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PETITIONER'S APPENDIX

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**S.C. SUPREME COURT**

APPEAL FROM GREENVILLE COUNTY

DANIEL D. HALL, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2015-002251

LOWER COURT CASE NO. 2014-CP-23-1895

George Cleveland, III,

S.C.D.C. NO. 35777D

v.

STATE OF SOUTH CAROLINA,

PETITIONER

RESPONDENT

PETITIONER'S APPENDIX

George Cleveland, III #35777D  
TURBEVILLE CORRECTIONAL INST.  
P.O. BOX 252  
TURBEVILLE, S.C. 29162  
Prose Petitioner

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# The Supreme Court of South Carolina

George Cleveland III, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-002251

Lower Court Case No. 2014CP2301895

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## ORDER

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The motion to have the State pay for the transcript in this post-conviction relief case is denied as unnecessary.


Instead, if petitioner believes that he is indigent, he should complete and submit the enclosed Affidavit of Indigency to the Division of Appellate Defense of the Office of Indigent Defense (Appellate Defense)<sup>1</sup> within fifteen (15) days of the date of this order. If Appellate Defense determines that it will provide representation in this matter,<sup>2</sup> it will order any transcripts that may be necessary in this

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<sup>1</sup> The mailing address for Appellate Defense is P.O. Box 11589, Columbia, SC 29211.

<sup>2</sup> Petitioner proceeded without counsel before the circuit court. If petitioner desires to proceed *pro se* before this Court, he will need to file a motion asking this Court's permission to do so. *Cf. State v. Roberts*, 364 S.C. 583, 614 S.E.2d 626 (2005) (no state or federal right to proceed *pro se* in a criminal appeal). Any motion to proceed without counsel in this matter should not be made until after Appellate Defense determines if it will provide representation in this matter. If Appellate Defense determines that it will provide representation and this Court subsequently permits petitioner to proceed *pro se*, Appellate Defense will remain associated for the limited purpose of obtaining the transcripts and providing copies of documents

matter.

  
C.J.  
FOR THE COURT

Columbia, South Carolina  
November 5, 2015

Enclosure (Affidavit of Indigency)

cc: Karen Christine Ratigan, Esquire  
Mr. George Cleveland, III, #357770

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that must be served and filed in this matter.

This Court strongly encourages petitioner to be represented by counsel in this matter. Petitioner is not trained in the law, and having a lawyer who is trained in the law and familiar with the rules and procedures of this Court would be extremely beneficial. If petitioner is ultimately allowed to proceed without counsel in this matter, he will be expected to fully comply with all of the rules and procedures applicable to this matter.

# The Supreme Court of South Carolina

George Cleveland, III, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-002251

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## ORDER

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Petitioner moves to proceed *pro se* in this matter. By order dated November 5, 2015, petitioner was warned of the dangers and disadvantages of proceeding *pro se* but indicates he still wishes to proceed without the assistance of counsel. We therefore grant the motion to proceed *pro se*. The Commission on Indigent Defense, Division of Appellate Defense, shall remain associated for the limited purpose of providing copies of the petition, appendix and any briefs that may be necessary.

  
\_\_\_\_\_  
FOR THE COURT C.J.

Columbia, South Carolina

December 15, 2015

cc:

Karen Christine Ratigan, Esquire  
Robert Michael Dudek, Esquire  
George Cleveland III #357770

Petitioner's Record p. 4



**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

December 17, 2015

Mr. George Cleveland, III, #357770  
Turbeville Correctional Institution  
PO Box 252  
Turbeville, SC 29162

Dear Mr. Cleveland, III:

I am in receipt of your letter dated December 9, 2015, requesting that this office pay for reports, etc., that you requested from the Greenville County Clerk of Court's office. Pursuant to the Supreme Court Order dated December 15, 2015, this office is "associated for the limited purpose of providing copies of the petition, appendix and any briefs that may be necessary". Therefore, we will not be able to help you with the costs of the documents.

Sincerely,

A handwritten signature in cursive script that reads "Lorlene French".

Lorlene French  
Legal Services Coordinator

this court never Ruled on All the Evidence in the court's Record OR exhibit; Accordingly his Court must reconsider my P.C.R. Case on ALL the evidence, Not just ORAL testimony.

FEDERAL-JURISDICTION/  
INEFFECTIVE ASSISTANCE  
OF COUNSEL:

21. This court's order of DISMISSAL in Relevant part in the findings of facts, and conclusions of LAW section states:

"This court has Reviewed the Record", I.D. At p 2 (order of Dismissal) is false and A ERROR OF § 17-27-80, SUPRA, because this court did not conform it's findings of fact, and conclusion of LAW to the NATIONAL MOTOR VEHICLE THEFT ACT, A.K.A.: The Dyer Act 18 U.S.C. § 2312, 2313 which I clearly described in Detail

OR dismissal of the charges;  
therefore, I outcome would had  
been different.

### DEFECTIVE INDICTMENTS:

51. the order of dismissal says in relevant part: "this court further rejects the Applicant's argument that there was no subject-matter-jurisdiction in .... case because the indictments were false or defective" ... ID. at p.6; however, this court cannot cite this alleged argument because I never argued it; according, an error of law happened because the court's findings of fact and conclusion of law do not merit my argument that is part of the record in violation of § 17-27-80, supra. Below is the repeated argument regarding defective indictment incorporated into my Ineffective Assistance of counsel.

the Greenville County General Sessions Court from imposing sentence because the Dyer Act; A Federal Law is triggered because of the Interstate Commerce; therefore, IF I would had known about the Dyer Act prior to my guilty plea hearing, I would not have plead guilty, but demanded dismissal of the charges or demanded a trial, hence, the outcome would have been different. MR. SARRATT'S ignorance of Federal Law was a unreasonable performance. the unlawful sentence is my six (6) year prison sentence, and the unindicted three (3) charges. IBID. I plead guilty too.

WITHHELD EXCULPATORY EVIDENCE

66. The courts' order of Dismissal is in violation of S.C. code § 17-27-80 because the courts' findings of fact and conclusions of law mentioned nothing about my argument regarding the thirteenth (13th) circuit solicitor withholding the defective indictments until November 05, 2013 (guilty plea date).

been different, and the different possible outcome undermined confidence in the finality of my case.

### INSUFFICIENT ALLEGATIONS FOR INDICTMENT:

76. The court's order of dismissal mentioned nothing about my insufficient allegations for indictment despite my memorandum of law in support of granting my p.c.r. explaining the issue at great length that was part of the record as a applicant's court exhibit 1, in violation of s.c. code as amended § 17-27-80 because the court's findings of fact, and conclusions of law mentioned nothing about the merits in the court's record; thus it's an error of law; consequently, I will argue this issue again, since it's a novel issue.

I would not had plead guilty if MR. SARRATT would had told me the evidence was tainted, but instead, demanded a trial, or dismissal of all charges; consequently, the outcome would have been different; further, all evidence in this case is poisonous.

OFFENSES CLOSELY CONNECTED/  
MERCY ON THE COURT :

110. Finally for the last of the multitude of errors by Mr. SARRATT, I first turn to the failures of this court to read my memorandum of law which was and still is a part of the courts' record which is in violation of state law §17-27-80, supra, thus an error of law; therefore; this motion for reconsideration must be ruled on as I have stated at the beginning of every special issue in this case, IBID.

111. SOUTH CAROLINA code AS Amended

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

George Cleveland III,  
S.C.D.C. NO: 357770,  
Applicant,  
v.  
STATE OF SOUTH CAROLINA  
Respondent.

IN THE COURT  
OF COMMON PLEAS  
GREENVILLE CO. S.C.  
FILED  
2015 APR 17 PM 3:57  
PAID BY: WICKENS/MEER  
CA. NO. 2014-CP-234895

PLAINTIFF'S RULE

52(B) MOTION TO  
THE COURT'S ORDER  
OF DISMISSAL OF  
(P.C.R.)

To: JUDGE DANIEL D. HALL

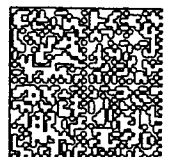
1. You will please take notice, George Cleveland III, proceeding pro se files this S.C.R.C.P. Rule 52(b) seeking an Amendment of the Court's findings of fact and conclusion of law regarding the dismissal of my (P.C.R.) signed by this court to correct a clear error of law, prevent manifest injustice, amend its findings of fact and to make additional findings of fact.

JURISDICTIONAL STATEMENT:

2. Under Rule 52(b) of the South Carolina

TURBEVILLE, C. S.  
MAIL ROOM  
BOX 252  
TURBEVILLE, S. C. 29162

George Cleveland ~~III~~ #357770 STARBA



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The Supreme Court of South Carolina  
Daniel E. Shearouse, Clerk of Court  
Post Office Box 11330  
Columbia, S.C. 29211