6 Ms. Smith, if you'll come forward.

7 (WHEREUPON, MS. SMITH COMPLIES)

8 THE COURT - In fact, she doesn't have to take the
9 stand. If you would just answer my questions here, Ms.
10 Smith, and we'll get this on the record.

11 The order that I received from the Supreme Court
12 indicated that you responded to a letter from the
13 petitioner and that you report that the audio tapes of the
14 hearing are no longer available. That's what was given to
15 me pursuant to the order. Is that correct?

16 MS. SMITH - That is correct.

17 THE COURT - All right, so there are no audio
18 tapes available ---

19 MS. SMITH - No.

20 THE COURT - --- for this case?

21 MS. SMITH - No.

~~22 THE COURT - And then, again, you've complied --~~

23 it's your understanding you've complied with those
24 requirements under 607(i) ---

25 MS. SMITH - Correct.

1 THE COURT - --- on this case.

2 MS. SMITH - Correct.

3 THE COURT - All right, thank you. All right,
4 then, you can be seated.

5 (WHEREUPON, MS. SMITH COMPLIES)

6 THE COURT - Mr. Barton, where we are -- if you
7 don't mind standing, please.

8 (WHEREUPON, MR. BARTON COMPLIES)

9 THE COURT - Where we are is, this is a civil
10 hearing. This is not a criminal hearing, so we're governed
11 by the rules of civil procedure, and this is a civil
12 procedure, and so what you've done is you've come to Court,
13 we have a hearing scheduled for today. It appears that you
14 have no witnesses. I have -- you have provided me with a -
15 - with four pages front and back of your petition with all
16 of your challenges to the transcript. Is that correct?

17 MR. BARTON - I can't see that far.

18 THE COURT - Well, it's in your writing. It's
19 what -- have you sent anything else?

20 MR. BARTON - I would -- I would like to see that
21 if you don't mind, because I can't see it, sir. And ---

22 THE COURT - All right.

23 MR. BARTON - --- yeah, I sent you something else.

24 I sent ---

1 THE COURT - All right, well, here's the thing.
2 Listen to me.

3 (WHEREUPON, DOCUMENT IS HANDED TO MR. BARTON.)

4 MR. BARTON - Okay.

5 THE COURT - The court reporter has indicated that
6 she has complied with -- Mr. Barton, ---

7 MR. BARTON - Yes, sir.

8 THE COURT - I'll let you look at that in just a
9 minute. The court reporter has indicated that she has
10 complied with the rules and she does not have any audio
11 tapes anymore, and so what we have is we have her
12 transcript, and you have the transcript, obviously, because
13 you're challenging the transcript. Correct?

14 MR. BARTON - Correct. Correct.

15 THE COURT - All right, and she -- but she -- the
16 transcript -- she has certified that it's a true and
17 accurate and complete transcript of the record. She has
18 done that. She's -- she is -- and she's required by the
19 rules to do that. Unless you have any other evidence to
20 challenge the record -- you don't have the tapes available
21 to challenge the record -- unless you have any other
22 ~~evidence that you intend to introduce today, then I am~~

23 going to conclude this hearing, and I will issue an order
24 based on the documents that have been presented to the
25 Court. I'll give you time, if your want to send me more

1 documents; I'll review those when they come and then issue
2 an order on the accuracy of the record after I get anything
3 else you want to have sent in. Does that make sense to
4 you?

5 MR. BARTON - What -- what kind of makes sense is,
6 why don't you let me give testimony to what I testified to,
7 because this lady, regardless of what she signed, she's
8 human just like me, and she's made a whole lot of mistakes.

9 THE COURT - Well, you ---

10 MR. BARTON - She's made a whole lot of mistakes.
11 She's even got something in here when I said that I -- when
12 I came back to Court I was dealing with the old feelings,
13 she's got old ---

14 THE COURT - All right, hold on -- wait, hold on -
15 ---

16 MR. BARTON - --- old suspenders in it.

17 THE COURT - --- just a minute. I'm going to --
18 you have done that -- in that -- the document that you've
19 looked at that's handwritten by you, that in essence is
20 your testimony. That's what you alleged is the error.
21 Right?

22 MR. BARTON - That's -- that's the majority;
23 that's not all of it.

24 THE COURT - All right, well, that's what I'm
25 saying.

1 MR. BARTON - That's not all of it.

2 THE COURT - I'll give you an opportunity to send
3 me what else you think are the errors are.

4 MR. BARTON - Okay, I ---

5 THE COURT - Once you send those and, in fact, if
6 you want to send a statement or an affidavit to me, I'll
7 consider those before I issue my order, but what I'm asking
8 you is that what you would testify is exactly what you have
9 in that petition. Right?

10 MR. BARTON - In my petition?

11 THE COURT - In that handwritten ---

12 MR. BARTON - I just -- Your Honor, I just
13 answered you a few moments ago. I said that's the
14 majority. That's not all of ---

15 THE COURT - I understand that. I want to be sure
16 that -- but -- but it would be -- what you have in writing
17 there and then ---

18 MR. BARTON - I've got it in writing here, too,
19 sir. I got -- I've redone it to make sure from start to
20 finish that I got everything -- I do not have a copy simply
21 because the fact that they don't allow us to -- they do not
~~22 allow us to copy anything in SCDC, so if -- if your clerk~~
23 here, if you don't mind, will bring this to you, if it's
24 possible for me to get a copy so ---

25 THE COURT - All right, hand me the ---

1 MR. BARTON - --- I won't have to send it to you.

2 THE COURT - --- where I passed down to him and
3 then what ---

4 MR. BARTON - We'll send -- give me that back
5 probably, because I got that like that ---

6 THE COURT - All right, we'll do that. Bring me
7 what he's asking ---

8 (WHEREUPON, DOCUMENTS HANDED UP TO THE COURT.)

9 MR. BARTON - But um ---

10 THE COURT - So what you're handing up, this is
11 what you now submit would be your testimony about the
12 errors.

13 MR. BARTON - Yeah, but that's going -- that's
14 going to take you back to the same thing where it took you
15 back in the other Court. You're going to deem her
16 testimony credible and mine not, because I'm going to prove
17 to you she's walking around street or street (sic).

18 THE COURT - Do you have any ---

19 MR. BARTON - You know what I'm saying?

20 THE COURT - Do you have any other witnesses that
21 -- do you have any other evidence?

22 MR. BARTON - You were a witness; you were there.

23 THE COURT - I'm not a witness in the case.

24 MR. BARTON - Yeah, I don't you ain't; I know
25 that's right.

1 THE COURT - All right, that's ---

2 MR. BARTON - I know that's right.

3 THE COURT - You got any other witnesses?

4 MR. BARTON - Yeah, me.

5 THE COURT - All right, that ---

6 MR. BARTON - Me.

7 THE COURT - This is your testimony. This is what
8 you said the allegations are. Right?

9 MR. BARTON - I have a question for you, sir.

10 THE COURT - All right, go ahead.

11 MR. BARTON - You don't mind do I have a question
12 for you?

13 THE COURT - Just -- hold on just a minute.

14 MR. BARTON - I have a question for you.

15 THE COURT - Hold on just a minute.

16 MR. BARTON - All right.

17 (WHEREUPON, DISCUSSION IS HELD BETWEEN THE COURT
18 AND LAW CLERK OUT OF THE HEARING OF THE COURT WHICH WAS NOT
19 REPORTED.)

20 THE COURT - All right, I'll be glad to hear from
21 you, Mr. Barton.

~~22 MR. BARTON - Okay. If a -- if the Supreme Court~~
23 -- if the Supreme Court sent down an order for you to check
24 the accuracy of my testimony and give me a opportunity to

1 do it, why will you not, because it don't -- it don't
2 appear that you don't.

3 THE COURT - You get -- you had an opportunity,
4 and you -- you just told me that that document that you
5 handed up is what you believe -- what you -- what is your
6 testimony. That's like ---

7 MR. BARTON - Well, -- well, what I'm saying is,
8 to some degree I don't -- I don't feel -- it's not that I -
9 - I don't feel one hundred percent sure that what's being
10 said is going to be carried out. That's just like the
11 proposed order that you signed concerning this issue, I got
12 it two months -- two months after you signed it, two months
13 after signed it. No way to challenge it, no way to
14 nothing, and from the way I understand, you never even
15 contacted my attorney that you had received the one from
16 the attorney general. You never gave him a opportunity to
17 check it for any uh -- any errors or misplacement of facts
18 or nothing. You just signed -- you just signed off on it
19 and you held it 14 days before you sent it to the clerk,
20 but you never contacted my attorney. You never contacted
21 my attorney. You never gave her the same opportunity that
22 you gave -- that you gave the distract attorney to draw up
23 a proposed order.

24 THE COURT - All right, did your attorney look at
25 that -- did your attorney look at that order?

1 MR. BARTON - I'm pretty -- I'm pretty much sure -
2 - my attorney -- when my -- when the attorney that gave it
3 to me had it, he was the second attorney -- it done went --
4 it done went -- Ms. -- Ms. Horlbeck right there who was the
5 attorney at the time ---

6 THE COURT - All right, well, let's stick to where
7 we are on ---

8 MR. BARTON - That's what I'm saying. I don't --
9 I don't feel assured to what you saying about what you
10 going to do that you going to do, because, you know --
11 because if you didn't do it in the first place, what's
12 going to make you do it now.

13 THE COURT - Do you have any other -- I'll give
14 you an opportunity if you have anything you want to add to
15 the record of this hearing today in writing, you just get
16 that to me within some time in the next two weeks. I will
17 not issue an order until after the first of the year.
18 That'll give you two weeks to send me anything else you
19 want to send me.

20 MR. BARTON - I mean but like I'm just saying, if
21 you didn't do what you was supposed to do as a Judge in the
~~22 first place in the PCR hearing, what is to make me believe~~
23 that you going to do anything any different now? That's
24 what I'm saying. I'm being -- I'm being very honest with

1 you, and I'm not trying to be disrespectful, but you are
2 the one that didn't follow procedure.

3 THE COURT - Well, ---

4 MR. BARTON - It wasn't me; it was you.

5 THE COURT - Okay, you've complained about the
6 court reporter and you've complained about the Judge, ----

7 MR. BARTON - No, what I'm saying -- what I'm
8 saying is, you did not give my attorney the opportunity to
9 ---

10 THE COURT - All right, we're not -- we're not
11 here to deal with that. We're here to deal with -- you got
12 anything else you want to -- you going to send me anything
13 -- you want me to give you time -- well, here's the thing,
14 I'm going to give you til the first of the year to send me
15 whatever else you want me to consider about the accuracy of
16 the record.

17 MR. BARTON - Well, there is -- there is also
18 another issue and the lady -- the lady in the court, she
19 told me that um -- she e-mails you this right here -- this
20 -- and I served a copy to Mr. Schmeckpeper, because I
21 mailed it to him and I sent you a copy for a motion to
22 supplement the record to come -- to conform to the evidence
23 and also to take judicial notice of this evidence in the --
24 in um ---

1 THE COURT - All right, well, Mr. Barton, I'm
2 cutting you off; that's not the purpose of this hearing.

3 MR. BARTON - Well, what I'm saying, it has to do
4 -- it has to do with -- it has to do with the testimony of
5 Susannah Ross.

6 THE COURT - All right, will you send that to me?

7 MR. BARTON - It's already supposed to be sent to
8 you.

9 THE COURT - All right.

10 MR. BARTON - The clerk said she got her name on
11 it. The clerks told -- the clerk said she e-mailed this to
12 Judge Hall. I got this like three or four days ago.

13 THE COURT - All right. I hear you.

14 Mr. Schmeckpeper, you got anything else you want
15 to add?

16 MR. SCHMECKPEPER - Just briefly on that specific
17 topic, Your Honor, it's the State's position that
18 consideration of that issue would be a violation of Supreme
19 Court's order and this is a limited remand.

20 THE COURT - I'm sorry?

21 MR. SCHMECKPEPER - Just the State's position is

~~22 this is a limited remand just for the purpose of~~
23 determining the accuracy of the PCR transcript, ---

24 THE COURT - Right.

1 MR. SCHMECKPEPER - --- so supplementing the
2 record in the State's opinion would be a violation of that
3 order.

4 THE COURT - All right.

5 MR. BARTON - Well, what I'm saying even take
6 judicial notice of it. I mean even if you -- even if --
7 even if you refuse it and you refuse it, but I still would
8 like for it to come to me, simply because the fact that I'm
9 not -- if I'm not being represented by anybody except for
10 myself, then I would like for you -- whatever your ruling
11 on this be sent directly to me and it not go through a
12 thousand people and I get it six months from now and I
13 can't because -- only thing I can say is, if you don't rule
14 on it, whether you do rule on it, whether you not, I'm
15 still going to amend it in the Supreme Court, because it
16 has relevance. It contradicts everything that Susannah
17 Ross testified through -- and it's on legal authoritative
18 sources and ---

19 THE COURT - All right, again, Mr. Barton, that's
20 outside this hearing. I'll give you til the first of the
21 year to send me anything else you want to send me in
22 regards to challenging the accuracy of the record.

23 MR. BARTON - Well, ---

1 THE COURT - Listen to me. And about the accuracy
2 of the record -- you can send it to me by January the 1st;
3 I'll issue an order after the first of the year.

4 MR. BARTON - Well, let's -- let's just say this
5 here. I believe -- I believe with all my heart that I've
6 submitted to you everything that I can submit to you and
7 everything that I told you is the truth, and so however you
8 rule, there's nothing that's going to make me believe that
9 you going to rule your way, just like you ruled before, her
10 word is over mine. I don't know what she was drinking when
11 she did -- when filled them out, because I know what I
12 said. I studied my case for over three years.

13 THE COURT - Let me tell you, Mr. Barton, you've
14 said enough.

15 MR. BARTON - Yeah, I know that.

16 THE COURT - If you're going to start attacking
17 the court reporter's character here in open Court on the
18 record, then you've exceeded the purpose of being here
19 today. That concludes this hearing.

20 MR. BARTON - Well, I ---

21 THE COURT - Thank you. That concludes this
22 hearing. Thank you.

23 (WHEREUPON, MR. BARTON CONTINUES TO SPEAK)

1 THE COURT - That concludes -- thank you. That
2 concludes this hearing. You send me whatever you want to
3 by January 1st.

4 (WHEREUPON, MR. BARTON CONTINUES TO SPEAK)

5 MR. SCHMECKPEPER - Thank you, Your Honor.

6 (WHEREUPON, MR. BARTON CONTINUES TO SPEAK.)

7 (END OF TRANSCRIPT)

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C E R T I F I C A T E

I, Shirley Broom, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing 27 pages is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the proceedings of Bobby Joe Barton vs. State of South Carolina, as taken by me in the Court of Common Pleas for the Thirteenth Judicial Circuit on December 15, 2016 and provided by me this the 19th day of December, 2016.

I do further certify that I am neither of kin, counsel, nor interest to any party herein.

Shirley Broom, CVR-M
Official Court Reporter,
Certified Verbatim Reporter, In and
for the State of South Carolina

The Supreme Court of South Carolina

Bobby Joe Barton, Petitioner,

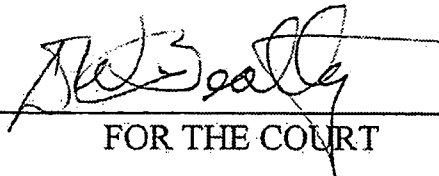
v.

State of South Carolina, Respondent.

Appellate Case No. 2016-000995

ORDER

Since the post-conviction relief judge has determined that there are no inaccuracies in the transcript of the post-conviction relief hearing, the petition for a writ of certiorari and appendix shall be served and filed within thirty (30) days of the date of this order.



FOR THE COURT

C.J.

Columbia, South Carolina
January 10, 2017

cc: Patrick Lowell Schmeckpeper, Esquire
Mr. Bobby Joe Barton, #163629
SC Appellate Defense

5927
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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NO: 2014CP2305047

FILED IN COURT
CLERK OF COURT
PAUL B. WICKENSIMER
2017 JAN 10 PM 1 27

Bobby Joe Barton vs. South Carolina State Of

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:
Dated at Greenville, South Carolina, this .

Court Reporter:

PRESIDING JUDGE - Daniel D Hall

This judgment was entered on the , and a copy mailed first class this , to attorneys of record or to parties (when appearing pro se) as follows:

Bobby Joe Barton 163629
Pro Se Petitioner
McCormick Correctional Institute

Patrick Schmeckpeper
Attorney General Office
Columbia SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court
- Clerk of Court

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
STATE OF SOUTH CAROLINA,)
v.)
BOBBY JOE BARTON,)
_____)

IN THE COURT OF COMMON PLEAS

2014-CP-23-5047

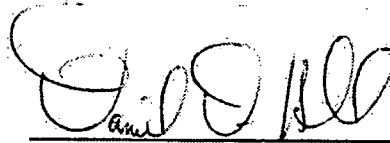
ORDER

FILED IN COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMMER
2017 JAN 10 PM 1 27

Pursuant the Supreme Court's Order, dated November 9, 2016, a hearing was held on December 15, 2016, to determine the accuracy of the transcript prepared in the matter of Bobby Joe Barton's ("Petitioner") application for post-conviction relief. At this hearing, Petitioner provided this Court with a document ("Petition") outlining 30 errors, misspellings, and omissions he alleges the transcript to contain. Following the hearing, Petitioner was given until January 1, 2017 to submit additional exhibits which were received by mail dated December 20, 2016 ("Addendum").

This Court has considered Petitioner's Petition, Petitioner's testimony at the hearing, the Petitioner's Addendum, and testimony of the court reporter. As a result, this Court finds that the transcript prepared in this matter is accurate.

And it is so ordered.



Daniel D. Hall

Greenville, SC

York, SC

January 5, 2017

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

DANIEL D. HALL, CIRCUIT COURT JUDGE
CASE NO: 2014 CP 23 5047

BOBBY JOE BARTON APPELLANT

v.

STATE OF SOUTH CAROLINA RESPONDENT

NOTICE OF APPEAL

APPELLANT APPEALS THE HONORABLE DANIEL D. HALL'S ORDER DENYING
OR RULING THAT THE PAST CONVICTION TRANSCRIPT ARE ACCURATE.

APPELLANT RESPECTFULLY BRINGS TO THE ATTENTION OF THE HONORABLE COURT
EVIDENCE THAT THE COURT REPORTER OF THE P.C.R. HEARING CHERYL A. SMITH
COMMITTED PERJURY AT THE HEARING CHALLENGING THE P.C.R. TRANSCRIPT ON
DECEMBER 15, 2016, ALSO THE P.C.R. COURT ABUSE OF DISCRETION.

Bobby Joe Barton Prose

BOBBY JOE BARTON, PRO SE

S.C.D.C. # 163629

McCormick Court Trust

386 REDEMPTION WAY

McCormick, SC 29829

MAILED 9th, DAY OF JANUARY, 2017

CC: PATRICK SCHMECKER, ESQUIRE

BOBBY JOE BARTON, PRO SE

PAUL B. WICKENSIMER, CLERK OF COURT.

FILED IN COURT

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS 532
THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON,
S.C.D.C. No. #163629
PETITIONER

V.

STATE OF SOUTH CAROLINA,
RESPONDENT

MOTION TO SUPPLEMENT
THE RECORD TO
CONFORM TO THE EVIDENCE

ENTERED COMPUTER

COURT OF COMMON PLEAS CASE # 2014-CP-23-5047

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKER
NOV 30 2016
PM 2 40

gn

THE ABOVE PETITIONER MOVE UPON THE HONORABLE COURT WITH A "MOTION REQUESTING PERMISSION TO SUPPLEMENT THE RECORD" PURSUANT TO SOUTH CAROLINA RULES OF CIVIL PROCEDURE, RULE 15(b) AMENDMENT TO CONFORM TO THE EVIDENCE AND RULE 201 JUDICIAL NOTICE ADJUDICATIVE FACTS, Sub. sec. (c), RULE 201(c) SCACR. OPPORTUNITY TO BE HEARD.

THE PETITIONER HUMBLY REQUEST OF THE COURT TO TAKE JUDICIAL NOTICE AND A RIGHT TO BE HEARD TO DISPUTE DIRECT EVIDENCE OF TESTIMONY GIVEN BY TRIAL ATTORNEY "SUSANNAH C. ROSS" ON FEBRUARY 18, 2016 AT PETITIONERS FIRST CONVICTION EVIDENTIARY HEARINGS, HELD BEFORE "THE HONORABLE DANIEL D. HALL", # 2753, IN GREENVILLE COUNTY COURT OF COMMON PLEAS, "KAREN C. RATIGAN", FOR RESPONDENT AND "CAROLINE M. HURBECK", FOR PETITIONER.

THE PETITIONER 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: "SERVING TRIBE OF FLA. V. BUTTERWORTH", 491 F. SUPP. 1015 (1980), 658 F.2d. 310 (5th Cir. 1981) AND "SHAHAR V. BOWLES", 120 F.3d. 211 (11th Cir. 1997) (DISTINGUISHED)

Emailed Judge Hall 1A.G.!

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. (EXCLUDED) 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 ROSS" GAVE WHILE ON THE WITNESS STAND AT PETITIONERS' P.C.R. EVIDENTIARY HEARINGS 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 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. SEE (A.P.P.C.R. TR. 16, II, 10-THRU-TR. 21, II, -20)

"TRIAL COUNSEL "SUSANNAH ROSS" 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 WERE 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, 1-11)

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 JIMMY MORAN, 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). JIMMY MORAN 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 COURTHOUSE ON SIX (6) OCCASIONS, 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 2010 JURY DISCONTINUED. PETITIONER ASK THE COURT TO TAKE JUDICIAL NOTICE THAT THE SOLICITOR CONTROLS THE DOCKET AND WHICH DETAINEE THAT COMES TO THE COURT HOUSE,
- 3) THE "THIRD EXHIBIT-C" IS A DOCUMENT ENTITLED "COURT TRANSPORTATION RECORDS" "JIMMY MORAN" CONFIRMS THE SOLICITOR'S OFFICE GAVE 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 & 8/19/2010.

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

RECEIVED
JAN 29 2010

PETITIONER ASK THE COURT TO TAKE NOTE THAT COUNSELOR FAILED AT HER DUTIES AND RESPONSIBILITIES OF RULE 407 OF SCRIPLES 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 DESPITE OPPOSITION, OBSTRUCTION, OR PERSONAL INCONVENIENCE TO THE LAWYER, AND

RULE 1.4 COMMUNICATION

Sub. Sec.'s

1, 2, 3, 4, 5 & (6)

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 MUYER" 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-

SECTION OF HER "ATTORNEY CHRISTOPHER POSEY!", WHOM WERE NOT PRESENT AT ANY STAGE OF THIS MEETING (14TH AMEND. U.S.C.A. VIOLATION) See: "MASSIAH V. U.S." 377 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 MIDER" 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 (MS. 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 MIDER, 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 MIDER" FAXED TO "SUSANNAH ROSS" COUNSEL FOR THE PETITIONER ON JULY 9, 2010 STATING THAT IT IS HIS DECISION TO DISMISS CHARGES AGAINST MS. 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

"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 TENOR 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. 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 DEROGATORY 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, II, 14 & 15 AND TR. 99, II, 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 THEIR 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 "SHAHAR V. BOWERS" (DISTINGUISHED) 120 F.3d. 24 (11TH CIR. 1997) PETITIONER IS NOT ATTEMPTING

5.)
100F 100F

TO BRING COUNSELS' PERSONAL LIFE INTO THE ISSUE BUT IS BRINGING HER PROFESSION AS A ATTORNEY IN THE CAPACITY 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-DEPENDANT / 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-DEPENDANT SEVERAL TIMES. See (APP. P.C.R. TR. 72, II, 1-17). TRIAL COUNSEL SUSANNAH ROSS ADMITTED TO KNOWING THE PROSECUTOR MET WITH CO-DEPENDANT

"PATRICIA RICE" AND STATES HER OPINION "IT'S PRETTY CLEAR HE HAD PERMISSION TO MEET WITH HER." See (APP. P.C.R. TR 87, II 3-18). IN THE CASE OF "MASSIAH V. U.S.," 377 U.S. 201, 87 S.2D 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), SCRPC AND TO TAKE JUDICIAL NOTICE OF THE EVIDENCE TO THE ADJUDICATIVE FACTS PURSUANT TO SCRC, 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 Schaeckpeter, Pro se.~~
BOBBY JOE BARTON, #163629
MCCORMICK CORP. TRUST
386 REDEMPTION WAY
MCCORMICK, SC 29899

REPRESENTATION, PRO SE

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

2) HIGH COURT
CLERK'S OFFICE



Department of Public Safety
Records Management Services Division

EXHIBIT - #A

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

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 07/07/1977 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
03/28/2010	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 WINV. 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

545

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

Greenville County Detention Center
Inmate Cell Movement History

EXHIBIT #B

545
Page 2 of 2
JMORAN

Pack# 0036588 Jail# 0241 BARTON, BOBBY JOE

Sex M Race B DOB [REDACTED] Booked 08/04/2009 Cell

Date	Time	Reason	Cell	Auth Officer	Explanation
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.....End of Report.....

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

546
RECEIVED

1/14/10

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

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



Solicitor

Robert M. Ariail

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

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:

<i>Warrant Number:</i>	<i>Charge:</i>	<i>Plead to Charge:</i>
1478797	Armed Robbery	to Common law robbery

The State will dismiss the following:

<i>Warrant Number:</i>	<i>Charge:</i>
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.



5847

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

283

PJV004R

Greenville County Detention Center

548
548

5/29/2014 5:22:30PM
Job Number 831822

Inmate Visits

Inmate 0241 BARTON, BOBBY JOE

Sex M Race B DOB [REDACTED] 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

5/27/14
Current Date

EXHIBIT
Applicant
3

644

549

"EXHIBIT-#C"



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

10/24/15
Current Date

550
550

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 [REDACTED]

Booked 08/03/2009

Cell

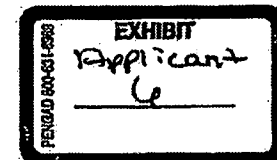
ID Pack# 0031656

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 *JMO*
Current Date



6#5

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,

"EXHIBIT-C-1"

Katie Tucker, CP
Assistant to the Solicitor
Thirteenth Judicial Circuit

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-457-8647
Telefax: 864-457-8610



Solicitor

Robert M. Ariail

July 9, 2010

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

"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,

A handwritten signature in cursive script, appearing to read "Mark".

L. Mark Moyer
Assistant Solicitor

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

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



Greenville County Courthouse
305 E. North Street, Suite 825
Greenville, SC 29601-2185

Solicitor

Robert M. Ariall

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



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 NUM # E-478797 (ARMED ROBBERY)
CASE NO # 2014-CR-23-5047

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

DEAR MS. HORLBECK,

I AM REQUESTING THAT YOU CONTACT CAPTAIN JIMMY MURAN,
OF PUBLIC SAFETY AND RECORDS DIVISION, LAW ENFORCEMENT CENTER,
4 MCGEE ST, SUITE 110, GREENVILLE, SC 29601 AND REQUEST MY
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 ANY TIME AS LONG
AS THE JUDGE HAS NOT RULED.

RESPECTFULLY SUBMITTED,

Bobby Joe Barton
BOBBY JOE BARTON #163629

PAGE 1/2

* SEE REVERSE SIDE *

"EXHIBIT # E"

PROOF-OF-SERVICE

THE HEREBY UNDERSIGNED STATES UNDER PENALTY OF PERJURY THAT HE HAS MADE COUNSEL CAROLINE M. ADRLBECK 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 PERSONAL MS. CONWELL/MS. MERCHANT ON 27th day of FEBRUARY, 2016.

~~Bobby Joe Barton~~
 BOBBY JOE BARTON #163627
 PERRY CORR. INST. (044103)
 430 CHARLAWN RD.
 PETER SC 27667-9363

CC: BOBBY JOE BARTON, PETITIONER

BJB

PAGE 2 of 2

"EXHIBIT # F"

MARCH 28, 2016

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

RECEIVED
MAR 28 2016
P.C.I. MAILROOM

FROM: BOBBY JOE BARTON, #163627 (CASE NO# 2014-CP-23-5047)

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

DEAR MS. HORLBECK,

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 MURAN 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 REQUESTED TO BE TRANSPORTED SO SHE COULD GO FURTHER INTO THE TERMS AND CONDITION OF THE PLEA OFFER. PLEASE SEND ME A COPY THATS UN-REDACTED IMMEDIATELY, IN FEB. 28, 2016 I REQUESTED THESE RECORDS PURSUANT TO F.O.I.A. §30-4-30(b) BUT CAPTAIN MURAN HAS FAILED TO COMPLY WITH THE (15) DAY REQUIREMENT OF SUBSECTION (C). THANKS ONCE AGAIN AND PLEASE GET THESE RECORDS QUICKLY AND AMEND AND REBUTTLE EVIDENCE. RESPECTFULLY SUBMITTED

CC: BOBBY JOE BARTON, PETITIONER

~~H. Bobby Joe Barton~~
BOBBY JOE BARTON #163627
PERCY CORR-INST (04A-103)
430 SAKLAWN RD.
PEZZER, SC 29687-9363

557

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 CORR. INST. ON 25TH DAY OF MARCH, 2016 BY
HAND DELIVERING IT TO MS. CONWELL / MS. MERCHANT, MAILROOM
PESONEL.

RECEIVED

MAR 28 2016

P.C.I. MAILROOM

[Signature]
PERRY CORR. INST. #1361

EXHIBIT - #F

RECEIVED

MAR 28 2016

P.C.I. MAILROOM

BOOKING BOOK
MARCH 2016
RECEIVED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Inmate Services

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

Inmate's Name: <i>Billy Barton</i>	SCDC #: <i>163629</i>	Housing Unit: <i>024A-103</i>	Date: <i>3/28/16</i>
---------------------------------------	--------------------------	----------------------------------	-------------------------

GENERAL MATERIAL

** Inmate must have the funds in his/her account to pay for the materials.

To be completed by
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage		
Tape		
Box		
Electronic Repair		
Other		
Sub-Total:		

LEGAL MATERIAL

** Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage	<i>1</i>	<i>49</i>
Other		
Sub-Total:		

WIT: CAROLINE M. HADBECK
WIT: REBEKAH W. LOM
WIT: W. HARRIS ST
GREENVILLE JES

*(1) LETTER REQUESTING HELIX TO OBTAIN COPIES
TERMINATION RECORDS FROM PUBLIC SAFETY RECORDS
PHOTOCOPIES*

** Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

*JIMMY MORAN, CAPTAIN & AMED TO VEST P.I.C.B., PRIOR TO
JUDGE HALL RULING*

To be completed by
SCDC staff:

Item	Amount	Cost
Photocopies		
Sub-Total:		<i>49</i>
		TOTAL

Billy Barton
Inmate's Signature

[Signature]
Mailroom/Canteen Signature (Request filled by)

3/28/16
Date

White - Inmate
Canary - Mailroom/Canteen Employee

559
559

Jail

General Sessions Tracking Sheet

Indictment # 0000GS23

Name: Rice, Patricia Rosalind

Warrant/Ticket # 1478795

AKA:

Date of Arrest: 08/03/2009

Addr:

Greenville, SC 29605

Date of Offense: 07/25/2009

Date Rev 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
 - 2. Trial - guilty
 - 3. Trial - not guilty
 - 4. Dism/Not Pros/Pros Ended
 - 5. Judicial Commitment
 - 6. Judicial Dismissal
 - 7. Remanded
 - 8. Dismissed at Prelim
 - 9. No Bill
 - 10. Other

Explain: Insufficient evidence to convict beyond reasonable doubt

Explain: _____

Explain: _____

Explain: _____

Explain: _____

Judge: _____

Court Reporter: _____

Defense Atty: C. Posey

Solicitor: L. M. Meyer

Counts = _____ Code: _____

Sentence: _____

EXHIBIT # G

A Certified Copy
 Clerk of Court C.P. & G.S.
 Greenville County, SC

FAXED
 Date: 7/16/10
 BY: JLC

6/15

WITNESSES

Michael Jarvis *[Signature]*

Greenville County Sheriffs Office

8/5/2009

ARREST WARRANT NUMBER

1478795

ACTION OF GRAND JURY

[Signature] **TRUE BILL**

[Signature] FOREMAN GRAND JURY

VERDICT

[Signature] Person of Petit Jury

Date:

DOCKET NO. 2009-GS-23-

LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February

TERM 2009¹⁰

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

03 30 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

562

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

562

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

(12/2)

AFFIDAVIT-OF-SERVICE

P.C.R. CASE: 2014-CR-23-5047

THE HEREBY AFFIANT "BOBBY JOE BARTON" STATES UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED "PAUL B. WICKENSINER," CLERK OF THE COURT WITH A "MOTION TO SUPPLEMENT THE RECORD PURSUANT TO RULE 15(b) AND REQUESTING THE COURT TO TAKE JUDICIAL NOTICE OF THE RECORDS PURSUANT TO RULE 201 SCRE, AND ALSO SERVED "PATRICK SCHMECKPEPER," ATTORNEY GENERAL'S OFFICE WITH A EXACT COPY TO P.O. BOX 11549, COLUMBIA, SC 29211-1549. THIS WAS ACCOMPLISHED BY HAND DELIVERING THE NINE(9) PAGE MOTION & FOUR(4) PAGE EXHIBIT TO "MR. CARWAIN/MS. FRANKLIN" MCCORMICK MAILROOM PERSONNEL ON 18TH, DAY OF NOVEMBER, 2016.

FILED
CLERK OF COURT
GENERAL
OFFICE
COLUMBIA, S.C.
PAUL B. WICKENSINER
NOV 20 2 40 PM

Bobby Joe Barton

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS
18TH DAY OF November, 2016
Michael Carmore
NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES JULY 09, 2026

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

RETURN TO INMATE BOBBY J. BARTON } MAIL THIS TO THE CLERK

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

564

BIBBY JOE BARTON,
S.C.D.C. NO: 163629
PETITIONER

- MOTION TO WITHDRAW -

MOTION TO SUPPLEMENT THE RECORD
TO CONFORM TO THE EVIDENCE

FILED - CLERK OF COURT
GREENVILLE CO., S.C.
JULIE B. MICKENHOWER
2016 JUN 9 PM 2 33

V.

STATE OF SOUTH CAROLINA,
RESPONDENT

CASE NO: 2014-CP-23-5047

THE ABOVE PETITIONER MOVES UPON THE HONORABLE COURT TO
"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 AS THE 30TH DAY ON NOVEM-
BER, 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 SCHNECKPEPER, ESQUIRE
BIBBY JOE BARTON, PRO SE PETITIONER

Bobby Joe Barton #163629
BIBBY JOE BARTON, PRO SE
McCORMICK CORR. INST.
386 ~~REDEMPTION WAY~~
McCORMICK, SC 29599
386 REDEMPTION WAY

MAILED ON: 19TH DAY OF DECEMBER, 2016