

The South Carolina Court of Appeals

Bobby Joe Barton, Appellant,

v.

Cheryl A. Smith and Taylor Davis Gilliam, Respondents.

Appellate Case No. 2018-001812

RECEIVED

JUN 04 2019

S.C. SUPREME COURT

ORDER

The motion to remand is denied. Because Appellant has failed to pay the notice of appeal filing fee, this appeal is dismissed. The remittitur will be sent as provided in Rule 221, SCACR.


FOR THE COURT

Columbia, South Carolina

cc:

Bobby Joe Barton, #163629

A. Todd Darwin, Esquire

FILED

May 9, 2019

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

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S.C. SUPREME COURT

OPINION NO: 2018-000812 (S.C. Ct. App. FILED 10/4/2018)

Ct. Common Pleas: 2018-CP-23-04584

BOBBY JOE BARTON, APPELLANT,

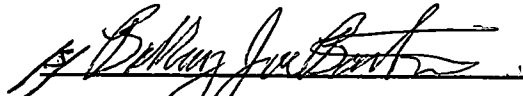
CHERYL A. SMITH, C/R-M, Vs.

& TAYLOR DAVIS GILLIAM, APPELLEE.

NOTICE OF APPEAL

APPELLANT APPEALS THE ORDER DISMISSING HIS CASE BY THE SOUTH CAROLINA COURT OF APPEALS BASED SOLELY ON HIS INABILITY TO PAY COURT FILING FEE.

APPELLANT RESPECTFULLY BRINGS TO THE ATTENTION OF THE HONORABLE COURT THAT HE IS A STATE PRISONER AND IS INDIGENT AND HAS SUBMITTED THE PROPER FINANCIAL CERTIFIED STATEMENT OF HIS EARNING OF THE LAST (6) MONTHS TO SUBSTANTIATE HIS STATUS, THE SOUTH CAROLINA COURT OF APPEALS HAS ABUSE OF DISCRETION DUE TO THE FACT IT CAN NOT DENY APPELLANT THE RIGHT TO BE HEARD BASED SOLELY ON INABILITY TO PAY DUE TO INDIGENCY.


BOBBY JOE BARTON, #163629
PERRY CORR INST.
430 OAKLAWN RD
PETTER, SC 29669-9383

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
PERRY H. GRAVELY, CIRCUIT COURT JUDGE

COURT OF COMMON PLEAS

CT. CM/MN PLEAS: 2018-CP-23-04584

BOBBY JOE BARTON, APPELLANT,

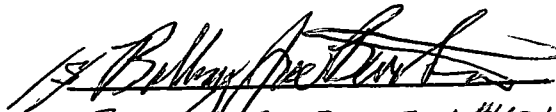
VS.

CHERYL A. SMITH, CVR-M,
& TAYLOR DAVIS GILLIAM APPELLEE.

OPINION NO: 2018-001812 (S.C. Ct. APP. FILED 10/4/2018)

PROOF-OF-SERVICE

THE HEREBY UNDERSIGNED STATE UNDER THE PENALTY OF PERJURY
HE HAS SERVED A "NOTICE-OF-APPEAL" UPON DANIEL E. SHEAROUSE, CLERK
OF SOUTH CAROLINA SUPREME COURT BY PLACING THIS DOCUMENT IN THE
UNITED STATES POSTAL AUTHORITY ON 3 DAY OF JUNE, 2019.


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

SWORN AND SUBSCRIBED BEFORE ME THIS
3rd DAY OF June, 2019
Tamara Conwell
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: My Commission Expires
September 25, 2023

CC: A. TODD DARWIN, ESQUIRE
BOBBY JOE BARTON, APPELLANT

BOBBY BARTON, #163629

P.C.I.

430 OAKLAWN RD.

PELZER, SC 29669

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JUN 03 2019

P.C.I. MAILROOM

SC SUPREME COURT

ATTN: DANIEL E. SHEARMAN & STANLEY

CLERK OF COURT

P.O. BOX 11330

LEGAL MAIL

COLUMBIA, SC 29211

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