

PETITIONER'S APPENDIX IN SUPPORT
OF INJUNCTIVE RELIEF

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

DANIEL B. 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,

v.

STATE OF SOUTH CAROLINA,

PETITIONER,

RESPONDENT.

OFFICE OF THE ATTORNEY GENERAL
KAREN C. RATIGAN, ESQUIRE
P.O. Box 11549
Columbia, S.C. 29211
Attorney For Respondent

George Cleveland, III, #357770
Turbeville Correctional Inst.
P.O. Box 252
Turbeville, S.C. 29162
Prose Petitioner.

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AFFIDAVIT BY GEORGE CLEVELAND, III
IN SUPPORT GRANTING INJUNCTIVE RELIEF

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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. I was ordered to pack-up my property on the evening of 2/08/16; transported to the Oconee County Detention Center on 2/09/16; had an P.C.R. hearing on 2/10/16 at the Anderson County Courthouse. All my property (including my three (3) legal boxes) were stored in the Turbeville property room.
3. I kept all 3 of my legal boxes in my cell-room since being transferred to Turbeville Correctional on 8/21/15 up until the morning of 2/09/16.
4. On the evening of 2/11/16, after being transported back to Turbeville; told by Captain Coleman; Sgt. Scott (Cover-property-control) was ordered by Major Chuala to only allow me to take one (1) legal box back to my cell-room, and must request an exchange for another

5. On the evening of 2/11/16, I emailed MAJOR chunla requesting my other two (2) Legal boxes be returned to me. As of the date of this Affidavit, he has not responded.
6. On the morning of 2/18/16, I met with Associate WARDEN JAMES DEAN, MAJOR chunla, and two (2) other staff members; in MR-DEAN'S office, MAJOR chunla informed me to number my legal-boxes stored in the property room, and the one (1) stored in my cell-room.
7. From 2/23/2016 - 2/26/2016, I requested the exchange of my Legal Boxes with another because of an upcoming legal deadline by and through DORM LT. Redden who after making calls learned Sgt-Scott was unavailable.
8. From 2/29/16 - 3/02/2016, LT-Redden was not in the Rimini Dorm. I requested officer Welch call Prison Administration so I could exchange my legal-box for legal deadline, but prison-lock-down prevented me from legal-box exchanges.

9. ON 2/01/16, I signed for, and received the Form-4 judgment filed documents which denied my Rule 59(e) motion.

10. I WAS GRANTED permission to report to the Turbeville Correctional Law Library to conduct legal research for legal-deadlines on 2/2/16, 2/09/16 and 2/17/16, but could not for the following reasons:

- 2/02/16; Prison-Lockdown;
- 2/09/16; scheduled P.C.R.-hearing on 2/10/16; in transport the morning of 2/09/16; and
- 2/17/16; Prison-Lock-down.

11. Missed the following legal-deadlines:

- c/A no. 4:14-CV-02444-RBH-TER; on 12/17/16; prison-lockdown; U.S. District Court (Florence Div.)
- c/A no. 2:15-CV-00168-WCO-JCF; on 12/29/16; prison-lockdown; U.S. District Court (Gainesville, GA Div.)
- c/A no. 2015-CP-40-5732; on 2/03/16; prison-lockdown; (Richland County Common Pleas Court) motion for continuance granted
- c/A no. 2014-CP-37-718; prior to 2/10/16 P.C.R. hearing at the Anderson County Courthouse; inadequate law library (Five Coronee County P.C.R.) motion for continuance granted.

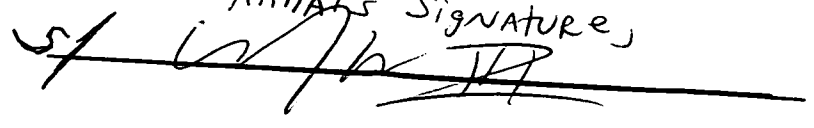
Appellate

C/A No. 2015-000697; certiorari petition deadline on 2/26/16 (S.C. COURT OF APPEALS); INADEQUATE LAW LIBRARY time; motion for an Extension pending,

Appellate case no. 2015-002251; certiorari P.C.R. Review deadline on 2/19/16 (S.C. SUPREME COURT); INADEQUATE LAW LIBRARY time; motion for an Extension GRANTED.

C/A No. 2014-CP-23-1895; notice of Appeal deadline of March 02, 2016 (S.C. SUPREME COURT) could not retrieve legal documents out of Legal-Box stored in property-room in time (Greenville county P.C.R. motion for sanctions against Assistant Attorney General Karen C. Ratisani,

12. All three (3) of my Legal-Boxes contain my pending legal cases; and Resources.

Affiant's Signature


SWORN to and subscribed before me this
7th day of March 2016.
Sandy White (L.S.)
Notary Public for South Carolina

My Commission Expires: 4-27-2016

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

page 3

INMATE GRIEVANCE FORM

JAN 20 2016

STEP 1

| | |
|--|---------------------------------|
| INMATE NAME: <u>George Cleveland J III</u> | OFFICE USE ONLY |
| SCDC NUMBER: <u>357770</u> | Grievance No. <u>TC16040-16</u> |
| INSTITUTION: <u>TURBEVILLE C.I.</u> | Code: General <u>LE/LS</u> |
| HOUSING UNIT: <u>TA-132</u> | Policy _____ |
| WORK ASSIGNMENT: <u>WARD keeper</u> | Disc. Hear. _____ |
| | Class. _____ |
| | PREA _____ |
| | Date Received <u>1-20-16</u> |
| | IGC Initials: <u>PC</u> |

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

The new LAW LIBRARY hours (closing from 10 A.M. - 12pm) Monday-Friday is putting a toll on my actual time I can conduct legal research. Today (January 19, 2016), I was approved to conduct legal research. At 7 A.M., see kiosk #16-963752, but after eating breakfast I reported around 8:20 A.M., but had to leave at 10 A.M. because of the new hours. I was on the outcount for 12 p.m., see kiosk #16-973747, but because the T.A.'s had to eat lunch, and I had to eat lunch with my unit, it was around 1 p.m. before I could report, the LAW LIBRARY was closed early (around 2:30 p.m.) per A/W DEAN according to officer Lowery.

[Signature] 1/19/16
 Grievant Signature Date

ACTION REQUESTED: provide at least weekly 37.5 hours of LAW LIBRARY time pursuant to SCDC Policy GA-01.03 (Inmate Access to the courts) and SCDC Policy PS-08.01 section 3.1, and stagger times that's good to lunch

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See reverse side for Warden's response.

[Signature] 1/21/16
 IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

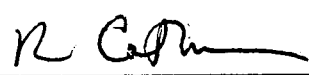
Inmate Cleveland:

357770

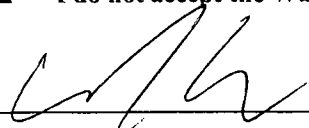
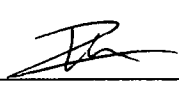
This is in response to TCI-0040-16.


Your grievance has been reviewed, and appropriate staff has been contacted. Associate Warden Dean stated due to a security issue the law library was closed early. It is obvious there are issues with the law library schedule and that schedule is currently being reviewed so the appropriate revisions can be made.

If you are not satisfied with my response, you have the opportunity to appeal to the appropriate official. If you wish to do so, complete the Step 2 Grievance Form provided and submit it, along with your copy of the Step 1 Grievance Form, to the Inmate Grievance Coordinator within 5 calendar days.

| | |
|--|----------------|
|  | <u>1/25/16</u> |
| Warden Signature | Date |

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

| | | |
|---|---|----------------|
|  |  | <u>1/29/16</u> |
| Grievant Signature | | Date |

| | |
|---|----------------|
|  | <u>1/29/16</u> |
| IGC Signature | Date |

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

page 3

INMATE GRIEVANCE FORM

JAN 20 2016

STEP 1

| | |
|---|---------------------------------|
| INMATE NAME: <u>George Cleveland JILL</u> | OFFICE USE ONLY |
| SCDC NUMBER: <u>357770</u> | Grievance No. <u>TC16040-16</u> |
| INSTITUTION: <u>Turbeville C.I.</u> | Code: General <u>LE/LS</u> |
| HOUSING UNIT: <u>TA-132</u> | Policy _____ |
| WORK ASSIGNMENT: <u>WARD keeper</u> | Disc. Hear. _____ |
| | Class. _____ |
| | PREA _____ |
| | Date Received <u>1-20-16</u> |
| | IGC Initials: <u>PC</u> |

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy: Include supporting documentation and attach answered RTSM or Kiosk reference number.)

The new LAW LIBRARY hours (closing from 10 A.M. - 12pm) Monday-Friday is putting a toll on my actual time I can conduct legal research. Today (January 19, 2016), I was approved to conduct legal research. At 7 A.M., see kiosk #16-963752, but after eating breakfast I reported around 8:20 A.M., but had to leave at 10 A.M. because of the new hours. I was on the outcount for 12 P.M., see kiosk #16-923747, but because the T.A.'s had to eat lunch, and I had to eat lunch with my unit, it was around 1 P.M. before I could report, the LAW LIBRARY was closed early (around 2:30 P.M.) per A/W DEAN according to officer Lowery.

[Signature] 1-19-16
Grievant Signature Date

ACTION REQUESTED: provide at least 37.5 hours of LAW LIBRARY time pursuant to SCDC Policy GA-01.03 (Inmate Access to the courts) and SCDC Policy RS-08.01 section 3.1, and stagger times T.A.'s good to lunch

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

See reverse side for Warden's response.

[Signature] 1/21/16
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Inmate Cleveland:

357770

This is in response to TCI-0040-16.

Your grievance has been reviewed, and appropriate staff has been contacted. Associate Warden Dean stated due to a security issue the law library was closed early. It is obvious there are issues with the law library schedule and that schedule is currently being reviewed so the appropriate revisions can be made.

If you are not satisfied with my response, you have the opportunity to appeal to the appropriate official. If you wish to do so, complete the Step 2 Grievance Form provided and submit it, along with your copy of the Step 1 Grievance Form, to the Inmate Grievance Coordinator within 5 calendar days.

R. Caplan 1/25/16
Warden Signature Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

[Signature] 1/29/16
Grievant Signature Date

[Signature] 1/29/16
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
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5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

RECEIVED

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

JAN 13 2016

WARDEN'S OFFICE

WARDEN

| | | |
|---|------------------|--|
| TO: NAME: COCHRAN | TITLE: WARDEN | DATE: TURBEVILLE CI JANUARY 07, 2016 |
| INMATE'S NAME: George Cleveland III | | SCDC #: 357770 |
| INSTITUTION: Turbeville Correctional | | LIVING QUARTERS: TA-132 REJECTED |

DEAR WARDEN COCHRAN,
I CURRENTLY HAVE FOUR (4) OUTSTANDING
ARTSM EMAILS UNDER THE ~~SECURE~~ SECURITY
TAB TO MAJOR CHARLTA:
Kiosk# 15-743390; 15-943384; 15-930324;
15-914638. ONE OF THESE EMAILS WERE SENT
BACK ON NOVEMBER 30, 2015.

THESE ARE IMPORTANT ISSUES: NO ACCESS TO
SHOWERS FOR 5 PLUS DAYS; REPEATED MISSED
COURT DEADLINES, AND WEEKS WITHOUT GOING TO THE
CANTEN; FEEDING, HOURS APART, FROM EACH OTHER
CAN YOU PLEASE ASK HIM TO RESPOND SO I
CAN PROCEED? Respectfully Requested George Cleveland III

DISPOSITION BY STAFF MEMBER:

Please enter your request into
Kiosk in your dorm. Paper
Request are for areas that do not have
Kiosk

REJECTED

| | |
|------------------|---------------------------|
| DATE: 1-19-16 | SIGNATURE: S. Phillips |
|------------------|---------------------------|

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

2/15/15

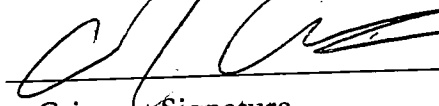
JAN 13 2016

STEP 1

| | |
|--|---------------------------------|
| INMATE NAME: <u>George Cleveland, III</u> | OFFICE USE ONLY |
| SCDC NUMBER: <u>357770</u> | Grievance No. <u>TC10023-16</u> |
| INSTITUTION: <u>TURKEYVILLE CORRECTIONAL</u> | Code: General <u>LE/IS</u> |
| HOUSING UNIT: <u>TA 132</u> | Policy _____ |
| WORK ASSIGNMENT: <u>WARD KEEPER</u> | Disc. Hear. _____ |
| | Class. _____ |
| | PREA _____ |
| | Date Received <u>1-13-16</u> |
| | IGC Initials <u>RC</u> |

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

ON JANUARY 08, 2016, THE LAW-LIBRARY granted my request to conduct legal research today (JANUARY 12, 2016 AT 7 A.M.), however, I could not report because of yet another lock-down. I have multiple cases, and have to read cases and rules carefully which takes time. I barely get one (1) day a week so when my day is lost, it puts a strain on me when I'm able to go the following week. something needs to be done

 1-12-16
Grievant Signature Date

See kiosk # ~~15~~-947456

ACTION REQUESTED: provide an alternative during lock-downs so I have access to legal-case-law, and court rules.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

IGC conferred with Mr. Martin, Education and Ofc. Thomas.
See reverse side for Warden's response. R. Coker 2/16/16
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Page 5

Inmate Cleveland,

#357770

This is in response to TCI-0023-16.

Per Mr. Martin, Principal, if you have a legal deadline of ten (10) days or less you can show the officer your deadline and they can call the law library to see when you can go. When room in the law library permits, Ofc. Thomas will schedule you for additional time if your kiosk request is received prior to her scheduling to fill spaces.

Based on this information, your requested action is resolved. If you are not satisfied with my response, please see Step 5 below.

AW [Signature] *2/17/2016*
Warden Signature Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

[Signature] *2/24/16*
Grievant Signature Date

[Signature] *2/24/16*
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
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5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM**

②
P155

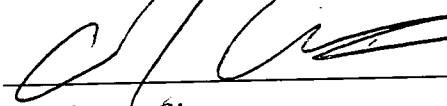
JAN 13 2016

STEP 1

| | |
|--|----------------------------------|
| INMATE NAME: <u>George Cleveland, III</u> | OFFICE USE ONLY |
| SCDC NUMBER: <u>357770</u> | Grievance No. <u>TC100 23-16</u> |
| INSTITUTION: <u>TURBENVILLE CORRECTIONAL</u> | Code: General <u>LE/IS</u> |
| HOUSING UNIT: <u>TA 132</u> | Policy _____ |
| WORK ASSIGNMENT: <u>WARD KEEPER</u> | Disc. Hear. _____ |
| | Class. _____ |
| | PREA _____ |
| | Date Received <u>1-13-16</u> |
| | IGC Initials <u>RC</u> |

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

ON JANUARY 08, 2016, THE LAW-LIBRARY granted my request to conduct legal research today (JANUARY 12, 2016 AT 7 A.M.), however, I could not report because of yet another Lock-down. I have multiple cases, and have to read cases and rules carefully which takes time. I barely get one (1) day a week, so when my day is lost, it puts a strain on me when I'm able to go the following week. something needs to be done


Grievant Signature Date 1-12-16

See kiosk 15-947456

ACTION REQUESTED: provide An Alternative during lock-downs so I have Access to Legal-CASE-LAW, And COURT RULES.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

IGC conferred with Mr. Martin, Education and Ofc. Thomas.
See reverse side for Warden's response. R. Coker 2/16/16
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

Page 5

Inmate Cleveland,

#357770

This is in response to TCI-0023-16.

Per Mr. Martin, Principal, if you have a legal deadline of ten (10) days or less you can show the officer your deadline and they can call the law library to see when you can go. When room in the law library permits, Ofc. Thomas will schedule you for additional time if your kiosk request is received prior to her scheduling to fill spaces.

Based on this information, your requested action is resolved. If you are not satisfied with my response, please see Step 5 below.

AW James C. Dean A 2/17/2016
Warden Signature Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

[Signature] 2/24/16
Grievant Signature Date

[Signature] 2/24/16
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
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3. Only one (1) issue is to be addressed on each form.
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5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

WARDEN'S DECISION AND REASON:

page 2

Inmate Cleveland,

#357770

This is in response to TCI-0058-16.

Ofc. Thomas was contacted and stated if a kiosk request from you is received before completing the outcount she will schedule you to go to the law library. Per Mr. Martin, Principal, if you have a legal deadline of ten (10) days or less you can show the officer your deadline and they can call to see when you can go to the law library. You are not allowed to go to the law library at just anytime due to the separation of youthful offenders and straight timers.

Based on this information, your requested action is denied. If you are not satisfied with my response, please see Step 5 below.

A. W. ...
Warden Signature Date

I accept the Warden's decision and consider the matter closed.

I do not accept the Warden's decision and wish to appeal.

[Signature] 2/24/16
Grievant Signature Date

[Signature] 2/24/16
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
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5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

15 937117

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

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JAN 29 2016

| | |
|---|---------------------------------|
| INMATE NAME: <u>George Cleveland, III</u> | OFFICE USE ONLY |
| SCDC NUMBER: <u>357770</u> | Grievance No: <u>TC10058-16</u> |
| INSTITUTION: <u>Turbeville Correctional Inst.</u> | Code: General <u>LA/LS</u> |
| HOUSING UNIT: <u>TA 132</u> | Policy _____ |
| WORK ASSIGNMENT: <u>WARD keeper</u> | Disc. Hear. _____ |
| | Class. _____ |
| | PREA _____ |
| | Date Received <u>1-29-16</u> |
| | IGC Initials <u>GC</u> |

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

The one (1) day A week my DORM (TAW-CAW) is authorized to conduct Legal Research is wholly inadequate for me in most instances because reading cases is a grueling task. Many cases are 30-pages long, and all cases cite other cases that are equally important. I need to understand the language in these cases so my arguments are compelling. I cannot always do this in 1 day a week, thus, I should be able to conduct research during the 37.5 hours (anytime) the Law Library is open, and I provide proof of legal deadlines or legal research.

I could not complete my legal research on January 29, 2016
Kiosk #16-985019 Relevant EVIDENCE ATTACHED

Grievant Signature [Signature] Date 1-27/16

ACTION REQUESTED: create a policy that allow inmates to report to the Law Library anytime legal research is needed; legal deadlines with reasonable amount of time.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

IGC conferred with Ofc. Thomas. See reverse side for Warden's response.
IGC Signature [Signature] Date 2-10-16

(CONTINUE ON REVERSE SIDE)

11/23/16
11/23/16
11/23/16

WARDEN'S DECISION AND REASON:

Page 5

Inmate Cleveland,

#357770

This is in response to TCI-0058-16.

Ofc. Thomas was contacted and stated if a kiosk request from you is received before completing the outcount she will schedule you to go to the law library. Per Mr. Martin, Principal, if you have a legal deadline of ten (10) days or less you can show the officer your deadline and they can call to see when you can go to the law library. You are not allowed to go to the law library at just anytime due to the separation of youthful offenders and straight timers.

Based on this information, your requested action is denied. If you are not satisfied with my response, please see Step 5 below.

A. W. ...
Warden Signature Date

- I accept the Warden's decision and consider the matter closed.
- I do not accept the Warden's decision and wish to appeal.

[Signature] 2/24/16
Grievant Signature Date

[Signature] 2/24/16
IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form or Kiosk reference number to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing it in the Grievance Box at your institution within eight (8) working days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) working days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, by placing your Step 2 appeal form in the Grievance Box at your institution.

15 937117

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

OCT 09 2015

page 307

| | |
|---|---------------------------------|
| INMATE NAME: <u>George Cleveland, III</u> | OFFICE USE ONLY |
| SCDC NUMBER: <u>357770</u> | Grievance No: <u>TC10393-15</u> |
| INSTITUTION: <u>Tulbeville Correctional</u> | Code: General <u>LA/CS</u> |
| HOUSING UNIT: <u>TA-132</u> | Policy: _____ |
| WORK ASSIGNMENT: <u>WARD-keeper</u> | Disc. Hear: _____ |
| | Class: _____ |
| | PREA: _____ |
| | Date Received: <u>10-9-15</u> |
| | IGC Initials: <u>L</u> |

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

EMERGENCY GRIEVANCE PURSUANT TO
SCDC Policy GA 01.12, Section 14.1

Conditions:

~~By I had my room cleaned, e.g. swept, mopped,
chemicals to clean my toilet. My room was
last cleaned October 6, 2015. This puts me
at substantial risk of serious harm to my
health.~~

Conditions:

My sheets, ~~trousers~~ socks, or ~~boots~~ have not
been cleaned since last Sept. 29, 2015. This
puts me at substantial risk of serious harm

~~since lock down I only showered~~ 10-8-15
~~once on October 06, 2015 (Tues.)~~ Grievant Signature Date

~~we've been on lock-down since Oct 01, 2015~~

ACTION REQUESTED:

I respectfully request my laundry be cleaned
by the commissary with chemicals, broom, and
~~map to clean my room, and a shower at least 3 times~~

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER A week

This grievance is being returned to you unprocessed. See reverse side for response.

Poker 10/12/15
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

OCT 09 2015

page 3007

| | |
|---|---------------------------------|
| INMATE NAME: <u>George Cleveland, III</u> | OFFICE USE ONLY |
| SCDC NUMBER: <u>357770</u> | Grievance No: <u>TC10393-15</u> |
| INSTITUTION: <u>Tulbeville Correctional</u> | Code: General <u>LA/CS</u> |
| HOUSING UNIT: <u>TA-132</u> | Policy: _____ |
| WORK ASSIGNMENT: <u>WARD-KEEPER</u> | Disc. Hear: _____ |
| | Class: _____ |
| | PREA: _____ |
| | Date Received: <u>10-9-15</u> |
| | IGC Initials: <u>Z</u> |

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

EMERGENCY GRIEVANCE PURSUANT TO SCDC Policy GA 01.12, Section 14.1

Conditions:

~~I need my room cleaned, e.g. swept, mopped, chemicals to clean my toilet. My room was last cleaned October 1, 2015. This puts me at substantial risk of serious harm to my ~~own~~ health.~~

Conditions:

My sheets, ~~trousers~~ socks, or ~~boots~~ have not been cleaned since last Sept. 29, 2015. This puts me at substantial risk of serious harm

~~since lock down I only showered~~ 10-8-15
~~once on October 06, 2015 (Tues.)~~ Grievant Signature _____ Date _____

~~we've been on lock-down since Oct 1, 2015~~

ACTION REQUESTED:

I respectfully request my laundry be cleaned by the commissary with chemicals, bleach, and mop ~~to clean my room and shower at least 3 times~~

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER A week

This grievance is being returned to you unprocessed. See reverse side for response.

Baker 10/12/15
 IGC Signature _____ Date _____

(CONTINUE ON REVERSE SIDE)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

| | | |
|---|---|------------------------------------|
| George Cleveland, III, #357770, |) | Docket No. 15-ALJ-04-0618-AP |
| |) | |
| Appellant, |) | |
| |) | ORDER GRANTING IN PART AND |
| vs. |) | DENYING IN PART APPELLANT'S |
| |) | MOTION |
| South Carolina Department of Corrections, |) | |
| |) | |
| Respondent. |) | |

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Appellant (Inmate) above named, who is incarcerated with the South Carolina Department of Corrections (SCDC).

Inmate filed his Motion to Compel Certain Missing Page of Record and Stay of Proceedings on February 25, 2016. Inmate claims that SCDC failed to provide page 7 of the Record in this matter, which should include the list of canteen orders that the Hearing Officer considered at the hearing. Inmate is correct that page 7 is missing from the Record on Appeal, although that is most likely a minor error. However, Inmate is correct that the list of canteen orders should be a part of the Record. ALC Rule 58(B) states, in part that "the record of the contested case shall consist of...All evidence received or considered..." The Hearing Officer considered the list of Inmate's canteen orders and therefore that list should be a part of the Record. SCDC shall have ten (10) days from the date of this Order to supplement the Record with the list of Inmate's canteen orders.

Inmate also argues that the signature of the transcriptionist is not authentic and cannot be relied upon under ALC Rule 61 because the certification of the transcriptionist is not dated. Inmate argues that S.C. Code Ann. § 19-1-60 (2014) is applicable to this proceeding. This proceeding is not a civil action, and therefore Section 19-1-60 is not applicable. Further, the Hearing Officer certified the transcript and dated the certified transcript document. Any issue raised by the lack of the transcriptionist failing to date her signature should be alleviated by the Hearing Officer signing, dating, and notarizing the Certified Transcript. Therefore, Inmate's argument regarding authentication is denied.

FILED

MAR 01 2016

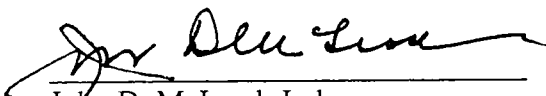
SC ADMIN. LAW COURT

THEREFORE, IT IS ORDERED that SCDC shall have ten (10) days from the date of this Order to supplement the Record to include the list of Inmate's canteen orders. SCDC shall have twenty (20) days from the date the Supplemental Record is filed, to submit its brief in this matter. Inmate shall have ten (10) days from the date SCDC files its brief to submit a reply brief.

AND IT IS FURTHER ORDERED that Appellant's request to require SCDC to file a certification signed by the transcriptionist that is dated is **DENIED**.

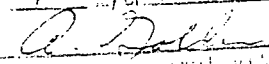
AND IT IS SO ORDERED.

March 1, 2016
Columbia, S.C.



John D. McLeod, Judge
South Carolina Administrative Law Court

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, by the United States mail, postage paid, or in the Interagency Mail Service addressed to the clerk (yes) or their attorney(s).

1 day of March, 2016

Clerk

PETITIONER'S PROOF OF SERVICE

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,

VI

STATE OF SOUTH CAROLINA,

PETITIONER,

RECEIVED

MAR 10 2016

S.C. SUPREME COURT

RESPONDENT,

OFFICE OF THE ATTORNEY GENERAL
KAREN C. RATIGAN, ESQUIRE
P.O. Box 11549
Columbia, S.C. 29211
ATTORNEY FOR RESPONDENT

George Cleveland, III #357770
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
TURBEVILLE, S.C. 29162
PROSE PETITIONER

PETITIONER'S PROOF OF SERVICE:

1. I, George Cleveland, III, certifies that on the date below, by and through the Turbeville Correctional Institution's mail-room, properly addressed, proper United States mail-postage, the following legal documents;

Petitioner's motion for Injunctive Relief of 20 pages supporting Appendix - 10 pages, and this proof of service is 2-pages to the following parties:

Office of the Attorney General
KAREN C. RATHIGAN, Esquire
P.O. Box 11549
Columbia S.C. 29211
Attorney for Respondent

RECEIVED

MAR 10 2016

S.C. SUPREME COURT

S.C.D.C.
Office of General Counsel
CHRISTINA CATHE Bigelow, Esquire
P.O. Box 21787
Columbia S.C. 29221-1787
Attorney for S.C.D.C.

Respectfully Submitted,
George Cleveland III
George Cleveland III #357770, TA-118
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
TURBEVILLE, S.C. 29162

Dated: March 07, 2016