

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
THE HONORABLE PERRY H. GRAVELY, CIRCUIT COURT JUDGE
COURT OF COMMON PLEAS

RECEIVED
NOV 09 2018
SC Court of Appeals

CASE NO. # 2018-CP-23-04584

BOBBY JOE BARTON APPELLANT,

MAA

v.

CHERYL A. SMITH, CVR-M
& TAYLOR DAVIS GILLIAM RESPONDENT(S)

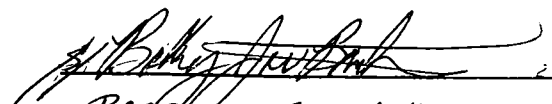
NOTICE OF APPEAL

APPELLANT APPEALS THE HONORABLE PERRY H. GRAVELY INVALID ORDER DENYING PLAINTIFFS' MOTION TO PROCEED IN FORMA PAUPERIS SOLELY DUE TO INABILITY TO PAY COURT FEES AND COSTS, ACCESS TO IT'S COURTS TO INDIGENTS.

APPELLANT RESPECTFULLY BRINGS TO THE ATTENTION OF THE APPELLATE COURT THAT THE HONORABLE JUDGE PERRY H. GRAVELY HAS FAILED TO CHECK ANY BOXES TO INDICATE THE COURT'S DECISION TO GRANT THE PLAINTIFFS APPLICATION FOR INFORMIA PAUPERIS AND THE CLERK OF THE 13TH JUDICIAL COURT HAS REFUSED TO GIVE CLARITY ON THE JUDGES DECISION ON THE THE REQUEST FOR INFORMIA PAUPERIS APPLICATION.

6TH DAY OF NOVEMBER, 2018

CCI PAUL B. WICKENSIMAZ, CLERK OF COURT
A. TODD DARWIN, ESQ WIRE
BOBBY JOE BARTON, PRO SE APPELLANT


BOBBY JOE BARTON, #123629
PERRY COURT INST.
430 OAKLAND RD.
PELZER, SC 29669-9513

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

THE HONORABLE PERRY H. GRAVELY, CIRCUIT COURT JUDGE
COURT OF COMMON PLEAS

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NOV 09 2018

SC Court of Appeals

CASE NO: 2018-CP-23-04584

BOBBY JOE BARTON, APPELLANT,

v.

CHERYL A. SMITH, CVR-M &
TAYLOR DAVIS GILLIAM, RESPONDENT(S)

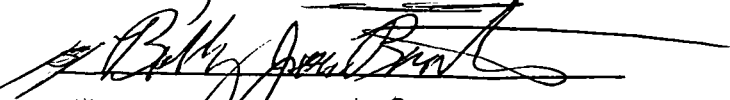
APPELLATE CASE NO: 2018-001812

CERTIFICATE OF SERVICE

I CERTIFY THAT A TRUE COPY OF THE NOTICE OF APPEAL AND A CERTIFICATE OF SERVICE HAS BEEN SERVED UPON THE SOUTH CAROLINA COURT OF APPEALS AND UPON THE ATTORNEY A. TODD DARWIN, @ HOLCOMBE BOMAR, P.A. WHOM REPRESENT BOTH DEFENDANTS, ETC. AL. AS WELL AS PAUL B. WICKENSIMER, COURT OF COMMON PLEAS.

@ A. TODD DARWIN, P.A.
% HOLCOMBE BOMAR, P.A.
101 W. ST. JOHN ST., SUITE 200
SPARTANBURG, SC 29306

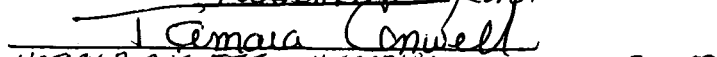
THIS 5TH DAY OF NOVEMBER, 2018.



BOBBY JOE BARTON, PRO SE
PERRY CORR INST.
430 OAKLAWN RD.
PELZER, SC 29669-9363

CC: A. TODD DARWIN, ESQUIRE
PAUL B. WICKENSIMER, CLERK OF COURT
BOBBY JOE BARTON, PRO SE PLAINTIFF

SUBORN TO AND SUBSCRIBED BEFORE ME THIS
5 DAY OF November 2018.


NOTARY PUBLIC OF SOUTH CAROLINA, Commission Expires
MY COMMISSION EXPIRES! September 25, 2021

"NOVEMBER 5, 2018"

THE HONORABLE JENNY ABBOTT KITCHINGS,
CLERK, SOUTH CAROLINA COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

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NOV 09 2018
SC Court of Appeals

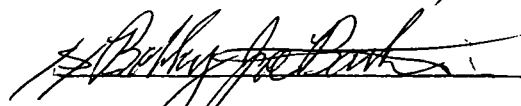
RE: CHERYL A. SMITH, CVR-M.S.
TAYLOR DAVIS GILLIAM, RESPONDENT,
V. BOBBY JOE BARTON, APPELLANT, CASE NO: 2018-CP-23-04584

DEAR MS. KITCHINGS,

ENCLOSED FOR FILING IS A NOTICE OF APPEAL IN THE ABOVE CASE, ALSO ENCLOSED
ARE THE FOLLOWING: (APPELLATE CASE NO # 2018-001812)

- (1) PROOF OF SERVICE OF THE NOTICE OF APPEAL ON THE RESPONDENT(S).
- (2) A COPY OF THE ORDER (JUDGMENT) WHICH IS SET TO BE CHALLENGED ON APPEAL.
- (3) A MOTION TO PROCEED IN FORMA PAUPERIS & PROOF OF SERVICE, (PLUS FINANCIAL STATEMENT)
- (4) THIS APPEAL IS BEING FILED WITH THE COURT OF APPEALS BECAUSE IT IS THE APPROPRIATE JURISDICTION AND AUTHORITY REGARDING THIS MATTER.

SINCERELY,



BOBBY JOE BARTON, #163629
PERRY CORR. INST.
430 OAKLAWN RD,
PELZER, SC 29669-9363

CC: A. TODD DARWIN,
HOLCOMBE BARNER, P.A.
P.O. BOX 1897
SPARTANBURG, SC 29304
(864) 594-5300 PHONE
(864) 585-3844 FAX
ATTORNEYS FOR DEFENDANTS

STATE OF SOUTH CAROLINA,)
)
 COUNTY OF GREENVILLE)
)
 BOBBY JOE BARTON,)
 Plaintiff)
)
 vs.)
 CHERYL A. SMITH, CVR M,)
 & TAYLOR DAVIS GILLIAM,)
 IND. & OFFICIAL CAP., ETC.)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 JUDICIAL CIRCUIT

MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS

FILE NO. **2018-CP-23-04584**

I, B.B. , being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me
 this 9th day of August, 2018
 Tamarac Conwell
 Notary Public for South Carolina
 My Commission expires
 My Commission Expires
 September 25, 2023

Bobby Joe Barton
 Signature of Plaintiff or
 Person Filing Complaint on Behalf of
 Plaintiff

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ORDER

NOV 09 2018

SC Court of Appeals

- Leave is *granted* to proceed in forma pauperis without payment of the filing fee
- Leave is granted to proceed in forma pauperis without payment of the service cost.
- Leave is *denied* to proceed in forma pauperis.

Dated: _____, 2018

 JUDGE/CLERK OF COURT
 _____, South Carolina

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE)

Case No. 2018-CP-23-04584

Bobby Joe Barton,)

Plaintiff,)

NOTICE OF APPEARANCE

vs.)

Cheryl A. Smith, CVR-M and)
Taylor Davis Gilliam, Individual)
and Official Capacity,)

Defendants.)

Please take notice that A. Todd Darwin, of the law firm of Holcombe Bomar, P.A., appearing for Cheryl A. Smith, CVR-M, and Taylor Davis Gilliam, Individual and Official Capacity, the Defendants in the above-captioned case, requests that service be made on the undersigned of all motions, orders, notices and other pleadings of any nature, filed in this case.

Please mail all notices and other documents required to be served to the undersigned at the address below.



A. Todd Darwin
SC Bar No.: 7032
Holcombe Bomar, P.A.
Post Office Drawer 1897
Spartanburg, SC 29304
tdarwin@holcombebomar.com
(864) 594-5300 Phone
(864) 585-3844 Fax
Attorneys for Defendants

September 21, 2018

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE)

Case No. 2018-CP-23-04584

Bobby Joe Barton,)

Plaintiff,)

CERTIFICATE OF SERVICE

vs.)

Cheryl A. Smith, CVR-M and)

Taylor Davis Gilliam, Individual)

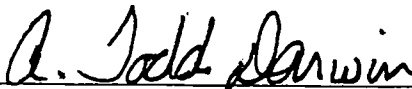
and Official Capacity,)

Defendants.)

I, the undersigned attorney, in the Law Offices of Holcombe Bomar, P. A., attorney for the Defendants, do hereby certify that I have mailed a copy of the hereinbelow listed pleadings to the Plaintiff in this matter, postage prepaid, on the 24th day of September, 2018, as follows:

- PLEADINGS: (1) Notice of Appearance
(2) Certificate of Service by Mail

PARTY SERVED: Bobby Joe Barton, I/M#163629
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669



A. Todd Darwin
A. Todd Darwin



Holcombe Bomar, P.A.

101 W. St. John Street, Suite 200,
Spartanburg, SC 29306

phone (864) 594-5300
fax (864) 585-3844

www.holcombebomar.com

P.O. Box 1897
Spartanburg, SC 29304

September 24, 2018

William U. Gunn
Koger M. Bradford
Perry D. Boulter
William B. Darwin, Jr.
W. McElhane White
A. Todd Darwin
Joshua T. Thompson
Todd R. Flippin
Ayla Luers Connor

Neville Holcombe, 1902-1983
Horace L. Bomar, 1912-1994

The Honorable Paul B. Wickensimer
Greenville County Clerk of Court
305 E. North Street, Suite 202
Greenville, SC 29601

Re: *Bobby Joe Barton v. Cheryl A. Smith, CVR-M and Taylor Davis Gilliam, Individual and Official Capacity, Case No. 2018-CP-23-04584 HB File No. 15319*

Dear Paul:

Enclosed please find an original and one copy of a Notice of Appearance which I respectfully request you file on my behalf as counsel for the Defendants Cheryl A. Smith and Taylor Davis Gilliam, as referenced above. Please return a clocked copy to me in the envelope provided herein.

By copy of this letter, I am serving the Notice of Appearance on the Plaintiff in this matter as shown on the Certificate of Service.

Thank you for your kind assistance.

Sincerely,


A. Todd Darwin

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NOV 09 2018
SC Court of Appeals

/rsm

Enclosures

cc: Bobby Joe Barton, I/M#163629
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669



South Carolina Court of Appeals

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

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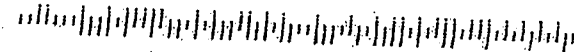
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BOBBY JOE BARTON, #163629
PERRY CORRECTIONAL INST. (Q-3-B10T)
430 OAKLAWN ROAD
PELZER SC 29669

3A221

29669-870499



THE APPELLANT RECEIVED LETTER FROM THE S.C. CT. OF APPEALS ON

BOBBY BARTON, #163629
PERRY CORR, INST,
430 OAKLAWN Rd,
PELZER, SC 29669-9363

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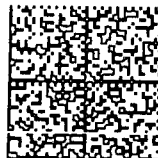
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SC Court of Appeals



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THE HONORABLE JENNY A. KITCHINGS
CLERK, SOUTH CAROLINA CT. OF APPEALS
P.O. Box 11629
COLUMBIA, SC 29211

LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS HAS
NOT CENSORED THIS ITEM, THEREFORE,
THE DEPARTMENT DOES NOT ASSUME
RESPONSIBILITY FOR ITS WRITTEN CONTENTS.
S.C. DEPARTMENT OF CORRECTIONS