

IN THE
SUPREME COURT OF THE UNITED STATES

APPEAL FROM THE UNITED STATES
COURT OF APPEALS, 4TH CIRCUIT

CASE NO.

BOBBY JOE BARTON,
APPELLANT,

V.

SCOTT B. LEWIS, WARDEN,
RESPONDENT(S)

" MOTION FOR LEAVE TO FILE -
- ENLARGEMENT OF PAGE LIMIT!"

Dist. Ct. S.C. (9:18-CV-00748-RBH)
CASE NO. U.S. Ct. App. No. 19-6650

THE APPELLANT BOBBY JOE BARTON PURSUANT TO RULES, 208(b)(5) AND 234, SCA CR, MOVES THE COURT FOR LEAVE TO FILE ENLARGEMENT OF PAGE LIMITATIONS IN SUPPORT OF THIS MOTION, THE APPELLANT SHOWS THE FOLLOWING TO THE COURT:

1.) THE ISSUES PRESENTED ON APPEAL ARE NUMEROUS AND COMPLEX AND THE APPELLANT IS A LAY MAN AND NOT AN ATTORNEY. APPELLANT NEEDS TO EXCEEDS THE (40) PAGE LIMITATION TO BE ABLE TO ADDRESS THE ISSUES ADEQUATELY,

2.) THE ISSUES ARE NUMEROUS SINCE THERE ARE 4 ISSUES ON APPEAL;

3.) THOSE ISSUES ARE;

3.)

(a) THE FIRST ISSUE INVOLVES COUNSEL'S FAILURE TO CONVEY A PLEA OFFER AND COUNSEL TESTIFIED THAT THE APPELLANT REFUSE TRANSPORT TO THE COURT HOUSE ON A PARTICULAR DAY. THERE ARE MANY EXHIBITS FROM THE DETENTION CENTER WHICH WOULD DISPROVE HER TESTIMONY, EXHIBITS FROM THE SOLICITOR'S OFFICE THAT WOULD DISPROVE THE PLEA OFFER DATE THAT COUNSEL TESTIFIED ABOUT AND A FORMAL COMPLAINT AND TWO (2) COURT MOTIONS ALL FILE AFTER THE MARCH 25, 2010 DATE SEEKING TO GET THE FABRICATED WEAPONS CHARGE DISMISSED WHEREAS THE PLEA OFFER STATES OF DISMISSING THE WEAPONS CHARGE BEFORE COMPLAINT AND MOTIONS WERE EVER FILED.

(b) THE SECOND ISSUE INVOLVES COUNSEL'S FAILURE TO OBJECT TO THE STATES' KEY WITNESS "PATRICIA RICE" NON-RESPONSIVE TESTIMONY BRINGING TO THE ATTENTION OF THE JURY THAT THE DEFENDANT HAD "ALREADY BEEN INCARCERATED FOR SOME OTHER CRIME AND WENT ON TESTIFYING THAT THE DEFENDANT MADE TIME FOR THAT." COUNSEL FAILED TO OBJECT TO HIGHLY PREJUDICIAL TESTIMONY THAT HAD NOTHING TO DO WITH THE QUESTION ASK, NEITHER DID SHE REQUEST A CURATIVE INSTRUCTION OR A MISTRIAL. COUNSEL DID NOT PUT UP A DEFENSE AND WAS NOT PREPARED WITH A DEFENSE. THE COURT AND COUNSEL BOTH HAS FAILED TO RECOGNIZE THE WITNESS ANSWER WAS CLASSIFIED AS NON-RESPONSIVE AND NOT ADMISSIBLE UNDER ANY CIRCUMSTANCES DUE TO THE FACT THAT THIS WITNESS INFORMED THE JURY THAT THE DEFENDANT HAD A CRIMINAL HISTORY AND THAT HE SERVED TIME FOR AN UNSPECIFIED CRIME AND THE PROSECUTION DID NOT ATTEMPT TO CLEAR IT UP WITH THE JURY, WHICH THEY BENEFITED FROM BECAUSE NOW THE JURY HAD DIRECT EVIDENCE.

TO TAKE BACK TO THE JURY ROOM AND DELIBERATE WITH ABOUT THE DEFENDANT'S PAST INCARCERATIONS WHICH HAD NOTHING TO DO WITH THE CRIME FOR WHICH HE WAS BEING TRIED FOR.

(4) THE THIRD ISSUE INVOLVES COUNSEL INEFFECTIVENESS CONCERNING THE PROSECUTION'S USE OF PERJURED TESTIMONY BY STATE WITNESS "PATRICIA RICE" WHOM THE SOLICITOR SECRETLY INTERROGATED WHILE UNDER OFFICIAL INDICTMENT BY THE SAME SOLICITOR THAT INDICTED MR. RICE OUTSIDE THE PRESENCE OF HER ATTORNEY WHILE IN CUSTODY AND (5) DAYS PRIOR TO THE DEFENDANT'S TRIAL. THIS WITNESS WAS ARRESTED, CHARGED, AND OFFICIALLY INDICTED AS A CO-DEFENDANT BUT THROUGH MISCONDUCT OF THE PROSECUTION MADE A DEAL AND AGREED TO AN UNDERSTANDING THAT THE STATE WOULD DISMISS HER ARMED ROBBERY CHARGES IN EXCHANGE FOR HER COOPERATION IN PROSECUTING THE APPELLANT SINCE THE VICTIM "EDWARD PETER" TESTIMONY WOULD NOT BE CREDIBLE DUE TO THE FACT THAT THE INITIAL FIRST RESPONDER (JUSTIN LANGFORD) DESCRIBED HIM AS BEING EXTREMELY INTOXICATED AND COULD NOT ASSIST IN FILLING OUT A POLICE REPORT AND THE INITIAL DESCRIPTION DID NOT MATCH THE APPELLANT. THEREFORE THE PROSECUTION COULD NOT HAVE GOTTEN A CONVICTION WITHOUT THIS WITNESS AND PERJURY HAD TO BE ALLOWED IN ORDER FOR MS. RICE TO SEPARATE FROM THE CRIME BECAUSE SHE WAS THE PERSON IDENTIFIED BY THE VICTIM NOT THE APPELLANT.

(4) THE FOURTH ISSUE INVOLVES COUNSEL FAILURE TO OBJECT TO THE PROSECUTION USE OF THE MUG SHOT MAGAZINE PHOTO AS A WAY TO IDENTIFY THE APPELLANT IN THE PHOTO LAY OUT. APPELLANT HAD EXPLAINED TO COUNSEL THAT SINCE THE PROSECUTION IS RESPONSIBLE FOR THAT ACTIONS THAT THE POLICE TAKE, THEN THE PROSECUTION ADMITTED

THROUGH A LETTER TO COUNSEL BUT STILL ORDERED A PHOTO ARRAY IDENTIFICATION PROCESS. THE PROSECUTION HAD A DUTY AND OBLIGATION TO INFORM THE POLICE NOT TO USE THE EXACT PHOTO FROM THE MMG SHOT MAGAZINE THAT THE VICTIM STATED HE MYSTERIOUSLY FOUND IN HIS YARD ON THE GRASS SHORTLY AFTER THE DEFENDANT WAS ARRESTED.

4.) THESE ISSUES ARE COMPLICATED BECAUSE;

3.) APPELLANT WILL DESCRIBE THE REASONS FOR REQUESTING A MOTION FOR ENLARGEMENT OF PAGE LIMITATION IS BECAUSE THERE ARE OTHER DOCUMENTS, WHICH ARE CERTIFIED, ORIGIN AND CANNOT BE DISPUTED OF THEIR AUTHENTICITY AND A DIFFICIAL AUTHORITY THAT WILL SHOW AN STRONG INFERENCE THAT TESTIMONY THAT COUNSEL GAVE AT THE EVIDENTIARY (PCR) HEARING CONCERNING THE SPECIFIC DATE (MARCH 25, 2010) THE DEFENDANT WAS NEVER PULLED TO TAKE TO THE COURT HOUSE, NEITHER IS THERE ANY RECORD SHOWING HE WAS TAKEN BACK TO HIS CELL. HOWEVER THE CERTIFIED RECORDS STATE THAT THE RECORDS WOULD NOT SHOW WHETHER OR NOT APPELLANT DID OR DID NOT GO TO COURT [BUT] IT WOULD SHOW APPELLANT BEING RETURNED TO HIS CELL. THE RECORDS CLEARLY REVEALS THE APPELLANT WAS NOT RETURNED TO HIS CELL. A DOCUMENT FROM THE SOLICITOR OFFICE REVEALS THREE (3) DATES FOR A PREA OFFER COURT DATES AND NONE MARCH THE DATE THAT COMBEL CLAIMS [BUT] SHE SWEARS BY THE DATE, THERE ARE A COMPLAINT LETTER CONCERNING FABRICATED WEAPONS CHARGE IN WHICH THE INVESTIGATOR UP GRADED THE CHARGE TO ARMED ROBBERY AND TWO (2) MOTIONS #1.) SUPPRESSION OF THE WEAPON, AND #2.) MOTION FOR THE SUPPRESSION OF THE WEAPON, WHICH ARE DOCUMENTS THAT HAVE COURT STAMPS AND DATES WELL AFTER JANUARY 29, 2010 AND ARE NOT FOR THE PURPOSE TO CHANGE THE SCOPE OF THE ISSUE [BUT] FOR THE COURT TO SEE THAT THOSE DOCUMENTS WERE FOR TO GET THE POSSESSION

OF A DEADLY WEAPON DURING THE COMMISSION OF A VIOLENT CRIME AND THEN TO BE CHARGED WITH THE APPROPRIATE CHARGE OF STRONG ARM ROBBERY. APPELLANT BELIEVES THAT WITHOUT THIS WEAPON CHARGE THERE WOULD NOT BE AN ARMED ROBBERY CHARGE EVEN THOUGH THERE WERE NO WITNESSES OR STATEMENT THAT THE APPELLANT HAD A KNIFE. APPELLANT ATTEMPTS TO CONNECT THE DOCUMENTS AS EXHIBITS TO SHOW A STRONG INFERENCE THAT, IF COUNSEL HAD TOLD HIM THAT THE STATE WAS MAKING AN OFFER FOR STRONG ARM ROBBERY AND DISMISSING OF THE WEAPON CHARGE, THEN APPELLANT WOULD NOT NEED TO FILE THE COMPLAINT OR THE TWO (2) MOTIONS IDENTIFIED ABOVE. BUT WOULD HAVE ACCEPTED THE PLEA OFFER FOR (15) YRS. FOR STRONG ARM ROBBERY. ALSO THE APPELLANT IS A LAY-MAN AND DO NOT POSSESS THE SKILLS TO WRITE ACCURATELY, WITH BREVITY OR CONCISELY.

b) APPELLANT WILL DESCRIBE THE REASONS FOR REQUESTING A MOTION FOR ENLARGEMENT OF PAGE LIMITATION IS BECAUSE IT IS A LITTLE MORE COMPLICATED TO SHOW THAT THE WITNESS (PATRICIA RICE) TESTIMONY WAS NOT ONLY NON-RESPONSIVE BECAUSE THE COURT HAS FAILED TO RECOGNIZE THAT MS. RICE ANSWER HAD NOTHING TO DO WITH WHAT SHE WAS ASK AND APPELLANT MUST SHOW THAT HER ANSWER PREJUDICE THE APPELLANT BECAUSE IT GAVE THE JURY EVIDENCE THAT HE HAD BEEN INCARCERATED AND THAT HE HAD BEEN CONVICTED OF A CRIME IN WHICH THE JURY WAS NOT ENTITLED TO KNOW ABOUT BECAUSE IT ALSO ATTACKED APPELLANT CHARACTER. COUNSEL DID NOT OBJECT, ASK FOR A CURATIVE INSTRUCTION OR REQUEST A MISTRIAL. THE PROSECUTION WAS ASKING QUESTIONS ON RE-DIRECT WHEN THAT IS INADMISSIBLE EVIDENCE CAME OUT. THE PROSECUTION HAD A DUTY TO CLEAR UP THE STATEMENT KNOWING THE JURY WOULD USE IT IN THEIR DELIBERATIONS, THE UNSPECIFIC CRIMES ARE NOT ADMISSIBLE UNDER ANY EXCEPTIONS BECAUSE IT ALLOWS JURY'S TO FOCUS ON IT AND THE POSSIBILITIES

OF WHAT IT COULD BE FOR AND TAKE THE JURY AWAY FROM THE REAL ISSUE OF WHAT THE APPELLANT WAS BEING TRIED FOR. THE TRIAL JUDGE ALSO FAILED TO GIVE A VOLUNTARY CLARATIVE INSTRUCTION, THE APPELLANT IS NOT AN ATTORNEY BUT A LAY MAN AND DOES NOT HAVE THE SKILLS TO WRITE ACCURATELY WITH BREVITY OR CONCISELY, APPELLANT ALSO ASK THE COURT TO PLEASE TAKE THAT THE WRIT-OF-CERTIORARI IS HAND WRITTEN AND NOT THE USE OF A TYPE WRITER WHERE THE WORDS AND ALPHABETS ARE LARGER AND TAKES UP MORE ROOM ON THE PAPER,

(1) APPELLANT WILL DESCRIBE THE REASONS FOR REQUESTING A MOTION FOR ENLARGEMENT OF PAGE LIMITATION IS BECAUSE THIS ISSUE IS JUST A COMPLICATED AS THE REST AND BECAUSE THE ONLY PERSON THAT KNEW STATES WITNESS COMMITTED PERJURY WAS MY SELF (APPELLANT), THE SOLICITOR, COUNSELLOR AT THE TRIAL HOWEVER "AARON JONES" TESTIFIED THAT "MS. RICE" WAS SEEN BY HIMSELF ON JULY 25, 2010 APPROXIMATELY 1:15 AM, AT ONE LOCATION WITH THE APPELLANT, THEN SEEING "MS. RICE" AGAIN THE SAME DATE APPROXIMATELY 7:00 AM THAT MORNING AT A DIFFERENT LOCATION FOR ABOUT 30 TO 45 MINUTES IN EACH LOCATION. THE COURTS HAS MISCONSTRUED "MR. JONES" TESTIMONY AND RULE HIM NOT CREDIBLE HOWEVER THE PROSECUTION DID NOT OBJECT TO IT, DID NOT MAKE A MOTION TO STRIKE IT NOR DID THE STATE PUT UP ANY EVIDENCE OF ITS OWN BUT HAS DISREGARDED "MR. JONES" TESTIMONY AND STATED "MR. JONES" TESTIFIED THAT HE SAW "MS. RICE" FOR (45) MINUTES THAT MORNING ONLY, "MS. RICE" TESTIFIED AT THE TRIAL THE SHE WALKED HOME WHEN THE ROBBERY HAPPENED. APPELLANT STATES THE EVIDENCE SHOWS THAT THE STATES WITNESS "MS. RICE" HAS BEEN WITH THE APPELLANT ALL MORNING LONG AND NEVER WENT HOME, THE DIRECT EVIDENCE WOULD

DISPUTE AND DISPROVE "MS RICES" TESTIMONY OF NOT BEING THE TRUTH. IT WOULD DEMONSTRATE THAT SHE COMMITTED PERJURY AND SHE WAS ALLOWED TO SEPARATE HERSELF FROM THE CRIME FOR WHAT SHE HAD BEEN ARRESTED, CHARGED, AND OFFICIALLY INDICTED FOR AND WHAT OUT AN AGREEMENT BETWEEN THIS WITNESS THE PROSECUTION DID NOT HAVE A WINNABLE CASE. THE APPELLANT REQUEST MOTION FOR LEAVE TO FILE EXPANSION OF PAGES AND BECAUSE HE IS NOT AN ATTORNEY BUT A LAYMAN ALSO DOES NOT HAVE THE SKILLS TO WRITE ACCURRARELY WITH BREVITY OR CONCISELY, AND IT IS HANDWRITTEN AND NOT A TYPE WRITER WHEREAS THE LETTERS AND WORDS ARE LARGER AND TAKES UP MORE ROOM ON THE PAPER.

d.) APPELLANT WILL DESCRIBE THE REASONS FOR REQUESTING A MOTION FOR LEAVE TO FILE FOR ENLARGEMENT OF PAGE LIMITATION BECAUSE THIS ISSUE IS JUST AS COMPLICATED AS THE REST BECAUSE BEING UNREPRESENTED BY COUNSEL AND UNSKILLED IN THE ART OF WRITING ACCURRARELY, WITH BREVITY AND ACCURRARELY. THE APPELLANT REQUEST A MOTION FOR LEAVE TO FILE A MOTION FOR ENLARGEMENT OF PAGES BECAUSE HE DOES NOT HAVE THE KNOWLEDGE, SKILLS, OR EXPERTISE TO WRITE ACCURRARELY, WITH BEREVITY AND CONCISELY AND BECAUSE IT MUST BE WRITTEN BY HAND AND NOT A TYPE WRITER WHEREAS THE LETTERS AND WORDS ARE LARGER AND TAKES UP MORE ROOM ON THE PAPER.

5.) THE APPELLANT BELIEVES THAT HE CAN ADDRESS THESE ISSUES IN AN ADEQUATE MANNER, IF THE COURT WILL ALLOW/GRANT THE APPELLANT TO EXCEED THE PAGE LIMITATION BY 11, PAGES.

WHEREFORE, THE APPELLANT MOVES THE COURT TO ALLOW THE APPELLANT TO EXCEED THE PAGE LIMITATION BY 11 NUMBER OF PAGES.

THIS 23 day of SEPTEMBER, 2021
COUNTY OF RICHLAND.

RESPECTFULLY SUBMITTED,
/s/ Bobby Joe Barton
BOBBY JOE BARTON, #163629
B.R.C.I. - MONTICELLO UNIT
RM. #197

4460 BROAD RIVER RD.
COLUMBIA, SC 29210

PR. SCR CIV. P. 6(c)

PRO SE REPRESENTATION

APPELLANT BELIEVES THAT HE HAS SHOWN GOOD CAUSE AND IN THE INTEREST OF JUSTICE ASK THIS HONORABLE COURT TO GRANT HIS MOTION FOR ENLARGEMENT OF PAGES.

/s/ Bobby Joe Barton
BOBBY JOE BARTON, #163629

CC: BOBBY JOE BARTON, APPELLANT

IN THE
SUPREME COURT OF THE UNITED STATES

APPEAL FROM THE UNITED STATES
COURT OF APPEALS, 4TH CIRCUIT

CASE NO. #

BOBBY JOE BARTON,	}	<u>CERTIFICATE OF SERVICE</u>
v. APPELLANT,		
SCOTT B. LEWIS, WARDEN;	}	MOTION FOR LEAVE TO FILE FOR ENLARGEMENT
RESPONDENT(S)		OF PAGE LIMITATION.
		DIST. CT. S.C. (98)8-CV-00748-RBH)
		CASE NO. U.S. CT. APP. NO. 19-6650

I, BOBBY JOE BARTON, WHOM AM THE APPELLANT DID ON THIS 23, day
OF SEPTEMBER, 2021 SERVE ALL PARTIES INVOLVED BY PLACING A COPY OF
OF THE SAME IN A UNITED STATES POSTAL SERVICE MAILBOX/MAILROOM AT
B.R.C.I., POSTAGE PAID AND ADDRESSED AS FOLLOWS:

* ALAN M. WILSON, ESQ,
ATTORNEY GENERAL FOR SC
[Rembert Dennis's Building, RM# 519]
1000 ASSEMBLY ST.
COLUMBIA, SC 29201

8y

* THE SOLICITOR GENERAL
OF THE UNITED STATES
[RM# 5616 DEPT. OF JUSTICE]
950 PENNSYLVANIA AVENUE,
N.W. WASHINGTON, DC 20530-
0001.

CC: BOBBY JOE BARTON, APPELLANT

Bobby Joe Barton
BOBBY JOE BARTON, #163629
PRO SE REPRESENTATION