

APPELLANT'S RULE 221 PETITION  
FOR REHEARING

---

RECEIVED

JUL 27 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS

---

JAMES R. BARBER, III, CIRCUIT COURT  
JUDGE

---

C/A No.: 2014-CP-23-05661

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APPELLATE CASE No. 2015-000697

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George Cleveland, III,

APPELLANT,

v.

Greenville County Sheriff's

office,

Respondent,

---

APPELLANT'S RULE 221 PETITION

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1.

Appellant George CLEVELAND, ~~III~~, Respectfully  
PETITIONS this COURT FOR A Rehearing  
PURSUANT to Rule 221 SCACP. INASMUCH  
AS this COURT denied my motion to  
PROCEED in FORMA PAUPERIS, citing EX  
PARTE MARTIN 321 S.C., 533, 471, S.E.,  
2d, 134 (1995)

2.

I submit, this COURT over looked my  
ARGUMENT that I could NOT AFFORD to  
PAY the filing fee in violation of the  
EQUAL protection clause, due process, liberty,  
PROPERTY interest, AND A DENIAL OF ACCESS  
to the COURTS under the UNITED STATES  
CONSTITUTION, thus JUDICIAL REVIEW of the  
Appellate COURT FOR the POOR is ENSHINED

1.

IN OUR FOUNDING FATHERS VISION IN  
CREATING THE UNITED STATES OF AMERICA,  
WHERE NO ONE BRANCH OF THE FEDERAL  
GOVERNMENT, NOR ONE (1) PERSON TO  
CONTROL THE GOVERNMENT DECISIONS,  
AND THIS VISION THAT BECAME THE  
DECLARATION OF INDEPENDENCE; SUBSEQUENTLY,  
THE CONSTITUTION OF THE UNITED STATES  
OF AMERICA DEMANDED A CHECK ON  
THE AUTHORITY OF THE OTHER'S POWER  
ON DECISIONS. I SUBMIT, THIS CONSTITUTIONAL  
DEMAND CANNOT BE DEVIED TO ME SIMPLY  
BECAUSE I LACK \$100.00 TO PAY THE  
FILING FEE.

3.

THIS FUNDAMENTAL RIGHT I HOLD AS AN  
AMERICAN CITIZEN EVEN THOUGH I'M  
A STATE INMATE REQUIRES ME TO

2.

explain the history of the demand for a government that separates its powers preventing a king to rule or the wealthy to control the judicial branch.

4.

Fed up with the ever increasing rise of taxes demanded by the king of England, the nobles and barons revolted and force king John of England to sign a revolutionary document on June 15, 1215 known as the Magna Carta, A.K.A. the Great Charter.

5.

this document "reduced the power of the king" and gave certain

3.

Rights and privileges to the nobles and barons. They agreed to the amount of taxes payable to the king, and not a penny more. The New Grolier Student Encyclopedia, Vol. 7, pp. 857-858; Grolier Educational Corporation, Copyright 1991.

6.

The power struggle continued. England broke from the Holy Roman Empire; after over two centuries, but England was ruled from 1642-1658 by a Puritan leader named Oliver Cromwell, but after his death, if son Richard was overthrown and the monarch rule began anew, id.

4.

7,

The people of England again soon became fed up again with the absolute rule by the king and queen. The Glorious Revolution was signed by the king and queen limiting their powers, id.

8,

the united kingdom as it became known by an act of 1801, annexing many countries including Scotland, Wales, and part of Ireland, id.

9,

The same issues that faced the English people soon were the

5,

SAME issues that faced the English people, soon were the SAME issues that AMERICAN colonies faced, i.e., ever increasing taxes, no due process, AND A Ruler who has absolute power, AND no help from the BRITISH PARLIAMENT. King George III became mentally ill, AND the AMERICAN COLONIES DECLARED their independence, AND RELEVANT to the powers of the JUDICIAL BRANCH, one judge cannot make A decision without another judge check, id., VOL. 9, 1660.

"He has suffered the Administration of Justice.... Refusing.... laws for establishing JUDICIARY powers."

"He HAS MADE OUR [JUDGES] dependent  
on his will along for torture of  
their offices"... id.

"He HAS erected a multitude of new  
officers, by a self assumed power"...  
id.

"IN every stage of these oppressions,  
we have petitioned for redress in the  
most humble terms; our Repeated  
petitions have been answered only  
by Repeated injuries, id."

"UNASSISTED by the [WEALTH] or the  
strength of Great BRITAIN, id."

10.

the Constitution of the United States  
would soon come next reaffirming  
the demand for checks and balance

7,

"All Legislative powers herein granted shall be vested in a Congress... shall consist of a Senate and House" ... U.S. Const. ART. I § 1.

"Every bill which shall have passed [Congress] ... before it becomes Law be presented to the President" ... U.S. Const. ART. I § 7.

"The constitution of South Carolina also created checks and balance. (The Legislative power of this state shall be vested in two distinct branches, ... Senate ... House of Representatives ... together ... the General Assembly" ... S.C. Const. ART. III § 1.

"No bill or joint Resolution shall have the force of LAW until it shall have the force of LAW until it shall be read... in each house AND signed by the GOVERNOR."  
S.C. const., ART. III § 18.

"The judicial power of the united States shall be vested in one Supreme COURT, AND in such inferior courts" ... U.S. const., ART III § 1.

"The judicial power shall be vested in a unified judicial system ... shall include a Supreme COURT, A COURT OF APPEALS, A CIRCUIT COURT." S.C. const., ART. V § 9.

And the most important requirement of the Declaration of Independence

the constitution of the United States was the rejection of a Autocracy or Monarchy who could seize total control.

"no title of nobility shall be granted by the United States" ... U.S. Const. ART. I § 9.

South Carolina was equally concerned of absolute rule.

"no person is eligible to a seat in the General Assembly while he holds any office or position ... under or position ... under this state ... United States" ... S.C.

Const. ART III § 24,

"no person while Governor shall hold any office or other commission ... under the

Authority of this state, or  
Any other power." S. C. CONST. ART.  
IV § 2,

11.

A decision reviewed by one  
man or one woman of the judicial  
branch cannot be held as binding  
in my case because I timely  
filed for judicial review, and my  
argument cannot be ignored because  
I lack the funds to pay.

12.

the Fourteenth Amendment, section 1  
of the United States Constitution  
state is relevant:

.... "NO state shall make or enforce  
any law which shall abridge the  
privileges or immunities of citizens

11,

of the United States; nor shall any state deprive any person of ... liberty or property, without due process of law, nor deny ... the equal protection of the laws".

13.

this court denied my motion to proceed in forma pauperis filed on June 04, 2015 citing: *Ex Parte Martin*, 533, 471, S.E. 2d, 134, S.C., 1995; which states in part reasoned by the supreme court of South Carolina "... to proceed in forma pauperis may only be granted where specifically ... required by constitution provisions; id At 535. I submit the fourteenth Amendment requires south

12.

CAROLINA LAW TREAT ME EQUAL AND IN OTHER FOR THIS TO HAPPEN, STATE LAW MUST PROVIDE ME JUDICIAL REVIEW WITHOUT PAYMENT IF I CANNOT AFFORD THE FILING FEE IN A STATE TORT CLAIM AS THE STATE ALLOWS THE WAIVER OF COURT FEES AND OTHER COSTS FOR INDIGENTS UNDER THE UNIFORM POST CONVICTION ACT; THEREFORE, I'M NOT TREATED EQUAL IN THE STATE OF SOUTH CAROLINA.

14.

"UNDER TRADITIONAL EQUAL PROTECTION PRINCIPALS A STATE RETAINS BROAD DISCRETION TO CLASSIFY AS LONG AS ITS CLASSIFICATION HAS A REASONABLE BASIS," TO JUSTIFY IT. LINDSLEY V. NATURAL CARBONIC GAS CO., 220 U.S. 64, 78, 31, S. CT., 337, 340, 55, L. ED., 369 (911).

13.

In this case, ~~supra~~, the United States Supreme Court established the Reasonable basis test, and the Rational Basis Test.

15.

The Fourth Circuit Court of Appeals adopted a two-prong standard of review to succeed on an equal protection claim of inmates under *Morrison v. Garraghty*, 239 F.3d, 648, C.A. 4 (CVA) 2001.

1. Demonstrate that he has been treated differently from others with whom he is similarly situated, and that the treatment was the result of intentional or purposeful discrimination.
2. And whether the disparity in treatment

14.

CAN be justified under the Requisite  
Level of scrutiny, id at 654,

16.

The state statutes that demonstrate  
I'm treated differently from others  
with whom I'm similar situated  
are S.C. code § 17-27-60 as  
amended which state in relevant  
part:

"IF the Applicant is unable to pay  
court costs, and expenses ... including  
stereographic printing and legal  
services, these costs, and expenses  
shall be made available ... in  
the trial court, and on [REVIEW]  
... to indigent[s] ... uniform  
post conviction relief Act.

15.

17,

The state statute that denies me equal protection under the LAW, AND DUE PROCESS is:

S.C. code § 24-27-130 AS Amended which states in relevant part:

(the court may dismiss... Any civil action... brought by a prisoner who has... failed to pay filing fees and costs, Inmate Litigation Act,

18,

§ 24-27-130, SUPRA, is preventing me to bring non-frivolous claims of tort against the Greenville county sheriff's office, see attached supporting affidavit, id. at par. 5, (hereinafter A.S.A.) under the

16.

SOUTH CAROLINA TORT CLAIMS ACT;  
§ 15-78-10 AS AMENDED; WHICH  
STATE IS RELEVANT PART UNDER  
THIS STATUTE:

(A) "Any person who may suffer  
A LOSS ... CAUSED BY A TORT  
OF ... A GOVERNMENTAL ENTITY  
OR A POLITICAL SUBDIVISION." I  
SUBMIT THE GREENVILLE COUNTY  
SHERIFF'S OFFICE IS A POLITICAL  
SUBDIVISION AS THE SHERIFF IS  
A ELECTED OFFICIAL AND THE SHERIFF'S  
OFFICE IS GOVERN BY THE GREENVILLE  
COUNTY COUNCIL WHICH IS A  
GOVERNMENTAL ENTITY AND POLITICAL  
SUBDIVISION OF SOUTH CAROLINA,  
CONSEQUENTLY; A TORT CLAIM CAN BE  
FILED AGAINST THE GREENVILLE

County Sheriff's office under  
§ 15-78-10, SUPRA.

19,  
Both statutes directly deal with  
inmates; and the P.C.R. Act allows  
inmates to seek review of their  
conviction case in the "trial  
court [court of common pleas]

and on [review] in the court of  
appeals without "court cost and  
expenses," id. if I'm unable  
to pay such cost, but under  
the Inmate Litigation Act, the court  
may dismiss "any court may  
dismiss "any civil action . . . brought  
by prisoners . . . who has failed  
to pay filing fees and court

costs, i.e., thus I'm treated differently with similarly situated inmates who file P.C.R.'s and the unequal treatment was intentional and purposeful discrimination since I cannot have such fees paid by the state, nor a statutory right of review by the court of appeals; accordingly, S.C. Code of Laws § 24-27-130 as amended is unconstitutional under the equal protection clause and due process of laws; property, liberty interest of the United States constitution's fourteenth Amendment

§ 1.

20.

the second part of the equal protection standard: whether the disparity in treatment can

19.

me to pay \$100.00 before this court can review my appeal when I have no funds to pay the fee, see exhibit 1 (trust fund statement) is unequal justice and does not allow a check on the trial judge decision (S.C.). "Any party aggrieved may appeal, S.C. code § 18-1-30 as amended, unless I'm an inmate; even if I'm poor.

22.

South Carolina will award me state assistance for food, see S.C. code § 43-5-20 as amended (Application for Assistance); Aid to Families Deprived of Parental Support or Care, see S.C. code § 43-5-90 as

21.

Amended, AND Aid to students  
between eighteen - twenty-one,  
See S.C. code § 43-5-95 AS  
Amended AND A state funded  
Agency to Aid the poor, see S.C.  
Code of Law § 43-1-10 AS Amended  
(CREATING DEPARTMENT OF SOCIAL SERVICES)

23.

the united states congress also  
has many statutes that help the poor.  
Federal Aid Low-Rent Housing Act,  
title 42 U.S.C.A. § 1401, Food Stamp  
Act, Title 7 U.S.C.A. § 2011; Medicaid  
Act, Title 42 U.S.C.A. § 1396 just to  
NAME A FEW.

24.

the constitution of the united states  
and the founding fathers preventing  
decisions by A SOLE figure. because of  
centuries of such rule in England,

22.

25.

Since the Greenville County Courthouse  
is not named: King JAMES R. BARBER,  
~~III~~, the King and one and only  
that makes decisions for the poor,  
cannot stand. The state is bound  
by the Constitution of the United  
States to provide me equal protections  
of the Law in civil and criminal  
court as the United States requires  
it. Any court of the United  
States may authorize ... civil,  
OR, CRIMINAL, OR APPEAL therein with  
prepayment of fees" ... Title 28  
U.S.C.A. § 1915, (A)(B)(C) FORMA PAUPERIS  
Act, e.g. printing of records, transcripts.

Correctional officers' violate the civil  
rights of inmates too, see exhibit  
2 (24 guards convicted in

23,

wide-spread corruption) denied  
medical care, see exhibit 3

(PENNSYLVANIA PRISONERS denied  
medication). CORPORAL INDUCEMENT  
VIOLATES EIGHTH AMENDMENT, see exhibit  
4 (detainee was repeatedly  
tased, begging for the guards to stop)  
And the intentional pepper-spraying  
of a hallucinating inmate, see  
exhibit 5.

26.

PREJUDICE

Judge Barber, even overruled my  
objection before I could state

specifics, see A.S.A., id. AT PAR.

3-4-3

I suffered prejudice by this  
due process violation, SUPRA, and I  
suffered prejudice by this court  
denying my motion to proceed IN

FORMA Paupers without Addressing  
my issues on the merits,

27.

AS A PRISONER, I know my  
constitutional rights are limited  
and the legal standard of  
equal protection "must always  
rest upon some difference which  
bears a reasonable and just relation  
to ... equal protection principles,  
see *McLaughlin v. State of Fla.*,  
379 U.S. 184, 85 S.Ct. 283, U.S. Fla.  
1964, id. at 287. As states cannot  
"block an indigent" access to an  
appeal afforded to others. *Mayer  
v. Chicago*, 404 U.S. 189, 195-196, 92,  
S.Ct. 410, 415-416, 30, L.Ed. 2d, 372.

25.

(1971) see also M.L.B. v. S.L.J., 519,  
U.S., 102, 117, S.Ct., 565, U.S., MISS,  
(1996)

28.

Inmates including myself cannot  
be denied to file non-frivolous  
TORT claims because my wallet  
is not big enough, but courts have  
confronted in diverse settings, the  
"Age-old problem of providing  
equal justice for poor and rich,  
weak, and powerful alike." Griffin  
v. ILLINOIS, 351, U.S., 12, 16, 76, S.Ct.,  
585,

29.

Equal Access to education in poorer  
school districts is also a hot debate.  
Abbeville County Dist. v. State, 335, S.C.

26.

58, 518, S.E., 2d. (1999) which the Supreme Court of South CAROLINA adopted a six-part special duty test to determine if poor school districts in South CAROLINA are owed more state funds for education by the state, id at 535.

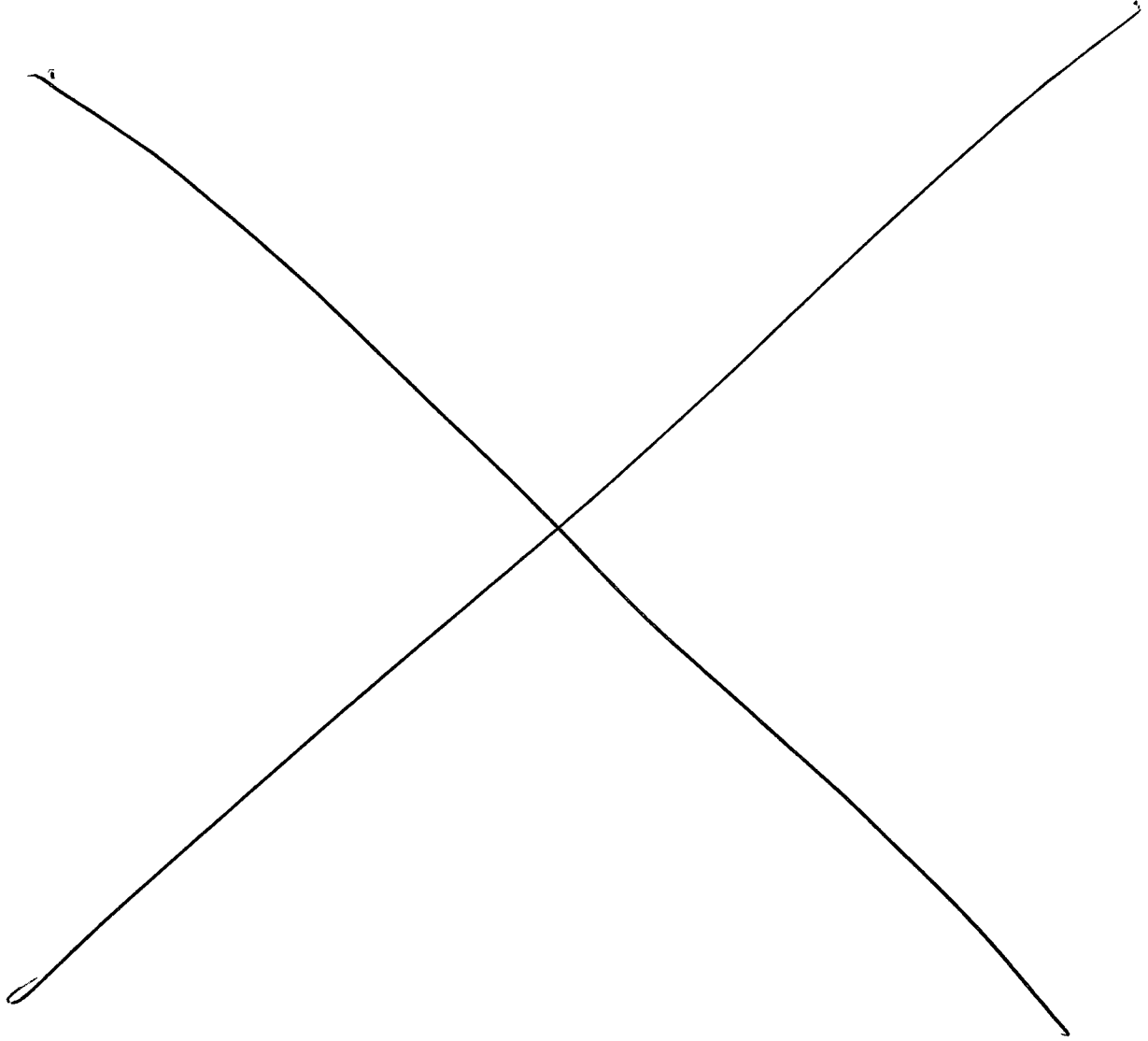
### CONCLUSION:

South CAROLINA LAW providing state funds for me to file a P.C.R. with review by the court of appeals, but requiring me to pay \$100,000 I don't have, see exhibit 1, and see also A.S.A., id at para. 1 to sue a state actor under the South CAROLINA tort claims Act for SLAPPING, PUNCHING, USING EXCESSIVE FORCE, AND HUNDREDS OF OTHER TORTS

is unconstitutional under the equal protection and due process clauses of the United States Constitution; therefore, the state statutes of South Carolina, *id.*, are not equal, and the Inmate Litigation Act must be struck down.

Wherefore: Declare the Inmate Litigation Act under § 24-27-30, *id.*, unconstitutional.

ORDER: the clerk of the clerk of Appeals to reinstate my Appeal, and order Initial Briefs be filed under 208 S.C.A.C.R., and the subsequent filings that follow, and any other relief this court deems just and/or proper.



APPELLATE CASE NO.  
2015-000697  
APPELLANT'S RULE 221 PETITION FOR Rehearing

Respectfully Submitted,

~~George Cleveland, III~~

George Cleveland, III, #357770  
MACDOUGALL CORRECTIONAL INST.  
1516 OLD GILLIARD ROAD  
Ridgeville, SC. 29472

Dated: July 24, 2015

APPELLANT'S APPENDIX IN  
SUPPORT OF PETITION FOR  
REHEARING

RECEIVED

JUL 27 2015

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

APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS

JAMES R. BARBER, III, CIRCUIT COURT JUDGE

C/A. No. 2014-CP-23-05661

APPELLATE CASE NO. 2015-000697

George Cleveland, III,

APPELLANT,

v,

Greenville County Sheriff's  
office,

Respondent,

APPELLANT'S APPENDIX

# APPELLANT'S APPENDIX;

EXHIBIT(S)

INMATE TRUST FUND ACCOUNT STATEMENT	1
PRISON LEGAL NEWS: CORRUPTION SCANDAL AT BALTIMORE CITY JAIL	2-2A
PRISON LEGAL NEWS: PRISONER DENIED MEDICATION	3
PRISON LEGAL NEWS; TASERING OF DETAINEE	4
SAN QUENTIN PRISON NEWS: PEPPER SPRAY OF INMATE; MENTALLY ILL	5
SOUTH CAROLINA COURT OF APPEALS ORDER THAT DENIED MY IN FORMA PAUPERIS MOTION	6

4A 258

INMATE TRUST FUND ACCOUNT REPORT  
for SOUTH CAROLINA COURT FILING FEES

AVAM  
FEB 04 2015

**EXHIBIT 1**  
INSTRUCTIONS TO INMATE: Complete top portion then give to your mailroom. When returned from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print) George Cleveland III  
SCDC # 357770 INMATE SIGNATURE: [Signature]

I plan to file this action in the SC County of Richland

The section below is for SCDC - Financial Accounting Branch's use ONLY.

- (1) Total deposits to inmate's account for preceding six months' period\* ..... \$ 0.29
- (2) Twenty percent (20%) of line 1 ..... \$ 0
- (3) Account balance - current date ..... \$ 0.02
- (4) PAYMENT AMOUNT \*\*  
(lesser of line 2 or line 3)  
Enclosed check # ..... \$ 0

\*\*NOTE to COURT: If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections  
Financial Accounting - Room 234  
PO Box 21787  
Columbia, SC 29221-1787

\* Admission date is noted here if inmate incarcerated less than six months 1/1

[Signature]  
Prepared by Financial Accounting Branch - SCDC

2/13/15  
Date cdl/brn/str/ty prepared 7/97

## Forty Defendants, Including 24 Guards, Convicted in Widespread Corruption Scandal at Baltimore City Jail

by Christopher Zoukis

EXHIBIT 2

ESSED LEADER OF A POWERFUL  
ide the Baltimore City De-  
ter was the government's star  
e. trial of eight remaining de-  
widespread racketeering, drug  
bribery, extortion and money  
operation that resulted in  
rges against dozens of guards,  
workers and other defendants.  
'Bulldog' White, 36, who  
ty on August 6, 2013 to one  
keteering, admitted that he  
Black Guerilla Family (BGF)  
run Baltimore jail. Under the  
a agreement, White confessed  
with guards to smuggle con-  
the facility. He also admitted  
ing four female guards - one  
e - including two who were  
h his name. Altogether, he  
children with the women.  
sing federal indictment an-  
pril 2013 alleged that White  
BGF operation that supplied  
anging from cell phones and  
prescription pills and other  
ow gang members, who then  
a huge profit. He was the first  
ead guilty in the case.  
on to White, 13 jail guards and  
ners were initially indicted. A  
ment made public in Novem-  
ied another 14 guards and six  
als, bringing the total number  
to 44.  
rded telephone conversation  
vidence to the federal grand  
ragged that during one slow  
jail he made nearly \$16,000.  
ne had bribed guards by shar-  
om the smuggling operation  
em expensive gifts, including  
lized the damage his ac-

tions have caused him, his family and the Maryland correctional system and wished to accept responsibility at the earliest possible juncture," stated Gary Proctor, White's lawyer.

However, defense attorneys for the eight remaining defendants attacked White's testimony as being tainted by the lenient conditions of his plea bargain.

"He walks. He gets no time from this case if he satisfies them that he tells the truth [in court]," attorney Richard Bardos told the jury. Bardos represents prisoner Joseph "Monster" Young, whom prosecutors contend was White's second-in-command.

Authorities alleged that White assumed power as head of the BGF soon after beginning a three-year stay at the jail in 2009 while awaiting trial on charges of attempted second-degree murder. He was eventually sentenced to 20 years following two hung juries.

Bardos said that under White's federal plea deal, the racketeering charge carries a 12-year sentence to be served concurrent to the state sentence he received on the attempted homicide charge. Thus, Bardos informed the jury, White won't serve a single extra day behind bars for managing the gang's widespread operations at the Baltimore jail.

Of the 44 guards, jail employees, prisoners and other individuals charged in the federal indictments, 35 pleaded guilty and one died. The final defendants on trial included five guards, two prisoners and one jail worker. White told prosecutors that he knew "many other correctional officers involved in contraband trafficking and sexual relations with inmates," according to his plea agreement.

Defense attorneys cast a wide net for people they believed were involved in the contraband smuggling but had avoided ar-

rest, pointing specifically to Shavella Miles, the former head of security at the detention center. They contended that Miles, who was forced to resign but never charged, was complicit in the conspiracy.

The corruption at the jail was "state-approved, state-facilitated, and administrative-encouraged," Bardos declared.

Allegations of security breaches and lax oversight at the Baltimore City Detention Center sparked numerous calls for a state investigation and prompted then-Governor Martin O'Malley and state corrections officials to take steps to root out any further corruption.

As the BGF leader, prosecutors said, White claimed ownership of the facility. "This is my jail; you understand that?" he stated, according to transcripts of phone calls recorded by investigators. "I'm dead serious.... I make every final call in this jail ... and nothing go past me, everything come to me."

"You see what I am saying?" the transcript continued. "Everything come to me. Everything. Before a mother-f----- hit a n----- in the mouth, guess what they do, they gotta run it through me. I tell them whether it's a go ahead, and they can do it or whether they hold back. Before a mother-f----- stab somebody, they gotta run it through me.... Anything that get done must go through me."

According to court documents, high-ranking jail officials held "town hall meetings" with gang members to discuss operations at the facility.

"In this case, the inmates literally took over the asylum and the detention centers became safe havens for the BGF," declared FBI special agent Stephen E. Vogt.

"Correctional officers were in bed with BGF inmates, in violation of the first principle of prison management," added U.S. Attorney Rod J. Rosenstein. Court records alleged that "BGF members recruited correctional officers through personal and often sexual relationships, as well as bribes, and that some officers traded sex for money."

In a press release issued by his office, Rosenstein said the corruption enabled

of Doe's probation required him to "register as a child sex offender," though the trial court later agreed to strike that condition after Doe challenged it.

Doe was released from prison in December 2008. Then, on October 1, 2009, he was ordered by his probation officer, under threat of arrest and re-incarceration, to register as a sex offender. He complied, registering that same month. A year later, under the 2010 amendment to Maryland's registration law, Doe was classified as a Tier III sex offender, which required him to re-register every 90 days for life.

Doe filed a motion seeking a declaration that he was not required to register, but the trial court denied his "request for declaratory relief and ordered that Petitioner 'shall not be removed from the sex offender registry.'"

That order was upheld by the Court of Special Appeals in March 2012, but the Maryland Court of Appeals, the state's highest court, reversed on March 4, 2013, holding that "[t]he application of the statute has essentially the same effect upon Petitioner's life as placing him on probation and imposing the punishment of shaming for life." Thus, the Court concluded, it was "tantamount to imposing an additional sanction for Petitioner's crime," and requiring Doe to register violated the *ex post facto* prohibition of Article 17 of the Maryland Declaration of Rights because he had been convicted and sentenced prior to the passage of the amended registration law. See: *Doe v. Department of Public Safety & Correctional Services*, 430 Md. 535, 62 A.3d 123 (Md. 2013).

On remand, the circuit court ordered the state to "[R]emove any and all informa-

tion regarding Doe from the Maryland Sex Offender Registry website; [R]emove or cause to be removed any and all information regarding Doe's sex offender registration from state and local law enforcement databases within the state of Maryland; [and] [R]emove Doe's sex offender registration from all federal databases including the [FBI's National Crime Information Center (NCIC)]."

The state appealed, arguing that Doe was "not entitled to the relief granted" due to his federal registration requirements under the Sex Offender Registration and Notification Act (SORNA).

On June 30, 2014, in a ruling that consolidated two cases, the Maryland Court of Appeals held that circuit courts "have the authority to compel the State to remove all of its records relating to Doe's registration as a sex offender, and to notify federal agencies of his removal from the Maryland registry."

The Court went on to clarify that circuit courts do not have the direct authority to order the removal of offenders from federal databases. The Court of Appeals noted that "It is true that the ... databases are all managed by federal agencies; however, the information contained in each is provided by the State." Thus, "in the context of sex offender registration databases, the only relevant database is the Maryland registry."

As the circuit court had incorrectly ordered the state to "remove information from 'federal databases,'" its order had to be revised to only require the state to remove Doe from Maryland's sex offender registry. See: *Department of Public Safety & Correctional Services v. Doe*, 439 Md. 201, 94 A.3d 791 (Md. 2014). ■



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(512

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**Baltimore Corruption (cont.)**

excuses," he said. "It's absolutely my responsibility. It becomes embarrassing for me when we expose ourselves and we participate in an investigation that's going to show what's going on in our jails that I am not proud of."

Maynard moved his office into the detention center following the indictment to directly oversee further investigations, and required polygraph tests for top jail officials. Other employees would have to undergo "integrity reviews," he added.

State lawmakers scheduled a rare out-of-session hearing to demand answers. State Sen. Joseph M. Getty called the scandal a "pretty harsh indictment" of Maynard's policies. "This is frightening to us as legislators, the level of collusion that has existed between the correction officers and inmates," he said.

State Sen. Christopher B. Shank called the level of corruption at the jail "shocking." He added, "These folks need to be held accountable."

"The indictment that came down makes us look like a third-world nation," complained Delegate Michael Smigiel.

Yet this was not the first time the BGF was implicated in corruption involving Maryland prison guards. In 2009, under Maynard's tenure, 20 gang members and four employees at the Metropolitan Transi-

tion Center in Baltimore were indicted on drug, gun and extortion charges. Several guards were convicted and sentenced to up to 24 months behind bars, and 15 more BGF members were indicted in 2010. [See: *PLN*, Aug. 2010, p.40]. The following year, an employee at the Chesapeake Detention Facility was sentenced to 37 months in prison for assisting the BGF with drug trafficking and other crimes.

More than 50 guards at the Baltimore City Detention Center have been fired for fraternizing with prisoners or smuggling contraband since 2010, according to Maynard's spokesman. Maynard announced his retirement in December 2013, shortly before the release of a legislative report on corruption at the jail.

Prosecutors said disciplinary rules associated with the powerful union representing state prison guards made it difficult to fire allegedly corrupt employees without a conviction, but union officials defended the rules and said the blame was misplaced.

Patrick Moran, director of the Maryland chapter of the American Federation of State, County and Municipal Employees (AFSCME), told *The Herald-Mail* that the FBI used "a poor choice of words" in criticizing the Maryland Correctional Officers' Bill of Rights – legislation passed in 2010 that provides protections to guards from unfair firings.

The law "does not impede the state's ability to investigate and terminate officers who engage in wrongdoing," AFSCME spokesman Jeff Pittman told the newspaper.

While the extent of the corruption at the Baltimore jail stunned many observers, one expert on sexual abuse in detention facilities said no one should be surprised that some of the female guards were so

thoroughly compromised. Brenda Smith, a law professor at American University in Washington, D.C., said that with women making up 37% of the nation's prison guards – 60% in Baltimore – the problem "isn't going to go away, and in fact may become more prevalent in the years to come."

Regarding White's sexual relationships that led to his fathering five children with four guards, Smith said, "Mr. White may have been powerful, but these female guards had things he wanted. They were in control of him, too." She added, "we're not taking into account that women get turned on, too, both physically and by being in positions of power, and that we're corruptible, and corrupted, as often as men are."

Of the remaining eight defendants in the Baltimore jail case, five were convicted in February 2015 following a two-month trial – prisoners Joseph Young and Russell Carrington, guards Ashley Newton and Travis Paylor, and kitchen employee Michelle McNair. Three guards, Riccole Hall, Clarissa Clayton and Michelle Ricks, were acquitted.

Tavon White, the leading force behind the corruption scandal and the prosecution's leading witness at trial, was sentenced on February 9, 2015 to 12 years in federal prison, which, pursuant to his plea agreement, will run concurrently with his state sentence on the attempted murder charge.

"Ideally, we'd be able to make the case, prove the case with only law enforcement witnesses and not having to cut deals with criminals, but that's the way things work," said U.S. Attorney Rosenstein.

Many of the 40 defendants who pleaded guilty or were convicted have not yet been sentenced. Others have, such as former guards Kimberly Dennis, 27, and Antonia Allison, 29, who received 24 months and 20 months in federal prison, respectively, in March 2015 for smuggling drugs and other contraband into the Baltimore City Detention Center. ■

Sources: [www.baltimoresun.com](http://www.baltimoresun.com), [www.calgaryherald.com](http://www.calgaryherald.com), [www.catholic.org](http://www.catholic.org), [www.examiner.com](http://www.examiner.com), FBI press release, [www.floridatoday.com](http://www.floridatoday.com), [www.i4u.com](http://www.i4u.com), [www.slate.com](http://www.slate.com), [www.wbalv.com](http://www.wbalv.com), *The Washington Post*, *Associated Press*, [www.thonline.com](http://www.thonline.com), [www.leg33.com](http://www.leg33.com), [www.correctionsone.com](http://www.correctionsone.com), [www.dailymail.co.uk](http://www.dailymail.co.uk), <http://baltimore.cbslocal.com>

EXHIBIT 2-A

# \$12,500 Settlement for Pennsylvania Prisoner Denied Medication

by David Reutter

Exhibit 3

PENNSYLVANIA'S ALLEGHENY COUNTY Jail (ACJ) agreed to pay \$12,500 to settle two lawsuits claiming guards and medical staff had failed to treat a prisoner's epilepsy.

The suits involved the treatment of prisoner Tonja Jackson at ACJ. Following her arrest in January 2009, Jackson's medication, Dilantin, was confiscated. She alleged she was denied her medicine for a week and again on February 6, 2009. That day, she told a guard that she was experiencing "auras," an indication she may be about to have a seizure.

The guard informed Jackson it was not "medication time" and refused to call a nurse. Subsequently, Jackson told jailers that "if she was going to die from lack of medication, she would do it on the spot in front of the [surveillance] camera rather than alone in her cell."

That prompted jail staff to put Jackson in handcuffs to escort her to another part of ACJ. The suit alleged a captain threatened to use a Taser on her, and she was taken to the mental health unit.

On the way there, the guard who initially denied her medication told her, "Just because Obama is president don't mean you're still not a [racial slur]." Jackson, who is African-American, then suffered a seizure; according to her complaint, at that time two guards forced her to the floor "and assaulted and battered her, while she was confined by handcuffs behind her back and leg shackles, thus causing her to suffer a complex comminuted fracture of her left shoulder and other serious injuries."

Jackson claimed she experienced 14 convulsions before ACJ provided her medication and sent her to a hospital. Her lawsuits, one naming the county and individual defendants, and the other, removed from state court, naming the county and the jail's medical provider, settled in August 2013 following three years of litigation. See: *Jackson v. County of Allegheny*, U.S.D.C. (W.D. Penn.), Case Nos. 2:10-cv-01756-MPK and 2:12-cv-01813-CB-MPK.

At the time that Jackson was incarcerated at ACJ, medical care was provided by Allegheny Correctional Health Services.

The jail's medical contractor changed to Corizon Health in 2013, although that apparently did not result in improved care for prisoners at the facility – with numerous problems cited in a December 2014 audit,

including seven deaths in the prior year. [See: *PLN*, March 2015, p.30].

Sources: [www.post-gazette.com](http://www.post-gazette.com), [www.justiceneutral.com](http://www.justiceneutral.com)

## Overdose, Taser and Restraint Chair Combine to Kill Washington Prisoner

AUTHORITIES IN WASHINGTON STATE have said no charges will be filed in the death of a 33-year-old diabetic prisoner at the Spokane County Jail, even though his death was ruled a homicide after he was tased twice and placed in a restraint chair as he was suffering from extremely high blood sugar and a methamphetamine overdose.

Spokane County prosecutor Steve Tucker said even though "homicide" was listed as the cause of death for Christopher Parker, that determination does not by itself establish criminal intent or liability.

"A combination of everything is why [Parker] passed away," Tucker stated. "The taser didn't kill him. The restraint didn't kill him. It's only in combination with the meth."

Tucker's February 21, 2014 decision not to prosecute came three days before the one-year anniversary of Parker's death in a holding cell at the jail. Video surveillance showed Parker had wrestled with sheriff's deputies as they attempted to place him in the cell; when deputies forced his head into his lap to secure him in a restraint chair, he lost consciousness and went into cardiac arrest. Officials said he died within minutes.

Chief Criminal Deputy Prosecutor Jack Driscoll issued a statement in late February 2014 that exonerated jail guards and medical personnel of any fault in Parker's death. "Unfortunately, Mr. Parker died, but not from any act that would be criminal in nature," he concluded. "There is no evidence to support a finding of criminal negligence or unlawful intent."

Early in the morning on February 24, 2013, Parker, fearing he had overdosed on meth, called 911. According to the transcript of the call, he was hallucinating and confused. He couldn't tell the 911 operator where he was; he said he needed an ambulance but didn't say where to send it. He told

her he was seeing things, that people were chasing him and trying to kill him.

"I did too much meth or something," he said. "I don't know what I did. I'm scared."

After patiently talking to him for 20 minutes, the operator determined Parker's location and dispatched an ambulance and police. He was examined by emergency medical technicians (EMTs), who found no reason to send him to a hospital.

"They did evaluate him for possible ingestion of an unknown substance," said Assistant Spokane Fire Chief Brian Schaeffer. "I know the paramedics who evaluated him didn't feel as if he had signs or symptoms that required urgent transport to the hospital." At that point Parker was turned over to the police on an outstanding warrant.

He was taken to the Spokane County Jail, where nurse Kerrie Fernlund examined him and found his blood sugar level was extremely high at 416 mg/dL, making his blood akin to "maple syrup." Fernlund tried to get Parker to take insulin but he refused. Officials said the jail customarily transports prisoners to the hospital when their blood sugar level exceeds 400 mg/dL, but stressed the policy was informal.

"Jail Nurse Fernlund[s] actions were not a gross deviation from the standard of care that a reasonable person would exercise in the same situation," Driscoll wrote in his statement, adding, "While jail protocol calls for someone to not be accepted whose blood glucose reading is greater than 400, the failure to do so does not rise to the level of criminal negligence."

When jail guards discovered Parker had stopped breathing after they tased him twice and restrained him, the jail made a series of botched calls in an effort to summon an ambulance. The first call was made

More than 81% of the survey respondents reported respiratory, throat and sinus conditions; 69% reported gastrointestinal problems; 59% reported rashes, hives, cysts and abscesses; 12% reported thyroid problems. Between January 2010 and December 2013, eleven prisoners at SCI Fayette died of cancer, another six reported a cancer diagnosis and eight had undiagnosed tumors and lumps.

The facility's 600 employees also have been affected. "We are aware of some officers from SCI Fayette who are suffering from illness," said Dave La Torre, spokesman for the Pennsylvania State Corrections Officers Association. Union president Jason Bloom called the joint ALC and HRC report "alarming," citing cases of breast, kidney and thyroid cancer among prison employees.

Further, the fly ash dump is apparently causing health problems for residents of one section of La Belle, a community on the other side of the site. "Residents say there are nine cases of cancer in the 18 houses," stated a 2010 news article in the *Pittsburgh Post-Gazette*.

Prisoners' requests for medical treatment from the private medical contractor

at SCI Fayette "are often dismissed," the report said. Those with cancer "were denied evaluation until the cancer was life-threatening."

The report further noted that prisoners consistently cite visible signs of pollution in and around the facility: "black clouds of debris blowing off the dump site; black dust collecting in the prison yard, on window sills, and on freshly fallen snow; black and gray dust building around the vents inside prison cells."

In conclusion, the report urged prisoners housed at SCI Fayette and their families to report health symptoms to ALC and HRC. It also encouraged the prison's surrounding communities, environmental organizations and legal agencies to engage in principled and strategic cooperation to protect prisoners at the facility.

"Health is a human right," the report said, "and if the patterns that have emerged during our investigation are indicative of the harms and risks that accompany confinement at SCI Fayette, then it is imperative that the prison is shut down."

The Pennsylvania DOC released a statement on December 31, 2014, saying it

had tested the water supply at the facility and reviewed prisoners' medical records and cancer rates. "Our review found no scientific data to support claims of any unsafe environmental conditions or any related medical issues to exist at SCI Fayette," said Corrections Secretary John Wetzel.

"What they looked at was how does SCI Fayette compare to other prisons, when our prisoners at SCI Fayette are being made sick by exposure to coal ash, specifically in the form of air pollution," countered HRC spokesman Ben Fiorillo. "We have a lot of anecdotal evidence from prisoners and guards that a black dust that may be coal ash collects on the vents inside, and they didn't address that issue."

The 28-page joint HRC and ALC report, "No Escape: Exposure to Toxic Coal Waste at State Correctional Institution Fayette," is available on *PLN's* website. The organizations recently sent follow-up surveys to all 2,000 prisoners at the facility, seeking additional information about health-related problems. ■

Sources: [www.post-gazette.com](http://www.post-gazette.com), <http://abolitionistlawcenter.org>, [www.triblive.com](http://www.triblive.com)

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“due to blunt force trauma” and “a pattern of dehydration.”

TCJ Major Shannon Clark called Williams’ death an “unfortunate situation.”

The district court found that a protective order entered in the lawsuit should not be modified to release the video, as such relief was being sought for entities that were not parties to the litigation. The proper procedure was for the non-parties to intervene. The court also held that the plaintiff representing

Williams’ estate did not violate the protective order because the sheriff had stipulated the video and related records were not confidential. Additionally, the description of the video included in the motion was “for purposes of this litigation”; thus, the sheriff’s request to quash the motion was denied.

Despite the district court’s ruling, the video of Williams’ abysmal treatment at TCJ was publicly released in July 2013 and has been widely viewed online.

Correctional Healthcare Management agreed to settle the case in March 2014 under undisclosed terms; the lawsuit remains pending against the remaining defendants, including Tulsa County Sheriff Stanley Glanz. See: *Burke v. Glanz*, U.S.D.C. (N.D. Okla.), Case No. 4:11-cv-00720-JED-PJC.

Additional sources: [www.tulsaworld.com](http://www.tulsaworld.com), [www.ktul.com](http://www.ktul.com), [www.dailymail.co.uk](http://www.dailymail.co.uk)

## Tasering Detainee as Corporal Inducement Violates Eighth Amendment

by David Reutter

Prison Legal News  
VOL 26 NO 4  
APRIL 2015

**T**HE EIGHTH CIRCUIT COURT OF APPEALS has held a pre-trial detainee’s claim that a guard used excessive force could proceed where a jury could find the guard used a Taser on a non-aggressive detainee as corporal inducement to comply with verbal orders.

A few hours after being booked into jail in Conway County, Arkansas on drug charges, Dwain Smith began yelling that he was in pain from pre-existing lower back problems. Jail administrator Rick Emerson instructed guards Jacob Zulpo and Jansen Choate to take Smith to the a medical observation cell.

When the guards entered Smith’s cell, he “was lying down rocking back and forth, moaning” on top of his bunk. Subsequent events were disputed. According to Zulpo, Smith began to “push and kick at him” and “started to turn violent” after he placed his hand on Smith’s shoulder. Smith then retreated back into the bunk, away from the guards. “Zulpo was trying to get ahold of [Smith], to kind of control him, and when doing this, Zulpo was accidentally kicked in the mouth,” Choate stated.

In response to the guards’ orders “to get up off of [his] bunk,” Smith replied that he

was in pain and could not get up. Choate then handed a Taser to Zulpo, who had no training in its use. Zulpo told Smith, “You need to comply with our orders or else we’re going to be forced to tase [you].” Smith was then tased with a five-second burst.

As he lay on the bunk with Taser wires embedded in his abdomen, Smith again told the guards he could not get up. Zulpo insisted Smith get up or he would be tased again. Smith repeated he was unable to stand; Zulpo again insisted he do so, then tased Smith a second time as he attempted to get up. He warned Smith afterwards, “We can do this all night.” Smith fell to the floor crying; he eventually got up and walked to the front of the cell, leaning on the walls for support. Zulpo continued to threaten further tasing.

Smith sued Zulpo, Choate and Emerson. The federal district court denied their motion for summary judgment on qualified immunity grounds, and they appealed.

On July 16, 2014, the Eighth Circuit held that while a reasonable officer could conclude deployment of a Taser was necessary because he thought Smith’s kick was purposeful and aggressive, a jury could also credit Choate’s observations that the kick

was “accidental” and “unintentional,” negating the need for force.

“As to the second Taser strike, a jury could find Smith was nonviolent and an objectively reasonable officer would not use a Taser on Smith as corporal inducement,” the appellate court wrote. While force can be used to preserve “discipline,” the evidence showed a “nonviolent pretrial detainee in pain, seeking help, having Taser probes affixed to his abdomen, no longer acting aggressively towards the jailers (if he ever was), and attempting to comply with Zulpo’s orders to get up.”

Having found no necessity for the second use of force, the Court of Appeals also held that Choate had a duty to stop Zulpo from punishing Smith. The Court found Emerson had authorized Zulpo and Choate to use Tasers in the past, and had “posted signs on the jail walls warning prisoners they would be tased for non-compliance.” The district court’s denial of qualified immunity to the defendants was affirmed and the case remains pending on remand. See: *Smith v. Conway County, Arkansas*, 759 F.3d 853 (8th Cir. 2014).

# 'Horroric' Pepper Spray Use Prompts New Curb

By Thomas Gardner  
Journalism Guild Writer

A federal judge has sharply curbed the use of pepper spray on mentally ill California prisoners.

U.S. District Judge Lawrence Karlton signed off Aug. 1 on a state reform plan drawn up in compliance with a court order, reported Julie Small for The California Report on Aug. 19.

"Horroric" is the word used by Karlton to describe video evidence submitted to the court that shows pepper spray being used on a hallucinating inmate, said Small. The inmate, Jermaine Padilla, would not leave his cell in order to receive medication, she said.

"He has described this as making him feel like less than an animal," said Padilla's attorney, Lori Rifkin. Padilla believes the experience at Corcoran worsened his schizophrenia and bi-polar disorder and has permanently damaged him, Rifkin added.

The plan by the California Department of Corrections and Rehabilitation (CDCR) is designed to detail changes in the use of force on mentally ill inmates, reported Small.

The move on behalf of CDCR comes in response to an April federal court order mandating that changes be made concerning when and how correctional officers can use pepper spray to force uncooperative inmates to leave their cells or follow or-



File Photo

U.S. District Judge  
Lawrence Karlton

ders, reported Small.

Pepper spray possibly played a part in the deaths of three inmates, Small reported.

Lesser injuries also may have been caused by pepper spray, added Small. The exact number is unknown because CDCR does not consider the effects of pepper spray an injury, Small reported.

The California Report stated that there are 37,000 inmates in California with mild to severe mental illness, about one-quarter of the overall prison population.

Small reported that over the past two decades a number of lawsuits brought by inmates have revealed a "correctional system poorly equipped to deliver adequate care to the needs of these inmates.

Karlton determined last fall

that changes are needed regarding psychiatric care.

Small quoted a national expert on correctional mental health, Terry Kupers, as saying, "The pepper spray, the cell extractions, the beatings, the violence among prisoners — all those constitute reenactments of trauma in people who were previously traumatized and make them more emotionally disabled."

The California Correctional Peace Officers Association (CCPOA) also recognizes a problem with the current use of force, and considers the court-ordered changes long overdue, Small reported.

Karlton's April court order bans the use of pepper spray on mentally ill inmates in cells and psychiatric holding facilities with few exceptions, noted Small.

"The critical element is to appropriately train our members to recognize what they are dealing with," said Craig Brown, a lobbyist for CCPOA, speaking of the reform plan, according to Small.

Principal among the changes is that prison staff will be trained to collaborate and to use force only as an absolute last measure after all other options have failed, said Small.

The California Report reported that some negotiations are still under way, yet CDCR officials plan on full implementation of the reforms by the end of this year.

# The South Carolina Court of Appeals

George Cleveland, III, Appellant,

v.

Greenville County Sherriff's Office, Respondent.

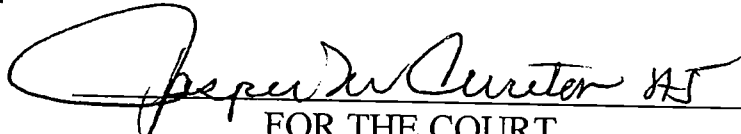
Appellate Case No. 2015-000697

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## ORDER

---

The motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.<sup>1</sup>

  
FOR THE COURT

Columbia, South Carolina

cc:

George Cleveland, 357770

Charles Franklin Turner, Jr., Esquire

**FILED**  
6/4/15

---

<sup>1</sup> This Court will act on any pending motions upon receipt of the requisite filing fee for the motion.

RECEIVED

JUL 27 2015

SC Court of Appeals

APPELLANT'S AFFIDAVIT IN  
SUPPORT OF PETITION FOR  
REHEARING ENBANC

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

JAMES R. BARBER, III, CIRCUIT COURT JUDGE

C/A. NO.: 2014-CP-23-05661

APPELLATE CASE NO. 2015-00697

George Cleveland, III,

APPELLANT,

v.

Greenville County Sheriff's  
Office,

Respondent.

APPELLANT'S AFFIDAVIT

## AFFIDAVIT OF George Cleveland, III

1. I, George Cleveland, III, swears under the penalty of perjury the following is true AND correct.
2. ON JANUARY 27, 2015, I appeared before circuit judge JAMES R. BARBER, III in the Greenville County Court of common Pleas.
3. DURING the ARGUMENT by the defendant's attorney MR. CHARLES F. TURNER, JR. OF WILSON JONES CARTER AND BAXLEY, P.A.; Greenville, S.C., I stood up, AND objected to, but JUDGE BARBER overruled my objection before I could specifically state my objections for the Record.
4. the specific objections I WAS attempting, but blocked by the COURT to RAISE were relevant to the defense's arguments of:

4-1. no funds to mail summons and complaint certified mail.

4-2. S.C.D.C. policy only allowing indigent inmates to mail summons and complaint to the S.C. Attorney General by certified mail paid by the S.C.D.C., and charged to my inmate account,

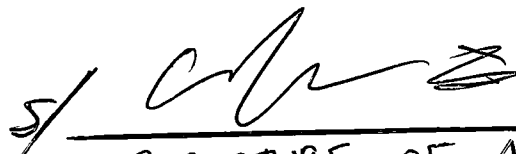
4-3. Relevancy of the Defendant's argument of my standing to sue Law Enforcement.

5. my civil litigation is non-frivolous against the defendants,

6. I'm a S.C.D.C. inmate until April 23 2017 unless my job credits, lose good-time, and/or earn additional credits; case overturned; currently pending R.C.R. in the Greenville County

7. I have no funds to pay the \$100.00 filing fee to the clerk of the S.C. COURT OF APPEALS; however, I want to continue this case on the merits.

State of SC County of Beaufort  
The foregoing instrument was acknowledged before me  
this 22<sup>nd</sup> day of JULY, 2015.  
by George Cleveland  
Lisa Cross Notary Public  
My Commission Expires Jan. 16, 2024

  
\_\_\_\_\_  
SIGNATURE OF AFFLIANT

**LISA M. CROSS**  
Notary Public, State of South Carolina  
My Commission Expires 1/16/2024

page 3 of 3

APPELLANT'S PROOF OF SERVICE

RECEIVED

STATE OF SOUTH CAROLINA

JUL 27 2015

IN THE COURT OF APPEALS

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY

COURT OF COMMON PLEAS

JAMES R. BARBER, III, CIRCUIT COURT JUDGE

C/A NO.: 2014-CP-23-05661

APPELLATE CASE NO: 2015-000697

George Cleveland, III,

Appellant,

v.

Greenville County Sheriff's  
Office,

Respondent.

APPELLANT'S PROOF OF SERVICE

## APPELLANT'S PROOF OF SERVICE:

1. George Cleveland, III, proceeding PRO SE AND the Appellate in the above captioned case served on the Respondent's Attorney the following: Petitioner's FOR REHEARING, APPENDIX, AFFIDAVITS by United States MAIL postage paid to:

MR. CHARLES F. TURNER, JR.,  
WILSON JONES CARTER AND BAXLEY, P.A.  
ATTORNEYS AT LAW  
872 S. PLEASANTBURG DRIVE  
Greenville, SC. 29607

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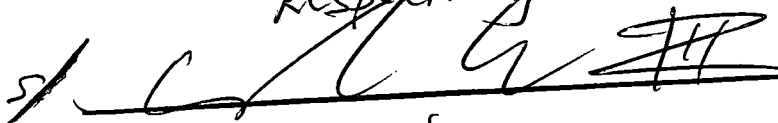
2. I have also filed notice with the Lower court:

PAUL B WICKEN SIMER  
GREENVILLE COUNTY CLERK OF COURT  
Common Pleas Division  
Greenville, S.C. 29601

3. Both were dropped in MacDougall's Correctional's Mail Box on July 24, 2015, address as, supra.  
PAGE 2 of 3

APPELLANT'S PROOF OF SERVICE  
APPELLATE'S CASE NO: 2015-000697

Respectfully submitted,



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

Dated: July 24, 2015

Page 3 of 3

July 24, 2015

Jenny Abbott Kitchings, CLERK  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

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JUL 27 2015

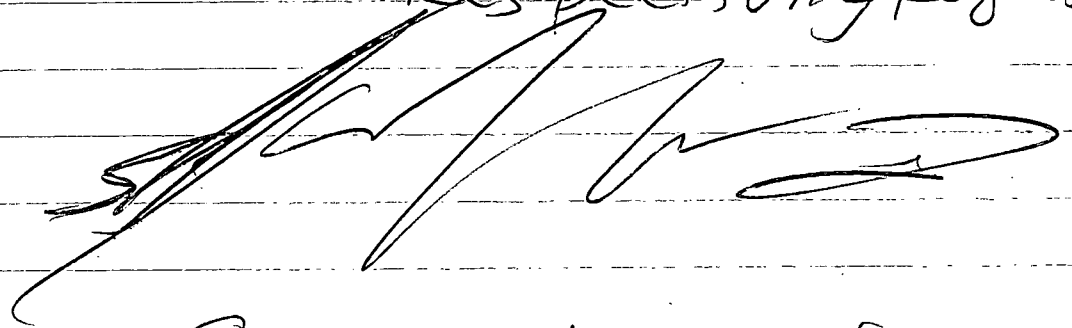
SC Court of Appeals

Re: Petition For Rehearing; Appellate  
Case No. 2015-008697  
George Cleveland ~~vs~~ v. Greenville  
County Sheriff's Office

1. Dear Mrs Kitchings,  
Attached to this letter is my  
Rule 221 Petition For Rehearing,  
Affidavit, Appendix, and proof of  
Service.
2. ENBANC Request.
3. Can you please send my petition  
for Rehearing to all the Justices  
EN BANC PURSUANT to Rule  
219 SCACR?
4. Finally, can you please kindly  
stamp the extra copies in  
the self-addressed prepaid  
envelope back to me AT!

George Cleveland, III #35770  
MACDOUGALL CORRECTIONAL INST.  
1516 OLD GILLIARD ROAD  
RIDGEVILLE, S.C. 29472

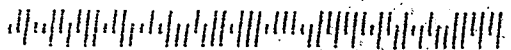
Respectfully Requested



George Cleveland, III

#35770

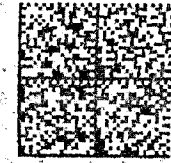
\* Please be advised that I  
will mail your office  
my TABLE OF AUTHORITIES  
MONDAY JULY 26 2015  
because I want to look  
AGAIN at the Rule books  
to make sure I ~~the~~ have  
it right.



S 7770, M2-CSA

Inst.

OLD GILLIARD ROAD  
ville, S.C. 29472



UNITED STATES POSTAGE  
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0003167712 JUL 24 2015  
MAILED FROM ZIP CODE 29472

Legal Mail

Jenny Abbott Kitchings, CLERK  
The SOUTH CAROLINA COURT OF APPEALS  
P.O. BOX 11629  
Columbia, S.C. 29211

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JUL 24 2015  
MacDougall Corr. Inst.  
Mailroom

**RECEIVED**  
JUL 27 2015  
SC Court of Appeals

The Department of Corrections has not  
censored this item, therefore, the Department  
does not assume responsibility for its  
written contents - MacDougall Correctional  
Institution.