

February 19, 2016

The Supreme Court of South Carolina

RECEIVED

DANIEL E. SHEAROUSE, CLERK OF COURT

FEB 26 2016

POST OFFICE BOX 11330

S.C. SUPREME COURT

COLUMBIA, S.C. - 29211

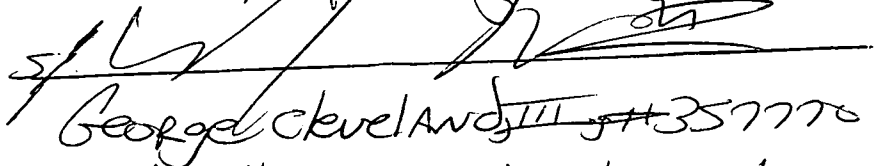
Re: Petitioner's Motion For An Extension Filing; George Cleveland, III v. STATE; #AND. 2015-002251.

1. DEAR MR. SHEAROUSE,

Attached to this letter is my motion for an extension of time to file petition for P.C.R. Review, supporting affidavit, and affidavit of proof of service,

2. CAN YOU PLEASE FILE, FORWARDED TO THE COURT, AND KINDLY STAMP THE EXTRA COPIES AND MAIL BACK TO ME IN THE ATTACHED SELF-ADDRESSED-STAMP-ENVELOPE?

Respectfully Requested,


George Cleveland III #357770

TURBEVILLE CORRECTIONAL INST.

P.O. Box 252

Turbeville, S.C. 29162

cc: FILE

KAREN C. RATHGAN, Esquire

PO Box 11549

Columbia, S.C. 29211

RECEIVED

FEB 26 2015

S.C. SUPREME COURT

PETITIONER'S MOTION FOR AN EXTENSION
OF TIME TO FILE PETITION FOR CERTIORARI
TO REVIEW PCR ACTION

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

DANIEL D. HALL, CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2014-CP-23-01895

APPELLATE CASE NO. 2015-002251

George Cleveland, III,
S.C.D.C. NO. 357770,

PETITIONER,

v.
STATE OF SOUTH CAROLINA,

RESPONDENT,

OFFICE OF ATTORNEY GENERAL
KAREN C. RATIGAN, ESQUIRE
Post Office Box 11549
Columbia, S.C. 29211
Attorney For Respondent

George Cleveland, III #357770
Turbeville Correctional Inst.
P.O. Box 252
Turbeville, S.C. 29162
pro se petitioner

TABLE OF AUTHORITIES:

CASES

BOUNDS V. SMITH 430 U.S. 817, 97 S.Ct.

1491 U.S. N.C. (1977) id at 1492-1493 8

HOUSTON V. LACK, 487 U.S. 255, 274 (1988) 2-3

JOHNSON V. AVERY 393 U.S. 483, 89 S.Ct., 747
1969 8

LEWIS V. CASEY 518 U.S. 343, 116 S.Ct., 2174

U.S. ARIZ (1996) id., at 2178-2179 9

APPELLATE COURT RULES

RULE 243(d) 1, 2, 9, 10

RULE 262(A)(2) 2

1.
MOTION FOR AN EXTENSION

MAY IT PLEASE THE COURT; George Cleveland, III,
proceeding pro se respectfully moves this court to
GRANT my motion for an extension of time to file
my petition for a writ of certiorari to review my
post conviction relief (P.C.R.) order of dismissal in
the Greenville County Court of Common Pleas for thirty
(30) days on the following ground:

DENIED ACCESS TO THE COURTS BY TURBEVILLE
CORRECTIONAL INSTITUTION

2.
RELEVANT APPELLATE
COURT RULES:

Rule 243(d) SCACR (CERTIORARI to Review Post-conviction-
Relief Action) states the following relevant part:

"within thirty (30) days of receipt of the transcript,
petitioner shall serve a copy of the appendix

1.

And Petition for writ of certiorari . . . "I received the transcript on January 20, 2016. RA1 at PAR 2, And February 19, 2016 is my 30-day deadline to file petition that is instead, this motion for an extension of time is filed on my February 19, 2016 deadline; therefore, my motion is timely pursuant to Rule 262 SCACR (A)(2) states the following relevant part:

[Filing and service] by depositing the document in the U.S. Mail, properly addressed to the clerk with sufficient first-class postage attached. The date of filing shall be the date of mailing. Since February 19, 2016 is the date stamp received by the Turbeville Correctional Institution's mail-room, my motion for an extension of time is timely. See attached affidavit of service, see also *Houston v. Lack*, 487 U.S. 255, 276 (1988) whereas, my P.c.R.

Arguments introduced to the Lower Court invoked federal law, And my due process Liberty And property interest under the fourteenth Amendment § 1 of the U.S. Const.; Accordingly, my motion is timely FILED.

3,

RELEVANT - BRIEF CASE BACKGROUND:

ON JANUARY 20, 2016, I signed for And received my P.C.R. hearing transcript from Appellate Defense, by And through the turbeville CORRECTIONAL INSTITUTIONAL mailroom. R. 11 AT PAR - 2.

At that time, I started requesting LAW LIBRARY time through the GTL Inmate email kiosk system for extra time to conduct legal research for this case, And four (4) other cases;

George Cleveland, III v. S.C.D.C.; ALC; case number 16C0030; original Brief filing deadline of 2/26/16;

3.

George Cleveland, III v. Stirling et al;
Richland County Court of Common Pleas
c/A No. 2015-CP-40-5732; motion to Dismiss
Hearing on February 25, 2016;

George Cleveland, III v. Greenville County Sheriff's
Office; S.C. Court of Appeals; Appellate case no.
2015-000697; petition for writ of certiorari due by
February 26, 2016; and around January 25, 2016, I
was notified of an P.C.R. hearing¹ scheduled
for February 10, 2016 in Anderson County, S.C.,
see R.P. 1-2 at par. 3.

January 26, 2016 was the first day I was authorized
to report to the prison law library to conduct

¹. This P.C.R. hearing was for Oconee County, S.C.; c/A no.
2014-CP-37-718 convictions concurrently applied to
my Greenville County convictions wholly related
to this case.

Legal Research. RP 2 AT PAR 4.

I WAS GRANTED AUTHORIZATION TO REPORT TO THE LAW LIBRARY ON FEBRUARY 02, 2016, I WAS DENIED ACCESS TO THE LAW LIBRARY BECAUSE MY DORM WAS LOCKED-DOWN FROM JANUARY 29, 2016 AROUND 3 P.M. - FEBRUARY 02, 2016 AROUND NOON. RP 2 AT PAR 5.

I WAS GRANTED PERMISSION TO CONDUCT LEGAL RESEARCH IN THE LAW LIBRARY ON FEBRUARY 09, 2016, BUT DUE TO MY SCHEDULED P.C.R. HEARINGS, I WAS TRANSFERRED TO THE OCOEE COUNTY DETENTION CENTER BY THE S.C.D.C. AROUND 7:30 A.M.; THEREFORE, I COULD NOT CONDUCT LEGAL RESEARCH. RP 2-3 AT PAR 6; FURTHERMORE, MY DORM WAS AGAIN LOCKED DOWN FROM FEBRUARY 05, 2016 IN THE EARLY MORNING - FEBRUARY 07, 2016 IN THE EVENING. RP 3 AT PAR 6.

Finally, I WAS GRANTED permission to conduct legal research in the LAW LIBRARY on February 17, 2016, but due to the prison being locked down, I WAS NOT ABLE TO REPORT. R.P. 3 AT PAR. 7,

After multiple grievances, emails to the LAW LIBRARY, AND THE GRIEVANCE DEPARTMENT over the months on February 18, 2016 around 8:30 AM, I met with MRS. COKER (IGE), ASSOCIATE WARDEN JAMES DEAN, MAJOR CHUMBA, AND OFFICER THOMAS (schedules LAW LIBRARY times AND DATES FOR ALL INMATES here). ~~R.P. 4~~ AT PAR. 8 to address my missed deadlines, since Turbeville houses Adult, AND Juveniles, prison policy prohibits both in the LAW LIBRARY OR REGULAR LIBRARY AT THE SAME TIME according to OFFICER THOMAS; consequently, my AND other inmates with pending legal deadlines, legal

Research time is curtailed. R.P. 4 AT PAR. 9.

MAJOR CHVALA, with the APPROVAL of Associate WARDEN DEAN GRANTED me Access to the West-LAW terminal normally reserved for inmates who are assigned to the Restricted-Housing Unit (R.H.U.) A.K.A. Lockup. I WAS able to conduct Legal research for the first time since JANUARY 26, 16, but did not even come close to catching up preparing for this Petition; furthermore, the room where the WestLaw terminal is located, lacks Legal Books, and other very important resource books, the LAW LIBRARY is supplied with, and these books, id., are needed to continue my Legal Research^{2.} prior to filing

2. It's worth noting, the time I was allowed to use the WestLaw terminal was greatly appreciated

my Petition respectively. RP.4 At PAR. 9.

4.
ARGUMENT / LEGAL STANDARD
TURBEVILLE CORRECTIONAL DENIED
ME ACCESS TO THIS COURT!

The First Amendment of the U.S. Const. requires Turbeville Correctional to provide me access to the courts regardless of prison lockdowns. Johnson v. Avery 393 U.S. 483, 89 S.Ct. 747 (1969) (holding prison officials must provide reasonable alternatives to access courts to inmates).

Bounds v. Smith 430 U.S. 813, 97 S.Ct. 1491 U.S. N.C. (1977), the Supreme Court of the United States reasoned prison officials must provide legal books, legal resources, pens, paper, envelopes, notary services, and typewriters among other material to access the courts, *id.*, at 1492-1493; however, the Supreme Court *id.*, years later, required inmates to suffer

Actual injury at the hands of prison officials under Lewis v. Casey 518 U.S. 343, 116 S. Ct. 2174 U.S. ARIZ (1996), id. at 2178-2179, my missed deadline of February 19, 2016 to petition for certiorari pursuant to Rule 243(d) supra at p. 2-3 R. p. 1-3 at par. 2-6, was a direct result of the multiple prison lockdowns, IBID, and absolutely no reasonable alternatives to access the courts during these lockdowns, thus, I have suffered actual injury; therefore, I have standing to request an extension to file my petition for certiorari pursuant to Rule 243(d) 5 C.A.P. for this court to review my post-conviction-action.

5.
CONCLUSION.

WHEREFORE; GRANT my motion for an extension of time to file my petition for a writ of certiorari and

Appendix to Review-Post-conviction Relief
Actions under Rule 243 SCACR(d) in this
court until MARCH 21, 2016.

Respectfully submitted,



George Cleveland III #357770, TA132

TURBEVILLE CORRECTIONAL INST.

P.O. Box 252

TURBEVILLE, S.C. 29162

DATED: February 19, 2016

PETITIONER'S SUPPORTING APPENDIX

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY

COURT OF COMMON PLEAS

DANIEL D. HALL; CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2014-CP-23-01895

APPELLATE CASE NO. 2015-002251

George Cleveland III,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

George Cleveland III #35770
Turbeville Correctional Inst,
PO Box 252
Turbeville, S.C. 29162
pro se petitioner

PETITIONER'S APPENDIX
APPELLATE CASE NO.
2015-002251

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AFFIDAVIT BY George Cleveland, JR 1-4

AFFIDAVIT BY GEORGE CLEVELAND, III
APPELLATE CASE NO. 2015-002251

1. I, George Cleveland, III, swear under the penalty of perjury the following is true, and correct to the best of my knowledge;
2. ON JANUARY 20, 2016, I signed for, and received my P.C.R. hearing transcript in c/a no. 2014-cf-23-01895 by and from the Turbeville Correctional Institution's mail-room staff.
3. I have the following legal deadlines that I made clear when requesting legal research on the inmate kiosk system emailed to LAW-Library
 - George Cleveland, III v. SCDC; ALC; case number 16C0030; ORIGINAL BRIEF filing deadline of 2/26/16;
 - George Cleveland, III v. Stirling, et al; Richland county common Pleas court; c/a no. 2015-CP-40-5732 hearing schedule for 2/25/16;
 - George Cleveland, III v. Greenville county Sheriff's office; S.C. COURT OF APPEALS; Appellate case no. 2015-000692;

AFFIDAVIT BY GEORGE CLEVELAND, III
APPELLATE CASE NO. 2015-002251

- Petition for writ of certiorari due by 2/26/16
 And around JANUARY 25, 2016, I was served
 notice of an Oconee County P.C.R. hearing
 on 2/10/16 at the Anderson County Courthouse,
 and finally, my Law Library legal research
 request included this 2/19/16 petition for certiorari
 in my P.C.R. of Greenville County case in this
 court.
4. JANUARY 26, 2016, I was granted permission to
 conduct legal research in the turbeville Correctional
 Law Library.
5. February 02, 2016, I was granted permission to
 conduct legal research in the turbeville Correctional
 Law Library, but I could not report because my
 dorm: TANCAW A-side was locked-down from
 1/29/16 around 3pm. - 2/02/16 around noon,
 but still could not leave my dorm.
6. February 09, 2016, I was granted permission to conduct
 legal research in the turbeville Correctional Law
 Library, but I could not report because the SCDC

AFFIDAVIT BY GEORGE CLEVELAND, III
APPELLATE CASE NO. 2015-002251

- transported me to the oconee County Detention center on 2/09/16 around 7:30 A.M. for my scheduled p.c.r. hearing on 2/10/16 at the Anderson County Courthouse. Furthermore, my dorm: TANAWAN - A-side was locked-down from 2/05/16 in the early morning hours - 2/07/16 in the evening.

7. I WAS AGAIN GRANTED permission to conduct legal research in the LAW LIBRARY on 2/17/16 at turbeville Correctional Inst., but the entire prison was locked-down, therefore I could not go.
8. I have filed multiple Grievances, entitled the LAW LIBRARY AND THE GRIEVANCE DEPARTMENT AT TURBEVILLE OVER THE LAST FOUR (4) PLUS MONTHS REGARDING MY PAST MISSED COURT DEADLINES, AND MY UPCOMING DEADLINES IN FEBRUARY OF 2016 SUPRA, AT PAR. 3, AND ON 2/18/16 around 8:30 A.M. I met with MRS COKER (I.G.C.), ASSOCIATE WARDEN JAMES DEAN, MAJOR CHVALA, AND OFFICER THOMAS (LAW LIBRARY SCHEDULE)

PETITIONER'S PROOF OF SERVICE
BY AFFIDAVIT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

DANIEL D. HALL, CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2014-CP-23-01895

APPELLATE CASE NO. 2015-602251

George Cleveland, III,

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

v,

STATE OF SOUTH CAROLINA

PETITIONER,

RESPONDENT.

George Cleveland, III, #35777D
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
TURBEVILLE, S.C. 29162
PROSE PETITIONER

PROOF OF SERVICE BY AFFIDAVIT

APPELLATE CASE NO. 2015-002251

1. I, George Cleveland, III, swears under the penalty of perjury, the following is true and correct to the best of my knowledge;
2. ON February 19, 2016, I handed to the Turbeville Correctional Institution's mail-room staff personally the following:

PETITIONER'S motion for an extension of time to file petition for certiorari to review PCF Action.

SUPPORTING APPENDIX; AND

PROOF OF SERVICE BY AFFIDAVIT

3. The legal envelope was properly addressed and proper postage to this court and the following;

Office of Attorney General
 Karen C. Ratigan, Esquire
 Post Office 11549
 Columbia, S.C. 29211
 Attorney for Respondent

Applicant's signature,
 [Handwritten Signature]

SWORN to and subscribed before me this
 19th day of Feb 2016
 Emily White (L.S.)
 Notary Public for South Carolina

My Commission Expires: 4-27-2016

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

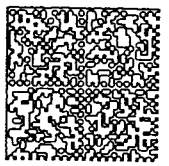
George Cleveland
~~3577-70~~ REBBS

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FEB 19 2016

MAILROOM
TURBEVILLE CI

Legal Mail
The Supreme Court of South Carolina
DANIEL E. SHEAROUSE, Clerk of Court
Post Office Box 11330
Columbia, S.C. 29211



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