

PETITIONER'S APPENDIX IN  
WRIT OF CERTIORARI TO  
THE COURT OF APPEALS

RECEIVED

OCT 15 2015

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

S.C. Supreme Court

APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS

JAMES R. BARBER, III, CIRCUIT COURT JUDGE  
LOWER COURT CASE NO. 2014-CP-23-05661

APPELLATE CASE NO. 2015-000697

George Cleveland, III,

v,

Greenville County Sheriff's  
Office,

APPELLANT,

RESPONDENT.

APPENDIX

WILSON JONES CARTER + BAXLEY, P.A.  
CHARLES F. TURNER, JR. Esquire  
ANNE R. CULBREATH, Esquire  
872 S. PLEASANTBURG DRIVE  
GREENVILLE, S.C. 29607  
TELEPHONE (864) 672-3713  
ATTORNEYS FOR RESPONDENT

George Cleveland, III  
TURBEVILLE CORRECTIONAL INST.  
P.O. Box 252  
TURBEVILLE, S.C. 29162  
PRO SE PETITIONER

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# 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

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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.

# The South Carolina Court of Appeals

George Cleveland, III, Appellant,

v.

Greenville County Sherriff's Office, Respondent.

Appellate Case No. 2015-000697

---

## ORDER

---

Because Appellant has failed to pay the notice of appeal filing fee pursuant to the South Carolina Appellate Court Rules and this court's June 4, 2015 order, this appeal is dismissed. Remittitur will be sent as provided in Rule 221(b), SCACR.

  
FOR THE COURT

Columbia, South Carolina

cc:  
George Cleveland, 357770  
Charles Franklin Turner, Jr., Esquire

**FILED**

July 10, 2015

APPELLANT'S RULE 221 PETITION  
FOR REHEARING

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 PETITION FOR REHEARING

APPELLANT'S AFFIDAVIT IN  
SUPPORT OF PETITION FOR  
REHEARING ENBANC 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,

vs

Greenville County Sheriff's  
Office,

Respondent.

APPELLANT'S AFFIDAVIT

~~Appellant's Exhibit 3~~  
Petitioner's APPENDIX 5

APPELLANT'S APPENDIX IN  
SUPPORT OF 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

APPELLATE CASE NO. 2015-000697

George Cleveland, III,

APPELLANT,

v.

Greenville County Sheriff's  
Office,

Respondent.

APPELLANT'S APPENDIX

RECEIVED

JUL 27 2015

SC Court of Appeals

APPELLANT'S PROOF OF SERVICE

~~Appellant's Exhibit 4~~

PETITIONER'S APPENDIX PAGE 6

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

APPELLATE CASE No. 2015-000697

George Cleveland, III

APPELLANT

v.

Greenville County Sheriff's  
Office,

Respondent.

APPELLANT'S PROOF OF SERVICE



~~Appellant's Exhibit~~  
5  
Petitioner's Appendix page 8

## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

July 28, 2015

The Honorable Paul B. Wickensimer  
Courthouse  
305 E North St  
Greenville SC 29601-2121

### REMITTITUR

Re: George Cleveland, III v. Greenville Co. Sheriff's Office  
Lower Court Case No. 2014CP2305661  
Appellate Case No. 2015-000697

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

Enclosure

cc: George Cleveland, 357770  
Charles Franklin Turner, Jr., Esquire



Petitioner's APPENDIX  
PAGE 9

## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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FAX: (803) 734-1839  
www.sccourts.org

July 28, 2015

George Cleveland, 357770  
MacDougall Correctional Inst.  
1516 Old Gilliard Road  
Ridgeville SC 29472

Re: George Cleveland, III v. Greenville Co. Sheriff's Office  
Appellate Case No. 2015-000697

Dear Counsel:

Regarding your motion to rehear the judge's order denying your request to proceed in forma pauperis, pursuant to Rule 240(i) of the South Carolina Appellate Court Rules, the court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

cc: Charles Franklin Turner, Jr., Esquire

The South CAROLINA COURT OF APPEALS  
Jenny Abbott Kitchings, CLERK  
P.O. Box 11629  
Columbia, SC 29211

RECEIVED

AUG 10 2015

SC COURT OF APPEALS

Re: Rule 221 Petition for Rehearing  
Issues; George Cleveland, III v  
Greenville County Sheriff's Office  
Appellate case No. 2015-000697

1. DEAR MRS KITCHINGS

There is AN issue with my  
Petition for A Rehearing.

2. My Rule 221 Petition for Rehearing  
supporting AFFIDAVITS, APPENDIX  
AND PROOF OF SERVICE were  
ALL stamped RECEIVED ON  
JULY 27, 2015; therefore,  
my my Petition for Rehearing  
is timely.

3. Your office issued the Remittitur  
on July 28, 2015, one (1)  
DAY AFTER my timely filed

Petition for Rehearing

RECEIVED

AUG 10 2015

SC Court of Appeals

4. I think the confusion was my Rule 219 Petition. En Banc was stamped July 29, 2015.

5. There must have been a mix-up in the mail, but in any event, my Petition for Rehearing that was filed in your office on July 27, 2015 along with supporting documents are timely.

6. My table of authorities were also filed or rather mailed in a separate envelope.

7. Can you please send notice of this error to the Greenville County Courthouse and to Mr. Charles F. Turner?

8. I can provide you my stamped copies of July 27, 2015 for my petition.

for Rehearing if you'd like.  
the only day that legal  
copies can be made here  
are THURSDAYS only

9. I look FORWARD to my Petition  
for Rehearing being CORRECTED  
AND my CASE STILL active

10. I just received these notices  
on the date of this letter AS I  
was AT another S.C.D.C. Institution  
from July 29, 2015 - August 03, 2015  
After the prison mail-room  
here closed.

Respectfully Requested



George Cleveland III # 35777D  
MacDougall Correctional Inst.  
1516 Old Gilliard Road  
Ridgeway, S.C. 29472

cc: MR. CHARLES FRANKLIN TURNER, JR.

# WILLSON JONES CARTER & BAXLEY, P.A.

ATTORNEYS AT LAW

GREENVILLE CHARLESTON COLUMBIA CHARLOTTE RALEIGH ATLANTA

Anne R. Culbreath  
Direct (864) 672-3713  
Fax (864) 373-7055  
arculbreath@wjlaw.net

872 S. Pleasantburg Drive  
Greenville, SC 29607  
www.wjclaw.net

August 12, 2015

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: George Cleveland, III vs. Greenville County Sheriff's Office  
Appellate Case No.: 2015-000697  
WJC&B File No.: 0193.00020

Dear Ms. Kitchings:

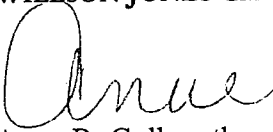
We are in receipt of Mr. Cleveland's August 4, 2015 correspondence. Please allow this correspondence to serve as a response to said correspondence.

By written Order of July 10, 2015, the South Carolina Court of Appeals dismissed Mr. Cleveland's appeal. Pursuant to Rule 221(a) of the South Carolina Appellate Court Rules, petitions for re-hearing must be actually received by the Appellate Court no later than fifteen (15) days after the filing of the Order. Mr. Cleveland failed to file a petition for re-hearing within the parameters of Rule 221(a) and, therefore, the Clerk's office correctly sent the remittitur to the lower court in accordance with the time parameters set forth in Rule 221(b).

With kindest regards, we remain,

Very truly yours,

WILLSON JONES CARTER & BAXLEY, P.A.

  
Anne R. Culbreath

ARC:djr

cc: Mr. George Cleveland, III



Petitioner's APPENDIX  
page 13

## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

August 27, 2015

George Cleveland, III, 357770  
MacDougall Correctional Inst.  
1516 Old Gilliard Road  
Ridgeville SC 29472

Re: George Cleveland, III v. Greenville Co. Sheriff's Office  
Appellate Case No. 2015-000697

Dear Mr. Cleveland:

The Court received your correspondence dated August 4, 2014 on August 10, 2015 and your correspondence dated August 9, 2015 on August 12, 2015. On July 28, 2015, the Court sent the remittitur to the lower court. Accordingly, this Court no longer has jurisdiction over this appeal. See *Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007). We are returning your filings to you and the Court will take no further action.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Charles Franklin Turner, Jr., Esquire

PETITIONER'S RULE 231 (A)

FOR LEAVE TO REINSTATE RECEIVED

STATE OF SOUTH CAROLINA SEP 15 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

S/A NO. 2014-CP-23-05661

APPELLATE CASE NO. 2015-000697

George Cleveland, III,

APPELLANT,

v.

GREENVILLE COUNTY SHERIFF'S  
OFFICE,

RESPONDENT.

PETITIONER'S MOTION TO REINSTATE

PETITIONER'S MOTION FOR LEAVE  
TO REINSTATE;

George CLEVELAND, III, the appellant in this case proceeding pro se respectfully files this motion for leave to reinstate my appeal under RULE 231 (A) S.C.A.C.R. for good cause for the following reasons:

The SOUTH CAROLINA COURT OF APPEALS office of the CLERK overlooked the date my petition for rehearing which was July 27, 2015, and sent the remittitur on July 28, 2015 after, not before, the remittitur was sent pursuant to Rule 221 (B) S.C.A.C.R.

2.

PETITION FOR REHEARING  
TIMELY FILED;

This court, id, filed my petition for rehearing, affidavit in support of petition for rehearing en banc,

1.

Appellant's Appendix, Appellate's PROOF OF SERVICE ON JULY 27, 2015, see Appellant's Exhibit 1-4 (copies of stamped copies of Petition for Rehearing) Remittitur WAS SENT A WHOLE DAY LATER invalidating the Remittitur, see Appellant's Attached Exhibit 5 (July 28, 2015 Remittitur) because my Petition for Rehearing WAS FILED ON JULY 27, 2015, id., AND THIS COURT COURT COURT ISSUED ITS' Remittitur ON JULY 28, 2015, id., my petition for Rehearing AND the other three (3) Filings, id., were ALL FILED PRIOR TO the issuance of the Remittitur; accordingly, Reinstating my case is proper pursuant to Rule 221(b) S.C.A.C.R. .


3.

CONCLUSION:

WHEREFORE, GRANT my Motion for Leave AND Reinstatement my case; Appellate case No. 2015-000697; George Cleveland, III V. GREENVILLE COUNTY SHERIFF'S OFFICE

2.

Any other relief this Court seems  
JUST AND/OR PROPER

Respectfully Submitted,  
  
George Cleveland, III, #357770  
TURBEVILLE CORRECTIONAL INST  
P.O. Box 252  
Turbeville, S.C. 29162

September 08, 2015

PETITIONER'S PROOF OF SERVICE

STATE OF SOUTH CAROLINA **RECEIVED**

IN THE COURT OF APPEALS SEP 15 2015

APPEAL FROM GREENVILLE COUNTY SC Court of Appeals

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,

v.

APPELLANT,

GREENVILLE COUNTY SHERIFF'S  
OFFICE,

RESPONDENT.

PETITIONER'S PROOF OF SERVICE

RECEIVED

SEP 15 2015


PROOF OF SERVICE:

SC Court of Appeals

I, George Cleveland, III, certifies that on the date below, he has served by United States First-Class Mail; postage affixed my petition to Reinstate, and supporting exhibits to the Respondent's Assigned Attorney at:

WILSON JONES CARTER AND BATLEY, P.A.  
MR. CHARLES F. TURNER, JR. Esquire  
872 South Pleasantburg Drive  
Greenville, S.C. 29607

Respectfully submitted,



George Cleveland, III, #357770  
Turbeville Correctional Inst.  
P.O. Box 252

Turbeville, S.C. 29162

Dated Sept. 08, 2015



petitioner's Appendix  
page 21

## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
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FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

September 16, 2015

George Cleveland, III; 357770  
MacDougall Correctional Inst.  
1516 Old Gilliard Road  
Ridgeville SC 29472

Re: George Cleveland, III v. Greenville Co. Sheriff's Office  
Appellate Case No. 2015-000697

Dear Mr. Cleveland:

The Court received your correspondence dated September 8, 2015 on September 15, 2015. On July 28, 2015, the Court sent the remittitur to the lower court. Accordingly, this Court no longer has jurisdiction over this appeal. See *Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007). Accordingly, we will no longer accept any more filings from you in this appeal. We are returning your filings to you and the Court will take no further action on this or any future filings.

Very truly yours,

*V. Claire Allen, Deputy*

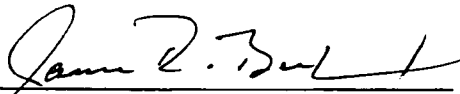
CLERK

cc: Charles Franklin Turner, Jr., Esquire

Plaintiff properly served Investigators Brown and Weiner. Rule 4(d)(1) sets forth sufficient service methods for individual defendants. Rule 4(d)(5) sets forth valid process and service of process upon an officer of the State. While Rule 4 sets forth multiple acceptable methods of service, delivery by regular mail is not an acceptable method of process or service of process. As such, the Plaintiff's process attempts as to Brown and Weiner were also insufficient.

The Court finds that the Plaintiff has not met his burden of proof in establishing that the Court has personal jurisdiction in this matter. The Plaintiff's service and process attempts were insufficient. Accordingly, this Court grants the Defendant's Motion to Dismiss pursuant Rules 12(b)(2), 12(b)(4), 12(b)(5), and Rule 4 of the South Carolina Rules of Civil Procedure.

AND IT IS SO ORDERED.

  
James R. Barber, III, Judge

  
Greenville, SC

February 1, 2015

IN THE STATE OF SOUTH CAROLINA  
County of Greenville

George Cleveland, III,  
Plaintiff,

v.

Greenville County  
Sheriff's office (GCSO)  
Defendants.

IN THE COURT  
OF COMMON PLEAS

Civil Case  
no:

2014-CP-2805661

PLAINTIFF'S Certificate  
of Service by  
AFFIDAVIT

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENS  
JAN 17 2015

1. George Cleveland, III is the plaintiff proceeding pro se in the above captioned case swears under penalty of perjury that he has served the summons and complaint together on November 12, 2014 by U.S. mail to G.C.S.O. by U.S. mail at the address below:

Greenville County Sheriff's office  
Attention: Sheriff Steve Loftis  
4 Mc Gee Street  
Greenville, S.C. 29601



APPELLANT'S PROOF OF SERVICE

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

APPEAL FROM GREENVILLE COUNTY

COURT OF COMMON PLEAS

JAMES R. BARBER, III, CIRCUIT COURT JUDGE

---

CA NO. 2014-CP-23-05661

---

APPELLATE CASE NO. 2015-000697

---

George Cleveland, III,

v.

Appellant,

Greenville county sheriff's  
office,

Respondent.

---

APPELLANT'S PROOF OF SERVICE

---

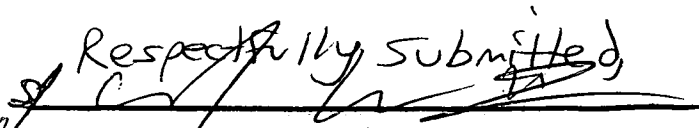
PROOF OF SERVICE

1. I, George Cleveland, III, certifies that on the date below, the defendant was served by United States Mail, postage paid, by and through the turberville Correctional Institutional's Mail-Room-staff by placing the envelope in the blue-prison-mail-box outside the Cafateria to the Attorneys At:

Wilson Jones Carter + Batley, P.A.  
Charles F. Turner, Jr., Esquire  
Anne R. Culbreth, Esquire  
872 S. Pleasantburg Drive  
Greenville, S.C. 29607  
Telephone (864) 672-3713  
Attorneys for Respondent

The following legal papers:

Petition for a writ of certiorari;  
Petitioner's Appendix; and  
Proof of Service.

Respectfully Submitted,  
  
George Cleveland, III #357770  
Turberville Correctional Inst  
P.O. Box 252  
Turberville, SC-29162

Dated: October 11, 2015

Page 1 of 1