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PETITIONER'S MOTION FOR LEAVE
OF COURT TO ORDER PAYMENT/PRINTING
FOR CLERK OF COURT
RECORD

60 SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE 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. 357770, PETITIONER,

v.

STATE OF SOUTH CAROLINA, RESPONDENT.

PETITIONER'S MOTION FOR LEAVE

George Cleveland, III
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
TURBEVILLE, S.C. 29162
pro se petitioner

OFFICE OF THE ATT. GEN.
KAREN C. RATIGAN, ESQUIRE
P.O. Box 11549
COLUMBIA, S.C. 29211
ATTORNEY FOR RESPONDENT

1.
MOTION TO ORDER PAYMENT
OF CLERK OF COURT RECORD;

Petitioner George Cleveland III, proceeding pro se moves this court to order the Appellate Defense pay the per page copy fee(s) required to obtain the LOWER COURT RECORD of the Greenville County Clerk of Court since I'm indigent, thus required under S.C. code of LAWS § 17-27-60 "COURT COSTS AND EXPENSES FOR INDIGENTS" is required by this court under Rule 210(e) SCACP, and is even required in this court's Appendix Form 20, SCACP, see also r.p.p. 7-8.

2.
RELEVANT CASE-BACKGROUND;

ON JANUARY 15, 2016, I received this court's order pursuant to my motion for clarification into what role the Division of Appellate Defense Association in my prose P.C.R. Appen R. pp. 9-11.

In the order, id, the relevant part states:
"section 17-27-60 provides that if a P.C.R. Applicant is unable to pay court costs, and

expenses of Representation, including stereographic, printing, and legal services, those costs and expenses shall be [sic] made available to the Applicant. . . . with the exception of the transcript, the Division of Appellate Defense is not required to provide copies of documents to go in the original Appendix, including the records of the Greenville County Clerk of Court. Instead, the Division of Appellate Defense is only required to provide copies of the Appendix compiled by petitioner." R. p. p. 10 - 11 .

ON JANUARY 20, 2016, I signed for, and received my P.C.R. transcript from the Appellate Defense, R. p. 6 . In this letter, id, the Appellate Defense stated the following relevant part: "this office has been appointed to pay for costs of the post-conviction relief hearing transcript and printing of petition, Appendix, and any briefs that may be necessary." IBID. this fourth

(4th) motion relevant around the same issue:
copies and printing.

3.
RELEVANT-LAW:

s.c. code of LAWS § 17-27-60 "COURT COSTS AND EXPENSES FOR INDIGENTS" states in relevant part: "IF the Applicant is unable to pay court costs including stenographic, printing . . . , these costs and expenses shall be made available to the Applicant in the trial court, and on review."

Rule 210 (e) INDENT; "RECORD ON APPEAL"; SCACR states this relevant part:

"Every record on appeal shall contain an index to the principal matters therein to include orders, judgments, decisions, pleadings, pretrial matters, opening statements, testimony, motions, closing arguments . . . post-trial motions, and exhibits."

subsection (h) "Review Limited to Record ON APPEAL"

of this same rule, id. states this relevant part:

"... the Appellate court will not consider any fact which does not appear in the record on appeal..."

APPENDIX C, FORMS, S.C.A.C.R. FORM 20 states this relevant part:

"APPENDIX"

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see also R. pp. 7 - 8

4.
ARGUMENT
THE LAW REQUIRES APPELLATE
DEFENSE TO PAY FOR CLERK
OF COURT RECORDS!

The continued flawed interpretation of printing copies, and what state law, and Appellate court rules require the state — Appellate Defense to do so.

On January 20, 2016, a phone-call to the Appellate Defense, Mrs. French (Legal Services Coordinator) stated this court's order only required the printing of the petition, Appendix, and any briefs which is nearly identical of what her letter (dated: January 12, 2016) stated as well. R. p. 6, see also R. p. 13 at PAR-2 (AFFIDAVIT).

The order from this court (dated January 13, 2016) stated "the Division of Appellate Defense is not required to provide copies of documents to go in the original Appendix, including the records of the Greenville County Clerk of Court," R. p. 10-11. I beg to differ.

First, state-law explicitly requires South Carolina — Appellate Defense to "pay court costs"

"printing" §17-27-60. The statute clearly requires the Appellate Defense; A State-Agency of South Carolina to pay for the ENTIRE record in my case; from the Greenville county clerk of court.

Greenville county clerk of court, requires "\$0.25 per page" R.P. 5 for "documents filed" in their office, this is "court cost[]" that AS An indigent Applicant, even this court requires; " . . . orders judgments, decisions, pleadings, pretrial matters, opening statements, testimony, motions, . . . post-trial motions, and exhibits, Rule 210(e) S.C.A.C.R.

IF I'm unable to present evidence to this court AS PART of the record in my P.C.R. petition for certiorari; my argument has zero chance of merit; "the Appellate court will not consider any fact which is not PART of the

Record on Appeal ¹¹, subsection (h), I.B.1.A, further,
Form 20, r. pp. 7 - 8 clearly states:

“Clerk of Court Records”

The Appellate Defense even stated in my
eligibility letter dated December 2, 2015, the
following: “you will receive a copy of your
transcript and all documents filed in connection
with your case.” R.p. 12.

Without the records, my case is legally-doomed
because I “bear [] the burden of
establishing [my] entitlement to relief.” Subver
v. State, 371 S.C. 554, 558, 640 S.E. 2d 884, 886
(2007). This burden placed on me I take seriously,
this court rejects arguments that are not part
of the record, and the Attorney General
celebrate with an victory was as easy
as ~~de~~ depriving documents that are devoted
to the truth, veracious, honest, and accurate
from me which offends the due process clause
of the (14th Amend.) of the U.S. Const. (Liberty interest)

due to the almost certain defeat that will keep me in an South Carolina prison, the Greenville County clerk of court records are an prerequisite for this court not to uphold the findings of the P.C.R. court when there is any evidence of probative value to support them. (Walker v. State Opinion no. 27368) (Pleicones J. concurring), the probative value is in the Greenville County Clerk of Court and state-law, id., requires this court to order Appellate Defense to provide these documents to me, many of these documents I do not have, R.P. 13 at PAR. 3.

South Carolina courts now scan legal documents; federal courts has done this for years (PACER), this may allow Appellate Defense to log-into the court administration, type in my case no. (s) and print them from their own computer system, and printer, and then copying them from their own copy machine. It's little interest to me how they conduct

this legally required service to me, I just respectfully request the Greenville County clerk records be mailed to me so I can proceed with my petition to this court.

"IF men were Angels, no government would be necessary." JAMES MADISON; the Federalist No. 51. Well, MR. MADISON WAS CORRECT, even two-hundred-twenty-eight (228) years later. MRS. KAREN C. RATIGAN (Senior Asst. Deputy Att Gen), and Circuit Court Judge DANIEL D. HALL (P.C.R. Judge) CONFIRMS. Government officials are no "Angels".

"DEAR JUDGE HALL:

-PURSUANT to your request, enclosed

1. American Government; Eighth Edition, Copyright © 2001; Houghton Mifflin Company, p. A27.

please find A proposed order of dismissal
in the Above-captioned Greenville county
post-conviction relief case. MR. p. 4.

I WAS NOT CONTACTED BY JUDGE HALL:
"AS MR. CLEVELAND IS PRO SE, BY COPY
OF THIS LETTER, I AM ALSO MAILING THE
PROPOSED ORDER TO HIM." IBID,

Angels don't MAKE deals ex parte, Angels
don't WORRY MORE ABOUT THE PACKED DOCKET.
AND LESS ABOUT MY CONSTITUTIONAL RIGHT
ID, TO A LEVEL PLAYING-FIELD. SO THE GENERAL
ASSEMBLY OF OUR STATE MADE CLEAR, POOR
PEOPLE LIKE MYSELF, CAN RECEIVE AN EQUAL
SHOT AT FIGHTING MY CASE IN THIS COURT
§ 17-27-60:

"IF THE APPLICANT [ME] IS UNABLE TO
PAY COURT COSTS, . . . THESE COSTS . . . [SHALL]
BE MADE AVAILABLE TO THE APPLICANT [ME] IN
THE TRIAL COURT AND ON REVIEW. . ."

this court, and the Appellate Defense is sticking on printing and copying, and this court is sticking on 'printing'. R.P. — printing is printing the documents off the computer of either Greenville County Clerk of Court or Appellate Defense.

IF I HAD ACCESS TO AN P.C., printer, AND could log-onto the court Administration's website, I could print the documents myself AS I HAD done hundreds of times prior to my November 2013 prison sentence, since I cannot pop-up my laptop, log-on, and click PRINT, and more importantly, I'm indigent § 17-27-60, id., requires that printing of the Greenville County Clerk of Court Records be paid by Appellate Defense; therefore, I request this court order the following:

~~ORDER~~ the S.C. DIVISION OF Appellate Defense to either print off their computer system

OR pay the \$0.25 per page fee to the Greenville County clerk of court so they can print the record from their computer system in the following case numbers and divisions:

civil Action no. 2014-CP-23-1895;
Greenville County Common Pleas Division, and
Clerk of Court records in ARREST WARRANT!
2012A2330200168-170, and N201731-32;
Greenville County General Sessions Division
both divisions are part of the Greenville
County clerk of court; 305 East North Street
Greenville, S.C. - 29601.

ORDER the S.C. Division of Appellate Defense
to provide me the Greenville County court
records, idu by the date that pleases this court.
Any other relief this court deems just, proper
and/or equitable.

Respectfully submitted,
~~George Cleveland~~
George Cleveland, III #357770
Tulbeville Correctional Inst
12. P.O. Box 252
Tulbeville, S.C. 29162

Dated: JANUARY 21, 2016