

STATE OF SC
RICHMOND COUNTY JUDICIAL CENTER
ATTN: CLERK OF COURT
1701 MAIN STREET
COLUMBIA, SC 29201

NOV. 21, 2011
Filed Dec. 6, 2011

DEAR COURT CLERK:
ENCLOSURE PLEASE FIND AN ORIGINAL COPY OF APPLICATION FOR POST-
CONVICTION RELIEF.
PLEASE FILE ON RECORD AND RETURN A COPY TO ME WITH DOCKET #.

THANK YOU
John D. Barnett
JOHN D. BARNETT #250432
~~MCCORMICK COURT, DIST. 1, SMU-892~~
MCCI-SMU-892
386 REDEMPTION WAY
MCCORMICK, SC 29899
APPLICANT

SUPPLEMENTARY:
PLEASE COPY ALSO REVERSE SIDE OF PAGE 2 (CONTINUING ANSWERS OF QUESTION 9).

COPY BACKSIDE OF PG. 2

RECEIVED

JAN 30 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA

County of RICHLAND

2011CP4088297

In the Court of Common Pleas

JOHN DAVID BARNETT #250432

Full name and prison number (if any) of Applicant,

vs.

STATE OF SOUTH CAROLINA

Name of Respondent.

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS — READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of this page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention SC DEPT. OF CORRECTIONS (SCDC), MCCORMICK CORRECTIONAL INSTITUTION (MCCI), MCCI-SMU-892, 386 REDEMPTION WAY, MCCORMICK SC, 29899
2. Name and location of Court which imposed sentence IN THE COURT OF GENERAL SESSIONS, RICHLAND COUNTY JUDICIAL CENTER, CITY OF COLUMBIA
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) 2000-GS-40-49993, 49994, 49995, 49996, 49997, 49998, 49999, 50000, 50004, 50005, 50006
 - (b) 07, 50008, 50009, 50010
 - (c) _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) MARCH 30, 2001 AND NOVEMBER 14, 2001
 - (b) _____
 - (c) _____

5. Check whether a finding of guilt was made

(a) after a plea of guilty ON NOV 14, 2001 CHARGES

(b) after a plea of not guilty ON MARCH 30, 2001 CHARGES

(c) after a plea of nolo contendere _____

6. Did you appeal from the judgment of conviction or the imposition of sentence?

YES (SENTENCE) TOTAL 50 YRS, SCDC STATE 60 YRS PERSentence

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

i. COURT OF COMMON PLEAS, FIFTH JUDICIAL CIRCUIT, RICHMOND

ii. SC

iii. _____

(b) the result in each such Court to which you appealed:

i. COURT ORDER (02-RP-40-5633), DIRECTING (SCDC) TO AMEND

ii. ITS RECORDS TO REFLECT 50 YRS. SENTENCE IN ACCORDANCE

iii. WITH THE NEGOTIATED PLEA BARGAIN GIVEN BY THE STATE.

(c) the date of each such result:

i. MARCH 28, 2006

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. PROBLEM LIES IN (SCDC'S) INTERPRETATION OF THE SENTENCE

ii. CALCULATED BY (SCDC), COURT FOUND TRIAL COUNSEL INEFFECTIVE FOR FAILING TO

iii. ENSURE SENTENCE ORDER WAS WORKED IN A MANNER THAT WOULD EFFECTUATE THE
INTENT OF COURTS/PARTIES UNDER TERM OF THE AGREEMENT,

8. If you answered "no" to (6), state your reasons for not so appealing:

(a) _____

(b) _____

(c) _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) BEING HELD UNLAWFULLY IN CUSTODY UNDER CONVICTED SEX OFFENSES &

(b) SEX OFFENDER REGISTRY, YET NEVER INDICTED ON CRIMINAL SEX OFFENSES OR

(c) ATTEMPTS, NOR CONVICTED OF ANY SEX OFFENSES; DEPRIVED LIBERTY INTEREST over
over

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) THIS CASE CONTAINED (4) ^{COUNT} FOUR KIDNAPPINGS (CONTAINED NO CRIMINAL SEX OFFENSES

(b) OR ATTEMPTS), STATE FAILS TO STATE ON RECORD IN COURT UPON CONVICTION THAT

(c) THE KIDNAPPINGS "DID NOT INCLUDE ANY CRIMINAL SEX OFFENSES OR ATTEMPTS", WHICH
WAS REQUIRED TO BE STATED UNDER THE AMENDED SC KIDNAP STATUTE OF SC CODE
OF LAWS TITLE 23 CHAPTER 3 SECTION 23-3-430 (SEX OFFENDER REGISTRY) (C)(15)
KIDNAPPING (SECTION 16-3-910).
(SCDC) HAS INTERPRETED THE SC KIDNAPING CONVICTIONS AS SEX CRIME CONVICTIONS ALSO
AND THEIR RECORDS REFLECT APPLICANT IS A CONVICTED SEX OFFENDER AND MUST RE-
ENTER AS A SEX OFFENDER (AND PARTICIPATE IN OFFENDER PROGRAMS).
AND UNELIGIBLE FOR CERTAIN PROGRAMS AND JOBS IN SCDC.

OF EQUAL PROTECTION & DUE PROCESS (14TH U.S.C.A.) OF 1944 TO BE INDICTED, TRIED & CON-
VICTED OF CRIMINAL SEX OFFENSES PRIOR TO THE STATE CLASSIFYING APPLICANT
AS A CONVICTED SEX OFFENDER AND MANDATING APPLICANT TO REGISTER AS A SEX OFFE-
NDER, RESULTING IN PERMANENT REPUTATION DAMAGE AND SUBJECTING APPLICANT TO EXCESS-
IVE RISK OF HARM INCURRED BY COMMERCIAL APPLICANT RELUCTANTLY TO ENGAGE IN MOR-
TAL COMBAT IN SELF DEFENSE WHILE IN GENERAL POPULATION.
AS HELD IN *CURRIE V. SOUTHWEST*, 137 F.2d AT 829, 19TH JUN. 1977 THE COURT CAN HARDLY
CONCEIVE OF A STATE ACTION BEARING MORE "STIGMATIZING CONSEQUENCES" THAN
THE LABEL OF A PERSON IDENTIFIED AS A SEX OFFENDER.
THE CLASSIFICATION OF AN INDIVIDUAL AS A SEX OFFENDER IS PRECISELY THE TYPE OF
"ATYPICAL AND SIGNIFICANT HARASSMENT ON THE INDIVIDUAL IN REACTION TO THE ORDINA-
RY INCIDENT OF PRISON LIFE" THAT THE SUPREME COURT HELD CREATES A PROTECTED
LIBERTY INTEREST (*SANDERS*, 575 U.S. AT 482, 115TH S.Ct. AT 2300).
STATE NOT HONORING ITS PLEDGE.

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? N/A
- (d) any other petitions, motions or applications in this or any other Court?

A PERSONAL LETTER TO PRESIDING JUDGES HONORABLE "MARC" (SEE ATTACHMENT CONTINUAL PG. 3)

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(b) the name and location of the Court in which each was filed:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

YES - IN CAR PRESENTED TO COURTS BY ROBERT D. CORNEY (ASSISTANT ATTORNEY GENERAL) HIMSELF, NOT APPLICANT.

(CON. PG. 3, QUESTIONS 11(6))

H. WESTBROOK AND "L. HENRY McKEITH" ON NOV. 7/2011. BOTH LETTERS WERE
FILED ON NOV. 10/2011 BY COURT CLERK AND FORWARDED TO SOLICITOR'S OFFICE
(APPLICANT WAS NOTIFIED OF THIS BY COURT CLERK), NO RESPONSE OR ACTION TAKEN.

PERSONAL LETTERS TO RICHMOND COUNTY PUBLIC DEFENDER OFFICE AND RESPONSES
THROUGH AUGUST 2011 - OCTOBER 2011 FROM THEIR PARALEGAL (KAY W. THOMPSON),
WHO INITIALLY OFFERED TO PUT A PACKET TOGETHER FOR ME TO PRESENT TO
SOLICITOR AND JUDGE TO SIGN AN ORDER RECTIFYING THIS, LATER APPRISED
APPLICANT SHE WAS PREOCCUPIED IN TWO CASES WITH NO SPARE TIME TO
ASSIST APPLICANT, STATES SHE GAVE A MR. STICKLER ALL DOCUMENTS/EXHIBITS
APPLICANT PROVIDED HER AND REQUESTED HIM TO ASSIGN A LAW CLERK TO HANDLE
THE CASE,
AS OF THIS DATE NO MR. STICKLER NOR LAW CLERK HAS CONTACTED APPLICANT OR
RESPONDED TO APPLICANT'S LETTERS SEEKING RETURN OF ALL DOCUMENTS/EXHIBITS
APPLICANT PROVIDED MS. THOMPSON.

(CON. PG. 3)

(CC

1 SERIAL KILLER, INACCURATE CRIMINAL HISTORY DATA ALSO AND (CHILD MOLES, AND MANUAI RECORDS), FROM ANOTHER (SCDC) INMATES WERE JUST ADDING THEIR OWN SPIN ON IT BY AUTOMATED RECORDING APPLICATION IS NOT ONLY A CHILD MOLESTER, SERIAL APPLICANT ASSUMED TO BE SEX OFFENDER (MUST REGISTER), BECAUSE APPLICANT MANIFESTLY CURRENT OFFENSE CONVICTIONS, AND WAS UNAWARE OF THE SC KILLER - BUT A CHV. (SCDC) NOR DID THE COURT OR SOLICITOR/ATTORNEY APPRISE APPLICANT. HAS NO CRIMINAL RECORD, BUT IT WAS FACTUAL BY BEING PROVIDED A KIDNAPPING STATUTE OFFENDER SYSTEM PRINTOUT BY SC ATTORNEY GENERAL APPLICANT ONLY BECAUSE D. CORNEY OF OFFICE OF GENERAL COUNSEL (JULY 8, COPY OF (SCDC) AUTOMATED STAFF ATTORNEY "ROBE. MR. CORNEY AS MY COPY IN HIS MOTION TO DISMISS (AP-2011). COUNTY (UNREGISTERED TO THIS CASE). PRINTOUT WAS PROVIDED BY A SEX OFFENDER REGISTER AND THAT APPLICANT HAS CURRENTLY PCR FILED IN LEE COUNTY. PRINTOUT RECEIVED "YES" FOR (SCDC) CASE WORKER AT THE INSTITUTION WERE INVOLVED "CURRENT OR PRIOR SEX CRIME OF THE KIDNAPPING CONVICTIONS THAT REQUIRE APPLICANT CONTACTED APPLICANT (CONVICTED SEX OFFENDER). INTO THIS SHE ADVISED APPLICANT NOT TO REGISTER AS A SEX OFFENDER.

Item # 14 (b) ↓

↓ (COR. PG. 4, QUESTION # 15, RECORDS (SCDC) WAS ADVISING OCCURRED

CORRECTIONAL OFFICER ASSISTANT FR. ROBE. OF DISMISSAL TO CHIEF JUDGE FOR ADM- AND AIDED APPLICANT WAS CONVICTED OF CIRCUIT (HONORABLE WIFE FREY YOUNG) IN SUMMER. ROBERT CORNEY PRESENTED A CONVICTION (2011) GRANTED APPLICANT (20) DAYS TO SHOW INSTITUTE PURPOSES OF THIRD JUDICIAL CONDITIONAL ORDER OF DISMISSAL OR JUDGE YOUNG REQUEST RELAY COUNSEL ASSISTANT TO WHY ORDER SHOULD NOT BECOME FINAL. DISMISSAL ORDER DUE TO APPLICANT NO LITIGATION APPLICANT WROTE A PERSONAL LETTER TO JUDGE YOUNG PRIVATE ATTORNEY, AUGUST 2011 JUDGE AID APPLICANT TO SURVIVE THE STATE A CHRISTMAS REWARD APPLICANT APPLICANT CAN IS EXPERIENCE ENOUGH TO PROCEED, IND. CO. YOUNG'S ADMINISTRATIVE ASSISTANT. CONTACT JUDGE YOUNG PER SCR 60.04 (JUDGE DIRECTLY AILAN WILSON (ATTORNEY GENERAL) IN RECORDS APPLICANT RECEIVED NO REPLY BY HIM, HOWEVER, ON SEP. 2011 APPLICANT SENT A PERSONAL LETTER ORDER OF DISMISSAL OF APPLICANT'S PCR TO THE PRESENT ISSUE IN THIS PLEADINGS SOME NOW IN CORROBORATED APPLICANT'S LETTER TO ON NOVEMBER 15, 2011 APPLICANT & COUNTY PCR, MR. CORNEY KNEW OR SHOULD HAVE KNEW HE WAS IN LEE COUNTY, WHERE ROBERT WAS NOT ON ISSUE ON LEE COUNTY PCR, LETTER WAS ADDRESSED TO THE ATTORNEY GENERAL INTO THE LEE COUNTY CLERK OR ROBERT CORNEY, IN ERR - FOR THE LETTER CONTINGENCY YOUNG WAS THE LETTER ROBERT CORNEY WAS SUPPOSE TO ADD TO ATTORNEY GENERAL HIMSELF, OF THE LEE COUNTY PCR, BUT APPLICANT'S LETTER TO THE THE LATER APPLICANT WROTE THE ENTIRE MATTER, INTO FINAL ORDER OF DISMISSAL OF THE PCR APPLICATION IN ITS ENTIRETY IN CONJUNCTION ATTORNEY GENERAL ON A LEE. ROBERT CORNEY SOUGHT DIS WITH THE ORIGINAL PCR.

STRATEGIC AS SEX OFFENDER & THAT APPLICANT HAS CURRENT OR PRIOR SEX CRIMS SCDC REMOVE THIS IN ACCURATE DATA FROM THEIR PUBLIC INMATE WEBSITE, FILE THAT APPLICANT, INCLUDE KILNANO PUBLIC DEFENDER OFFICE (KAY, W. THOMPSON) TO RETURN ALL APPLICANT'S CONVICTIONS, AND THAT ORDER INCLUDE NOTICE TO SC SLED, FBI DIVISION IN WASHINGTON AND NCIC, AND THAT A COPY OF THE OFFENDER WATCH TRACKING AND MAPPING AGENCY, AND TO ATTORNEY GENERAL, EXHIBITS/DOCUMENTS OVERSIGHT OF NOT STATING ON RECORD APPLICANT'S KIDNAP CONVICTIONS DID NOT INCLUDE UNITED STATES CRIMINAL OR ATTEMPT (AND APPLICANT IS NOT REQUIRED TO REGISTER AS SEX OFFENDER, APPLICANT CLAIMING THE MY CRIMINAL SEX CRIME CONVICTIONS OF ATTEMPT TO REMOVE IT FROM THEIR DATA BASE), ANY CRIMINAL SECTION IRREPARABLE DAMAGE AND REMOVED IT WAS CREATED IN (SCDC) (MOSTLY GROUP MEMBERS), DOES NOT HAVE RECORD OF BORING THE PERMANENT LABEL A CONVICTED SEX OFFENDER (TATTOO ON MY BACK), AND DUE TO REMOVE (SCDC) TO HOW APPLICANT AT BROWNS RIVER CORRECTIONAL INSTITUTION (BRCI) THAT FOR SAFETY VILTED SEX OFFENDER, CERTIFIED CHILD MOLESTER, NON-ACTIVE GROUP MEMBERS, INMATES THAT OVERSIGHT CONCERN APPLICANT IS EVENTUALLY APPROVED PENDING FROM SOLITARY CONFINEMENT (SMU), HOWEVER, GENERAL POPULATION WITH THAT EXIST AT (BRCI) (SCDC) TO PROVIDE TO TRANSFER APPLICANT OUT-OF-STATE TO ANOTHER PRISON SYSTEM 2-3 STATES AWAY FOR A FRESH START, AND THAT (SCDC) PROVIDE APPLICANT WITH A COPY OF AUTOMATED RECORDS PAGE - BUT BEHAVIORAL RECORDS (COR. PG. 4) ↓

QUESTION # 18



ALAN WILSON
ATTORNEY GENERAL

Wednesday, December 21, 2011

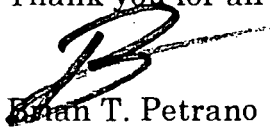
Clerk of Court - Richland County
Jeanette W. McBride
PO Box 2766
1701 Main Street, Room 205
Columbia, SC 29202

Re: PCR (2011CP4008297) - BARNETT John D, 00250432 v. State

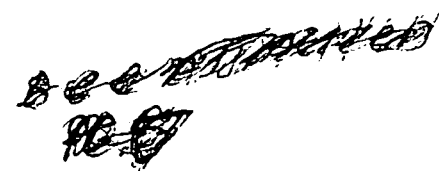
Richland County Clerk of Court:

Enclosed for filing is the State's Return and Motion to Dismiss in the PCR matter for:
BARNETT John D, 00250432 v. State
(2011CP4008297).

Thank you for all of your assistance in this matter,


Brian T. Petrano
Assistant Attorney General
bpetrano@scag.gov

Enc.
cc. (Pro Se Applicant)
BARNETT John D, #250432
McCormick Correctional Institution /
386 Redemption Way
McCormick, SC 29899



STATE MOTION TO DISMISS IS FILED WITHOUT AN
EVIDENTIARY HEARING, APPROPRIATELY FILED TO FILE
PCR WITHOUT COUNSEL ASSISTANCE

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
	)	
BARNETT John D -	)	2011CP4008297
# 00250432,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN AND
	)	MOTION TO DISMISS
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

In response to the post-conviction relief application filed December 6, 2011 the Respondent would show the following.¹

I.

The Applicant is presently confined at McCormick Correctional Institution. The PCR application is based on orders of commitment of the Clerk of Court for Richland County. The Applicant was indicted and/or convicted of the following: Grand Larceny of Motor Vehicle Under \$5000, Burglary(After 6/20/85)1st Degree(3 counts), Kidnapping (3 counts), Armed Robbery (6 counts), and Discharging Firearm at or into a Dwelling - 00-GS-40-49993-5005;07-10. The Applicant was represented by attorney Lesley Coggiola. The Applicant was sentenced on

¹

<http://www4.rcgov.us/publicindex/PICaseDetails.aspx?County=40+&Casenum=2011CP4008297&CourtType=G&CaseType=Civil&CourtAgency=40002>

BARNETT John D - State's Return and Motion to Dismiss - (2011CP4008297)

November 14, 2001 by The Honorable L. Henry McKellar. The Remittitur date for the Applicant's direct appeal was August 30, 2005.²

Attached herewith and/or incorporated via the readily available Clerk of Court records are the records of the Richland County Clerk of Court regarding the subject convictions, and/or the Applicant's records from the South Carolina Department of Corrections. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

According to the South Carolina Department of Corrections, the Applicant is serving the following sentence:

Offender Type Adult-straight, Sentence Offense Kidnapping, Sentence Start Date 03/11/2000, Sentence Length 50 YRS, 0 MOS, 0 DYS, Admission Date 11/03/2000, Committing County Richland, Location McCormick, Projected Release Date 11/05/2045, Projected Parole Eligibility Not Eligible, Supervised Furlough Eligibility Not Eligible, Sex Offender Registry "Yes" *COOPER, COUNSEL, SOLICITOR FAILED TO STATE ON RECORD CASE DID NOT CONTAIN ANY SEX CRIMES OR ATTEMPTS AND APPLICANT (ME) IS NOT REQUIRED TO REGISTER*
<https://sword.doc.state.sc.us/scdc-public/inmateDetails.do?id=+00250432>

II.

Timeliness – S.C. Code §17-27-45(a)

The Respondent submits that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of

² The Respondent reserves the right to amend the motion if additional relevant procedural history is found, such as more specific direct appeal information.

the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160.

S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). It appears that this Application was filed beyond the statutory time period.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, the Respondent requests that this Court summarily dismiss the application for post conviction relief for failure to file within the time mandated by the Post Conviction Procedure Act. *See also*, Rule 243(c), SCACR:

(c) Explanation Required. If the lower court has determined that the post-conviction relief action is barred as successive or being untimely under the statute of limitations, the petitioner must, at the time the notice of appeal is filed, provide an explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an

arguable basis for asserting that the determination by the lower court was improper. If the petitioner fails to make a sufficient showing, the notice of appeal may be dismissed.

SUCCESSIVE

The Applicant's prior PCR (02CP4005633) appears to have been granted, in that he was granted a re-sentencing per an Order filed March 29, 2006 by the Honorable G. Thomas Cooper, Jr. ^(COURT FINDINGS INEFFECTIVE COUNSEL)

The Respondent submits that it appears that this PCR application is also possibly successive. Successive applications for post-conviction relief are disfavored.

Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980). S.C. Code Ann. § 17-27-90 (1985) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence, or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which, for sufficient reason, was not asserted or was inadequately raised in the original, supplemental or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can point to a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised . . . in the

previous application.” [Emphasis in original]. Id., 305 S.C. at 450, 409 S.E.2d at 394. If the Applicant could have raised these allegations in a previous application, then the Applicant may not raise those grounds in successive applications. Id. The Applicant bears the burden of showing that the allegations could not have been raised previously. Land, 274 S.C. 243, 262 S.E.2d 735 (1980).

The Applicant could have raised the new grounds for relief in his prior post-conviction relief application. The Applicant has failed to present any reasons why he could not have raised the current allegations in his previous post-conviction relief applications. Once a PCR applicant obtains a complete adjudication on the merits of his original application, including an appeal, he may not make successive applications based on ineffective assistance of prior PCR counsel. (Aice v. State, 409 S.E.2d 392 (1991). Even a belated direct appeal claim is subject to limitations. Graham v. State, 378 S.C. 1, 661 S.E.2d 337 (2008)(Petitioner was barred from raising in successive post-conviction relief (PCR) application claim that he was denied the right to direct appeal due to the ineffective assistance of counsel, where claim could have been raised in first PCR application). APPLICANT HAD NO KNOWLEDGE OF NEWLY DISCOVERED EVIDENCE)

The Applicant appears to be challenging his classification within SCDC. Even if the Court does not apply the statutory filing period, the Respondent submits that the application should be summarily dismissed because the Applicant's allegation is not cognizable in a post-conviction relief application. Aside from two matters specifically mentioned in the statute, post-conviction relief is a proper avenue of relief only when the Applicant mounts a collateral attack

challenging the validity of his conviction or sentence. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). A credit-related claim or challenge to other conditions of confinement does not fall into that category. Id. Furthermore, a challenge to the conditions upon which parole eligibility is determined or decided is not cognizable in a post-conviction relief application. Jernigan v. State, 340 S.C. 256, 531 S.E.2d 507 (2000). Pursuant to Rule 12(b)(6), SCRPC, this Court should summarily dismiss this allegation because it does not state a claim for which relief may be granted.

III.

While the bulk of the Applicant's claim revolve around the sexual registry, he does appear to challenge the conviction itself, he expressly seeks:

18. State clearly the relief you seek in filing this application. *(WITHDRAWN) PLEASE REVEAL ALL SC. NARRATIVE CONVICTIONS, OR ORDER DIRECTING SCORER TO RECTIFY ITS RECORDS BY DELETING FROM THEIR AUTO-MATCH OFFENSE SYSTEM RECORD, MANUAL RECORDS AND APPROPRIATE SCORE. (FOR PL. 4)*

As a general matter, the Respondent notes that a high bar exists to obtain post-conviction relief.

The writ of habeas corpus stands as a safeguard against imprisonment of those held in violation of the law. Judges must be vigilant and independent in reviewing petitions for the writ, a commitment that entails substantial judicial resources. Those resources are diminished and misspent, however, and confidence in the writ and the law it vindicates undermined, if there is judicial disregard for the sound and established principles that inform its proper issuance.

Harrington v. Richter, 09-587, 2011 WL 148587 (U.S. Jan. 19, 2011)

See also, State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005); U.S. v. Cotton, 535 U.S. 625, 122 S.Ct. 1781 (2002). The indictment is a notice document, and any challenges to its sufficiency must be made in accordance with S.C. Code Ann. § 17-19-90 (2003). See also S.C. Code § 17-19-20 (2003). Subject matter jurisdiction is the power of a court to hear a particular class of cases, and it has nothing to do with the indictment document. See Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005); Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994).

The State must overcome many hurdles before an accused person is punished:

- (1) the magistrate may refuse to issue a warrant;
- (2) the magistrate may dismiss a case after a preliminary hearing;
- (3) a grand jury may refuse to indict;
- (4) the solicitor may nolle pross;
- (5) the trial judge may direct a verdict;
- (6) a petit jury may refuse to convict if only one juror has a reasonable doubt;
- (7) the judge may set the verdict aside notwithstanding a verdict of the jury;
- (8) the appellate court may reverse the conviction.

If the accused person can prevail at any one of these stages of a proceeding, he goes free and is unpunished. On the other hand, the State must prevail at each of the eight stages before punishment is inflicted.

In addition to these many protections, the accused now has the right of application for post-conviction relief upon a proper showing. In almost any case a convicted person, given time for research, can come up with some sort of theory ostensibly warranting a new trial.

.....

Most of what Mr. Justice Harlan said in his separate opinion in *Mackey v. United States*, 401 U.S. 667, 91 S.Ct. 1160, 1179, 28 L.Ed.2d 404 (1971), with respect to collateral relief from a criminal conviction, is applicable here:

"Finality in the criminal law is an end which must always be kept in plain view. . . . At some point, the criminal process, if it is to function at all, must turn its attention from whether a man ought properly to be incarcerated to how he is to be treated once convicted. If law, criminal or

otherwise, is worth having and enforcing, it must at some time provide a definitive answer to the question litigants present or else it never provides an answer at all. Surely it is an unpleasant task to strip a man of his freedom and subject him to institutional restraints. But this does not mean that in so doing, we should always be halting or tentative. No one, not criminal defendants, not the judicial system, not society as a whole is benefited by a judgment providing a man shall tentatively go to jail today, but tomorrow and every day thereafter his continued incarceration shall be subject to fresh litigation on issues already resolved.

A rule of law that fails to take account of these finality interests would do more than subvert the criminal process itself. It would also seriously distort the very limited resources society has allocated to the criminal process. While men languish in jail, not uncommonly for over a year, awaiting a first trial on their guilt or innocence, it is not easy to justify expending substantial quantities of the time and energies of judges, prosecutors, and defense lawyers litigating the validity under present law of criminal convictions that were perfectly free from error when made final. (citation omitted) This drain on society's resources is compounded by the fact that issuance of the habeas writ compels a State that wishes to continue enforcing its laws against the successful petitioner to relitigate facts buried in the remote past through presentation of witnesses whose memories of the relevant events often have dimmed. This very act of trying stale facts may well, ironically, produce a second trial no more reliable as a matter of getting at the truth than the first."

Anderson v. Leeke, 271 S.C. 435, 440-42, 248 S.E.2d 120, 123 (1978).

The Respondent denies each allegation that is not expressly admitted,
BARNETT John D - State's Return and Motion to Dismiss - (2011CP4008297)

qualified or explained.

IV.

WHEREFORE, Respondent moves to summarily dismiss the application because it was filed after the statute of limitations had expired and for any other reasons as explained above.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY ELLIOTT
Assistant Deputy Attorney General

BRIAN T. PETRANO
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for the Respondents

December 21, 2011

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

**BARNETT John D -
00250432,**

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS

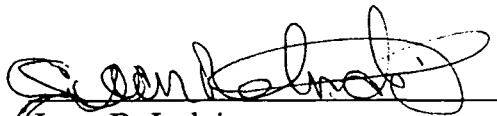
2011CP4008297

CERTIFICATE OF SERVICE

1. I am an employee of the Respondent in the above-captioned action.
1. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
2. I have this day served a copy of the a letter in the above-captioned matter on the following person(s) by routing the same to the United States mail, postage prepaid:

BARNETT John D, #250432
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

DATED January 6, 2012


Jean R. Indriago
Legal Assistant

AC

STATE OF SC
CLERK OF COURT - RICHMOND COUNTY
JEANETTE W. MCBRIDE
PO BOX 2766
1701 MAIN ST.
COLUMBIA SC 29202-2766

AUGUST 2, 2012

RE: PCA (2011-CP-40-8297) - JOHN D. BARNETT #250432 V-STATE

DEAR CLERK OF COURT:

ENCLOSED, PLEASE FIND (6 PGS) A COPY OF APPLICANT'S "REASON SHOWING CAUSE" AND ITS VARIOUS EXHIBITS IN THE ABOVE REFERENCED CASE.

PLEASE FILE ON RECORD A COPIED IN COPY FRONT AND BACK SIDES 1-6, AND RETURN A COPIED IN COPY FRONT AND BACK SIDES TO ME FOR APPLICANT'S RECORDS (BUT NOT VARIOUS EXHIBITS).

THANK YOU

John D. Barnett
APPLICANT
JOHN D. BARNETT #250432
MCC-3MU-B92
386 REDEMPTION WAY
MCCORMICK, SC
29899

PLEASE
COPY FRONT
&
BACK SIDES

RICHMOND COUNTY
FILED
2012 AUG 15 AM 11:30
JEANETTE W. MCBRIDE
C.P. & G.S.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

JOHN D. BARUETT #250432,
APPLICANT,

V.

STATE OF SOUTH CAROLINA
RESPONDENT.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

2011-CP-40-8297

REASON SHOWING CAUSE FOR PARTIAL
PCR APPLICATION RELIEF

RICHLAND COUNTY
FILED
2012 AUG 15 AM 11:30
JEANETTE W. MCBRIDE
Clerk & G.S.

IN RESPONSE TO RESPONDENT'S CONDITIONAL ORDER OF DISMISSAL FILED JULY 12, 2012, SERVED UPON APPLICANT JULY 17, 2012, APPLICANT SHOWS CAUSE FOR THIS COURT AND IN SAME ORDER TO RESPONDENT'S CLAIMS/ALLEGATIONS:

RESPONDENT'S SUMMARY OF THE CASE'S OFFENSE COUNTS, TERM OF IMPRISONMENT, BUT APPEAR TO BE CONSISTENT WITH COURT RECORDS. HOWEVER, IN REFERENCE TO APPLICANT FILED A NOTICE OF APPEAL WITH SC COURT OF APPEALS. APPLICANT HIMSELF DID NOT STATE APPOINTED APPEAL COUNSEL DID. ANY COURT RULES IN FACTIONS A PARTICIPANT IS ABSOLVED, AND HAS NO KNOWLEDGE OF ANY REMITTURE AND LITTLE COMPREHENSION OF ITS PURPOSE.

RESPONDENT WITH THE RECORDS BEFORE THEM CLAIM APPLICANT'S FIRST FILED PCR APPLICATION ON NOVEMBER 18, 2002 (2002-CP-40-5633) WAS DENIED AND DISMISSED BY ORDER SERVED ON MARCH 29, 2006. RESPONDENT (ROBERT CORNEY) CLAIMS FALSE (SEE ATTACHED AND INCORPORATED HEREIN, SAID ORDER, EMANATING ON PG. 5 "COURT FOUND TRIAL COUNSEL INEFFECTIVE, PG. 7 ACTION TAKEN). ALSO SEE (PG. 4 OF RESPONDENT (BRIAN T. PETRANO) PRIOR MOTION TO DISMISS HEREIN DATED DECEMBER 21, 2011 SHOWING IT WAS GRANTED).

IN REGARD TO APPLICANT BEING MISLABELED A CONVICTED SEX OFFENDER AND WRONG-LY ADDED TO SCDL SEX OFFENDER REGISTRY PUBLIC WEBSITE AND (SCDC) PUBLIC WEBSITE FOR 11 YEARS DUE TO COURT ERROR, RESPONDENT CLAIMS THE MATTER MUST AND THAT APPLICANT HAS SINCE BEEN GRANTED RELIEF HE SOUGHT BY A CONSENT ORDER (SEE ATTACHED AND INCORPORATED HEREIN), AND THAT APPLICANT IS NO LONGER LISTED ON THE SEX OFFENDER REGISTRY (ALTHOUGH CONFIRMATION ON NATIONAL V.S. SEX OFFENDER REGISTRY IS UNKNOWN).

IN THE KIDNAPPING INDICTMENTS BEFORE THE COURT SINCE THERE WERE NO CRIMINAL SEX OFFENSES OR ATTEMPTED CRIMINAL SEX OFFENSES COMMITTED, THE KIDNAPPING INDICTMENT SHEETS CITED NO SPECIFIC SECTION OF A PARAGRAPH (ELEMENT) OF OFFENSES LISTED IN THE SEX OFFENDER STATUTE AS AN OFFENSE REQUIRING APPLICANT'S PLACEMENT IN THE REGISTRY, AND IT APPEARS COURT ERROR WAS DUE BECAUSE (KIDNAPPING) AMENDMENT RECOGNIZATION EXCEPT-ION DID NOT EXIST AT THE TIME OF CONVICTION, BUT RECORD WAS CLEAR THAT NO CRIMINAL SEXUAL MISCONDUCT WAS INVOLVED IN THE KIDNAPPING, SEE (HARRIS V. STATE, 377 S.C. 601, 659 S.E.2d 137, 2008).

THE REMAINING SUBJECT MATTER IN APPLICANT'S CURRENT PCR APPLICATION FOR RELIEF IS STILL AN ISSUE, AND THE ABOVE COURT ERROR ALTHOUGH OVERSIGHT - IS MORE THAN JUST HARMLESS ERROR AND CONTRIBUTED TO IRREPARABLE INJURY, TO PROVIDE THIS COURT A CLEARER PICTURE SEE (ATTACHED AND INCORPORATED HEREIN) APPLICANT'S LETTER TO SC ATTORNEY GENERAL ALLAN WILSON DATED SEPTEMBER 8, 2011.

ALTHOUGH THE INACCURATE STILL MATRIZING CALIFORNIA INFORMATION OF CHILD MOLESTATION AND MURDERS ARE OF ANOTHER JURISDICTION, APPLICANT RAISED THE ISSUE FOR APPLICANT IS A WARD OF THE STATE OF SOUTH CAROLINA AND THE MISLABELED APPLICANT A CONVICTED SEX OFFENDER, REQUIRED TO REGISTER AND PROFILED APPLICANT AS SUCH WAS IN CONJUNCTION WITH THE CALIFORNIA INACCURATE INFORMATION THAT PLACED AND HAS APPLICANT'S LIFE IN PERIL IN (SCDC) ONCE RELEASED INTO GENERAL POPULATION (GP) AT ANY OTHER (SCDC) PRISON OTHER THAN BRANNO RUCK CORRECTIONAL INSTITUTION (BRCI) LEVEL 3 BID, OR OUT-OF-STATE AWAY TO ANOTHER PRISON SYSTEM FOR A FRESH START FREE OF THE TARNISHED REPUTATION OF A PEDOPHILE, CONVICTED SEX OFFENDER, SERIAL KILLER, SERIAL RAPIST, AND FREE FROM BULLIES (MOSTLY GROUP MEMBERS THIS HAS ALL CREATED).

APPLICANT FEELS THE CONSENT ORDER SHOULD HAVE INCLUDED APPLICANT BEING HOUSED AT (BRCI) THAT HOUSES (SCDC) PRISONERS WHO ARE CERTIFIED CONVICTED SEX OFFENDERS, CHILD MOLESTATION AND/OR PRISONERS WITH OTHER SAFETY CONCERNS.

APPLICANT UNDERSTANDS HE HAS A EXTENSIVE CRIMINAL HISTORY, AND LIMITED REPUTATIONAL INTEREST, BUT THE ERROR OF PROFILING APPLICANT OF "ACTUALLY HAVING" CURRENT OR PRIOR CRIMINAL SEX CRIME CONVICTIONS, AND REGISTER WAS MORE DAMAGING THAN THE FALSEHOOD OF CHILD MOLESTATION AND MURDERS (AND ALLEGED SEXUAL MISCONDUCTS ON LOWER INACCURATELY DESCRIBED DISMISSED).

RESPONDENTS FAIL TO REALIZE OR IGNORE THE FACT OF THE HIGH PROBABILITY OF APPLICANT BEING ATTACKED, STABBED AND/OR KILLED, OR RELUCTANTLY COMPELLED TO DO LIKEWISE IN SELF

(CONTINUE ON REVERSE SIDE)

INCARCERATION OVER 10 YEARS TO BE LEGALLY INSANE,

- 2) APPLICANT HAS NO ONE TO ASSIST HIM IN LEGAL MATTERS, NO OFFICERS (NOR LAW LIBRARY OFFICER) HERE OR OTHER PRISONS. APPLICANT WAS HOUSED AT APT. TRAINED IN LAW, NO GENERAL POPULATION PRISONERS ASSIGNED AS LAW LIBRARY CLERKS ARE ALLOWED TO ENTER SOLITARY CONFINEMENT UNITS TO ASSIST APPLICANT OR OTHER PRISONERS, POLICY PROHIBITS THEM ASSISTING IN LEGAL CASES ETC., NOR WOULD THEY DUE TO THE WIDE SPREAD STIGMA ON APPLICANT AND/OR BEING GROUP MEMBERS OR AFFILIATES AND/OR FRIENDS/FAMILY WITH STRONG TIES TO APPLICANT REMAIN IN THIS MATTER.
- 3) NOR WOULD THEY ASSIST OUT OF ALTRUISM (EVERYTHING COST), AND PLUS PRISONERS AS LAW CLERK FILING AGAINST THE STATE PRISON SYSTEM OR ASSISTING OTHER PRISONERS IN DOING SO USUALLY RESULT IN JOB REASSIGNMENT FROM LAW CLERK OR TRANSFER TO ANOTHER PRISON.
- 4) NO LEGAL ORGANIZATION ASSIST INDIVIDUAL PRISONERS CASES
- 5) RESPONDENTS ARE GRANTED THE FULL ADVANTAGE OF BEING REPRESENTED BY CERTIFIED LICENSED LAWYERS WITH YEARS OF LAW TRAINING AND LITIGATION EXPERIENCE. APPLICANT HAS NO ASSISTANCE IN THIS MATTER TO BALANCE THE SCALES OF JUSTICE AND BEING OPPOSED BY A TEAM OF SEASONED ATTORNEYS. AND THE STATE RESPONDENTS HAVE NOT PROVIDED APPLICANT ANY "ALTERNATIVE MEANS" OF ASSISTANCE (DUE PROCESS) DEMANDED IN *JOHNSON V. AVERAY*, 393 U.S. 423, 89 S.Ct. 747, 21 L.Ed. 2d 718 (1969). (*NOJAN V. SCAFATI*, 430 F.2d 548, 551, 1st Cir. '1970'), THIS DENIES APPLICANT ACCESS TO THE COURTS, THE JOHNSON STANDARD WAS SATISFIED WHEN A PRIVATE ATTORNEY WAS HIRED TO RENDER COUNSELING ON A PART TIME BASIS (*AYERS V. CLONE*, 303 F.Supp. 637 "W.D. Mo 1969").

UNDUE PREJUDICE — APPLICANT'S CURRENT PCR APPLICATION (CASE) IS AT PRESENT BEING PREJUDICED BY OPPOSING RESPONDENT (ROBERT CORNEY) PARTICIPATION IN IT AND TO PREVENT FURTHER PREJUDICING THE CASE HE SHOULD BE PROHIBITED FROM PARTAKING IN IT FOR THE FOLLOWING REASONS:

- a) INITIALLY RESPONDENT (BRYAN T. DETRANO) WAS OPPOSING COUNSEL IN THIS MATTER WHO FILED ITS RETURN AND MOTION TO DISMISS HEREIN, AND
 - b) SUBSEQUENTLY RESPONDENT (ROBERT CORNEY) FILED A CONDITIONAL ORDER OF DISMISSAL HEREIN, AND PREVARICATED WITH THE RECORDS BEFORE HIM CLAIMING APPLICANT'S FIRST PCR APPLICATION WAS DENIED AND DISMISSED, AND DID SO IN BAD FAITH, AND THE FOLLOWING ALSO:
 - c) HE KNOWINGLY AND WRONGLY INCORPORATED ATTORNEY'S GENERAL LETTER INTO APPLICANT'S 2ND PCR APPLICATION PROCEEDINGS (2011-CP-31-0073), SEE (ATTACHED AND INCORPORATED HEREIN).
RESPONDENT ROBERT CORNEY'S RETURN AND MOTION TO DISMISS DESCRIBING ITS SUBJECT MATTER, THEN REFER TO (ATTACHED AND INCORPORATED HEREIN) RESPONDENT ROBERT CORNEY'S FINAL ORDER DISMISSING APPLICANT'S PCR DATED NOVEMBER 14/2012.
 - d) UPON CLOSER INSPECTION OF SAID FINAL ORDER IT APPEARS RESPONDENT ROBERT CORNEY KNOWINGLY, UNDERHANDLY AND WRONGLY INCORPORATED ONLY SELECTIVE SECTIONS OF APPLICANT'S LETTER TO THE ATTORNEY GENERAL INTO FINAL ORDER PREVARICATED IT WAS APPLICANT'S RESPONSE TO THE CONDITIONAL ORDER OF DISMISSAL.
(FOR THIS COURT APPLICANT HAD CIRCLED ALL PARAGRAPHS ON THE ATTORNEY'S LETTER APPLICANT WROTE HIM, THAT RESPONDENT ROBERT CORNEY EXCLUDED), (GEN.) IT APPEARS ONLY THE CALIFORNIA INACCURATE INFORMATION AND SAFETY CONCERNS WERE INCORPORATED.
* ANYTHING IN REFERENCE TO THE SC KIDNAPINGS AND CONVICTED SEX OFFENDER REGISTRY WERE EXCLUDED, AND
 - e) COURT DISMISSED ON WHAT RESPONDENT ROBERT CORNEY INCORPORATED INTO IT AS NOT COGNIZABLE GROUNDS FOR RELIEF ON PCR RELIEF CITING (*AI-SHABAZZ V. STATE*, 338 S.C. 354, 527 S.E.2d 742 (2000)), ALTHOUGH COURT MAY HAVE GRANTED EVIDENTIARY HEARING AND APPOINTED COUNSEL HAD RESPONDENT ROBERT CORNEY INCORPORATED THE SC KIDNAPINGS, CONVICTED SEX OFFENDER REGISTRY INTO IT.
ALTHOUGH LETTER WAS FOR AND ADDRESSED TO ATTORNEY GENERAL AND NAME OF IT SHOULD HAVE BEEN INCORPORATED INTO THOSE PCR PROCEEDINGS.
- (AFTER READING *AI-SHABAZZ V. STATE* A FEW TIMES, COURT ERRED IN DISMISSING THE PCR, CAUSE IT HELD THE SUBSTANTIAL MATTER RESPONDENT ROBERT CORNEY INCORPORATED WRONG. IS IN THAT PCR SHOULD HAVE BEEN REMANDED TO SC DEPT. OF CORR. SCOD BY THE COURT UNTIL EXHAUSTION OF ALL ADMINISTRATIVE REMEDIES BEFORE FILING IN COURT, HAD THAT BEEN THE CIRCUMSTANCES, UNLESS APPLICANT IS MIS INTERPRETING *AI-SHABAZZ V. STATE* IN PENDING IN CIRCUIT COURT.

(CONT. ON REVERSE SIDE)

THATFORE APPLICANT ASK THIS COURT TO NOT ALLOW RESPONDENT ROBERT CUNNEY TO CONTINUE PREJUDICING APPLICANT'S PCR CASE BY HIS PARTICIPATION IN IT OF CONTINUING MISCONDUCT.

APPLICANT'S MOTHER SAFELY AT MULTIPLE IMPORTANT LEGAL DOCUMENTS PRIORLY, BUT NO LONGER CAN DUE TO OLD AGE MEMORY LOSS (NOT ENOUGH TO BE DISMISSED IN CAPACITATED) AND HAS MISPLACED TRUST FOR LOSS OF APPLICANT'S DOCUMENTS OVER THE YEARS AND APPLICANT WILL NEED APPOINTED COUNSEL TO ASSIST IN THIS PCR AND GET PRODUCTION OF DOCUMENTS GRANTED. MOTHER WAS ALSO TEMPORARILY HOMELESS AND LOST MOST OF APPLICANT'S DOCUMENTS.

APPLICANT HAS PUT FORTH LAW AND GENUINE ISSUE OF FACTS AND MATERIAL FACTS OF SUFFICIENT REASON IN NEW GROUNDS IN NEWLY DISCOVERED EVIDENCE COULD NOT HAVE BEEN RAISED IN FIRST OR SECOND PCR APPLICATIONS THIS COURT CAN SEE AND APPLICANT ALSO ASK THIS COURT TO MAKE ITS FINDINGS ON THE BASIS OF APPLICANT'S AFFIDAVIT COUPLED WITH REQUISITE LOGIC AND GRANT AN EVIDENTIARY HEARING AND APPOINT COUNSEL TO ASSIST TO PERFECT THE PCR IF NECESSARY. COURT FINDS IN IT OR SHORT FALLS OF EVIDENTIARY PROOF TO WHERE APPLICANT WOULD HAVE A FAIR AND REASONABLE CHANCE IN PROCEEDING AS AN INDIGENT APPLICANT WHO CANT PROCEED FURTHER ON HIS OWN WHO'S HANDICAPPED FOR REASONS MENTIONED HEREIN, SEE

(HEUBRICKS V. COUCHMAN, 114 F.3d 390), (HODGE V. POLICE OFFICERS, 802 F.2d 58, 61-62), (WAINWRIGHT V. COBBLE, 409 F.2d 1337, 5TH CIR. 1969).

APPLICANT HAS ALSO (ATTACHED AND INCORPORATED HEREIN) INCLUDED COMPILING COURT DOCUMENTS FROM CALIFORNIA PRESIDING JUDGE AND COURT PROGRAM SUPERVISOR OF RECORDS CLARIFYING NO CHINA MOBILIZATION OR MURDER, THAT INFORMATION WAS INCORRECT AND CALIFORNIA CASE WAS DISMISSED. AND SC KIDNAPPING ARREST SHEET INDICATING, COURT REPORT LETTER ON TRANSCRIPT, (CR)

RESPONDENTS ARE SEEKING DISMISSAL OF THIS PCR IN ITS ENTIRETY (THUS, KEEPING APPLICANT'S LIFE IN PERIL ONCE RELEASED IMPEL (OR OTHER THE CASE) OR OUT-OF-STATE TRANSFER 2-3 STATES AWAY, IT IS UNCONCEIVABLE RESPONDENTS WOULD KNOWINGLY SUBJECT APPLICANT TO GREAT BODILY HARM OR DEATH (OR COMPEL APPLICANT TO DO LIKEWISE IN SELF DEFENSE) BY SEEKING DISMISSAL OF APPLICANT'S PCR APPLICATION, YET APPLICANT HIMSELF DID NOT CREATE THIS DANGER.

FOR FUTURE RECORDS, IN THE EVENT OF APPLICANT'S DEATH, OR CRIMINAL CHARGES WITH HOMICIDE IN SELF DEFENSE APPLICANT DID PRIORLY SEEK ANY AND ALL KNOWN RESOURCES KNOWN TO HIM AND WHAT APPLICANT WAS CAPABLE OF SEEKING (LETTERS TO ATTORNEY GENERAL, SOLICITOR, PRESIDING JUDGES, PUBLIC DEFENDERS OFFICE, SCDC OFFICIALS, AND FOR APPLICATION) WITHOUT ANY KIND OF LEGAL ASSISTANCE OR ALTERNATIVE MEANS FOR ASSISTANCE IN THE COMPLEXITY OF THESE PROCEEDINGS.

THE APPLICANT NOW REST AT THE MERCY OF THIS COURT

SUPPLEMENTARY:

APPLICANT WAS RESTRICTED BY "JAIL LIBRARY C/O MORTON" OF THE AMOUNT OF PAGES APPLICANT COULD WRITE DUE TO APPLICANT RAN OUT OF PAPER AND INK. PER SCDC POLICY PS-10.08 (INMATE CORRESPONDENCE PRIVILEGE) AND GA-01.03 (INMATE ACCESS TO COURT) PRISONERS INDIGENT AND NON-INDIGENT ARE PROVIDED WEEKLY LEGAL STATIONERY (THEIR ACCOUNTS DEBITED) OF (5) ENVELOPES, (10) SHEETS OF PAPER, (1) MANILA ENVELOPE (OFTEN 2 WEEKS ARE MISSED AND NO STATIONERY ISSUED NOR PROVIDED BACK MISSING OR DEBIT SAME FOR NON-LEGAL STATIONERY).

PRISONERS WITH SOME FUNDS HAVE A DISCRETIONARY INTEREST IN PURCHASING NON-LEGAL STATIONERY NO LIMIT (INDIGENT PRISONERS ARE PROVIDED ONLY A MONTH 1-MINUTURE INK PEN, 5-10 SHEETS OF PAPER, 2-ENVELOPES). APPLICANT IS PROVIDED 1-PEN PER MONTH, THE MINUTURE WITH ONLY LAST 5-6 DAYS APPLICANT THEN IS UNABLE TO DO ANY WRITING AT ALL UNTIL 3 WEEKS AFTER. FORMER RESPONSIBLE C/O FOR FILING NON-LEGAL AND LEGAL STATIONERY DRIVERS COMPLAINT WITH POLICE AND SOLD APPLICANT WRITING INSTRUMENTS PENS AS NEEDED (EVEN INDIGENT PRISONERS ARE SUPPOSE TO BE PROVIDED PEN EXCHANGE ONCE ITS EMPTY). C/O MORTON REFUSES TO SELL OR EXCHANGE APPLICANT AN INK PEN, AND RESTRICT AMOUNT OF STANDARD STATIONERY APPLICANT CAN PURCHASE AND DENIES APPLICANT LEGAL STATIONERY SUPPLIES (EFFECTUALLY STOPPING) REGULATING THE AMOUNT OF LETTERS APPLICANT CAN WRITE FOR LEGAL PURPOSES AND FAMILY).

APPLICANT PRIORLY DRAFTED THIS "REASON SHOWING CAUSE ON THE BACK OF SCDC PAPER" APPLICANT SENT A REQUEST TO C/O MORTON (ATTACHED AND INCORPORATED HEREIN) DATED JULY 16, 2012 EXPLAINING ALL THIS, HER REPLY (SEE ATTACHED AND INCORPORATED HEREIN), THEN SEE (N/A SEE ATTACHED AND INCORPORATED HEREIN) SCDC DEBIT FORM RECEIPT DATED JULY 20, 2012 WHERE IT VERIFIES C/O MORTON WILL NOT SELL ME NEEDED INK PENS OR LEGAL STATIONERY AND ONLY LIMITED STANDARD STATIONERY.

C/O MORTON WOULD NOT MAKE A XEROX COPY OF THE SCDC DEBIT FORM RECEIPT OR HER REPLY, APPLICANT IS UNABLE TO PROVIDE RESPONDENTS A COPY, APPLICANT WOULD ASK THIS COURT PROVIDE A COPY TO RESPONDENTS AND APPLICANT.

APPLICANT ALSO NOTIFIED ROB PEELE OF OFFICE OF GENERAL COUNSEL WHO FAILS / REFUSES TO REPLY OR ACT.

APPLICANT REQUEST RESPONDENTS PROVIDE APPLICANT A PEN EXCHANGE AS EACH PEN RUNS OUT OF INK OR SELL APPLICANT A PEN EACH WEEK SO APPLICANT CAN WRITE LEGAL LETTERS AND FAMILY AT WILL AND NOT HAVE TO SELL HIS FOOD OR PANTS FOR PENS.

BOTH POLICIES MENTIONED HEREIN VIOLATE IT.

RESPECTFULLY SUBMITTED

ON JULY 23, 2012

AT McCORMICK CORR. INST.
SOUTH CAROLINA

John D. Bennett

APPLICANT ATTEMPTED TO HAVE XEROX COPIES MADE OF A REQUEST (SEE ATTACHED AND INCORPORATED HEREIN) DATED FEBRUARY 15/2012, TO MAHARWA STAFF, WHO DENIES APPLICANT RECEIVING ANY LEGAL MATERIAL (SEE HEID MANUALS ETC) AS A FORM OF PUNITIVE AND CAN APPLICANT ORDER ANY (ALTHOUGH APPLICANT IS SUPPOSE TO BE ABLE TO RECEIVE THEM IN THE MAIL) ALTHOUGH THEY WOULD BE OF LITTLE HEID WITHOUT ASSISTANCE TO UNDERSTAND THE BOOKS.

APPLICANT WAS UNABLE TO GET A XEROX COPY MADE OF SAID REQUEST AND ASK COURT PROVIDE RESPONDENTS WITH A COPY, LAW LIBRARY C/O MORTON IT IS CLAIMED NOT AVAILABLE TO DO COPIES TIL AUG. 7/2012 OR NOTARIZE (SEE ATTACHED AND INCORPORATED HEREIN) SEE APPLICANT'S REQUEST TO HER DATED JULY 30/2012 AND HER STICK ON REPLY.

APPLICANT FEELS HE IS GETTING THE ANSWERS TO PREVENT CERTAIN DOCUMENTS FROM BEING PRESENTED IN COURT AND FOR TO HINDER APPLICANT TO MISS HIS DEADLINE, CAUSE A SUBSTITUTE WOULD HAVE DONE THE COPIES AND OR PRISONER LAW CLERK CAN TELL AS MATERIAL NOT CONFIDENTIALLY MARKED.

APPLICANT IS OUT OF PAPER AND FORCED TO WRITE THIS ON BACK OF COURT DOCUMENT ON THIS DAY AUGUST 11/2012.

APPLICANT WAS ALSO UNABLE TO MAKE COPIES OF PL. 283 OF SDC PRINTOUT RESPONDENT ROBERT CORNEY PROVIDED THAT DELIBERATELY HAD IN MATE RECORDS EXCLUDE ALL CALIFORNIA CRIMINAL HISTORY INFORMATION (EXCEPT 3 OLD COMMITMENTS OVER 96 DAYS IN 1984, 1992) HE USED AS AN EXHIBIT IN THE 100 COUNTY PCR PROCEEDINGS.

APPLICANT AGAIN REST AT MERCY OF THIS COURT

John D. Barnett
Aug. 11/2012
AT MCLE

11/2012

(NO REVERSE SIDE)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
JOHN DAVID BARNETT, 250432,)
Applicant,)
v.)
STATE OF SOUTH CAROLINA,)
Respondent.)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

ORDER

02-CP-40-5633

1238
RICHLAND COUNTY
FILED
2003 MAR 29 PM 3:49

THIS MATTER came before the Court by way of an Application for Post-Conviction Relief filed November 18, 2002. The State made its Return on September 18, 2003. An evidentiary hearing was convened in this case on June 1, 2005. The Applicant was present at that hearing and was represented by his court-appointed attorney, Tara Dawn Shurling of the Richland County Bar. The State was represented by Arie Bax, Assistant Attorney General.

I.

The Applicant is presently incarcerated with the South Carolina Department of Corrections. He was indicted at the July 2002, term of the Richland County Grand Jury for five (5) counts of armed robbery (2000-GS-40-49998, 50004, 50005, 50007, 50009); kidnapping (2000-GS-40-50008); grand larceny of a motor vehicle over \$50000 (2000-GS-40-49999); and discharging firearm at or into a dwelling (2000-GS-40-50000). He was represented by Lesley Coggiola, Esquire. On November 14, 2001, the Applicant pled guilty to five counts of armed robbery, kidnapping, grand larceny of a motor vehicle, valued over \$1000 but less than \$5000, and discharging a firearm at or into a dwelling. He was sentenced by the Honorable L. Henry McKellar to confinement for an aggregate sentence of fifty (50) years. All sentences were ordered to run concurrent to any sentences the Applicant was previously serving. The Applicant did not appeal his conviction or sentence.

10F7

The Court had before it the records of the Richland County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections and a copy of the guilty plea transcript.

II.

In his Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Did not receive the plea deal in which I plead to due to ineffective counsel, receive more years then plea agreement stated, informed appointed counsel I wish to appeal the conviction.

In his Application for Post-Conviction Relief, the Applicant alleges that his negotiated sentence, approved and imposed by the circuit court, is being interpreted by the South Carolina Department of Corrections in a manner which gives him a more lengthy sentence than that intended by the Court at the time of the entry of his pleas pursuant to the terms of a negotiated plea bargain with the State.

III.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

At first blush, the Applicant's case appears to be one in which he seeks specific performance of a negotiated plea bargain which has not been honored by the State. Upon closer inspection, it is apparent that the problem lies in the interpretation of the sentences issued by the Department of Corrections. The record before this Court indicates that on March 30, 2001, the Applicant appeared before the Honorable Marc H. Westbrook, presiding circuit judge, whereupon he was sentenced for two counts of burglary, two counts of kidnapping and one count of grand

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larceny of a motor vehicle. He received an aggregate sentence of 40 years. On November 14, 2001, the Applicant appeared before the Honorable L. Henry McKellar, then presiding circuit judge, whereupon he entered pleas to numerous charges. During that proceeding, Deputy Solicitor Johnny Gasser reviewed the terms of the earlier sentence handed down by Judge Westbrook. Tr.p. 3, lines 20-25. The State withdrew a previous notice of intent to seek life without parole and agreed to a plea bargain whereby the Applicant would receive an aggregate sentence of 50 years to run concurrent to the 40 year sentence he was already serving. Tr.p. 5, line 10-p. 6, line 2. The express terms of the negotiated plea bargain were set forth by Assistant Solicitor Dan Johnson during the Applicant's second guilty plea proceeding. Those terms provided:

"Mr. Johnson: Thank you, Your Honor. May it please the Court. In regard to this particular case, he will be pleading to 2000-GS-40-49998, which is an armed robbery charge. The negotiation for that particular sentence is 30 years concurrent with these four other charges, that being 2000-GS-40-5000, which is a discharging of a firearm into a home or dwelling, which would be a negotiated 10 years concurrent with the 30 years from that particular armed robbery; 2000-GS-40-5004, which is armed robbery, negotiation would be 30 years; 2000-GS-40-5005 is also an armed robbery. The negotiation is 30 years.

Your Honor, there was originally an indictment for grand larceny of a motor vehicle over 5,000. At this time, the State will be amending that to reflect over 1,000 but less than 5,000. That's based on the value of the vehicle Mr. Tucker sold at that time for less than \$5,000. The negotiation with regard to that particular indictment would be for five years.

Consecutive to those charges but concurrent with his previous convictions from his trial would be 2000-GS-40-5007, which is an armed robbery. The negotiation will be for 20 years consecutive to these charges; 2000-GS-40-50008, kidnapping, 20 years consecutive to the previous charges; 2000-GS-4-50010, which is a kidnapping, 20 years consecutive to the first five charges, concurrent with the previous convictions.

Tr.p. 6, line 4-p. 7, line 7. (Emphasis added.)

GR-3

3 of 7

Ultimately, the lower court agreed to accept the Applicant's plea under the terms of the negotiated plea bargain. Tr.p. 12, line 11; Tr.p. 26, line 22-p. 27, line 2. Judge McKellar went on to sentence the Applicant as follows:

2000-GS-40-49998, Armed Robbery	30 years concurrent
2000-GS-40-49999, Grand Larceny of motor vehicle	5 years concurrent
2000-GS-40-5000, Discharging a Firearm into a Dwelling	10 years concurrent
2000-GS-40-5004, Armed Robbery	30 years concurrent
2000-GS-40-50005, Armed Robbery	30 years concurrent
2000-GS-40-5007, Armed Robbery	20 years consecutive to 30 yr sentence
2000-GS-40-50008, Kidnapping	20 years consecutive to 30 yr sentence
2000-GS-40-5009, Armed Robbery	20 years consecutive to 30 yr sentence
2000-GS-40-50010, Kidnapping	20 years consecutive to 30 yr sentence

The Court then expressly noted that the entire sentence was to back-dated to March 30, 2001; the date Judge Westbrook imposed the 40 year sentence. Tr.p. 27, line 3-p.28, line 4. It is clear from the transcript of the November 14, 2001 guilty plea proceeding that it was the intent of the Honorable L. Henry McKellar, presiding circuit judge, to agree to sentence the Applicant under the terms of a negotiated plea bargain whereby he was to receive an aggregate sentence of 50 years to be run concurrent with the previous 40 year sentence issued by Judge Westbrook and providing

602 4

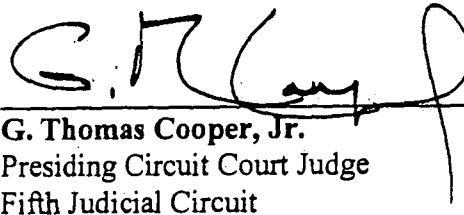
that the 50 year sentence be back-dated to the effective start date of the previous sentence, March 30, 2001. In order to effect that intent, Judge McKellar ran the 20 year sentences issued in this case consecutive to the 30 year sentences for an aggregate of 50 years. The South Carolina Department of Corrections is apparently interpreting the sentencing sheets in this case to run those 20 year sentences consecutive to the 40 year sentence issued by Judge Westbrook.

This Court now expressly finds that the record below clearly indicates that the Applicant's sentences, as they are being interpreted by the Department of Corrections, are contrary to the stated intentions of the trial court. A guilty plea, along with the resulting waiver of fundamental constitutional rights, is valid only if it is made voluntarily, knowingly and intelligently. Boykin v. Alabama, 395 U.S. 238 (1969); Pittman v. State, 337 S.C. 597, 534 S.E.2d 623 (1999). When a defendant enters a guilty plea in reliance on a plea bargain that is accepted by the court, due process requires the plea bargain be honored. Santobello v. New York, 404 U.S. 257 (1971); Reed v. Becka, 333 S.C. 676, 511 S.E.2d 396 (Ct. App. 1999). If it is not, either of two remedies is available: the court can (1) require specific performance of the plea agreement or, alternatively, (2) allow the defendant to withdraw his guilty plea altogether and start over. Id. at 263. The Supreme Court of South Carolina has likewise recognized the availability of both remedies. See, e.g., Jordan v. State, 297 S.C. 52, 374 S.E.2d 683, 685 (1988) (remanding "for either specific performance of the plea agreement and resentencing or for a new trial"). Here, specific performance is possible and is the appropriate remedy. To the extent necessary to support this order in the event of an appeal, this Court finds trial counsel was ineffective for failing to

ensure that the sentencing orders issued in this case were worded in a manner which would effectuate the intent of the Court and the parties under the terms of this agreement.

Accordingly, the South Carolina Department of Corrections is instructed to amend its records to reflect that the 20 year sentences issued by Judge McKellar on November 14, 2001, on indictments no. 2000-GS-40-50007, 2000-GS-40-5008, 2000-GS-40-50009 and 2000-GS-40-50010 be run consecutive to the 30 year sentences imposed on indictment no. 2000-GS-40-49998, 2000-GS-40-4999, 2000-GS-40-5004 and 2000-GS-40-50005 on that same date. The resultant 50 year aggregate term is then to be back-dated to have a starting date of March 30, 2001 and be run concurrent with all sentences imposed by Judge Westbrook on that date.

IT IS SO ORDERED.


G. Thomas Cooper, Jr.
Presiding Circuit Court Judge
Fifth Judicial Circuit

This 28 day of March, 2006.
Columbia, South Carolina

Mark Sheet

6007

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 02-CP-40-5633

John D. Barnett

State of SC

PLAINTIFF(S)

DEFENDANT(S)

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 _____

IT IS ORDERED AND ADJUDGED ☒ APPEAL AFFIRMED ☐ APPEAL DENIED ☐ STATEMENT OF JUDGMENT BY THE COURT:

PCR DISMISSED/DENIED

☒ ACTION NEEDED

FILE

OTHER

Dated at Calhoun OTHER Carolina, this 29th day of March, 2006

PRESIDING JUDGE

This judgment was entered on the 30 day of Mar, 2006, and a copy mailed first class this 30 day of Mar, 2006 to attorneys of record or to parties (when appearing pro se) as follows:

Tara Shurling

Robert Brown

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

S/ BARBARA A. SCOTT

CLERK OF COURT

RICHLAND COUNTY
FILED
MAR 20 PM 3:10

2006 MAR 20 PM 2:38
FILED



ALAN WILSON
ATTORNEY GENERAL

Wednesday, December 21, 2011

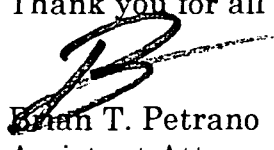
Clerk of Court - Richland County
Jeanette W. McBride
PO Box 2766
1701 Main Street, Room 205
Columbia, SC 29202

Re: PCR (2011CP4008297) - BARNETT John D, 00250432 v. State

Richland County Clerk of Court:

Enclosed for filing is the State's Return and Motion to Dismiss in the PCR matter for:
BARNETT John D, 00250432 v. State
(2011CP4008297).

Thank you for all of your assistance in this matter,


Brian T. Petrano
Assistant Attorney General
bpetrano@scag.gov

Enc.

cc. (Pro Se Applicant)
BARNETT John D, #250432
McCormick Correctional Institution /
386 Redemption Way
McCormick, SC 29899

Handwritten notes and stamps:
RECEIVED
DEC 21 2011
AB. 11

arguable basis for asserting that the determination by the lower court was improper. If the petitioner fails to make a sufficient showing, the notice of appeal may be dismissed.

SUCCESSIVE

The Applicant's prior PCR (02CP4005633) appears to have been granted, in that he was granted a re-sentencing per an Order filed March 29, 2006 by the Honorable G. Thomas Cooper, Jr. ^(Court FINDINGS INEFFECTIVE COUNSEL)

The Respondent submits that it appears that this PCR application is also possibly successive. Successive applications for post-conviction relief are disfavored. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980). S.C. Code Ann. § 17-27-90 (1985) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence, or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which, for sufficient reason, was not asserted or was inadequately raised in the original, supplemental or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can point to a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised . . . in the

I hereby find that the kidnapping offenses referenced in this Order did not include a criminal sexual offense or an attempted criminal sexual offense. Therefore, the Defendant does not have to register as a Sex Offender pursuant to 23-3-430 (c)(15) as a result of his conviction for the above-captioned offenses, and should be removed from the Sex Offender Registry as a result of these offenses.

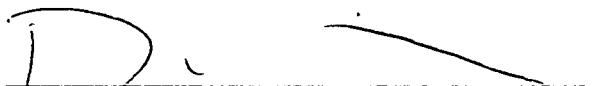
AND IT IS SO ORDERED.


THE HONORABLE G. THOMAS COOPER, JR.
Chief Judge for Administrative Purposes
Court of General Sessions
Fifth Judicial Circuit

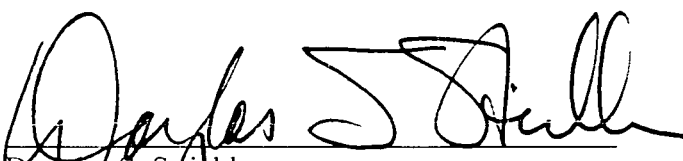
Columbia, South Carolina

This 23 day of May, 2012.

I CONSENT:

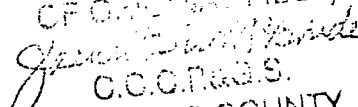

The Honorable Daniel E. Johnson
Solicitor, Fifth Judicial Circuit

I SO MOVE:


Douglas S. Strickler
Circuit Public Defender, Fifth Judicial Circuit

RICHLAND COUNTY
FILED
2012 MAY 29 AM 9:07
JEANETTE W. McBRIDE
C.C.P. & G.S.

20K2

CERTIFIED TRUE COPY
OF ORIGINAL FILED,

C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

SEPT. 8, 2011

OFFICE OF THE ATTORNEY GENERAL
STATE OF SC
ATTN: ARIAN WILSON, ATTORNEY GENERAL
REMBERT C. DENNIS BUILDING
PO Box 11549
COLUMBIA, SC 29211-1549

PERSONAL LETTER ADDRESSED
TO ATTORNEY GENERAL WAS
(NOT FOR PCR CASE # 2011-CP-31-0073)
J. Barnett

NOTICE: STATE CREATED
DANGER

DEAR MR. WILSON: (STATE)

I AM A WARD OF THE OF SOUTH CAROLINA (SC) WHICH YOU REGAIN REPRESENT, INC-
ARRESTED IN SOUTH CAROLINA DEPT. OF CORRECTIONS (SCDC), HOUSED CURRENTLY AT
MCCORMICK CORRECTIONAL INSTITUTION (MCI), SERVING A 50 YEAR SENTENCE
(BASICALLY A LIFE SENTENCE AT AGE 48) FOR CRIMES COMMITTED IN SC (ALL NON-
SEX OFFENSES).

PRIOR TO MY SCDC CONFINEMENT, I HAD BEEN WANTED IN THE STATE OF CALIF-
ORNIA (CITY OF OXNARD IN VENTURA COUNTY) FOR MULTIPLE ALLEGED CRIMES, OF THOSE
ALLEGED CRIMES A "NOTIFY/WANTED BULLETIN" WAS PROVIDED TO SC LAW ENFOR-
CEMENT AGENCIES AND SCDC IN 1999/2000.

THERE WERE 27 ALLEGED CRIMES ON THE OXNARD NOTIFY SHEET, SIX (6) OF WHICH WERE
BEGUN/INACCURATE BEING (1 COUNT OF CHILD MOLESTATION AND 5 COUNTS OF MURDER),
THE INACCURATE ALLEGED OXNARD CRIMES OF 5 CTs OF MURDER WERE IN FACT 5 COUNTS
OF ASSAULT WITH A DEADLY WEAPON, ALLEGEDLY, (NO ONE ACTUALLY SHOT) AND
1 CT OF ALLEGED FORCED ORAL SEX (ON LOVER), NOT CHILD MOLESTATION.

THE CALIFORNIA CASE WAS DISMISSED IN 2002 PER DISTRICT ATTORNEY, ALL HOLDING DE-
TERMINED RECALIBRATED.

I HAVE IN A FURTHER EFFORT TRIED TO GET SCDC TO RECTIFY THEIR RECORDS (AUTOM-
ATED AND MANUAL) BY DELETING THE INACCURATE INFORMATION OF CHILD MOLESTA-
TION AND MURDERS, BY PROVIDING THEM INDICTMENTS, WARRANT SHEET AND COURT MINUTE
ORDER OF DISMISSAL ALL ACCURATELY REFLECTING NO CHILD MOLESTATION OR MURDERS,

(*) ALSO PROVIDED TO SCDC WAS A LETTER FROM THE PRESIDING JUDGE NOTIFYING SCDC
THE CASE DID NOT CONTAIN CHILD MOLESTATION OR MURDERS, THAT THE OXNARD
NOTIFY SHEET ERRONEOUSLY DESCRIBES SOME CHARGES AS MURDERS AND CHILD MOLESTA-
TION, AND THAT OXNARD IS A CITY IN VENTURA COUNTY — CAUSE SCDC HAS THE CALIFORNIA
DISMISSED CHARGES DOCUMENTED TWICE, ONCE UNDER CITY OF OXNARD STILL BEARING NOTIFY
STATUS WITH THE INACCURATE INFORMATION OF CHILD MOLESTATION AND
MURDERS, AND AGAIN (TWICE) UNDER VENTURA WITH THE ACCURATE DESCRIBED
DISMISSED CHARGES (SAME CASE) DUPLICATED.

(*) VENTURA COURT PROGRAM SUPERVISOR OF RECORDS/EXHIBITS ALSO PROVIDED SCDC
WITH A LETTER VERIFYING THE CHILD MOLESTATION/MURDERS WERE INACCURATE
INFORMATION, AND OXNARD IS A CITY IN VENTURA COUNTY.

SC Attorney General
RECEIVED

SEP 12 2011

Referred to Libet / M. Wms
Answered _____

FAILED
OR
REFUSED TO
REPLY

THIS LETTER ADDRESSED
TO (AG) AND FOR (AG), WAS NOT
IN COURT FORMAT, NOT ADDRESSED
TO ROBERT TURNER, NOR PRESTON JUDGE,
OR COURT CLERK OR COURT HOUSE ADD-
RESS, EVIDENT!
J. Barnett

SCDC CONTENDS THE INACCURATE INFORMATION OF CHILD MOLESTATION AND MURDER MUST REMAIN IN THEIR AUTOMATED SYSTEM AND MANUAL RECORDS AS PART OF MY CRIMINAL HISTORY, ARREST RECORD AND CONTINUE TO BE USED ADVERSELY AGAINST ME IN CLASSIFICATION DECISIONS.

(*) ALSO WIDELY REFLECTED IN SCDC RECORDS IS THAT I HAVE "CURRENT OR PRIOR SEXUAL MISCONDUCT CONVICTIONS" AND MUST REGISTER AS A SEX OFFENDER DUE TO SC KIDNAPPING CONVICTIONS, YET I HAVE NEVER BEEN CONVICTED, PLED GUILTY OR AGO CONTEST TO ANY ALLEGED SEX CRIMES. (NO HISTORY OR CHARGES OF SEX CRIMES OTHER THEN DISMISSED CALIF. CASE)

MR. WILSON TO MAKE MATTERS WORSE, MY REPUTATION HAS BEEN TARNISHED BY THIS AND IT HAS BEEN SO WIDELY CIRCULATED THROUGHOUT SCDC AMONG INMATES AND (SOME) OFFICERS THAT I AM A CONVICTED SEX OFFENDER WHO MOLESTED/RAPE CHILD AND WOMEN AND KILLED THEM AND THAT I AM A SERIAL KILLER (THE REPUTATION DAMAGE TO ME IS IRREPARABLE BEING CIRCULATED SO MANY YEARS).

AND ~~THE~~ INMATES HAVE OBTAINED COPIES OF MY SCDC RAPID SUMMARY OFFENDER PRINTOUT (THAT ONLY SCDC OFFICIALS HAVE ACCESS TO) FROM OTHER INSTITUTIONS REFLECTING THE INACCURATE DATA (ACCORDING TO INMATE GOSPEL) SO I AM LABELED A CHILD MOLESTER, CONVICTED SEX OFFENDER AND SERIAL KILLER.

(I) ADDRESSED THIS MATTER WITH ACTING DIRECTOR ROBERT WARD, CHIEF OF INST. CLASSIFICATION FOR SCDC MILHAU, MATTHEWS, INMATE RECORDS BRANCH AND ALL INSTITUTIONS. ADMINISTRATION COMMITTEE IVE BEEN HOUSED AT IN SCDC.

THIS STATE CREATED DANGER & SUBSERS ME TO RISK OF HARM ~~IN SCDC~~ BY SCDC INMATES WHO DETEST CHILD MOLESTERS, CONVICTED SEX OFFENDERS, SERIAL KILLER, AND WILL FORCE ME RELUCTANTLY TO INFLICT PHYSICAL HARM ~~AND~~ AS DEFENDING MYSELF AGAINST ATTACKS ONCE EVENTUALLY RELEASED TO GENERAL POPULATION SOMEWHERE IN SCDC.

SCDC HAS A POLICY/PROCEDURES THAT GIVE ME A STATE CREATED LIBERTY INTEREST WHERE I CAN BE TRANSFERRED OUT-OF-STATE TO ANOTHER PRISON SYSTEM FOR A FRESH START, THUS, RESOLVING THIS MATTER.

SCDC (ROBERT WARD) CLAIMS I CANT BE TRANSFERRED DUE TO ME BEING IN SOLITARY CONFINEMENT (SMU), YET IVE WITNESSED SEVERAL INMATES SINCE MY INCARCERATION BE TRANSFERRED OUT-OF-STATE FROM SMU AND MSU.

FOR SCDC TO REFUSE TO DELETE THE HIGHLY STIGMATIZING INACCURATE DATA I CORRECT THEIR RECORDS AND TRANSFER ME OUT-OF-STATE FOR A CLEAN START - SUGGEST THEY WANT HARM TO OCCUR,

MR. WILSON, YOU REPRESENTING "SC" (SCDC) IN LEGAL MATTERS, IM REQUESTING THAT YOU CONTACT SCDC HEADQUARTERS ADMINISTRATION AND COLLABORATE WITH THEM AND HAVE THEM RECTIFY THEIR RECORDS AND ARRANGE FOR ME A OUT-OF-STATE TRANSFER TO ANOTHER PRISON SYSTEM FREE FROM A (UNWARRANTED) PERMANENT REPUTATION OF A CHILD MOLESTER, CONVICTED SEX OFFENDER, SERIAL KILLER.

THANK YOU FOR YOUR TIME/CONCERN IN THIS MATTER.

Sincerely
John D. Barnett
JOHN D. BARNETT #256432
MCCI-SMU-B92
386 REDEMPTION WAY
MCCDRMICK, SC
29899

NEW EVIDENCE
RESPONDANT CORNEY
PROVIDED ME, GIVING
ACTUAL KNOWLEDGE
IT WAS FACTUAL

THIS DATA HAS BEEN RECTIFIED
SINCE ORDER, AND PUBLIC WEBSITE
ON SCDL INMATE (IME), AND SICA,
ALTHOUGH RESPONDANTS UNHAPPY
ARE STILL SEEKING TO REPROFILE IT,
AND AGAIN ON SICA, AND REQUIRE ME
TO REGISTER ABSENT ANY SEX CRIMES OR
ATTEMPTS, CONVICTIONS, PLEA GUILTY OR NO CONTEST.

UNF130D

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

04/12/11
C040481

UNF011A

SCDC# > 281432

LOC: MCCORMICK

BARNETT, JOHN DAVID

SCDC CLASSIFICATION... VIOLENT

OFFENDER TYPE... ADULT-STRAIGHT SENTENCE

SEXUAL REGISTRY... Y

*SEXUAL PREDATOR... NOT APP

DNA STATUS... COMPLETED

GPS REQUIREMENT... N

PREA DECISION... :

CURRENT SENTENCE: 050-00-000

CONSECUTIVE SENTENCE ... Y

050-00-000

CURRENT SENT START DATE: 03/11/2009

PROJECTED COMPLETION DATES

WACOUT DATE ... 11/05/2045

CURRENT EWC ... NOT CURRENTLY EARNING EWC

YOA SIX YEAR DATE: / /

CURRENT EEC ... NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE: 11/05/2045

NEXT PAROLE HEARING DATE: 11/05/2045

TOTAL GP DAYS EARNED ... 000330

LABOR CREW/WORK PROG DATE: 99/99/9999

TOTAL EARNED WORK CREDITS ... 000000

LABOR CREW DISQ REASON:

TOTAL EDUCATION CREDITS ... 000000

CURRENT OR PRIOR SEX CONDUCT CONVICT

TOTAL EXTRA EARNED CREDITS ... 000

TOTAL SERVICE TIME EARNED ... 004045

↑ INACCURATE ↑
(NEW-EXISTING)

PFKEYS: 5: HISTORY OF DATE CHANGES

4-C

1 Sess-1 167.7.50.33

SCDC1677

3/11

SC
KIDNAP-
Pings

STATE OF SOUTH CAROLINA
COUNTY OF LEE

IN THE COURT OF COMMON PLEAS

2011-CP-31-0073

John David Barnett, #250432,

Applicant,

v.

**RETURN AND MOTION TO
DISMISS**

State of South Carolina,

Robert Corney
Respondent. *MSB*

In response to the post-conviction relief application filed March 24, 2011, the Respondent would show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Lee County. The Applicant was indicted at the October 2000 term of the Lee County Grand Jury for Assault upon State or Local Correctional Facility Employee (2000-GS-31-0154). James P. Saverance, Esquire represented him. On October 11, 2000 Applicant pled guilty as indicted, without negotiations or recommendations before the Honorable Thomas W. Cooper, Jr. and was sentenced to four (4) years imprisonment to run consecutive to his previous sentence. Applicant did not file an appeal.

** NOT PRIOR PLR AS CLAIMED
ON PG. 4 IN RELATION
TO ISSUE ON THIS PLR*

II.

In his current application for post conviction relief the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Newly Discovered Evidence.
 - a. "State not upheld plea agreement."
 - b. "State court provided SCDC with sentencing documentation"



ALAN WILSON
ATTORNEY GENERAL

November 14, 2011

The Honorable W. Jeffrey Young
Chief Administrative Judge, Third Judicial Circuit
141 North Main Street
Sumter, SC 29150

Re: John David Barnett, 250432 v. State of South Carolina
2011-CP-31-0073

Kellie L. Mahaffey, 278895 v. State of South Carolina
2011-CP-43-1315

Christopher Fordham, 280789 v. State of South Carolina
2011-CP-14-0060

Willie McFadden, 263951 v. State of South Carolina
2011-CP-43-0410

Dear Judge Young:

Enclosed please find a proposed original **Final Order** in each the above-captioned cases. If these orders meet with your approval, please sign and return to me in the enclosed envelope and I will forward to the appropriate County Clerk of Court to be filed and served.

Sincerely,

Robert D. Corney
Assistant Attorney General

RDC/lm
Enclosures

Cc: John David Barnett, #250432
Christopher Fordham, #280789

Kellie L. Mahaffey, #278895
Willie McFadden, #263951

**rec 11/15/11*

STATE OF SOUTH CAROLINA
COUNTY OF LEE

John David Barnett, #250432,

Applicant,

v.

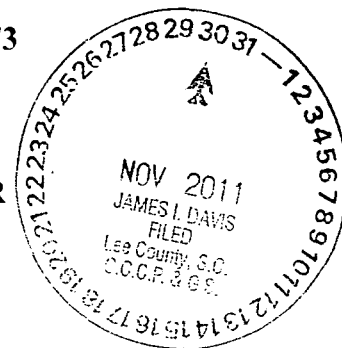
State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

2011-CP-31-0073

FINAL ORDER



This matter comes before the Court pursuant to an application for post-conviction relief filed March 24, 2011. The State made its Return and Motion to Dismiss on July 6, 2011, requesting that the application be denied and summarily dismissed.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal dated July 13, 2011, provisionally denying and dismissing this action. This Court gave Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated August 16, 2011, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

Applicant responded to the Conditional Order by way of document entitled "Notice: State Created Danger" dated September 8, 2011, and received by Respondent September 12, 2011. In that document, Applicant contends the Conditional Order dismissing his PCR application should not become final for the following reasons:

(Robert Corney)
STATE Attorney General STAFF knowingly & deliberately incorporated A Peris-
son's letter to Attorney General into THIS CASE, letter was NOT
in relation to THIS CASE. CLAIMED IT WAS APPLICANT'S REPLY TO CONDITIO-
NAL ORDER.

- "Prior to my SCDC confinement I had been wanted in the state of California (City of Oxnard in Ventura County) for multiple alleged crimes, of those alleged crimes a 'Notify/Wanted Bulletin' was provided to SC Law Enforcement agencies and SCDC in 1999/2001. There were 27 alleged crimes on the Oxnard notify sheet, six (6) of which were bogus/inaccurate, being (1 count of child molestation and 5 counts of murder) the inaccurate alleged Oxnard crime of 5 cts of murder were in fact 5 counts of assault with a firearm/attempted murder allegedly, and 1 ct of alleged forced oral sex (on lover) NOT child molestation. The California case was dismissed on 2002 per District Attorney and all holds, detainers recalled/vacated. I have in a futile effort tried to get SCDC to rectify their records by deleting the inaccurate information of child molestation and murders by providing them indictments, warrant sheet and court minute order of dismissal, all accurately reflecting no child molestation or

Resonance
Excludes delib
14

murders... Venutary Court Program Supervisor of Records/Exhibits also provided *(AND PRESIDING JUDGE)* SCDC with a letter verifying the child molestation/murders were inaccurate information and Oxnard is a city in Ventura County. SCDC contends the inaccurate information of child molestation and murders must remain in their automated system and manual records as part of my criminal history/arrest records and continue to be used adversely against me in classification *more excluded* decisions... I've addressed this matter with acting director Robert ward chief of inst. Classification for SCDC Mihcael Matthews inmate records Branch and all institution administration committee I've been housed at in SCDC. This state created danger subjects me to risk of harm in SCDC by SCDC inmates who detest child molesters, convicted sex offenders, serial killers and will

force me reluctantly to inflict bodily harm in defending myself against attacks once eventually released to general population somewhere in SCDC.

(EXCLUDED THE
REST OF THE LET-
TER TO AG.)

This Court finds that Applicant has failed to set forth any sufficient reason why the Conditional Order of Dismissal should not become final. The matters set forth by Applicant in his response to the Conditional Order are not properly brought before this court in a PCR application, as they are not cognizable grounds for relief through post-conviction relief. See Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000) (A credit-related claim or challenge to other conditions of confinement are administrative matters and, thus, cannot be raised in a post-conviction relief proceeding.)

This Court has reviewed Applicant's response to the State's Motion to Dismiss in its entirety, in conjunction with the original pleadings, and finds that no sufficient reason has been shown why the Conditional Order of Dismissal should not become final. IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the application for PCR is hereby denied and dismissed with prejudice.

This Court hereby advises Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 18 day of Nov, 2011.


W. JEFFREY YOUNG
Chief Judge for Administrative Purposes
Third Judicial Circuit Court

Sumter, South Carolina.



CHAMBERS OF
The Superior Court
Kevin J. McGee, Presiding Judge

HALL OF JUSTICE
800 SOUTH VICTORIA AVENUE
P.O. BOX 6489
VENTURA, CA 93009
(805) 654-2912
FAX (805) 662-6814

July 28, 2010

John D. Barnett, #250432
MCCI-SMU-B92
386 Redemption Way
McCormick, SC 29899

Re: People of the State of California v. John David Barnett
Ventura Superior Court Case No. CR48118

Dear Mr. Barnett,

In response to your letter of July 16, 2010, this will serve to confirm the following:

- The above action was dismissed by the District Attorney on October 29, 2002;
- A copy of the docket entry confirming the dismissal is included herewith;
- The action did not contain child molestation or murder charges;
- It did contain forcible sex crimes and attempted murder charges;
- Oxnard is a city within the County of Ventura;
- The Oxnard "notify" charges referenced in your letter appear to arise from the same incident that involved CR48118, although the notify charges were erroneously described as child molestation and murder offenses.

Very truly yours,

Kevin J. McGee

Kevin J. McGee
Presiding Judge, Ventura Superior Court

cc: SCDC
Inmate Records Office
PO Box 21787/4444
Broad River Road
Columbia, SC 29221-1787

McCormick Corrections Institute
Attn: Classification Case Worker,
386 Redemption Way
McCormick, SC 29899

*ALLEGED →
(ON 10/29/02)*

← DUPLICATES

Classification



800 South Victoria Ave
Ventura, California
93006

Ventura Superior Court

March 15, 2010

John Barnett #250432
MCCI-SMU-B92
386 Redemption Way
McCormick, SC 29899

RECEIVED

JUL 13 2010

WARDEN'S OFFICE
MCCI

To whom it may concern;

I, Linda J Daniels have been employed with the Ventura Superior Court for 13 years. My title at this time is Court Program Supervisor. It has come to my attention that a case concerning John D. Barnett, CR48118 is an issue for various reasons. This letter is to clarify any incorrect information regarding this case.

(AIRBORNE/WEA)

There were 27 charges ranging from Carjacking, Rape, to attempted Murder. There **was not a child molestation charge involved.** All charges on this case were dismissed on 10/29/02 by the District Attorney. (Enclosed is a copy of the court docket). Mr. Barnett has tried on numerous occasions to get this straightened out where he is incarcerated. If you have any questions, please contact me at the number below.

NOT MURDERS

Thank you for your time.

Sincerely,

Linda Daniels
Court Program Supervisor
Records/Exhibits Division
805-654-3371

.....

WITNESSES

T.N. AMARO - RCSD

[Signature]

ARREST WARRANT NUMBER

G419054

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2000-GS-40-49996

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

102 JULY TERM 2000

THE STATE

VS.

JOHN BARNETT

Indictment for

KIDNAPPING

SC Code: 16.3-910

CDR Code:0095

Class FEL/A(V)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I John Barnett

hereby appear in my own proper person and plead guilty to the within indictment or to

X
Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TO BE A TRUE
OF ORIGINAL
[Signature]
C.C.C. PLS. AND G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 12, 2000 the Grand Jurors of
Richland County present upon their oath:

KIDNAPPING

That John Barnett did in Richland County on or about March 10, 2000, unlawfully
seize, confine, inveigle, decoy, kidnap, abduct or carry away any persons, to wit: Clanda
James, by any means whatsoever without authority of law.

*VICTIMS KIDNAPPED (CLANDA JAMES & REBECCA RICHARDSON) TO PAY
FOR GAS. DEFENDANT WAS PROFILED & COULD NOT BE SEEN BY CASHIER, VIL-
TIMS RETURNED HOME UNHARMED AND RELEASED.*

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

Warren B. Giese
Warren B. Giese, SOLICITOR

CERTIFIED
OF ORIGINAL
JUL 12 2000
OCC. PROG.
RICHLAND COUNTY
SOUTH CAROLINA

12/1

ARREST WARRANT

G-419054

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
RICHLAND COUNTY

 THE STATE
 against

JOHN DAVID BARNETT

Address: _____ - 0000

Phone: _____ SSN: _____

Sex: M Race: B Height: 6 1 Weight: 210

DL State: _____ DL #: _____

DOB: 9/06/63 Agency ORI #: _____Prosecuting Agency: RICHLAND COUNTY SHERIFF'SProsecuting Officer: T N AMAROOffense: KIDNAPPINGOffense Code: 0095Code/Ordinance Sec. 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of _____

The accused

is to be arrested and brought before me to be dealt with according to law.

 _____ (L.S.)
 Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant: JOHN DAVID BARNETTon 12-11-00

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

RICHLAND COUNTY BOND COURT

201 JOHN MARK DIAL DRIVE

COLUMBIA, SC 29209 - 0000

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
RICHLAND COUNTY

AFFIDAVIT

T. Croxton for
T N AMARO

Personally appeared before me the affiant T N AMARO who being duly sworn deposes and says that defendant JOHN DAVID BARNETT did within this county and state on 3/10/00 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: KIDNAPPING

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT ON MARCH 10, 2000 WHILE AT 5444 BLUFF RD. LOT 1 IN THE OLYMPIA MAGISTERIAL DISTRICT OF RICHLAND COUNTY, ONE JOHN DAVID BARNETT DID COMMIT THE CRIME OF KIDNAPPING IN THAT HE DID BURGLARIZE THE VICTIMS TRAILER AT NIGHT TIME AND HE DID UNLAWFULLY SEIZE HER AND HER DAUGHTER AT KNIFEPOINT AND KIDNAPPED THEM AND DID CARRY THEM AWAY AGAINST THEIR WILL. HE WAS POSITIVELY IDENTIFIED BY CLANDA JAMES AS THE PERSON WHO HAD KIDNAPPED HER MOTHER AND HERSELF. CLANDA JAMES HAD SEEN HIS PHOTO IN THE NEWS MEDIA. AFFIANT AND OTHERS ARE WITNESS TO PROVE THE SAME. RCSD CASE NUMBER: 00031122-11

 Sworn to and subscribed before me on 3/11/00

Signature of Affiant

Affiant's Address SHERIFF'S DEPARTMENTCOLUMBIA SC 29223 - 0000Affiant's Telephone 803 691-9000

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
RICHLAND COUNTY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 3/10/00 defendant JOHN DAVID BARNETT did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of _____ as set forth below.

DESCRIPTION OF OFFENSE: KIDNAPPING

Now, therefore, you are empowered and directed to arrest the said defendant, and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of execution, or as soon thereafter as is practicable.

_____ (L.S.)

Judge's Address 1400 HUGER STCOLUMBIA SC 29202 - 0000

Signature of Issuing Judge

Judge's Telephone 803 748-4746Judge Code: GSIssuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
 Form Approved by
 S.C. Attorney General
 July 26, 1960
 SSCA 518

A3

See A2

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.

John Bennett

AKA:

Race: LB Sex: AM Age: 38

DOB: 2/6/93 SS#: [REDACTED]

Address: _____

DL# _____ SID#: _____

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

2000-GS-40-4996

A/W#: 6419054

Date of Offense: 3/10/2000

S.C. Code §: 16-3-910

CDR Code #: 0101915

☐ CASE RESTORED

SENTENCE
☒ PLEA ☒ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Kidnapping

in violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0101915

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Solicitor

X
Defendant

X
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ The Defendant is to be given credit for 384 days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 3/30/01

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§14-1-206 (Assessments 100%) ... \$

§14-1-211(A)(1) (Surcharge) ... \$

§14-1-211(A)(2) (Surcharge) ... \$

§56-5-2995 (DUI Assessment) ... \$

3% to County (if paid in installments) ... \$

TOTAL ... \$

[Signature]
Clerk of Court Deputy Clerk

Court Reporter: [Signature]

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defense

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

PRESIDING JUDGE [Signature]

Judge Code: 0101617

Sentence Date: 3/30/01

194

WITNESSES

T.N. AMARO - RCSD

DOCKET NO. 2000-GS-40-49997

The State of South Carolina

County of Richland

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

JULY TERM 2000

102

ARREST WARRANT NUMBER

G419055

THE STATE

vs.

JOHN BARNETT

X
Defendant

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

For person of Grand Jury

Date:

VERDICT

Indictment for

KIDNAPPING

SC Code: 16.3-910

CDR Code: 0095

Class FEL/A(V)

For person of Petit Jury

Date:

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
JAN 11 1999
C.C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 12, 2000 the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That John Barnett did in Richland County on or about March 10, 2000, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any persons, to wit: Rebecca Richardson, by any means whatsoever without authority of law.

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


Warren B. Giese, SOLICITOR

CERTIFIED TO BE A TRUE
AND CORRECT COPY OF
THE ORIGINAL FILED,
JULY 12, 2000
O. O. CHAS. S.
RICHLAND COUNTY
SOUTH CAROLINA



B3

ARREST WARRANT

G-419055

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
RICHLAND COUNTY

THE STATE
against

JOHN DAVID BARNETT

Address: _____ - 0000

Age: _____ Sex: _____

C. M. Race: B Height: 5 Weight: 210

State: _____ DL # _____

B: 9/06/63 Agency ORI _____

Secuting Agency: RICHLAND COUNTY SHERIFF'S

Secuting Officer: T N AMARO

Offense: KIDNAPPING

Offense Code: 0095

Id/Ordinance Sec: 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the
County/ ☐ Municipality of _____

The accused
to be arrested and brought before me to be
It with according to law.

Signature of Judge (L.S.) _____

RETURN

Copy of this arrest warrant was delivered to

Indant: JOHN DAVID BARNETT

13 March 2009

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

URN WARRANT TO:
ICHLAND COUNTY BOND COURT
01 JOHN MARK DIAL DRIVE

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
RICHLAND COUNTY

AFFIDAVIT

T. Croston for

Personally appeared before me the affiant T N AMARO who
being duly sworn deposes and says that defendant JOHN DAVID BARNETT
did within this county and state on 3/10/00 violate the criminal laws of the
State of South Carolina for ordinance of ☐ County/ ☐ Municipality of _____
in the following particulars:
DESCRIPTION OF OFFENSE: KIDNAPPING

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THAT ON MARCH 10, 2000 WHILE AT 5444 BLUFF RD. LOT 1 IN THE
OLYMPIA MAGISTERIAL DISTRICT OF RICHLAND COUNTY, ONE
JOHN DAVID BARNETT DID COMMIT THE CRIME OF KIDNAPPING IN THAT
HE DID BURGLARIZE THE VICTIMS TRAILER AT NIGHT TIME AND HE DID
UNLAWFULLY SEIZE HER AND HER MOTHER AT KNIFEPOINT AND KIDNAPPED
THEM AND DID CARRY THEM AWAY AGAINST THEIR WILL. HE WAS
POSITIVELY IDENTIFIED BY CLANDA JAMES AS THE PERSON WHO HAD
KIDNAPPED HER MOTHER AND HERSELF. CLANDA JAMES HAD SEEN HIS
PHOTO IN THE NEWS MEDIA. AFFIANT AND OTHERS ARE WITNESS TO
PROVE THE SAME. RCSD CASE NUMBER: 00031122-11

Sworn to and subscribed before me
on 3/11/00

Signature of Issuing Judge (L.S.) _____

Signature of Affiant _____

Affiant's Address SHERIFF'S DEPARTMENT

COLUMBIA SC 29223 - 0000

Affiant's Telephone: 803 691-9000

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
RICHLAND COUNTY

ARREST WARRANT

CERTIFIED TRUE COPY

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY FILED

It appearing from the above affidavit that there are reasonable grounds to believe that
on 3/10/00 defendant JOHN DAVID BARNETT
did violate the criminal laws of the State of South Carolina for ordinance of

☐ County/ ☐ Municipality of _____ as set forth below:

DESCRIPTION OF OFFENSE: KIDNAPPING

RICHLAND COUNTY
SOUTH CAROLINA

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.) _____ Judge's Address 1400 HUGER ST

COLUMBIA SC 29202 - 0000

Signature of Issuing Judge _____ Judge's Telephone 803 748-4746

Victims Taken to Pay Child Support was not filed & court at the scene. Victims returned home w/ no harm & released.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#COUNTY OF Richland
STATE VS.2000-GS-40-4997A/W#: 6419055Date of Offense: 3/10/2000S.C. Code §: 16-3-910CDR Code #: 0101915☐ CASE RESTORED

SENTENCE

☒ PLEA☒ TRIAL

AKA:

Race: BSex: MAge: 38DOB: 2/6/63 SS#: [REDACTED]

Address:

DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Kidnappingin violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0101915☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Solicitor[Signature]
Defendant[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ The Defendant is to be given credit for 384 days/months jail time.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 3/31/01

SPECIAL CONDITIONS

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§14-1-206 (Assessments-100%) _____ \$

§14-1-211(A)(1) (Surcharge) ☐ _____ \$

§14-1-211(A)(2) (Surcharge) _____ \$

§56-5-2995 (DUI Assessment) _____ \$

3% to County (if paid in installments) _____ \$

TOTAL _____ \$

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

PRESIDING JUDGE [Signature]Judge Code: 0101617Sentence Date: 3/31/01Court Reporter: [Signature]

Hwy. Clerk

Green - Corrections

County - Probation

Print - Defendant

SCCA217 (1/2001)

C1
3

WITNESSES

W.E. BALES - CPD

W.E. Bales

DOCKET NO: 2000-GS-40-0003
56008

The State of South Carolina
County of Richland

After being fully advised as to my
legal rights, I hereby waive presentation
to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

JULY TERM 2000

102

ARREST WARRANT NUMBER

G347982

THE STATE
VS.

JOHN BARNETT

John Barnett
I hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness

C.C.C. PLS AND G.S.

ACTION OF GRAND JURY

TRUE BILL

James F. Sellen
Foreperson of Grand Jury
Date:

VERDICT

Indictment for

KIDNAPPING

SC Code: 15-3-910
CGR Code: 0005
CLASS FELONY

Foreperson of Petit Jury
Date:

COPIED TO COURT
OF ORIGINAL FILED
James F. Sellen
C.C.C. PLS AND G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF RICHLAND)

At a Court of General Sessions, convened on July 12, 2000 the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That John Barnett did in Richland County on or about March 3, 2000, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any persons, to wit: Vern Poston, by any means whatsoever without authority of law.
Vern Poston

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

Walter R. Glass
Walter R. Glass, Solicitor

3

ARREST WARRANT

G-347982

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
COLUMBIA

THE STATE

against

JOHN DAVID BARNETT

Address: COLUMBIA SC 29204

Date: SSN:

Race: E Height: 6-01 Weight: 220

Date: DL #:

DOB: 02/03/1963 Agency ORI #: SC04400100

Prosecuting Agency: CITY OF COLUMBIA

Prosecuting Officer: M. BOLES/JOHNSON

Offense: KIDNAPPING

Offense Code: ARD

Code/Ordinance Sec. 16-3-910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☒ Municipality of
COLUMBIA

The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(LS.)

RETURN

A copy of this arrest warrant was delivered to
defendant
on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
COLUMBIA

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 28, 1990
SCCA 618

Personally appeared before me the affiant M. BOLES who
being duly sworn deposes and says that defendant JOHN DAVID BARNETT
did within this county and state on 03/03/2000 violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of COLUMBIA

in the following particulars:

DESCRIPTION OF OFFENSE: KIDNAPPING

16-3-910

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THAT ON 3/3/2000 WHILE AT 2619 ROSEWOOD DRIVE, COLUMBIA, SC, IN
RICHLAND COUNTY, THE DEFENDANT ALONG WITH CO-DEFENDANTS DID ENTER
THE BUSINESS AND ASSAULT THE VICTIM VERN POSTON, FORCING HER TO
THE FLOOR, HOLDING HER AGAINST HER WILL WHILE THEY ROBBED HER AND
THE BUSINESS. VICTIM POSITIVELY IDENTIFIED DEFENDANT TO BE IDENTICAL
FROM DEFENDANT'S PICTURE WHICH WAS IN THE NEWSPAPER.

Sworn to and subscribed before me

on 03/03/2000

Signature of Issuing Judge (LS.)

Signature of Issuing Judge

Signature of Affiant

Affiant's Address #1 JUSTICE COURT

CPD

Affiant's Telephone 7396415

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
COLUMBIA

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 03/03/2000 defendant JOHN DAVID BARNETT
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of COLUMBIA) as set forth below.

DESCRIPTION OF OFFENSE: KIDNAPPING

16-3-910

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (LS.)

Signature of Issuing Judge

Judge Code: 4030003

Judge's Address CITY OF COLUMBIA, SC

MUNICIPAL COURT, P.O. BOX 644

Judge's Telephone

Issuing Court

☐ Magistrate☐ Municipal☐ Circuit

AUDIT COPY

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.

John Barnett

AKA:

Race: B Sex: M Age: 39

DOB: 2/6/63 SS#: [REDACTED]

Address: N/A

DL# _____ SID# _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2000-GS-40-50008

AW#: 6347182

Date of Offense: 3/3/2000

S.C. Code §: 16-3-910

CDR Code #: 01 01 915

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Kidnapping

in violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 01 01 915

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Solicitor

J. Barnett
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 20 ~~months~~ years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ The Defendant is to be given credit for 384 days/months jail time. 2000-GS-40-50005

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 3/30/01

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§14-1-206 (Assessments 100%) _____ \$

§14-1-211(A)(1) (Surcharge) _____ \$

§14-1-211(A)(2) (Surcharge) _____ \$

§56-5-2995 (DUI Assessment) _____ \$

3% to County (if paid in installments) _____ \$

TOTAL _____ \$

[Signature]
Clerk of Court/Deputy Clerk

Court Reporter: [Signature]

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pnts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: online to begin 3/30/01

PRESIDING JUDGE [Signature]

Judge Code: 01 413

Sentence Date: 11/14/01

SCCA717 (1/2001)

WITNESSES

W.E. BALES - CPD

W.E. Bales

ARREST WARRANT NUMBER

G347986

ACTION OF GRAND JURY

TRUE BILL

For person of Grand Jury

Date:

VERDICT

For person of Petit Jury

Date:

DOCKET NO. 2000-GS-40-50010

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JULY TERM 2000
102

THE STATE

vs.

JOHN BARNETT

Indictment for

KIDNAPPING

SC Code: 16.3-910

CDR Code: 0095

Class: 16.3-910

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

John Barnett

hereby appear in my own proper person and pl
guilty to the within indictment or to

X. P. Barnett
Defendant

Witness:

C.C.C. PLS. AND G.S.

CLERK
CFC
J. P. Barnett
S.
R. P. Barnett
R. P. Barnett

X
STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

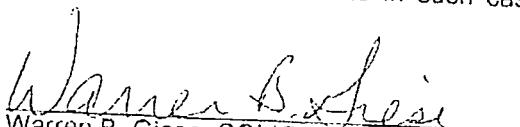
INDICTMENT

At a Court of General Sessions, convened on July 12, 2000 the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That John Barnett did in Richland County on or about March 3, 2000, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any persons, to wit: Annie McGrady, by any means whatsoever without authority of law.

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


Warren B. Giese, SOLICITOR

172

ARREST WARRANT

G-347986

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
COLUMBIA

 THE STATE
against

JOHN DAVID BARNETT

Address: COLUMBIA SC 29200

Date: SSN:

Race: G Height: 6 01 Weight: 220

Date: DL #:

DOB: 02/06/1963 Agency ORI #: SC0400100

Prosecuting Agency: CITY OF COLUMBIA

Prosecuting Officer: W BALES/JOHNSON

Offense: KIDNAPPING

Offense Code: ARD

Code/Ordinance Sec. 16-3-910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☒ Municipality of
COLUMBIA

 The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge, (LS.)

RETURN

 A copy of this arrest warrant was delivered to
defendant
on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA)

☐ County/ ☒ Municipality of)

COLUMBIA)

AFFIDAVIT

 Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

 Personally appeared before me the affiant W F BALES who
being duly sworn deposes and says that defendant JOHN DAVID BARNETT
did within this county and state on 03/03/2000 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of COLUMBIA
in the following particulars:

DESCRIPTION OF OFFENSE: KIDNAPPING

16-3-910

 I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

 THAT ON 3/3/2000 WHILE AT 2610 ROSEWOOD DRIVE, COLUMBIA, SC, IN
RICHLAND COUNTY, THE DEFENDANT ALONG WITH CO-DEFENDANTS DID ENTER
THE LOCATION AND DID HOLD THE VICTIM ANNIE MCGRADY, AGAINST HER
WILL WHILE DEFENDANTS DID ROB THE BUSINESS AND THE VICTIM OF HER
JEWELRY. VERN POSTON, A SECOND VICTIM DID POSITIVELY IDENTIFY THE
DEFENDANT'S TO AFFIANT.

Sworn to and subscribed before me)

on 03/06/2000)

Signature of Affiant)

Affiant's Address)

Signature of Issuing Judge (LS.))

Affiant's Telephone)

STATE OF SOUTH CAROLINA)

☐ County/ ☒ Municipality of)

COLUMBIA)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
on 03/03/2000 defendant JOHN DAVID BARNETT
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of COLUMBIA) as set forth below:

DESCRIPTION OF OFFENSE: KIDNAPPING

16-3-910

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.
Judge's Address CITY OF COLUMBIA, SC

MUNICIPAL COURT, P.O. BOX 644 COLUMBIA

Signature of Issuing Judge (LS.)) Judge's Telephone

Judge Code: Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

AUDIT COPY

STATE OF SOUTH CAROLINA

IN THE COURT - GENERAL SESSIONS

INDICTMENT/CASE#:

COUNTY OF Richland

STATE VS.

2000-GS-40-50010John BarnettA/W#: 6347986

AKA:

Date of Offense: 3/3/2000Race: B Sex: M Age: 38 39S.C. Code §: 16-3-910DOB: 2/6/63 SS# [REDACTED]CDR Code #: 0101915Address: [REDACTED]☐ CASE RESTOREDDL# [REDACTED] SID# [REDACTED]

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Kidnappingin violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0101915☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Solicitor[Signature]
Defendant[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ The Defendant is to be given credit for 384 days/months jail time. 2000-GS-40-50005
☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 3/30/01

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: _____ \$

§14-1-206 (Assessments 100%) _____ \$

§14-1-211(A)(1) (Surcharge) _____ \$

§14-1-211(A)(2) (Surcharge) _____ \$

§56-5-2995 (DUI Assessment) _____ \$

3% to County (if paid in installments) _____ \$

TOTAL _____ \$

[Signature]

Clerk of Court/ Deputy Clerk

Court Reporter [Signature]

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: sentence to begin 3/30/01PRESIDING JUDGE [Signature]Judge Code: 191413Sentence Date: 11/14/01214

RICHLAND COUNTY JUDICIAL CENTER
ATLAS JENNIFER V. McBRIDE
CRIMINAL RECORDS DIVISION
1701 MAIN STREET
COLUMBIA, SC 29201

AUG. 12, 2011

In order to obtain a transcript, write
to SC Court Administration at 1015
Sumter St., Suite 200, Columbia, SC
29201. Any questions, call 803-734-
1800.

DEAR MS. McBRIDE:

I WISH TO OBTAIN A COPY OF MY ^{IN CONVICTION TRANSCRIPT} ^{AND} GUILTY PLEA TRANSCRIPT IN CASE #

2006-GS-40-49994

49995

49996

49997

49998

50000

50001

50002

50003

50004

50005

49999

49998

49997

JEANETTE W. McBRIDE
C.C.P. & G.S.

2011 AUG 19 AM 9:01

RICHLAND COUNTY
FILED

PLEASE LET ME KNOW EXACT COST FOR A COPY?

AND CHECK/PAID OR DOG SHOULD BE MADE TO?

YOUR PROMPT ACTION/REPLY IS REQUESTED AND HIGHLY APPRECIATED!

THANK YOU

John D. Barnett

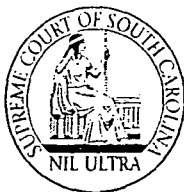
JOHN D. BARNETT #250432

MCC-SP-14-392

MCCORMICK, SC

29899

See ATTACHED
REPLY



South Carolina Court Administration

South Carolina Supreme Court
Columbia, South Carolina

ROSALYN W. FRIERSON
DIRECTOR

1015 SUMTER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1600
FAX: (803) 734-1355
E-MAIL: rfrierson@sccourts.org

August 27, 2011

Mr. John Barnett #250432
MCCI – SUM – B92
386 Redemption Way
McCormick, SC 29899

Dear Mr. Barnett:

You have requested a copy of your transcript. Please be advised that we are unable to produce the record in this case. On August 6, 2003 the Supreme Court adopted Rule 607, SCACR permitting reporters to reuse or destroy tapes of proceedings after the expiration of five years. This rule took effect August 6, 2003 and reporters have already disposed of their tapes in these matters. I have enclosed a copy of that Rule for your review. I am sorry that I am unable to assist you further in this matter.

If you have further questions regarding *court reporters and/or transcripts*, please do not hesitate to contact me again.

South Carolina Court Administration
Court Reporter Section
1015 Sumter St., 2nd Floor
Columbia, SC 29201

Respectfully,

AFFIDAVIT

I, JOHN D. BARNETT #250432, DOY SWEAR AND DECLARING UNDER THE PENALTY OF PERJURY THAT INFORMATION AND CLAIMS SUBMITTED IN THIS REASON SHOWING CAUSE SUBMITTED ON JULY 23, 2012, TO INCLUDE EVERY GROUNDS KNOWN TO ME TO GRANT PCR APPLICATION HEREIN, ARE TRUE AND CORRECT TO THE BEST OF MY PERSONAL KNOWLEDGE.

John D. Barnett

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I DID ON THIS DAY SERVE A COPY OF THIS DOCUMENT(S) ON THE FOLLOWING PERSON(S) BY PLACING A COPY OF THE SAME IN THE U.S. MAIL, POSTAGE PRE-PAYABLE MAIL ADDRESS TO HIS/HER LAST KNOWN ADDRESS AS FOLLOWS: VIA CERTIFIED MAIL

SC ATTORNEY GENERAL'S OFFICE
PCR DIVISION
ATTN: ROBERT D. CORNEY, MAG
PO BOX 11549
COLUMBIA, SC 29211

SOUTH CAROLINA, CITY OF McCORMICK
AUGUST 2, 2012

John D. Barnett
APPLICATION
JOHN D. BARNETT #250432
MCCF-SMU-B92
386 REDEMPTION WAY
MCCORMICK, SC 29889

SWORN TO AND PRESCRIBED BEFORE ME THIS _____ DAY
OF July 20 12

Terry G. Morton
NOTARY PUBLIC

MY COMMISSION EXPIRES Feb 28, 2018