

3

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THE 13<sup>TH</sup> JUDICIAL CIRCUIT

BOBBY JOE BARTON,  
PLAINTIFF

CIVIL ACTION  
COMPLAINT

Vs.

CHERYL A. SMITH, CVR-M,  
& TAYLOR DAVIS GILLIAM,  
INDIVIDUALLY & OFFICIAL  
CAPACITY, ETC  
DEFENDANT(S)

IN THE  FAMILY COURT  
 COURT OF COMMON PLEAS

FILE NO: \_\_\_\_\_  
2018-CP-23-04584

18 SEP 5 AM 11:20  
Paul Wickensimer OOC GUL SC

THE PLAINTIFF IN THE ABOVE ACTION AGAINST THE DEFENDANTS NAMED IN THIS COMPLAINT AND PLAINTIFF COMES BEFORE THE HONORABLE COURT ALLEGING THE DEFENDANTS INTENTIONALLY COMMITTED GROSS NEGLIGENCE AND MISREPRESENTATION OF THE FACTS OF POST CONVICTION RELIEF HEARING TRANSCRIPT ALSO FAILURE TO CONSULT WITH THE PLAINTIFF CONCERNING THE ACCURACY OF THE TRANSCRIBED TRANSCRIPT IN A TIMELY MANNER.

THE PLAINTIFF BRING THIS COMPLAINT BEFORE THE HONORABLE COURT OF THE THIRTEENTH (13<sup>TH</sup>) CIRCUIT, GREENVILLE COUNTY, STATE OF SOUTH CAROLINA WHICH HAS THE AUTHORITY AND JURISDICTION TO RESOLVE THE MATTER PRESENTED IN ITS COURTS, THE PLAINTIFF BASE HIS COMPLAINT AND THE FACTS OF THE CASE AND THE FORE GOING REASONS:

**RECEIVED**

JAN 08 2019

SC Court of Appeals

# STATEMENT OF CLAIM

## I. JURISDICTION & VENUE

1.) THIS IS A CIVIL ACTION AUTHORIZED BY THE SOUTH CAROLINA TORT ACT § 15-78-10, TO REDRESS THE NEGLIGENCE INTENTIONALLY COMMITTED BY A COURT REPORTER AND THE FAILURE OF AN COURT APPOINTED ATTORNEY TO CONSULT WITH THE PLAINTIFF CONCERNING THE ACCURACY OF THE TRANSCRIPT AND MISREPRESENTATION OF THE FACTS IN THE CASE AND ALLOWING THE ORIGINAL TAPE TO BE DESTROYED.

THE COURT OF COMMON PLEAS OF THE THIRTEENTH (13<sup>TH</sup>) CIRCUIT OF GREENVILLE COUNTY HAS JURISDICTION TO PRESIDE OVER THIS MATTER.

I BOBBY JOE BARTON, AM THE PLAINTIFF IN THE STATED ACTION, DO HEREBY MAKE THE FOLLOWING CLAIM:

a.) THAT I BELIEVE THE DEFENDANT CHERYL A. SMITH, CVR-M IS A RESIDENT OF GREENVILLE COUNTY WHICH IS WHERE THE MATTER OF THIS MATTER OF THE COMPLAINT INITIATED FROM AND THAT SHE IS EMPLOYED BY THE GREENVILLE COUNTY COURTHOUSE AS A COURT REPORTER AND RESIDES IN SIMPSON ILE, SC WHICH IS WITHIN THIS HONORABLE COURTS' JURISDICTION.

b.) THAT I BELIEVE THE DEFENDANT TAYLOR DAVIS GILLIAM, ESQUIRE IS A RESIDENT OF RICHLAND COUNTY WHICH IS NOT WHERE THIS MATTER OF THIS COMPLAINT WAS INITIATED FROM BUT WAS VIA GREENVILLE COUNTY BUT HE IS EMPLOYEE BY THE SC COMMISSION OF INDIGENT DEFENSE IN RICHLAND COUNTY THE CITY OF COLUMBIA BUT THE COURT OF THE THIRTEENTH (13<sup>TH</sup>) CIRCUIT DOES HAS JURISDICTION OVER BECAUSE THE INITIAL INJURY HAPPENED IN GREENVILLE COUNTY

AND THE DEFENDANT SUSTAINED THE ACTION BY MISREPRESENTING THE FACTS AND DENYING THAT HE HAD THE TRANSCRIPTS IN HIS POSSESSION, ALSO REFUSING TO TURN OVER A COPY OF THE TRANSCRIPT WHILE THE ACTUAL TAPE RECORDING OF THE POST CONVICTION EVIDENTIARY HEARING STILL EXISTED WITH THE COURT REPORTER, CHERYL A. SMITH, CVR-M. THE PLAINTIFF BELIEVES THE COURT HAS JURISDICTION IN THIS MATTER BECAUSE THE ACTUAL HEARING IN GREENVILLE COUNTY AND ALL INJURIES SUSTAINED BY THE DEFENDANT DERIVED FROM IT.

## II. PLAINTIFF

2.) THE PLAINTIFF HEREIN BOBBY JOE BARTON, IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS CURRENTLY HOUSED AT PERRY CORRECTIONAL INSTITUTION, LOCATED AT 430 OAKLAWN Rd., PELZER, SC 29669-9363.

## III. DEFENDANT

3.) THE DEFENDANT CHERYL A. SMITH, CVR-M, IS A COURT REPORTER EMPLOYEE AT THE GREENVILLE COUNTY COURT HOUSE LOCATED AT 305 E. NORTH ST., GREENVILLE, SC 29601 AND DOES HAVE A POST OFFICE BOX #80032, SIMPSONVILLE, SC 29680 ALSO REPORT UNDER THE HONORABLE DANIEL DEWITT HALLS' COURT-ROOM IN THE SAME COURTHOUSE.

4.) THE DEFENDANT TAYLOR DAVIS GILLIAM, ESQUIRE IS AN ATTORNEY EMPLOYED BY THE SOUTH CAROLINA COMMISSION OF INDIGENT DEFENSE, DIVISION OF APPELLATE DEFENSE, 1330 LADY STREET, SUITE 401, COLUMBIA, SC 29201-3332

## V. FACTS

5.) THE CASE HISTORY OF THIS CLAIM IS, THE PLAINTIFF IS AN P.C.R. PETITIONER AGAINST THE STATE OF SOUTH CAROLINA, THE PETITIONER WAS REPRESENTED BY CAROLINE M. HORLBECK (MERE PRESENCE ONLY). KAREN RATIGAN REPRESENTED THE STATE OF SOUTH CAROLINA. THE HONORABLE DANIEL DEWITT HALL, PRESIDED OVER THE EVIDENTIARY HEARING. THE OFFICIAL COURT REPORTER WAS "CHERYL A. SMITH" FOR THE COUNTY OF GREENVILLE, STATE OF SOUTH CAROLINA. THE PLAINTIFF TESTIFIED IN HIS OWN BEHALF BY SPECIFICALLY STATING ON THE RECORD WHAT HE WAS CHALLENGING CONVICTION AND SENTENCE AND HOW HE WAS BEING HELD INVOLUNTARILY AGAINST HIS WILL LAYING THE FOUNDATION TO BRING HIS CLAIMS INTO THE COURT. PLAINTIFF ARTICULATED CAREFULLY THAT HIS CONSTITUTIONAL RIGHTS 6<sup>TH</sup> & 14<sup>TH</sup> AMEND TO THE U.S. C.A. WERE VIOLATED, AND THE CONSTITUTION OF SOUTH CAROLINA & ART. I § 3 & 14 THE SOUTH CAROLINA CONSTITUTION AND THE LAWS OF THIS STATE, ALSO THE FIFTH (5<sup>TH</sup>) AMENDMENT OF THE FEDERAL CONSTITUTION OF DUE PROCESS.

THE PLAINTIFF STATED THAT HE WAS ALLEGING INEFFECTIVE ASSISTANCE OF COUNSEL OF TRIAL COUNSEL; 2) PROSECUTORIAL MISCONDUCT THROUGH THE LEAS OF INEFFECTIVE ASSISTANCE OF COUNSEL; 3.) DENIAL OF DUE PROCESS AND EQUAL PROTECTION UNDER THE LAW.

THE PLAINTIFF FULLY UNDERSTOOD THAT P.C.R.'S ARE GOVERNED THE LANDMARK CASE OF "STRICKLAND V. WASHINGTON", 466 U.S. 668 (1984) AND THERE BEING A TWO-PRONG CRITERIA OF PETITIONER MUST PROVE COUNSEL REPRESENTATION WAS DEFIC-

-ICENT AND THAT HE WAS PREJUDICED BY COUNSELS PERFORMANCE.

THE PLAINTIFF KNEW HE MUST CARRY THE BURDEN OF PROVING THAT COUNSEL PERFORMANCE FELL BELOW AN REASONABLE STANDARD AND HAVING FOUR (4) YEARS TO PREPARE FOR HIS ONE DAY IN A P.C.R. EVIDENTIARY HEARING, PLAINTIFF LAID THE FOUNDATION ON EACH ISSUE STATING THE FACTS CLEARLY AND CONCISELY TO THE POINT BEING CAREFUL TO CLOSE OUT EACH ISSUE WITH HOW HE WAS PREJUDICE BY COUNSEL DEFICIENT PERFORMANCE AND REPRESENTATION. PLAINTIFF EVEN BROUGHT TO THE ATTENTION OF P.C.R. COUNSEL THAT BEFORE WE GO TO THE NEXT ISSUE THE (2) PRONG CRITERIA MUST BE CITED IN THE RECORD. PLAINTIFF INFORMED THE P.C.R. JUDGE THAT HE MUST LAY THE FOUNDATION BEFORE HE COULD BRING THE EVIDENCE OF HIS CASE THEREFORE THE PLAINTIFF KNEW HIS CLAIMS MORE SO THAN HIS OWN ATTORNEY AND WHEN HIS OWN ATTORNEY MADE AN ERROR WITH INCORRECT QUESTIONS OF CLAIMS, PLAINTIFF BROUGHT TO HER ATTENTION THAT THIS IS NOT APART OF ANYTHING YOU AND I DISCUSSED, THE PLAINTIFF TESTIMONY WAS SO WELL DOCUMENTED AND CAREFULLY ARTICULATED THAT THE ATTORNEY GENERAL'S REPRESENTATIVE KAREN RATIGAN REFUSED TO CROSS-EXAMINE THE PLAINTIFF WHEN THE PLAINTIFF REST. SHE STATED WE HAVE NO QUESTIONS FOR THE WITNESS!"

CHERYL A. SMITH, CVR-M FOR THE STATE OF SOUTH CAROLINA. THE COUNTY OF GREENVILLE WERE RESPONSIBLE FOR

RECORDING AND TRANSCRIBING TRUE AND ACCURATE TESTIMONY OF THE PROCEEDING OF THE EVIDENTIARY HEARING, WHEN THE PLAINTIFF RECEIVED THE COPY OF THE TRANSCRIPT. HE READ AND REVIEWED THEM AND FOUND THEM TO BE LACKING OF TRUTH AND ACCURACY. THE WORDING WERE UNINTELLIGIBLE TO PERFECT AND IMPOSSIBLE TO PERFECT AN APPEAL. DUE TO THE FACT PLAINTIFF HIS TESTIMONY HAD BEEN SANITIZED, ALTERED SO MUCH THAT IT MADE NO SENSE AND INSUFFICIENT TO DEMONSTRATE THE "STRICKLAND VS. WASHINGTON" (2) PRONG CRITERIA OF DEFICIENT PERFORMANCE AND REPRESENTATION BEING UNREASONABLE TO THE POINT THAT IT PREJUDICE THE PLAINTIFF. CHERYL A. SMITH WENT AS FAR AS TO DESTROYING THE TAPE TO COVER UP HER "GROSS NEGLIGENCE" ONCE SHE WAS NOTIFIED BY THE PLAINTIFF THAT HE WAS OFFICIALLY CHALLENGING THE ACCURACY OF THE TRANSCRIPT.

6.) ON APPEAL TO THE S.C. SUPREME PLAINTIFF WAS APPOINTED "TAYLOR DAVIS GILLIAM, ESQUIRE" TO REPRESENT HIM BY THE SC COMMISSION OF INDIGENT DEFENSE AS OF JULY 1, 2016. ON JULY 11, 2016 I CONTACTED MR. GILLIAM BY S.C.D.C. PHONE SYSTEM AND INFORMED HIM NOT TO DO AN INITIAL BRIEF UNTIL HE TURN OVER TO ME TRANSCRIPT AND GIVE ME THE OPPORTUNITY TO VERIFY THE ACCURACY OF THEM. HE BECAME DEFENSIVE. I ASK DID HE HAVE THE TRANSCRIPTS AS OF YET? HE DENIED THAT HE HAD THEM. I INSTRUCTED HIM TO SEND ME A COPY OF THE TRANSCRIPT WHEN HE GET THEM AND BROUGHT TO HIS ATTENTION THAT I HAVE A CONSTITUTIONAL RIGHT TO REVIEW THESE

TRANSCRIPT TO CHECK FOR ACCURACY BEFORE A BRIEF BE DONE. I NEVER MADE ANYMORE TELEPHONE CALLS TO MR. GILLIAM, BUT THE NEXT DAY I DID WRITE A LETTER TO HIM WITH OTHER ISSUES BUT BEFORE CLOSING IT OUT, I ONCE AGAIN INSTRUCTED HIM TO TURN OVER TO ME A COPY OF THE TRANSCRIPT AND REMINDED HIM THAT I HAD A RIGHT TO REVIEW THE TRANSCRIPT.

TAYLOR GILLIAM, DENIED THAT HE HAD THE TRANSCRIPT BUT THEY WERE IN HIS POSSESSION AS OF MAY 23, OR 24, 2016. HE DENIED ME THE OPPORTUNITY TO REVIEW THEM AND WHEREAS COMPARE AGAINST THE ACTUAL P.C.R. EVIDENTIARY HEARING TAPE,

TAYLOR GILLIAM, WITHHELD TH'S TRANSCRIPT FOR ATLEAST EIGHTY-EIGHT (88) DAYS BEFORE MAILING THEM TO THE PLAINTIFF AND VIOLATING RULES OF PROFESSIONAL CONDUCT AND A LAWYER RESPONSIBILITIES OF RULE 407 AND CAUSING THE PLAINTIFF GREAT HARM AND GROSS NEGLIGENCE WHEREAS HE NOT BE ABLE TO PERFECT AN APPEAL THROUGH HIS ACTION OF ASSIST- THE COURT REPORTER TO DESTROY THE TAPE WHICH HAVE INJURED THE PLAINTIFF. PLAINTIFF RECEIVED THE TRANSCRIPT ON AUGUST 19, 2016.

## VII. EXHAUSTION OF REMEDIES.

7.) THE PLAINTIFF DID NOTIFY THE LOWER COURT, COURT REPORTER 'CHERYL A. SMITH' AND THE SUPREME COURT THAT HE WAS CHALLENGING THE ACCURACY OF THE TRANSCRIPT. THE

LOWER COURT CLAIMED NO AUTHORITY, THE COURT REPORTER WOULD NOT ACCEPT PLAINTIFF LETTERS (THREE (3) LETTERS) BUT SENT BACK TO PLAINTIFF UNOPENED. THE CLERK OF THE SC SUPREME COURT SENT LETTER THAT THE PLAINTIFFS' TIME HAD EXPIRED ON THE CHALLENGE. THE PLAINTIFF CONTINUED TO CONTACT JUDGES ABOUT THIS. TAYLOR GILLIAM STATED HE WOULD NOT FILE ANYTHING OF CHALLENGING THE TRANSCRIPT. IN THE MONTH OF NOVEMBER 2016 THE SUPREME COURT ORDERED THE LOWER COURT TO HOLD A HEARING WITHIN (45) DAYS TO VERIFY THE ACCURACY OF THE P.C.R. TRANSCRIPT. THE HEARING WAS HELD ON DECEMBER 15, 2016 BEFORE THE HONORABLE DANIEL D. HALL OF THE THIRTEENTH (13<sup>TH</sup>) JUDICIAL CIRCUIT COURT OF COMMON PLEAS. JUDGE HALL RULED THE TRANSCRIPT AS ACCURATE WITHOUT ALLOWING THE PETITIONER TO TESTIFY THE PETITIONER ONCE AGAIN CHALLENGED THE JUDGES RULING AND THE ACCURACY OF THOSE UNSWORN OR CERTIFIED TRANSCRIPT.

PLAINTIFF BELIEVES THAT HE HAS EXHAUSTED ALL REMEDIES AVAILABLE TO HIM AND THE COURT OF COMMON PLEAS IS THE ONLY AVENUE LEFT TO HIM TO RESOLVE THIS MATTER.

## VII. LEGAL CLAIM

8.) THE PLAINTIFF REALLEGE AND INCORPORATE BY REFERENCE TO THE NEGLIGENCE INTENTIONALLY

COMMITTED BY COURT REPORTER CHERYL A. SMITH, CVR-M FOR TRANSCRIBING PETITIONERS P.C.R. TRANSCRIPT IN SUCH AN INCOMPREHENSIBLE MANNER BY DELETING THE CORRECT TESTIMONY AND BY ADDING WORDINGS THAT WERE NEVER SAID AND TWISTING THE PETITIONERS TESTIMONY TO TAKE AWAY IT'S FULL MEANING OF CITATION OF THE PREJUDICE PRONGS TESTIMONY ALSO BY RUN-ON ISSUES, WHICH HAS CAUSED THE PETITIONER TO BE DENIED RELIEF FROM HIS CRIMINAL CONVICTION AND SENTENCE OF (25) YEARS IN THE SOUTH CAROLINA DEPT OF CORRECTIONS.

9.) THE PLAINT REALLEGE AND INCORPERATE BY REFERENCE TO THE GROSS NEGLIGENCE AND WITHOLDING TRANSCRIPTS BELONGING TO THE PETITIONER AND DENYING THAT HE HAD THESE TRANSCRIPT AND REFUSING TO ALLOW PETITIONER TO REVIEW TRANSCRIPT FOR ACCURACY AND CAUSING THE TIME LIMITED TO EXPIRE WHICH CAUSED A COMMUNICATION BREAK-DOWN AND A LOSS OF TRUST WHICH IN ITSELF CAUSED PETITIONER TO DEFENDEND HIMSELF AND BEING DENIED RELIEF FROM HIS CRIMINAL CONVICTION AND SENTENCE OF (25) YEARS IN THE S.C.D.C.

10.) THE PLAINTIFF HAS NO PLAN ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE GROSS NEGLIGENCE DESCRIBED HEREIN.

11.) THE PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY HARMED BY THE CONDUCT OF THE DEFENDENTS.

VIII. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THIS COURT ENTER JUDGMENT GRANTING PLAINTIFF;

11.) COMPENSATORY DAMAGES IN THE AMOUNT OF \$25,000.00 AGAINST EACH DEFENDANT, JOINTLY AND SEVERALLY.

12.) PUNITIVE DAMAGES IN THE AMOUNT OF \$75,000.00 AGAINST EACH DEFENDANT.

13.) A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.

14.) PLAINTIFF'S COSTS IN THIS SUIT, PLUS FILING FEES,

15.) ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER, AND EQUITABLE.

DATED: August 9, 2018

DATED: Bobby Joe Barton  
BOBBY JOE BARTON, #163629  
PERRY CORR. INST.  
430 OAKLAWN RD.  
PELZER, SC 29669-9363

I THE PLAINTIFF HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE MATTERS ALLEGED THERE IN ARE TRUE, EXECUTED AT GREENVILLE, COUNTY OF SOUTH CAROLINA ON THE 9 DAY OF August 2018

SWORN AND SUBSCRIBED BEFORE ME THIS 9th DAY OF August, 2018

Tamara Conwell  
NOTARY PUBLIC OF SOUTH CAROLINA

Bobby Joe Barton  
BOBBY JOE BARTON, #163629

REPRESENTATION PROSE

MY COMMISSION EXPIRES: ~~My Commission Expires~~  
September 25, 2023  
10.

18 SEP 5 AM 11:20  
Paul Wickensimer COC GUL SC

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THE 13<sup>th</sup> JUDICIAL CIRCUIT

BOBBY JOE BARTON,  
PLAINTIFF;

CIVIL-ACTION  
COMPLAINT

V.  
CHERYL A. SMITH, CVR-M,  
& TAYLOR DAVIS GILLIAM,  
INDIVIDUALLY & OFFICIAL  
CAPACITY, ETC.

IN THE  FAMILY COURT  
 COURT OF COMMON PLEAS

FILE NO: SUMMONS  
2018-CP-23-04584

TO THE DEFENDENT ABOVE NAMED: TAYLOR DAVIS GILLIAM,  
ATTORNEY-AT-LAW, 1330 LADY ST., SUITE 401, COLUMBIA, SC 29201

YOU ARE HEREBY SUMMONED AND REQUIRED TO ANSWER THE COMPLAINT  
HEREIN, A COPY OF WHICH IS HEREWITH SERVED UPON YOU AND TO SERVE A  
COPY OF YOUR ANSWER TO THIS COMPLAINT UPON THE SUBSCRIBER AT THE  
ADDRESS SHOWN BELOW WITHIN (30) DAYS AFTER SERVICE HEREOF, EX-  
CLUSIVE OF THE DAY OF SUCH SERVICE AND IF YOU FAIL TO ANSWER THE  
COMPLAINT, JUDGMENT BY DEFAULT WILL BE RENDERED AGAINST  
YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

DATED: AUGUST 14, 2018  
GREENVILLE, SOUTH CAROLINA

Bobby Joe Barton  
BOBBY JOE BARTON  
PERRY CORR. INST.  
4301 DAKLAWN RD.  
PELZER, SC 29669

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JAN 08 2019

SC Court of Appeals

REPRESENTATION PRO Se

SCCA 401(5/02)

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

BOBBY JOE BARTON,  
PLAINTIFF;

V.  
CHERYL A. SMITH, CVR-M,  
& TAYLOR DAVIS GILLIAM,  
INDIVIDUALLY & OFFICIAL  
CAPACITY, ETC.

IN THE COURT OF COMMON PLEAS  
THE 13<sup>TH</sup> JUDICIAL CIRCUIT

CIVIL-ACTION  
COMPLAINT

IN THE  FAMILY COURT  
 COURT OF COMMON PLEAS

FILE NO: SUMMONS  
2018-CP-23-04584

18 SEP 5 AM 11:20  
Paul Wickensimer COC 69L SC

TO THE DEFENDENT ABOVE NAMED: CHERYL A. SMITH, CVR-M  
@ P.O. Box 80032, SIMPSONVILLE, SC 29680

YOU ARE HEREBY SUMMONED AND REQUIRED TO ANSWER THE COMPLAINT  
HEREIN, A COPY OF WHICH IS HEREWITH SERVED UPON YOU AND TO SERVE A  
COPY OF YOUR ANSWER TO THIS COMPLAINT UPON THE SUBSCRIBER AT THE  
ADDRESS SHOWN BELOW WITHIN (30) DAYS AFTER SERVICE HEREOF, EX-  
CLUSIVE OF THE DAY OF SUCH SERVICE AND IF YOU FAIL TO ANSWER THE  
COMPLAINT, JUDGMENT BY DEFAULT WILL BE RENDERED AGAINST  
YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

DATED: AUGUST 14, 2018  
GREENVILLE, SOUTH CAROLINA

*Bobby Joe Barton*

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

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SC Court of Appeals

REPRESENTATION PRO Se

SCCA 401(5/02)

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

BOBBY JOE BARTON,  
PLAINTIFF

V.

CHERYL A. SMITH, CUR-M,  
& TAYLOR DAVIS GILLIAM,  
INDIVIDUALLY & OFFICIAL  
CAPACITY, ETC.

IN THE COURT OF COMMON PLEAS  
THE 13th JUDICIAL CIRCUIT

PROOF-OF-SERVICE

CIVIL-ACTION  
COMPLAINT

FILE NO: \_\_\_\_\_  
2018-CP-23-04584

18 SEP 5 AM 11:21  
Paul Wickensimer COC.GUL.SC

I ISSACE SLAPPY CERTIFY THAT I PERSONALLY SERVED THIS SUMMONS  
AND COMPLAINT ON THE DEFENDENT(S) TAYLOR D. GILLIAM, ATTORNEY-AT-  
LAW @ 1330 LADY ST., SUITE 401, COLUMBIA, SC 29201,  
ON BEHALF OF THE PLAINTIFF BOBBY JOE BARTON, AND:

- 1.) THAT I AM OVER EIGHTEEN (18) YEARS OF AGE, AND
- 2.) THAT I AM NOT A PARTY TO THIS ACTION NOR DO I HAVE  
ANY INTEREST IN THE OUTCOME, SERVED BY U.S. MAIL CERTIFIED  
RETURN RECEIPT.

SUBMITTED BY:

Issac E. Slappy  
ISSAC E. SLAPPY, #063535  
FERRY CORR. INST,  
430 OAKLAWN RD,  
PELZER, SC 29669-9363

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SC Court of Appeals

MAILED ON: 14th DAY OF AUGUST, 2018

CC: BOBBY JOE BARTON, PLAINTIFF

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

BOBBY JOE BARTON,  
PLAINTIFF

V.

CHERYL A. SMITH, CVR-M,  
& TAYLOR DAVIS GILLIAM,  
INDIVIDUALLY & OFFICIAL  
CAPACITY, ETC.

IN THE COURT OF COMMON PLEAS  
THE 13<sup>th</sup> JUDICIAL CIRCUIT

PROOF-OF-SERVICE

CIVIL-ACTION  
COMPLAINT

FILE NO: \_\_\_\_\_  
2018-CP-23 - 04584

18 SEP 5 AM 11:21  
Paul Wickensamer COC GIL SC

I ISSAC E. SLAPPY, CERTIFY THAT I PERSONALLY SERVED THIS SUMMONS  
AND COMPLAINT ON THE DEFENDENT(S) CHERYL A. SMITH, CVR-M,  
P.O. BOX 80032, SIMPSONVILLE, SC 29680,  
ON BEHALF OF THE PLAINTIFF BOBBY JOE BARTON, AND;

- 1.) THAT I AM OVER EIGHTEEN (18) YEARS OF AGE, AND
- 2.) THAT I AM NOT A PARTY TO THIS ACTION NOR DO I HAVE  
ANY INTEREST IN THE OUTCOME, SERVED BY U.S. MAIL CERTIFIED  
RETURN RECEIPT.

SUBMITTED BY:

Issac E. Slappy  
ISSAC E. SLAPPY, #063535  
PERRY CORR. INST,  
430 OAKLAWN RD,  
PELZER, SC 29669-9363

MAILED ON: 14<sup>th</sup> DAY OF AUGUST, 2018

CC: BOBBY JOE BARTON, PLAINTIFF

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JAN 08 2019

SC Court of Appeals

5

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS  
13<sup>th</sup> JUDICIAL CIRCUIT

CASE NO.: 2018 -CP-23 - 04584

BOBBY JOE BARTON,  
Plaintiff, )

MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET

vs. )  
CHERYL A. SMITH, CVR-M )  
& TAYLOR DAVIS GILLIAM, INDIVIDUALLY )  
& OFFICIALLY, ETC. AL. )  
Defendant. )

|   |  |
|---|--|
| Plaintiff's Attorney:<br><u>BOBBY JOE BARTON</u> , Bar No. <u>PRO SE</u><br>Address: <u>430 OAKLAWN RD,</u><br><u>PERRY CREEK INST, PELZER SC 29669</u><br>Phone: _____ Fax _____<br>E-mail: _____ Other: _____ | Defendant's Attorney:<br><u>A. TODD DARWIN</u> , Bar No. _____<br>Address: <u>OFF HOLCOMBE BUNDR, P.A. (29306)</u><br><u>101 W. ST. JOHN STREET, SUITE 200, SPINBOURNE</u><br>Phone: <u>(864) 594-5300</u> Fax <u>(864) 585-3844</u><br>E-mail: _____ Other: _____ |
|---|--|

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)  
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)  
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information  
 Nature of Motion: 5916 OF 3/7-2780 (SC/CP) FINING OF FINE, CONCLUSION OF LAW (PDS WAS DENIED) (WHY INFORMAL PART)  
 Estimated Time Needed: \_\_\_\_\_ Court Reporter Needed:  YES  NO

SECTION II: Motion/Order Type  
 Written motion attached  
 Form Motion/Order  
 I hereby move for relief or action by the court as set forth in the attached proposed order.  
Bobby Joe Barton  
 Signature of Attorney for  Plaintiff /  Defendant Date submitted: OCTOBER 3, 2018

SECTION III: Motion Fee  
 PAID - AMOUNT: \$ \_\_\_\_\_  
 EXEMPT: (check reason)  
 Rule to Show Cause in Child or Spousal Support  
 Domestic Abuse or Abuse and Neglect  
 Indigent Status  State Agency v. Indigent Party  
 Sexually Violent Predator Act  Post-Conviction Relief  
 Motion for Stay in Bankruptcy  
 Motion for Publication  Motion for Execution (Rule 69, SCRPC)  
 Proposed order submitted at request of the court; or,  
 reduced to writing from motion made in open court per judge's instructions  
 Name of Court Reporter: \_\_\_\_\_  
 Other: \_\_\_\_\_

JUDGE'S SECTION  
 Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_  
 JUDGE CODE \_\_\_\_\_  
 Date: \_\_\_\_\_, 20\_\_\_\_

CLERK'S VERIFICATION  
 Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_, 20\_\_\_\_  
 MOTION FEE COLLECTED: \$ \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

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JAN 08 2019  
SC Court of Appeals

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OCT 04 2018

P.C.I. MAILROOM

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

BOBBY JOE BARTON,

Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2018 -CP- 23 - 04584

vs.  
CHERYL A. SMITH, CIV-M  
& TAYLOR PAVIS GILHAM, INDIVIDUALLY  
& OFFICIAL CAPACITY, ETC. AL

Defendant(s)

(Please Print)

Submitted By: BOBBY JOE BARTON

Address: PERRY CREEK, INST.

430 OAKLAWN RD.

RELSER, SC 29169

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

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PRO SE JAN 08 2019

SC Court of Appeals

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.  NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Contracts                | <input type="checkbox"/> Torts - Professional Malpractice   | <input type="checkbox"/> Torts - Personal Injury      | <input type="checkbox"/> Real Property                 |
| <input type="checkbox"/> Constructions (100)      | <input type="checkbox"/> Dental Malpractice (200)           | <input type="checkbox"/> Assault/Slander/Libel (300)  | <input type="checkbox"/> Claim & Delivery (400)        |
| <input type="checkbox"/> Debt Collection (110)    | <input checked="" type="checkbox"/> Legal Malpractice (210) | <input type="checkbox"/> Conversion (310)             | <input type="checkbox"/> Condemnation (410)            |
| <input type="checkbox"/> Employment (120)         | <input type="checkbox"/> Medical Malpractice (220)          | <input type="checkbox"/> Motor Vehicle Accident (320) | <input type="checkbox"/> Foreclosure (420)             |
| <input type="checkbox"/> General (130)            | Previous Notice of Intent Case #                            | <input type="checkbox"/> Premises Liability (330)     | <input type="checkbox"/> Mechanic's Lien (430)         |
| <input type="checkbox"/> Breach of Contract (140) | 20 <u>-NI-</u>  | <input type="checkbox"/> Products Liability (340)     | <input type="checkbox"/> Partition (440)               |
| <input type="checkbox"/> Other (199)              | <input type="checkbox"/> Notice/ File Med Mal (230)         | <input type="checkbox"/> Personal Injury (350)        | <input type="checkbox"/> Possession (450)              |
|   | <input type="checkbox"/> Other (299)                        | <input type="checkbox"/> Wrongful Death (360)         | <input type="checkbox"/> Building Code Violation (460) |
|   |   | <input type="checkbox"/> Other (399)                  | <input type="checkbox"/> Other (499)                   |

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Inmate Petitions       | <input type="checkbox"/> Administrative Law/Relief                              | <input type="checkbox"/> Judgments/Settlements                                       | <input type="checkbox"/> Appeals                              |
| <input type="checkbox"/> PCR (500)              | <input type="checkbox"/> Reinstate Drv. License (800)                           | <input type="checkbox"/> Death Settlement (700)                                      | <input type="checkbox"/> Arbitration (900)                    |
| <input type="checkbox"/> Mandamus (520)         | <input type="checkbox"/> Judicial Review (810)                                  | <input type="checkbox"/> Foreign Judgment (710)                                      | <input type="checkbox"/> Magistrate-Civil (910)               |
| <input type="checkbox"/> Habeas Corpus (530)    | <input type="checkbox"/> Relief (820)   | <input type="checkbox"/> Magistrate's Judgment (720)                                 | <input type="checkbox"/> Magistrate-Criminal (920)            |
| <input checked="" type="checkbox"/> Other (599) | <input type="checkbox"/> Permanent Injunction (830)                             | <input type="checkbox"/> Minor Settlement (730)                                      | <input type="checkbox"/> Municipal (930)                      |
| <u>59(e) MOTION</u>                             | <input type="checkbox"/> Forfeiture-Petition (840)                              | <input type="checkbox"/> Transcript of Judgment (740)                                | <input type="checkbox"/> Probate Court (940)                  |
| <u>FACTS OF FINDINGS</u>                        | <input type="checkbox"/> Forfeiture-Consent Order (850)                         | <input type="checkbox"/> Lis Pendens (750)   | <input type="checkbox"/> SCDOT (950)                          |
| <u>SUPPORTED BY CONCLUSION</u>                  | <input type="checkbox"/> Other (899)  | <input type="checkbox"/> Transfer of Structured Settlement                           | <input type="checkbox"/> Worker's Comp (960)                  |
| <u>OF LAW WITH WRIT APPLICATION</u>             |   | <input type="checkbox"/> Payment Rights Application (760)                            | <input type="checkbox"/> Zoning Board (970)                   |
| <u>FOR INFORMIA</u>                             |   | <input type="checkbox"/> Confession of Judgment (770)                                | <input type="checkbox"/> Public Service Commission (990)      |
| <u>PRIMARIS DENIED</u>                          |   | <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) | <input type="checkbox"/> Employment Security Commission (991) |
| <input type="checkbox"/> Environmental (600)    | <input type="checkbox"/> Pharmaceuticals (630)                                  | <input type="checkbox"/> Other (799)   | <input type="checkbox"/> Other (999)                          |
| <input type="checkbox"/> Automobile Arb. (610)  | <input type="checkbox"/> Unfair Trade Practices (640)                           |  |   |
| <input type="checkbox"/> Medical (620)          | <input type="checkbox"/> Foreign Subpoenas (650)                                |  |   |
| <input type="checkbox"/> Other (699)            | <input type="checkbox"/> Motion to Quash Subpoena in Out-of-County Action (660) |  |   |
| <input type="checkbox"/> Sexual Predator (510)  |   |  |   |

Submitting Party Signature: Bobby Joe Barton

Date: October 3, 2018

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act. S.C. Code Ann. §15-36-10 et. seq.

THE STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

BOBBY JOE BARTON,  
PLAINTIFF;

CIVIL-ACTION-COMPLAINT

vs.

59(e) MOTION TO  
ALTER  
AND  
AMEND

CHERYL A. SMITH, CUR-M,  
& TAYLOR DAVIS GILLIAM,  
INDIVIDUALLY & OFFICIAL  
CAPACITY, ETC. AL.  
DEFENDANT(S)

PURSUANT TO § 17-27-80  
CASE NO: # 2018-CP-23-04584

THE PRO SE PLAINTIFF MOVES UPON THE COURT TO FILE A RULE 59(e) MOTION TO ALTER AND AMEND, REQUESTING THAT THE HONORABLE "PERRY H. GRAVELY" #2755 SET FORTH FINDING OF FACTS SUPPORTED BY CONCLUSION OF LAW AS REQUIRED BY § 17-27-80 OF SCRPC AS TO WHY HE DENIED THE APPLICANT'S RIGHT TO PROCEED "IN FORMA PAUPERIS" IN HIS CIVIL ACTION. THE APPLICANT HAS FILED ALL THE PROPER DOCUMENTATION TO SUBSTANTIATE THAT HE IS LEGALLY CONFIRMED AS AN INDIGENT INMATE. THE APPLICANT HAS ALSO SHOWN THE HIS CLAIM IS WITH MERIT AND HOW HE WAS INJURED BY THESE DEFENDANTS NEGLIGENCE.

RESPECTFULLY SUBMITTED,



BOBBY JOE BARTON, PRO SE  
S.C.D.C. #163629  
PERRY CORR. INST.  
430 OAKLAWN RD.  
PELZER, SC 29669  
REPRESENTATION PRO SE

GREENVILLE, SOUTH CAROLINA  
SEPTEMBER 17TH 2018

RECEIVED  
JAN 08 2019  
SC Court of Appeals

CC: BOBBY JOE BARTON, PRO SE  
PAUL B. WICKENSIMER, CLERK OF COURT  
ORIGINAL COPY


# "PROOF-OF-SERVICE"

THE HEREBY UNDERSIGNED STATES UNDER THE PENALTY OF PERJURY THAT HE HAS SERVED UPON "PAUL B. WICKENSIMER," "CLERK OF THE COURT" WITH A "59(a) MOTION TO ALTER AND AMEND RULE 59(a) SCRPC REQUESTING FINDING OF FACTS SUPPORTED BY CONCLUSION OF LAW" REQUIRED BY §17-27-80 ALONG WITH A COPY OF FORM 4 (CASE NO, 2018-CP-23-04584) AND A COPY OF MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS UNSIGNED BY THE ADMINISTRATIVE JUDGE AND NO AUTHORIZATION BY THE COURT AND HAVE BEEN SERVED UPON THE CLERK OF COURT OFFICE ADDRESSED TO "PAUL B. WICKENSIMER TO ADDRESS," THIS WAS ACCOMPLISHED BY PLACING IN THE UNITED STATES POSTAL SERVICE ON 18<sup>TH</sup> DAY OF SEPTEMBER, 2018.

**RECEIVED**

JAN 08 2019

SC Court of Appeals

  
BOBBY JOE BARTON, #163629  
PERRY CORR. INST.  
#30 OAKLAWN RD,  
PELZER, SC 29669

CC: BOBBY JOE BARTON, PROSE

"JANUARY 2, 2019"

ATTN: JENNY ABBOTT KITCHINGS, ESQUIRE  
CLERK OF COURT  
THE SC COURT OF APPEALS  
P.O. BOX 11629  
COLUMBIA, SC 29211

**RECEIVED**  
JAN 08 2019  
SC Court of Appeals

FROM: BOBBY JOE BARTON, #163629

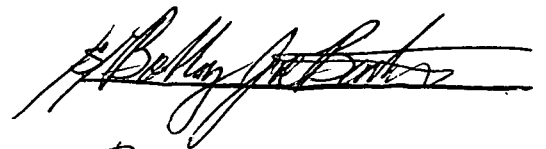
: BOBBY JOE BARTON V. CHERYL A. SMITH, 2018-001812

Re: COPY OF COMPLAINT AS REQUEST PER THE CLERK'S OFFICE.

: DEAR MADAM CLERK,

ENCLOSED IS A CLOCK STAMPED COPY OF THE ORIGINAL COMPLAINT,  
A COVER SHEET, (2) SUMMONS FOR EACH DEFENDANT, (2) CLOCK STAMPED PROOF-  
OF-SERVICE FOR BOTH DEFENDANT, (2) COPIES OF CERTIFIED RETURN RECEIPTS, (1) MOT-  
ION 59(e) PLEA AND AMEND COPY AND FACE COVER, THE FINANCIAL STATEMENT WHICH  
SENT TO THE COURT ALONG WITH APPLICATION TO PROCEED IN FORMA PAUPERIS AND THE  
COURT'S RULING ALONG WITH THE APPEAL DOCUMENT. I THANK YOU FOR YOUR TIME  
AND ASSISTANCE IN ADVANCE FOR YOUR PROFESSIONALISM.

RESPECTFULLY SUBMITTED,



BOBBY JOE BARTON, #163629

PERRY CORR. INST.

430 OAKLAWN Rd.

PELZER, SC 29669-9963

MAILED via JAN 4, 2019

**RECEIVED**

JAN 04 2019

P.C.I. MAILROOM

"SEPTEMBER 16, 2018"

RECEIVED

JAN 08 2019

So. Court of Appeals

ATTN: PAUL B. WICKENSIMER, ESQUIRE

CLERK OF COURT, 13TH JUDICIAL CIRCUIT, CT. OF COM. IN PLEAS

FROM: BOBBY JOE BARTON, #163629 - PRO SE COMPLAINANT

: BARTON V. CHERYL A. SMITH & TAYLOR D. GILLIAM, 2018-CP-23-04584

Re: UNSIGNED DOCUMENTS WITHOUT COMPLETE INSTRUCTIONS AND 59(e) MOTION

DEAR CLERK,

ON SEPTEMBER 14, 2018 I RECEIVED A STAMPED COPY OF MY COMPLAINT AGAINST THE TWO DEFENDANTS NAMED ABOVE. I NOTICED THAT SEVERAL DOCUMENTS WERE INCOMPLETE AND WITHOUT ANY DIRECTIONS TO SUBSTANTIATE THE JUDGE'S RULING AS FAR AS "FORM 4" (SCCA SCRPC FORM 4C (REVISED 2/17)). THE DOCUMENT DOES NOT HAVE ANY BOXES CHECKED NOR DOES IT HAVE ANY ADDITIONAL INFORMATION REGARDING ANY DECISION IN WHICH JUDGE PERRY H. GRAVELY DECIDED ON. THE NEXT PROBLEM I'VE ENCOUNTERED IS, I ENCLOSED A TRUE ORIGINAL INMATE FINANCIAL REPORT FROM S.C.D.C. FINANCE OFFICE ALONG WITH AN AFFIDAVIT REQUEST TO PROCEED IN FORMA PAUPERIS NOTARIZED BY TAMARA CONWELL ON THE 9TH DAY OF AUGUST, 2018. YOUR OFFICE RETURNED THE DOCUMENT BACK TO ME WITHOUT ANY SIGNATURE FROM THE JUDGE AND NO BOX CHECKED TO INFORM ME WHETHER I WAS GIVEN PERMISSION TO PROCEED WITH MY CASE OR NOT AS AN INDIGENT PRISONER. I BRING THIS TO YOUR ATTENTION AND I AM RETURNING TO YOUR OFFICE COPIES OF BOTH THESE DOCUMENTS FOR YOU TO CORRECT. IN THE MEAN TIME I AM ALSO FILING WITH YOUR OFFICE A 59(e) MOTION § 17-27-80 OF SCRPC RE JUDGE GRAVELY TO ANSWER WHY HIS RULING BASED UPON FACTS OFFENDING SUPPORTED BY CONCLUSION OF LAW WITHIN (10) DAYS OF RECEIVING HIS RULING. (SEE; MOTION 59(e) ENCLOSED), PLEASE RETURN ME A CLOCK STAMPED COPY OF MY 59(e) MOTION. I'VE ENCLOSED AN EXTRA COPY FOR SUCH.) MR. OR MS. CLERK I'VE NEVER SEEN SUCH A SANITIZED ORDER IN MY LIFE THEREFORE I AM REACH OUT TO THE JUSTICE DEPT. IN WASHINGTON, DC DUE TO THE FACT THIS COULD POSSIBLY BE OBSTRUCTION OF JUSTICE BECAUSE I AS A CITIZEN HAVE A RIGHT TO BRING MY COMPLAINT TO A COURT WHETHER I BE A PRISONER OR NOT. I THANK YOU IN ADVANCE FOR YOUR TIME AND ASSISTANCE REGARDING THIS MATTER.

RECEIVED

SEP 18 2018

P.C.I. MAILROOM

CC: BOBBY JOE BARTON, PRO SE

UNITED STATES DEPT. OF JUSTICE, WASH. D.C.

\* PROOF-OF-SERVICE INCLUDED W/ 59(e) MOTION

RESPECTFULLY SUBMITTED,

*[Signature]*

BOBBY JOE BARTON, #163629

REPRESENTATION PRO SE

5

AUGUST 27, 2018

ATTN: PAUL B. WICKENSIMER, ESQUIRE  
CLERK OF COURT, CT. OF COMMON PLEAS  
305 E. NORTH ST.  
GREENVILLE, SC 29601

FROM: BOBBY JOE BARTON, PRO SE PETITIONER

Re: SERVICE, SUMMONS, & COMPLAINT (2018-CP-23-04584)

DEAR CLERK,

I'VE FILED A TORT CLAIM IN YOUR COURT OF COMMON PLEAS AGAINST CHERYL A. SMITH & TAYLOR D. GILHAM, DEFENDANTS ON AUGUST 14, 2018. I SUBMITTED ALL THE NECESSARY PAPER WORK INCLUDING A EXTRA COPY TO BE CLOCK STAMPED AND RETURN TO ME WITH A CASE NUMBER. I ALSO INCLUDED AN INMATE FINANCIAL STATEMENT ALONG WITH AN APPLICATION FOR IN FORMA PAUPERIS. I RESPECTFULLY ASK THE COURT TO PLEASE BE MINDFUL OF § 24-27-100 WHICH PROVIDES FOR THE COURT TO ASSIST ME AN INDIGENT INMATE AT BRING MY CIVIL ACTION TO THE TRIAL COURT LEVEL. I AM ENCLOSED COPIES OF CERTIFIED RETURN RECEIPT TO PROVE BOTH DEFENDANTS HAVE BEEN SERVED PROPERLY. I ALSO ASK THE COURT TO BE MINDFUL THAT I AM SELF REPRESENTATION AND WHAT EVER THE ACTIONS THE COURT MAY TAKE, I WOULD LIKE THE COURT TO PLEASE GRANT ME THE SAME COURTESY THAT IS GIVEN TO AN ATTORNEY. I THANK YOU AND YOUR OFFICE FOR YOUR COOPERATION REGARDING THIS MATTER.

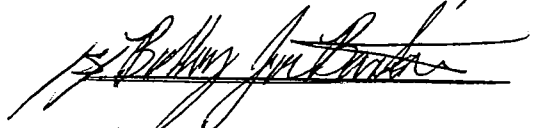
**RECEIVED**

AUG 28 2018

P.C.I. MAILROOM

CC: BOBBY JOE BARTON, PRO SE PETITIONER

RESPECTFULLY SUBMITTED,



BOBBY JOE BARTON #163629

PERRY CORR. INST. (03A-221)

430 OAKLAWN Rd.

PETZER, SC 29669-9363

**RECEIVED**

JAN 08 2019

SC Court of Appeals

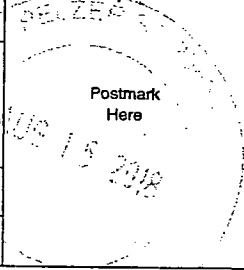
7017 3380 0000 1661 0661

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

*BOFFICIAL USE*

|   |         |
|---|---------|
| Certified Mail Fee  | \$ 3.45 |
| Extra Services & Fees (check box, add fee as appropriate)     |         |
| <input checked="" type="checkbox"/> Return Receipt (hardcopy) | \$ 2.75 |
| <input type="checkbox"/> Return Receipt (electronic)          | \$      |
| <input type="checkbox"/> Certified Mail Restricted Delivery   | \$      |
| <input type="checkbox"/> Adult Signature Required             | \$      |
| <input type="checkbox"/> Adult Signature Restricted Delivery  | \$      |
| Postage   | \$ .89  |
| Total Postage and Fees  | \$ 7.09 |



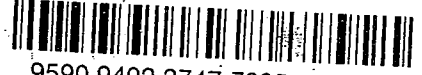
Sent To  
*Carla D. Gilliam*  
 Street and Apt. No., or PO Box No.  
*1330 Lady St Ste 401*  
 City, State, ZIP+4®  
*Cola, SC 29201*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
*Taylor D. Gilliam*  
*1330 Lady Street, Ste 401*  
*Cola, SC 29201*



9590 9402 3747 7335 6337 84

7017 3380 0000 1661 0661

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*Karen Rogers*  Agent  Addressee

B. Received by (Printed Name)  
*Karen Rogers*

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

Domestic Return Receipt

*THE PETITIONER RECEIVED THE GREEN SIGNATURE RETURN RECEIPT ON AUGUST 23, 2018, SIGNED BY KAREN ROGERS*

7017 3380 0000 1661 0678

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

*Bobby Barber* *AA 1630 8E*

Certified Mail Fee \$ *3.45*

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ *2.75*

Return Receipt (electronic) \$ \_\_\_\_\_

Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage \$ *89*

Total Postage and Fees \$ *7.09*

Postmark Here *AUG 15 2018*

Sent To *Ms Cheryl A Smith C/R-M*

Street and Apt. No., or PO Box No. *PO Box 80032*

City, State, ZIP+4® *Simpsonville SC 29680*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

| SENDER: COMPLETE THIS SECTION  | COMPLETE THIS SECTION ON DELIVERY  |
|--|--|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:</p> <p><i>Ms. Cheryl A. Smith, C/R-M</i><br/> <i>PO Box 80032</i><br/> <i>Simpsonville, SC 29680</i></p> <p>9590 9402 3747 7335 6337 91</p> <p>7017 3380 0000 1661 0678</p> | <p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p><i>Cheryl A. Smith</i></p> <p>B. Received by (Printed Name) <i>Cheryl A. Smith</i> C. Date of Delivery <i>8-20-18</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br/>       If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> |

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

BOBBY JOE BARTON

Plaintiff(s)

CHERYL A. SMITH, <sup>vs.</sup> CVR - M  
& TAYLOR DAVIS GILLIAM,

IND. & OFFICIAL CAP., ETC. Defendant(s)  
(Please Print)

Submitted By: BOBBY JOE BARTON

Address: PERRY CURR. INST.  
430 DAKLAWN RD.  
PELZER, SC 29669

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2018-CP-23-0458

RECEIVED

JAN 08 2019

SC Bar #:  
Telephone #:  
Fax #:  
Other:  
E-mail:

SC Court of Appeals

JAN SEP 5 AM 11:20  
FBI/DOJ/USDOJ - ODC GVL SC

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.  NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts
- Constructions (100)
  - Debt Collection (110)
  - Employment (120)
  - General (130)
  - Breach of Contract (140)
  - Other (199)

- Torts - Professional Malpractice
- Dental Malpractice (200)
  - Legal Malpractice (210)
  - Medical Malpractice (220)
  - Previous Notice of Intent Case #  
20 -NI- \_\_\_\_\_
  - Notice/ File Med Mal (230)
  - Other (299)

- Torts - Personal Injury
- Assault/Slander/Libel (300)
  - Conversion (310)
  - Motor Vehicle Accident (320)
  - Premises Liability (330)
  - Products Liability (340)
  - Personal Injury (350)
  - Wrongful Death (360)
  - Other (399)

- Real Property
- Claim & Delivery (400)
  - Condemnation (410)
  - Foreclosure (420)
  - Mechanic's Lien (430)
  - Partition (440)
  - Possession (450)
  - Building Code Violation (460)
  - Other (499)

- Inmate Petitions
- PCR (500)
  - Mandamus (520)
  - Habeas Corpus (530)
  - Other (599)

- Administrative Law/Relief
- Reinstate Drv. License (800)
  - Judicial Review (810)
  - Relief (820)
  - Permanent Injunction (830)
  - Forfeiture-Petition (840)
  - Forfeiture-Consent Order (850)
  - Other (899)

- Judgments/Settlements
- Death Settlement (700)
  - Foreign Judgment (710)
  - Magistrate's Judgment (720)
  - Minor Settlement (730)
  - Transcript of Judgment (740)
  - Lis Pendens (750)
  - Transfer of Structured Settlement Payment Rights Application (760)
  - Confession of Judgment (770)
  - Petition for Workers Compensation Settlement Approval (780)
  - Other (799)

- Appeals
- Arbitration (900)
  - Magistrate-Civil (910)
  - Magistrate-Criminal (920)
  - Municipal (930)
  - Probate Court (940)
  - SCDOT (950)
  - Worker's Comp (960)
  - Zoning Board (970)
  - Public Service Commission (990)
  - Employment Security Commission (991)
  - Other (999)

Special/Complex /Other

- Environmental (600)
- Automobile Arb. (610)
- Medical (620)
- Other (699)
- Sexual Predator (510)
- Pharmaceuticals (630)
- Unfair Trade Practices (640)
- Foreign Subpoenas (650)
- Motion to Quash Subpoena in Out-of-County Action (660)

Submitting Party Signature:

*Bobby Joe Barton*

Date:

8/10/18

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.