

③
APPELLANT'S RULE 240 (REPLY TO RESPONSE

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

JAMES R. BARBER, III, CIRCUIT COURT JUDGE

APPELLATE CASE NO.: 2015-000697

GEORGE CLEVELAND, III,

APPELLANT,

v.

GREENVILLE COUNTY SHERIFF'S
OFFICE,

RESPONDENT.

APPELLANT'S RULE 240 REPLY TO RESPONSE

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MAY 20 2015

SC Court of Appeals

1. PURSUANT TO RULE 24(F) APPELLANT

George Cleveland, III proceeding pro se
Respectfully responds to the Respondent's
"RETURN TO APPELLANT'S MOTION TO
COMPEL COURT TRANSCRIPT."

2. the Respondent wrote the following
regarding South CAROLINA code
Ann. § 24-27-100: "The APPELLANT
Argues.... he is entitled to make
monthly payments from his inmate
Trust Account pursuant to § 24-27-100"
... IBID. ID. At p. 1.

3. this Argument is without merit because
nowhere in my motion any mention
to § 24-27-100, SUPRA; therefore, this court
should disregard any Argument with
this, SUPRA, statute.

4. the Respondent wrote the following
regarding "FORMA PAUPERIS": "The
Appellant does not appear to have filed
A motion to appear in FORMA PAUPERIS"
ID At p. 3.

5. This argument is too without merit because I filed my notice of APPEAL, AND motion to proceed in FORMA PAUPERIS together stamped "RECEIVED" in this court ON MARCH 19, 2015; accordingly, this FORMA PAUPERIS ARGUMENT should be disregarded by this court.
6. The Respondent wrote: "because WAIVER of fees AND cost is not required by statute AND because this case does not involve a FUNDAMENTAL Right"... (ID. AT p. 3.) to waive fees AND costs Related to court proceeding.
7. The Respondent Argues that I'm Requesting A WAIVER of fees, but the definition of WAIVER is: Relinquishment OR Abandonment, BLACK'S LAW DICTIONARY (8th Edition).
8. Nothing in my motion to compel TRANSCRIPT SAYS anything about WAIVING COURT fees OR COURT costs.

9. I'm merely ARGUING paymed pursuant to the prisoner Litigation statute, thus the Respondent is not directly ATTACKING my ARGUMENT of twenty (20%) of my prison Account goes to paying my court cost; therefore, the waiver of court cost ARGUMENT is without merit.

CONCLUSION:

10. the Respondents' short-comings in word choices is AN Attempt to TAKE my motion to compel TRANSCRIPT out of context, e.g. :
- a) he is entitled to make monthly payments" ... ID. At p. 1.
 - b) the Appellant is not entitled to WAIVER of fees AND costs, " ID. At p. 3.
11. IN sum, since I filed A motion to proceed in FORMA PAUPERIS, supporting AFFIDAVITS, copies of my prison-Account Statement, AND nothing in my motion
- 3.

to compel transcript states I want
the transcript fee waived; therefore
I respectfully request this court
to grant my motion to compel transcript.

Respectfully submitted,
s/ ~~George Cleveland III~~
George Cleveland III #35770
EVANS CORRECTIONAL INSTITUTION
610 Hwy. 9 West
Bennettsville, S.C. 29512

DATED: May 18, 2015

APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

IN THE COURT OF OF APPEALS

APPEAL FROM GREENVILLE COUNTY

JAMES R. BARBER, ~~JUDGE~~ CIRCUIT COURT JUDGE

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APPELLANT'S PROOF OF SERVICE

1. George Cleveland, III certifies that he has served on the Respondent by AND through their Attorney below; with proper postage, and by United STATES MAIL the following:

A. APPELLANT'S RULE 240(F) REPLY TO RESPONSE; AND

B. APPELLANT'S AFFIDAVIT IN SUPPORT OF TIMELY FILED REPLY AT THE DATE below.

ATTORNEY FOR RESPONDENT:

WILSON JONES CARTER AND BAXLEY, P.A.
c/o CHARLES F. TURNER JR.
8725. PLEASANTBURG, DRIVE
GREENVILLE, S.C. 29607

Respectfully submitted,
s/ George Cleveland, III
George Cleveland, III, #357770, F3A176
EVANS CORRECTIONAL INSTITUTION
616 Hwy 9 West
Bennettsville, S.C. 29512

Dated: May 18, 2015

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OF TIMELY FILED REPLY

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APPELLANT'S AFFIDAVIT IN SUPPORT OF TIMELY FILED REPLY

1. I, George Cleveland, III, swears under the penalty of perjury the following is true and correct - Relevant to the late-filing of my Rule 240(F) Reply to the Return by the Respondent to my Rule 240 motion to compel court transcript:
2. I received the Respondents' Return on May 05, 2015 from the Evans Correctional Institution Mail-Room.
3. I could not meet the five (5) day deadline for a Reply to the Respondents' Return pursuant to Rule 240 (F) because of multiple other pending deadlines; therefore, I respectfully request that this court considers my Rule 240 (F) Reply as timely.
4. I originally requested a deadline of May 15, 2015; however, prison administration here at Evans ordered me and other inmates in my dorm (Watahaw-A-side) to transfer to another dorm on May 13, 2015 which took most of the day.

5. I had no control over the Logistics of moving to another DORM, I Respectfully Ask that my Rule 240 (F) be filed AS timely; despite the five (5) day deadline HAS PASSED.
6. Due to Restrictions on inmate movement, I had to wait for the PRISON-MAIL-ROOM to send me AN ORDER-TO-REPORT (O.T.R.) before I could walk-up to the MAIL-ROOM window to have my legal PAPERS Notarized.
7. This notary Request did not happen until the day of this Affidavit.

SWORN TO BEFORE ME THIS

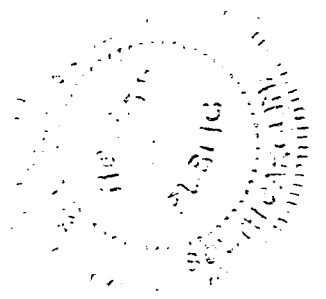
18th day of May, 2015

S. Quillan

Notary Public of SOUTH CAROLINA

my commission Expires: 2/24

S/ [Signature]
PLAINTIFF'S SIGNATURE



MAY 18, 2015

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MAY 20 2015

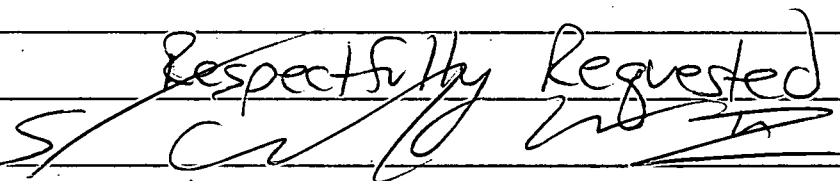
The south CAROLINA COURT OF APPEALS
Jenny Abbott Kitchings, Clerk of Court
P.O. Box 11629
Columbia, SC - 29211

Re: George Cleveland ~~J III~~ v. Greenville
County Sheriff's Office; Appellant No. 1;
2015-000697

1. DEAR Mrs. Kitchings,
Attached to this letter is my Rule
240 (F) Reply, Supporting Affidavit
in support of timely filed, AND
proof of service.

2. CAN you please file, AND FORWARD to
the Chief Judge for consideration?

3. Also, CAN you please DATE-STAMP ~~my~~
my EXTRA COPIES AND mail back to
me in the STAMPED-self-Addressed
envelope provided in the brown
envelope.

Respectfully Requested


George Cleveland ~~J III~~ #357770
EVANS CORRECTIONAL INST
610 Hwy 9 West, Bennettsville, SC 29315

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