

APPELLANT'S RULE 219  
PETITION ENBANC

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM Greenville County

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JAMES R. BARBER, III, CIRCUIT COURT JUDGE

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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.

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APPELLANT'S RULE 219 PETITION

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## PETITION IN SUPPORT ENBAVC

1. Petitioner George Cleveland, ~~III~~, Respectfully files this petition in support of GRANTING my Petition ENBAVC on the following grounds;

L-A. MAINTAIN uniformity of its decisions AND A question of exceptional importance

2. My case involves the constitutionality under the EQUAL PROTECTION AND DUE PROCESS clauses under the constitution of the United States because S.C. code §17-27-60 As Amended allows me to challenge my conviction with "the state paying COURT COST AND expenses ... including stereographic, printing AND [Legal services] expenses shall be made available to the Applicant

in the trial court and on Review"  
Uniform Post conviction Act.

3. S.C. code § 24-27-100 AS Amended  
is unconstitutional because it allows  
the court to "dismiss ... Any civil  
Action pertaining the prisoner" (Inmate  
Litigation Act) because I cannot file  
A tort claim under the South CAROLINA  
TORT CLAIMS Act § 15-78-10 AS Amended  
without first filing the \$100.00 fee,  
And on Review by the South CAROLINA  
COURT OF APPEALS even though both directly  
Deal with INMATE Litigation; accordingly,  
§ 24-27-100, SUPRA, is unconstitutional  
under the equal protection, And due  
process under the laws because § 24-27-  
100, id does not provide the state  
to shoulder the court expenses,  
id, nor does it grant me A statutory

Right to Review by the COURT OF APPEALS

4. there is no uniformity in decisions relevant to indigents' Access to the courts. HARRISON v. HARRISON, 373, S.C., 524, 646, S.E. 2d, 180, (S.C. App. 2007) (Ordering Anderson County Family Court to Allow the civil Action to proceed in FORMA PAUPERIS, id at 6, but in EX PARTE, MARTIN v. STATE, 321, S.C., 533, 471, S.E. 2d, 134 (1995), the Supreme Court of South CAROLINA REASONED "in the Absence of A statutory provision allowing the General waiver of filing fees, we conclude motions to proceed in FORMA PAUPERIS may only be granted where specifically authorized by statute OR Required by constitutional provisions, id at 535, 471, S.E. 2d,

At 134-35,

5. Reversed Deniel to proceed in FORMA PAUPERIS in HABEAS Relief because of STATUTORY Requirements *MICHAU v. AL CANNON*, 2006 WL 7286082 (S.C. App 2006) but in *SULLIVAN v. S.C.D.C.*, 355 S.C., 437, 586, S.E., 2d, 124, S.C. (2003), the SUPREME COURT OF SOUTH CAROLINA Reasoned that INMATE SULLIVAN WAS NOT entitled to proceed in FORMA PAUPERIS because his case "does not" involve FUNDAMENTAL RIGHTS, *id.* at 446,
6. The SUPREME COURT OF THE UNITED STATES Reasoned in *BOWDS v. SMITH*, 430, U.S., 817, 97, S.Ct., 1491, U.S., N.C. (1977) "OUR decisions have consistently Required States to

SHOULDER AFFIRMATIVE obligations  
to ASSURE ALL PRISONERS MEANINGFUL  
ACCESS to the COURTS, it is  
INDISPUTABLE that indigent inmates  
must be provided AT STATE  
EXPENSE with PAPER AND PER TO  
DRAFT LEGAL DOCUMENTS... STATES  
MUST FORGO collection of Docket  
fees," id AT 1491. AND indigents must  
be given ACCESS to COURTS IN  
DIVORCE ACTION. BODDIE v. CONNECTICUT,  
401, U.S., 371, 91, S. CT., 780, 28, L. ED.,  
20, 113 (1971)

7. I submit, ALL THESE CASES GRANTED  
INDIGENTS motion to PROCEED IN FORMA  
PAUPERIS ON STATUTORY GROUNDS. HARRISON,  
id, MICHAUD, but DENIED AN S.C.D.C.  
INMATE motion to PROCEED IN FORMA  
PAUPERIS, SULLIVAN, id, AND EX PARTE.

MARTIN, id., provides a cloud of confusion; consequently, uniformity of decisions in this state is judicially needed.

8. I further submit, Bounds, id., reasoned how important it was under the Constitution of the United States that inmates be allowed meaningful access to the courts, see also Boddie, id., and my instant case raise the unequal protection under the laws, and due process because the state will pay expenses for post conviction relief, but bolt the door in my face shut for filing civil litigation under the South Carolina Tort Claims Act, id., for intentional torts against the Greenville County Sheriff's Office do not treat inmate litigation the same; therefore, questions of

OF exceptional importances ARE  
Ripe in my constitutional case.

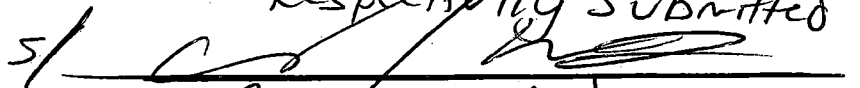
CONCLUSION:

9. IN SUM, my case is important AND  
need the legal knowledge AND Reasoning  
of at least six (6) justices that CAN  
provide ANSWERS to my underlining  
ARGUMENT;

Does the two (2) state statutes both  
Relevant to Inmate Litigation/  
Constitution challenges, UNCONSTITUTIONAL  
under the equal protection AND  
due process clauses of the constitution  
of the United States, my ARGUMENT  
is that it does.

I PRAY that this COURT GRANT my  
PETITION EN BANC to address my Constitutional  
Argument.

Respectfully Submitted

S/   
George Cleveland, III  
MACDOUGALL CORRECTIONAL  
1516 OLD GILLIARD ROAD  
Ridgeway, S.C. 29472

DATED: JULY 24, 2015

APPELLANT'S PROOF OF SERVICE

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.: 2015-000697

George Cleveland, III,

APPELLANT,

v.

Greenville County

Sheriff's Office,

**RECEIVED** Respondent.

JUL 29 2015

SC Court of Appeals

APPELLANT'S PROOF OF SERVICE

1. I, George Cleveland, III, certifies that on the DATE below, I served on the defendant's Attorney below, my Rule 219 Petition En Banc, by United States Mail, by dropping the envelope in the mail-out outside of the cafeteria.

2. ATTORNEY SERVED:

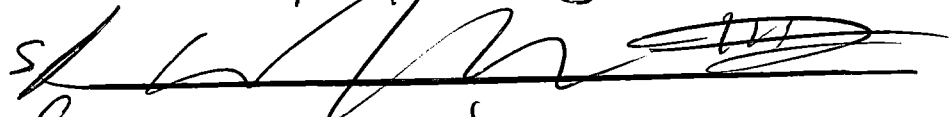
MR CHARLES F. TURNER, JR.

WILSON JONES CARTER AND BAXLEY, P. A.  
ATTORNEYS AT LAW

872 SOUTH PLEASANTBURG DRIVE  
GREENVILLE, S.C. 29607

APPELLATE CASE NO.: 2015-000697

Respectfully Submitted,

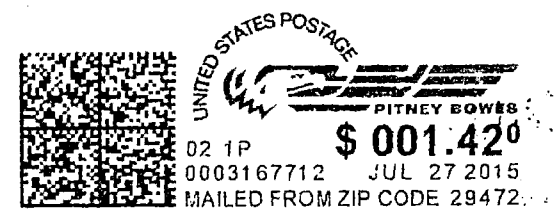


George Cleveland, III #35770  
MACDUGALL CORRECTIONAL INST.  
1516 OLD GILNARD ROAD  
Ridgerville, SC 29472

Dated: July 24, 2015

PAGE 1 OF 1

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e Cleveland, OH  
DOUGALL CORRECTIONAL INST  
OLD GILLIARD ROAD  
EVILLY SC 29472



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