

RECEIVED PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS

JUL 13 2015 THE STATE OF SOUTH CAROLINA
SC Court of Appeals IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT
RALPH KING ANDERSON, III, CHIEF ADMINISTRATIVE
LAW JUDGE

LOWER COURT CASE NO. 2014-ALJ-040664-AP
APPELLATE CASE NO. 2015-600957

GEORGE CLEVELAND, III,
S.C.D.C., NO. 357770,

PETITIONER,

v.

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS, (S.C.D.C.),

RESPONDENT.

PETITION FOR A WRIT OF CERTIORARI

S.C.D.C.
OFFICE OF GENERAL COUNSEL
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ATTORNEY FOR RESPONDENT

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PRO SE PETITIONER.

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QUESTIONS PRESENTED

1. DID the S.C.D.C., AND EVANS CORRECTIONAL Institution deny me Access to the Courts by the FIRST AND FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION UNDER BOUNDS v. Smith, 430, U.S., 817, 97, S. CT., 1491, U.S., N.C. (1977) by not ~~making~~ NO ALTERNATIVE to Access the Courts DURING PRISON Lock-down, IF SO, DID I SUFFER ACTUAL INJURY under Lewis v. Casey 518, U.S., 343, 116, S. CT., 2174, U.S., ARIZ, (1996) because I missed my deadline to file my Notice of Appeal with the South CAROLINA Court of Appeals, And the South CAROLINA Court of Appeals denied my motion for timely filed Notice of Appeal supported by Affidavits which is in conflict with well-settled United States Supreme Court CASE-LAW?
2. DID the S.C.D.C., AND EVANS CORRECTIONAL Institution violate Johnson v. Avery, 393 U.S., 483, 89, S. CT., 747, (1969), AND BOUNDS v. Smith, 430, U.S., 817, 97, S. CT., 1491, U.S., N.C. (1977) by not providing me A typewriter.

QUESTIONS PRESENTED; CONTINUED

WORK, AND IF SO, DID I SUFFER ACTUAL
INJURY UNDER Lewis v. CASEY TO MY
INDEX FINGER ON MY WRITING HAND? IF
SO, IS THE TYPEWRITER REQUIRED BY
JOHNSON v. AVERY AND BOUNDS v. SMITH
OUTDATED?

RELEVANT CASES;

EX. PARTE HULL, 312, U.S., 546, 61, S.Ct.,
640, 85, L.ED., 1034, (1941);

JOHNSON V. AVERY, 393, U.S., 483, 89, S.Ct.
747, (1969);

BOUNDS V. SMITH, 430, U.S., 817, 97, S.Ct., 1491,
U.S., N.C. (1977);

Hudspeth v. FIGGINS, 584, F.2D, 1345, C.A.,
U.A., (1978);

LEWIS V. CASEY, 518, U.S., 343, 116, S.Ct., 2174,
U.S., ARIZ., (1996);

KOCAYA V. KOCAYA, 347, S.C., 26, 552, S.E.,
2D, 765 (S.C. App. 2001);

HENDRICKS V. S.C.D.C., 385, S.C., 625, 686,
S.E., 2D, 191, S.C., (2009).

STATEMENT OF THE CASE:

ON MARCH 03, 2015, I signed for AND Received from EVANS' CORRECTIONAL INSTITUTION MAIL-ROOM STAFF. The order of DISMISSAL signed by Chief Administrative LAW JUDGE RALPH KING ANDERSON, III, AND MAILED out on FEBRUARY 27, 2015, see Petitioner's Supporting AFFIDAVIT ID. AT PAR. 5; hereinafter (P.S.A.)

ON MARCH 07, 2015 AT 11:21 A.M., I emailed MRS. C. HOOKS through the LEGAL MATERIALS link on the INMATE kiosk system Requesting legal MATERIALS, I.E., LEGAL white PAPER, INK PENS, AND LEGAL MAIL ENVELOPES FOR UPCOMING LEGAL DEADLINES, see P.S.A. ID. AT PAR. 2 because I needed to file A NOTICE OF APPEAL with this COURT, see P.S.A. ID. AT PAR. 6,

-
1. All LEGAL-MAIL is held by the MAIL-ROOM STAFF. AN ORDER-TO-REPORT (O.T.R.) is sent to ALL INMATES with the SPECIFIC DATE, AND TIME-RANGE to pick-up LEGAL-MAIL. I'm REQUIRED to sign for the MAIL AND the RECORD is DATED, see P.S.A. ID. AT PAR. 7.

ON MARCH 21, 2015 - APRIL 13, 2015,
EVANS CORRECTIONAL Institution's PRISON
Administration ordered Restricted movement,
And subsequent lock-down with no
movement because AS the PRISON
Administration stated inmates were
sicken with High-FEVERS, see P.S.A.
ID. AT PAR. 4 - _____
(Detailed Daily Log; AND other supporting facts).

FROM APRIL 03, 2015 - APRIL 14, 2015, MY
CELL-ROOM WAS without light because of
A broken light switch, see P.S.A., ID AT
PAR. 4.

THE Absence of A light for eleven (11) days
ALTHOUGH not directly Related to my denial
of access to the courts, shows how
POOR MANAGEMENT caused the long delay
ID.

ON APRIL 13, 2015 PRISON Administration

2.

Resumed NORMAL operations.

ON APRIL 17, 2015, some forty-two (42) days later at 1:56 p.m., MRS. Hooks Response email stated the following:

“I will add your name to the list for the next distribution,” see P.S.A., ID. AT PAR. 3.

I did not receive legal materials until APRIL 27, 2015, see P.S.A., ID. AT PAR. 8.

I began the grueling task of hand-writing my legal documents, my legal supporting Affidavit was notarized on April 28, 2015, and personally handed my notice of Appeal in this matter on April 28, 2015 as well, see P.S.A., ID AT PAR. 9.

APRIL 28, 2015, over thirty-six (36) days later; therefore, the deprivation of legal-

2. NORMAL operations AT EVAN'S simply mean all inmates are free to move around the prison yard to go to school, chapel, legal research, and so on, see P.S.A. ID. AT PAR. 4.

3.

white paper, ink pens, and legal-mail envelopes is unconstitutional under the First Amendment (Access to the courts), and Fourth Amendment (due process LIBERTY INTEREST; Equal protection under the LAWS) of the United States Constitution.

Even if there was no prison lockdown, I still would have missed my deadline because pursuant to RULE 203 S.C.R.A.C. (B) (6) NOTICE OF APPEAL FROM: "Administrative TRIBUNALS" ... within thirty (30) days AFTER Receipt of the decision.

AS I ARGUED EARLIER, I RECEIVED THE ORDER OF DISMISSAL FILED FEBRUARY 27, 2015, AND I SIGNED AND RECEIVED THE ORDER ON MARCH 03, 2015, I.D., THUS, TRIGGERING THE 30 DAY DEADLINE TO FILE NOTICE OF APPEAL WITH THIS COURT; LEGAL MATERIAL REQUEST ON

MARCH 07, 2015, see P.S.A., I.D. AT PAR. 2, which left twenty -sit (26) days for MRS. Hooks to provide me with legal materials so I could have filed my Notice of Appeal before the 30 day deadline, but she failed to provide the tools that are required to communicate with this court, and all other courts in South Carolina and that's legal paper, ink pens, and legal envelopes which I had none of the legal materials, supra, see P.S.A., I.D. AT PAR. 10.

EVANS CORRECTIONAL INSTITUTION'S WARDEN Willie Egleton, and staff member MRS. C. Hooks failed to afford me access to legal materials through the MARCH 21, 2015 - APRIL 13, 2015 by not making a reasonable alternative

to Access the courts, I.E. providing
Legal PAPER, INK pens, OR envelopes.

MRS. HOOKS continued to block my
Access to the courts even AFTER
the INSTITUTIONAL lock-downs see
P.S.A. ID. AT PAR. 3 because I
did not receive my legal materials until
April 27, 2015, see P.S.A. ID. AT PAR. 8
CAUSED me ACTUAL prejudice because
my NOTICE OF APPEAL WAS NOT MAILED
out until April 28, 2015.

ON MAY 19, 2015, this COURT denied my
motion AND my AFFIDAVIT IN SUPPORT OF
my late NOTICE OF APPEAL FROM THE
ADMINISTRATIVE LAW COURT.

the COURT cited MEARS V. MEARS, 287,
S.C., 168, 337, S.E., 2d, 206 (1985) AND
REASONED "the NOTICE OF APPEAL is A
JURISDICTIONAL Requirement AND the Appellate

COURTS HAVE NO AUTHORITY TO EXTEND
THE TIME... SEE PETITIONER'S ATTACHED
APPENDIX ID. AT 55, (HEREINAFTER P.A.A.)

I RECEIVED THE ORDER OF DISMISSAL
FROM THIS COURT ON MAY 22, 2015,
SEE P.S.A., ID AT PAR. 11.

ON JUNE 04, 2015, THIS COURT ISSUED
THE REMITTUR ~~AND~~ I RECEIVED IT ON
JUNE 08, 2015, SEE P.S.A. ID. AT PAR. 12.

THE UNITED STATES SUPREME COURT FIRST
ADDRESSED THE FUNDAMENTAL RIGHT TO ACCESS
THE COURTS SINCE I'M AN INMATE STARTING
WITH *EX PARTE HULL*, 312 U.S. 546, 61
S.Ct. 640, 85 L.ED. 1034, (1941) STRICKING-
DOWN A PRISON REGULATION THAT REQUIRED
INMATES' LEGAL FILINGS TO BE FIRST REVIEWED
BY AN "LEGAL INVESTIGATOR" BEFORE FILING
WITH THE COURT. THE COURT REASONED "THE
STATE AND ITS OFFICERS MAY NOT ABRIDGE
OR IMPAIR PETITIONER'S RIGHT TO APPLY TO
A FEDERAL COURT FOR A WRIT OF HABEAS
CORPUS", ID. AT 549, 61 S.Ct. AT 641.

IN JOHNSON v. AVERY, 393 U.S. 483, 89, S. CT. 747, (1969), the United States Supreme Court struck down A Tennessee Prison Regulation forbidding illiterate or poorly educated prisoners from seeking help from other inmates, ID. AT 749.

Petitioner William Joe Johnson filed Action in United States District Court for the Middle District of Tennessee Requesting LAW BOOKS, AND typewriter.

The COURT REASONED that where Government fails to provide the prison with the legal counsel it demands the prison generates its own, ID. AT 754. The COURT further REASONED that if the courts is to available to the indigents among us, ID AT 755. The COURT, thus AFFIRMED the DISTRICT COURT ORDER that REQUIRED "[LAW] BOOKS AND TYPEWRITER," ID.

IN BOUNDS v. SMITH, 430 U.S. 817, 97,

S.Ct., 1491, U.S., N.C. (1977) Inmate Robert (Bobby) Smith challenged the constitutionality of the Inadequate Legal Library Access to courts under the First Amendment and Equal protection under the United States Constitution because the North Carolina Prison system that was inadequate for inmates to "set forth a non-frivolous claim," ID. At 1497,

The issue presented to the court was the right of prisoners to access the courts by "providing them with law libraries or alternative source of legal knowledge," ID. At 1492-1493,

The United States Supreme Court reasoned in order to prevent "effectively foreclosed access" indigent prisoners must be allowed to file appeals and habeas corpus petitions, ID. At 1495.

The court reasoned that "the cost of protecting a constitutional right cannot justify its total denial" and noted

state PRISON officials must be provided at "state expense with PAPER, AND pen to DRAFT legal documents with NOTARIAL services to *825 authenticate them AND with STAMPS to mail them," ID. At. 824-825.

The court REASONED the FUNDAMENTAL CONSTITUTIONAL RIGHT OF ACCESS to the COURTS require PRISON authorities to provide inmates "with ADEQUATE LAW LIBRARIES OR ADEQUATE ASSISTANCE FROM PERSONS TRAINED IN THE LAW," ID. At. 828.

In *Hudspeth v. Figgins*, 584, F.2d, 1345, C.A. V. A., (1978), the Fourth Circuit Court of Appeals REASONED the following:
Once JUDICIAL proceedings have been commenced, the state may not punish "A PRISONER FOR having sought judicial Remedies." *Russell v. Oliver*, 552, F.2d, 115, 116 (4th Cir 1977) quoted FROM *Hudspeth*, SUPRA.

IN Hudspeth, two (2) VIRGINIA
CORRECTIONAL OFFICERS THREATENED TO
HAVE ANOTHER OFFICER "MAKE IT LOOK
LIKE AN ACCIDENT," ID AT 1347.

NINETEEN (19) YEARS AFTER BOUNDS
V. SMITH, SUPRA, LEWIS V. CASEY,
518, U.S., 343, 116, S.Ct., 2174, U.S.
ARIZ. (1996) REQUIRES A SHOWING
OF "ACTUAL INJURY."

IN LEWIS V. CASEY, SUPRA, THE UNITED
STATES SUPREME COURT REASONED THAT
"AN INMATE ALLEGING A VIOLATION OF BOUNDS
MUST SHOW ACTUAL INJURY DERIVES
ULTIMATELY FROM THE DOCTRINE OF STANDING,"
ID. AT 2179. THE COURT PUT LIMITS ON
WHAT COURTS ARE AUTHORIZED TO REMEDY
THE INADEQUACY THAT PRODUCED THE
INJURY THE INJURY, ID. AT 2183.

IN KOCAYA V. KOCAYA, 347, S.C., 26, 552,
S.E., 2d, 765 (S.C. App. 2001), THE SOUTH
CAROLINA COURT OF APPEALS REASONED THAT
"PRISONERS HAVE A CONSTITUTIONAL RIGHT

of Access to the Courts, ^{1d} ID. At 767.
The South Carolina Court of Appeals
further reasoned, the S.C.D.C. must provide
transportation to and from the courts,
ID.

The Kocaya Court is relevant in my
case because of the ~~pattern~~ of a
denial of access to the courts by
the S.C.D.C. even though this case, *supra*,
deals with the failure of the S.C.D.C.
to transport inmate Kocaya to his
divorce hearing, ID.

In *Hendricks v. S.C.D.C.*, 385 S.C. 625,
686 S.E. 2d 191 S.C. (2009), the South
Carolina Supreme Court reasoned that
because inmate "Almost twice missed
deadlines, Appellant did not suffer an
actual injury, ID. At 194, citing
Lewis v. Casey, ID.

The *Hendricks* case, *supra*, is relevant
to my case on two (2) grounds:
First, inmate *Hendricks*'s difficulty to file

legal papers with the court and second the requirement by the S.C.D.C. that "have been solely originated" by an inmate, ID.

S.C.D.C. Policy GA-01.03 (Inmate Access to the Courts) effective date August 25, 2014; § 12.2 (Materials and documents that will not be copied):

"Documents that have been solely originated, generated, written, typed, or created by an inmate. (The inmate may copy this information by hand)."

The Hendricks court, supra, cautioned the S.C.D.C. regarding forcing inmates to hand-write documents, ID. At 195, the S.C.D.C. ignored the judicial caution and is still forcing me and other inmates to hand-write all legal documents, and will not photo-copy any legal documents unless they are first stamped by the clerk of the court in the relevant court, see P.S.A ID at par. 13.

This policy, SUPRA, in the policy statement states the following Relevant part:

"IN order to provide inmates with Adequate Access to the courts, S.C.D.C. will establish and maintain AN Institutional LAW LIBRARY system to AFFORD inmates Access to Legal materials in compliance with the Requirements of Related case LAW..."

ARGUMENT:

THE S.C.D.C./EVANS CORRECTIONAL INSTITUTION DENIED ME ACCESS TO THE COURTS/
I SUFFERED ACTUAL INJURY;

The United States Constitutional Amendment I states the following Relevant part:

"congress shall make no LAW.... the Right to Petition the Government for A Redress of Grievances" AND AMENDMENT XIV § 1 states in Relevant part:.....

"nor shall any state deprive any person of.... Liberty OR property, without due process of LAW; nor deny any person within its' JURISDICTION

the equal protection of the Laws,"

The S.C.D.C., AND EVANS CORRECTIONAL Institution's WARDEN Willie EAGLETON failed to properly monitor the timely distribution of LEGAL MATERIAL by EVANS CORRECTIONAL Institution employee MRS. C. HOOKS which caused me to miss my deadline of thirty (30) days pursuant to Rule 203 S.C.A.C.R. to timely Appeal my Administrative LAW COURT ORDER OF DISMISSAL (Docket No. 14-ALJ-04-0664-AP) from a S.C.D.C. DISCIPLINARY conviction for offense 810 (striking an inmate with or without a weapon); see Petitioners ATTACHED Apperidix ID. AT 51-52 (hereinafter P.A.A.). This COURT Ruled my notice of appeal WAS NOT filed timely; INASMUCH AS; WAS filed in this COURT ON MAY 19, 2015, see P.A.A. ID. AT 54. This caused me ACTUAL INJURY in violation of Lewis v. CASEY, ID. AT 2179, thus, I demonstrated A denial of Access to the

COURTS.

ON MARCH 07, 2015, I emailed MRS. C. Hooks this Relevant part:

.... "I need Legal paper, pens, and Legal mail envelopes for pending Legal court filings," see P.S.A. ID at 2.

I wrote her FOUR (4) DAYS AFTER Receipt of the A.L.C.'s order of Dismissal, see P.S.A. ID, at. 5, thus starting the 30-day deadline to file my Notice of Appeal with the court pursuant to Rule 203(b)(6) S.C.A.C.P.

My deadline expired on April 03, 2015 to file my Notice of Appeal, ID. Mrs Hooks responded to my Legal materials Request on April 07, 2015, thirty-nine (39) DAYS LATER and wrote the following Relevant part:

"I will ADD your name to the list"...., ID at P.S.A., or rather, see P.S.A., ID at PAR. 3.

This is not the first time Mrs. Hooks has ignored my legal materials request.

On December 30, 2014, I wrote the A.L.C. Attention: Judge Ralph King Anderson, ~~the~~ the multiple emails I sent to Mrs. Hooks in the middle of November 2014 regarding the need for legal paper to file my brief for this very same ALC case this petition is relevant to, see P.S.A. ID at PAR 14, see also P.A.A. ID at 38-42.

the S.C.D.C.'s own policy S.C.D.C. GA-01.03 (Access to the courts) caused me actual injury by failing to provide an alternative as the United States Supreme Court required in Johnson v. Avery, 393 U.S. 483, 89 S. Ct. 747 (1969) ID. at 753.

the relevant part of this policy
§ 1 (General provisions) states the following:

"Inmates within the S.C.D.C. will have Access to LAW MATERIALS"...

This policy falls short of a specific requirement of ALTERNATIVE ACCESS to the COURTS when there is INSTITUTIONAL LOCK-DOWN, I.E., providing LEGAL MATERIALS to my cell, AND providing a direct communication by non-electronic means to CONTACT PRISON ADMINISTRATION. I suffered prejudice by the S.C.D.C.'s Access to the COURTS policy by NOT MANDATING Access to the COURT PROCEDURES DURING LOCK-DOWN UNDER LEWIS v. CASEY, 518, U.S., 343, 116, S.Ct., 2174, U.S. ARIZ. (1996), ID. AT 2183,

IN SUM, MRS. HOOKS denied me Access to the COURTS by failing to provide me with LEGAL PAPER, INK PENS, AND ENVELOPES AS REQUIRED BY BOUNDS v. SMITH, ID. AT 824-825,

THE PARTICULAR INADEQUACY IN MY CASE DEMANDED BY LEWIS v. CASEY, ID. AT

2183 is the failure of Mrs. C. Hooks to provide me with Legal Paper, Ink Pens, and Legal envelopes which I had none of, see P.S.A. ID. AT PAR. 10; caused me to miss my deadline to file my Notice of Appeal timely in my A.L.C. case; Accordingly, Mrs. C. Hooks, an employee at Evans Correctional Institution which is part of the S.C.D.C., denied me access to the courts, due process violation (Liberty Interest)³, and equal protections under the Law.

The S.C.D.C. and Warden Willie Egleton of Evans Correctional Institution failed to provide me with an alternative to access Law Books, and Rules of the Court during the Institutional Lock-down which caused

3. The Liberty Interest under the United States Constitution's 14th Amendment § 2 because of the loss of 60 days of Good-Time stemming from my disciplinary conviction, see P.A.A. ID AT 17,

me prejudice under Lewis v. Casey,
ID. At 2179, the specific inadequacy
in my case demanded by Lewis v.
Casey, ID. At 2183 is the no alternative
to legal books, or rules of court which
even if I had paper, pens, and envelopes,
I still could make certain I'm following:

The requirement of how the court forms
are suppose to be written, who I'm suppose
to serve, and reading relevant case-law
to prepare myself for writing my
briefs, etc., caused me prejudice;
consequently, the S.C.D.C., and Warden
Willie Eagleton denied me access to the
courts.

BOUNDS VIOLATION; NOT PROVIDING
TYPEWRITER/ THE S.C.D.C. IS NOT OPERATING
AS A MODERN PRISON SYSTEM:

IN JOHNSON v. AVERY, SUPRA, the United States
Supreme Court first required state prisons
to provide TYPEWRITERS, ID. AT 754.

This was 1969, forty-six (46) years ago, and the court, *id.*, reaffirmed the use of a typewriter in *Bounds v. Smith, supra, id.* At 824, eight (8) years after *Johnson*, but the S.C.D.C. and Evans Correctional Institution have not provided a typewriter in the law-library or provided one during institutional lock-downs or the entire time I was assigned at Evans Correctional, see P.S.A., *id.* at par. 15.

The absence of a typewriter has caused my index-finger to hurt every time I hand-write my legal documents, even though other S.C.D.C. prisons are provided typewriters to type their legal documents but, not provided at Evans Correctional Institution is unconstitutional under the Fourteenth (14th) Amendment § 1 (equal protection of the laws) of the United States constitution because the S.C.D.C. inmate access to the courts, *id.*, § 1

GENERAL PROVISIONS STATES: "INMATES within the S.C.D.C. will have Access to LAW MATERIALS through established CORE SATELITE LAW LIBRARIES located within S.C.D.C. INSTITUTIONS"... IS NOT APPLIED EQUALLY AT ALL S.C.D.C. INSTITUTIONS AS REQUIRED BY ITS OWN POLICY, ID.

THAT HAVE LAW LIBRARIES. I SUBMIT, EVANS CORRECTIONAL INSTITUTION HAS A LAW LIBRARY, SEE P.S.A., ID. AT PAR. 21, THUS THE S.C.D.C. ACCESS TO THE COURTS POLICY, ID, THAT REQUIRES A TYPEWRITER AND MY INDEX-FINGER ON MY WRITING HAND HURTS EVERYTIME I HAND-WRITE MY LEGAL DOCUMENTS, P.S.A., ID., ARE ACTUAL INJURIES UNDER LEWIS V. CASEY, ID. AT 2179; THEREFORE, THE S.C.D.C. AND WARDEN WILLIE EAGLETON DENIED ME ACCESS TO THE COURTS, AND EQUAL PROTECTION UNDER THE LAW.

S.C. CODE OF LAWS ANN. § 24-1-20 (1962)

states in relevant part related to the typewriter;

"It shall be the policy of this state... the S.C.D.C. operations "be consistent with the operation of a modern prison system."

I submit, the S.C.D.C. has failed to provide modern technology to type my legal documents, I.E., personal computer (P.C.) installed with Microsoft Word or similar software as required by state law, supra.

The S.C.D.C. employees already have installed on their computers Microsoft Word or similar software, see P.S.A. ID at par. 16, but not on the computers in the prison law libraries nor in the computer labs, where the computers are solely used by inmates, see P.S.A. ID. at par. 17.

Typewriters are not ~~modern~~ modern because innovation has long pushed

it to the backseat, AND P.C., AND Laptops have taken over AS I indicated earlier, the S.C.D.C. HAVE P.C.'S, but have installed them with updated word software which would make them modern, thus, does-not comply with state-law.

IN *Riley v. CALIFORNIA*, No. 13-132 (Syllabus), Chief Justice John Roberts of the United States Supreme Court writing for the majority wrote the following relevant part:

"modern cell-phones, which are now such a pervasive and insistent part of daily life that the proverbial visitor from Mars might conclude they were an important feature of human anatomy," syllabus opinion, ID at 9.

the Riley case deals with the warrantless searches of cell-phones by the police, this case is relevant to my instant petition because of the technological advances

of the cell phone, such as a smart phone which the court reasoned "was unheard of ten years ago, I.D.

The same is true regarding the typewriter, and the P.C.

The relevant sole technological advancement of the P.C., and Microsoft Word software are;

- I can type my legal documents;
- Select the font size;
- Select page margins;
- Type symbols, footnotes, delete words, and the use of bold font just to name a few.

Typing on a P.C. is more modern than a typewriter because once I type my legal documents once, I can print the number of copies I need⁴, which saves me time by not being forced to hand-write all my legal documents to be filed by the court,

4. As I stated earlier, S.C.D.C. policy GA-01.03 (Inmate's Access to the Courts) § 12.2 restricts my handwritten legal documents from being photocopied, see P.S.A. I.D. At PAR. 18,
25,

AND SERVED ON THE RESPECTIVE PARTIES,
E.G., IF I HAND-WRITE TWENTY (20) PAGES,
INCLUDING PROOF OF SERVICE, AND SUPPORTING
AFFIDAVITS FOR AN A.L.C. APPEAL, I WILL
HAVE TO HANDWRITE A ROUGH-DRAFT,
AND A COPY FOR THIS COURT, AND A COPY
TO THE S.C.D.C. FOR A TOTAL OF SIXTY (60)
HANDWRITTEN COPIES WHICH IS BRUTAL ON
MY INDEX-FINGER ON MY WRITING HAND, AND
CONSUMES A LOT OF MY TIME, SEE P.S.A.
I.D. AT PAR. 19.

IN RILEY, I.D., THE COURT FURTHER REASONED
THAT "BEFORE CELLPHONES, A SEARCH OF A
PERSON WAS LIMITED BY PHYSICAL NARROW
INTRUSION OF PRIVACY, I.D. AT 17 (SYLLABUS)
CITED RESEARCH OF KERR. FORWARD ACCOUNTING
FOR TECHNOLOGICAL CHANGE, 36 HARV. J.L.,
AND PUB. POLY, 403, 404-405 (2013).

I SUBMIT, JOHNSON V. AVERY, AND BOUNDS
V. SMITH, SUPRA, TYPEWRITER REQUIREMENT SO
I CAN TYPE MY LEGAL-DOCUMENTS IS OUTDATED

because the typewriter is outdated with software that provides so much more that would make my legal documents look modern as state law requires, ID.

my pain in my handwriting index-finger, and the deliberate deprivation of a typewriter at Evans Correctional Inst. is actual injury under Lewis v. Casey, ID. at 2179; consequently, is a Johnson v. Avery, and Bounds v. Smith, supra, violations denial of access to the courts, and equal protection of the law, i.e. S.C.D.C. policy GA-01.03 (Inmate Access to the Courts) § 1 "Inmates within the S.C.D.C. will have access to ~~LOW~~ MATERIALS".

CONCLUSION:

MRS. C. Hooks of Evans Correctional Inst. caused me to miss my NOTICE OF APPEAL deadline in this court, and it even took her over thirty-nine (39) days to even

Respond. the lack of oversight by WARDEN Willie Egleton, AND PRISON officials of the S.C.D.C. by not checking on the job performance of MRS. C. Hooks, in fact, WARDEN Egleton himself ignored my request for him to intervene to find out why such the long delay in me receiving my legal materials, see P.S.A. ID. AT PAR. 14.

DURING the EVANS CORRECTIONAL INSTITUTIONAL Lock-DOWN, NO EVANS CORRECTIONAL INSTITUTION employees came to my room checking to see if I needed legal materials, further, there were no staff members distributing REQUEST-TO-STAFF-MEMBER (R.S.T.M.) FORM 19-11 so I could communicate with staff to request legal materials, see P.S.A. ID. AT PAR. 20.

I PRAY that this court GRANT my Petition FOR A WRIT OF CERTIORARI because there ARE substantial constitutional issues directly involved, I.E. 1st AND 14th

Amendment of the United States Constitution,
Furthermore, my Federal Constitutional
Right to Access to the Courts, Due Process
(Liberty INTEREST), AND Equal Protection
of the laws have been consistently
Ruled by the United States Supreme
Court AS A Fundamental Right for
Inmates to have;

ACCESS TO THE COURTS'

Ex Parte Hull, SUPRA;
Johnson v. Avery, SUPRA;
Bounds v. Smith, SUPRA;
AND Lewis v. Casey, SUPRA.

The South Carolina Court of Appeals order
filed May 19, 2015 dismissing my NOTICE
OF Appeal AS untimely under Mears v.
Mears, 287, S.C. 168, 337, S.E., 2d. 206
(1985) is in conflict with decisions
of the United States Supreme Court
because prison Administration must provide
me Access to the Courts, AND my missed

deadline caused by not provided with
PAPER, PENS, ENVELOPES, LAW BOOKS, TYPEWRITER
AND Rules of court Books caused me
Actual INJURY under Lewis v. Casey;
Accordingly, this court should use its'
Judicial discretion AND GRANT my
Petition for a WRIT OF CERTIORARI
because of the important constitutional
Rights, AND the substantial benefit
of the other inmates similarly situated.

I leave with this quote from William Joe
Johnson, the Tennessee inmate in
Johnson v. Avery, 393 U.S. 483, 89 S.Ct.
747 (1969) over 46 years ago:

When I arrived at the prison and
discovered that no one including
the prison officials knew how long my
sentence was I had to resort to fighting
my case to keep my sanity, I did at 75.

this quote by Mr. Johnson four (4) decades
ago is relevant in my case because no
one including the prison officials at
Evans, E., Mrs. C. Hooks, Warden Willie

Eagleton, AND S.C.D.C. PRISON ADMINISTRATION
knew, it's they didn't care to know.
NO PRISON OFFICIAL AT EVANS HAD
A INCH OF CARING ABOUT COURT DEADLINES,
NOT JUST FOR ME, BUT THE OTHER THOUSAND
(1,000) PLUS INMATES AT EVANS THAT
MAY ALSO HAVE MISSED A COURT DEADLINE
BY NO FAULT OF THEIR OWN LIKE MY
MISSED DEADLINE.

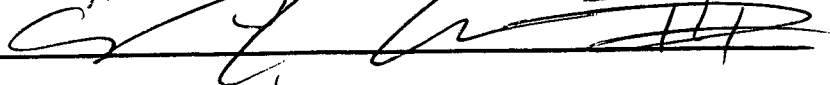
WHAT DID PRISON THESE PRISON OFFICIALS DO
WITH THE EXTRA-TIME WHEN THE ENTIRE
PRISON WAS LOCK-DOWN? I CRAVE TO
KNOW, BUT SUBMIT THE EVIDENCE ATTACHED
HEREIN AS PART OF THE RECORD, PROVES
THAT EVEN MONTHS PRIOR TO THE LOCK-DOWN,
THERE WAS ALSO PROBLEMS WITH GETTING
PAPER, PENS, AND ENVELOPES.

MY RIGHT TO ACCESS THE COURTS CAN NO LONGER
BE VIOLATED, IF THIS COURT GRANTS MY
PETITION FOR A WRIT OF CERTIORARI, WHEREBY
THIS COURT CAN PUT AN END TO THIS
SUBSTANTIAL DENIAL OF ACCESS TO THE
COURTS.

APPELLATE CASE NO.
2015-000957

APPELLATE CASE
NO.
2015-000957

LAST PAGE OF
PETITION FOR A WRIT OF
CERTIORARI TO THE COURT OF APPEALS

Respectfully Submitted,


George Cleveland, III, #357770,
MACDOUGALL CORRECTIONAL INSTITUTION
1516 GILLIARD ROAD
RIDGEVILLE, S.C. 29472

DATED: July 07, 2015

PAGE 1 OF 2
July 07, 2015

The South CAROLINA COURT OF APPEALS
JENNY ABBOTT KITCHINGS, CLERK
Post Office Box 11629
Columbia, S.C. 29211

RECEIVED

JUL 13 2015

Re: PETITION FOR A WRIT OF CERTIORARI
FILING; Appellate CASE NO. 2015-000957

SC Court of Appeals

1. DEAR MRS. KITCHINGS,
Attached to this letter is the
following:

PETITION FOR A WRIT OF CERTIORARI
PETITIONER'S SUPPORTING AFFIDAVIT
PETITIONER'S APPENDIX
PETITION TO PROCEED IN FORMA PAUPERIS

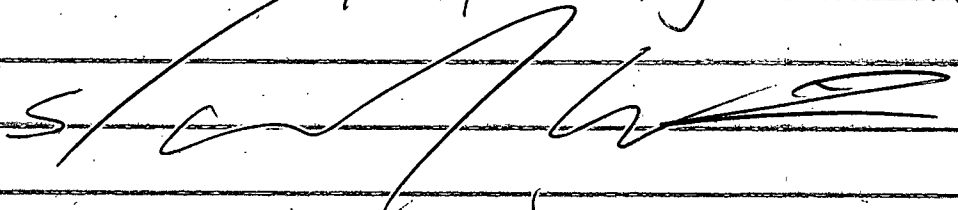
2. CAN YOU PLEASE FILE, AND KINDLY
STAMP THE EXTRA COPIES IN THE
STAMP SELF-ADDRESSED ENVELOPE BACK
TO ME FOR MY RECORD?

3. FINALLY, I RAN OUT OF WHITE
LEGAL PAPER TO INCLUDE THE PROOF
OF SERVICE.

PAGE 2 OF 2

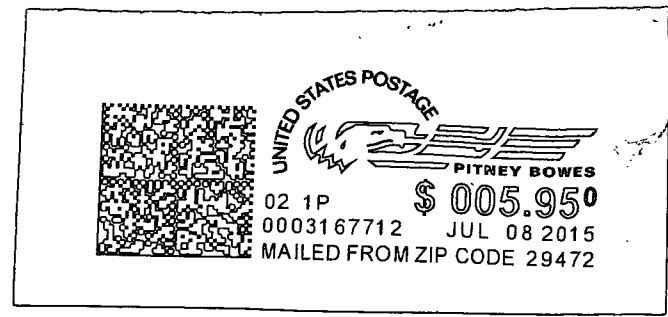
4: Please be advised that I will
MAIL the PROOF of service out
in the JULY 09, 2015 MAIL THAT
will show I served the SC DC
AND notified the A.L.C.

Respectfully submitted,



George Cleveland, III #357770
MACDOUGALL CORRECTIONAL INST
1516 GILLIARD ROAD
Ridgeville, SC 29512

George Cleveland, III, #357770, M2-CSA
MacDougall Correctional Institution
1516 Gilliard Road
Ridgeville, S.C. 29512



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Legal - MAIL
SC Court of Appeals

The South COURT COURT OF APPEALS
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P.O. Box 11629
Columbia, S.C. 29211