

PETITIONER'S APPENDIX

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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S.C. SUPREME COURT

APPEAL FROM GREENVILLE COUNTY

COURT OF COMMON PLEAS

DANIEL D. HALL, CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2014-CP-23-01893

APPELLATE CASE NO. 2015-002251

George Cleveland, III

S.C.D.C. NO. 35770,

PETITIONER

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPENDIX

George Cleveland, III

TURBEVILLE CORRECTIONAL INSTITUTION

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IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Indictment No(s). 2012GS237503-07

State of south Carolina,

Plaintiff,

VS.

George Cleveland,

Defendant.

TRANSCRIPT OF RECORD

November 5, 2013

Greenville, South Carolina

BEFORE :

The Honorable Edward M. Miller

APPEARANCES

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2

3

STATE'S ATTORNEY:

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1 PROCEEDINGS

2 MR. WATTS: May it please the Court, the next case
3 is the State V George Cleveland, 2012GS237503-07.
4 Austin Watts for the State. Michael Sarratt for the
5 Defendant, Your Honor. At this point in time we are
6 going to tender a potential witness list. And the
7 Defense will pass that up.

8 MR. SARRATT: May counsel approach, Your Honor?

9 THE COURT: I'm sorry?

10 MR. SARRATT: May counsel approach the Bench, Your
11 Honor?

12 THE COURT: Yeah.

13 (Off-the-record discussion held.)

14 THE COURT: All right. Mr. Cleveland.

15 MR. CLEVELAND: Yes, sir.

16 THE COURT: Please stand and raise your right
17 hand. Do you swear to tell the truth?

18 MR. CLEVELAND: Yes, sir.

19 THE COURT: I have been informed by your
20 attorney -- do you want to relieve him?

21 MR. CLEVELAND: Yes, sir.

22 THE COURT: You understand if you do that you will
23 be representing yourself today? We are picking a jury
24 and going forward.

25 MR. CLEVELAND: Your Honor, I object. I don't

1 feel that he's represented me in his fullest capacity
2 as I would like. And, you know, I have talked to
3 several attorneys and I want to hire another attorney
4 and get this case, you know, as quickly as possible.
5 But there's a lot of questions that I still haven't got
6 answers to from my attorney. And I'm just not ready
7 yet to go to trial. I'm not a lawyer. I do not want
8 to represent myself. I want to get this trial done
9 and/or plea as quickly as possible but I have numerous
10 questions, you know, about the evidence, the witness
11 list. I had no time to get my witness list prepared.
12 I don't understand why the evidence presented in this
13 case -- I am a college student, I work and I am a bail
14 bondsman and the State is just shoving this case down
15 my throat and I don't really appreciate it.

16 I have got this -- let's see, I got -- they mailed
17 me a letter, a trial card on October 22nd, 2013, and I
18 got another -- that was a trial date for today. I got
19 another card from them on October 24th, 2013 that I had
20 to be in court yesterday. And then I received 80 pages
21 of evidence, additional evidence on October 25th, 2013.
22 I don't have time to prepare.

23 I know that I hired a lawyer to prepare for me,
24 but in my opinion he's not preparing for me. I mean, I
25 don't want to -- there's too many people in the

1 Department of Corrections because they entrusted
2 everything in their attorney and then they wasn't
3 prepared, so I don't want to do that. I want to be
4 prepared. I want to see all of the evidence and make
5 sure that everything was done by state law, by the
6 evidence rules, by the court rules. And I have got a
7 lot of questions.

8 And the detective, Sergeant Weiner, I think, I
9 filed an ethics/internal affairs complaint against him
10 about a month ago because he actually ripped up one of
11 my auction access cards, Carolina Auto Auction. And
12 then last Thursday I got a Fed Ex in the mail
13 over-nighted to me saying that there wasn't no evidence
14 on that. And they are trying to jam it down my throat.

15 It is a violation of my -- I was born with
16 Cerebral Palsy and I have got anxiety problems and
17 antidepressant problems if you really want to know the
18 truth. I want to make sure before I go to trial that
19 my attorney is prepared for me, and he is not prepared
20 for this case.

21 So, I'm ready to hire another lawyer. I have got
22 the money to hire another lawyer. And all that I have
23 to do is relieve this man from his duties and go pay
24 this other attorney the retainer to take this case and
25 she can look at this evidence and see what she can do

1 for me, go to trial or make a plea, whatever. I'm not
2 trying to delay the trial.

3 THE COURT: We are not going to delay the trial.
4 Who have you talked to?

5 MR. SARRATT: I talked to Sara Drawdy and I talked
6 to Druanne White. I'm going to hire Druanne White.

7 THE COURT: Why haven't you hired her already?

8 MR. SARRATT: I can't, he's my attorney. It's
9 ethics rules you can't hire another lawyer if you have
10 another lawyer on retainer. I have talked to a lot of
11 lawyers that won't talk to me because Mr. Sarratt was
12 my attorney.

13 THE COURT: Mr. Sarratt, what can you tell me?

14 MR. SARRATT: I can tell you, if the Court
15 pleases, I'm fully prepared to go to trial. I have
16 answered all of his questions and Mr. Watts can confirm
17 that I have diligently represented my client in this
18 matter. I did receive on October -- November the 4th a
19 two-page questionnaire from my client. I have spent
20 several hours looking into all of this.

21 THE COURT: Yesterday you got a two-page
22 questionnaire from your client?

23 MR. SARRATT: Yes, sir, via e-mail, mainly
24 bringing up suppression matters of evidentiary matters
25 that are before the Court.

1 THE COURT: When was discovery provided,
2 Mr. Watts?

3 MR. WATTS: Judge, if I may. I think that I can
4 clear up some of this for you. These charges happened
5 in June or July of last year, coming close to 16
6 months. He was initially January of last year --
7 excuse me, of this year. March, April, June, July,
8 August -- and here we are in November. He was put
9 under an appointment for an order of an attorney by
10 Judge Verdin on October the 1st, 2012. Last year.

11 He refused to get a lawyer. Told me that he was
12 innocent. I put him under another attorney order in
13 January. I can't read the Judge's name, I apologize.
14 I can make it a Court's exhibit if you would like
15 Judge. We complied with initial discovery.

16 And about a month ago, four weeks ago,
17 approximately, we ended up having extra stuff brought
18 to my attention by the investigator in pre-trying the
19 case. Most of it was hearsay but I disclosed it as a
20 matter of course. What we do really intend, out of
21 that discovery, to use was just pictures of the cars,
22 Your Honor. The substance of this case is that he has
23 a -- ultimately what appears to be a chop shop, takes
24 stolen vehicles and buys close-in-time models from the
25 salvage yard, switches the VIN plate and plate and

1 takes them to CarMax. They are a buyer, Your Honor.
2 They will purchase your car whether you buy it or not.
3 He knows that he has a ready buyer.

4 He sells one of the cars and gets away with it.
5 He comes back with a second car, at which point in time
6 they know that the VIN is not matching up. They arrest
7 him in the lobby. When they run his name they noticed
8 that he sold a second -- a subsequent car. When they
9 ran the search warrant he had the second salvaged car
10 in his yard. We intend to use any of those pictures at
11 that point in time that has any substance on the
12 defense or what he intended to argue. Quite frankly,
13 in the latest testimony we did extend him something
14 from a lay witness from CarMax. They gave us a bank
15 credit as to that seven thousand dollars for the Ford
16 Fusion they did deposit. And quite frankly, that was
17 not from the investigator, that was from a lay witness
18 going through the file. Thank you, Your Honor.

19 MR. CLEVELAND: Your Honor, may I encounter? Your
20 Honor, what he just said, actually, I was arrested two
21 separate times, basically on the same thing.

22 THE COURT: Let me tell you this, Mr. Cleveland,
23 we are now discussing whether or not to relieve
24 Mr. Sarratt. If I relieve him we are still going
25 forward with the trial today.

1 MR. CLEVELAND: Yes, but I'm not ready. I'm not
2 an attorney.

3 THE COURT: Then I suggest that you discuss it
4 with Mr. Sarratt.

5 MR. CLEVELAND: He's saying that this case has
6 been 17, 16 months and it's only been 14 and a half.
7 It's not been that long. I can't go to trial without a
8 lawyer. I don't feel comfortable.

9 THE COURT: Let me tell you this, you were brought
10 in front of Judge Verdin 13 months ago and told to get
11 a lawyer. You are not coming in today complaining that
12 you haven't had time to get a lawyer. We are going
13 forward with trial today. You have been noticed
14 several times. I suggest that you talk to Mr. Sarratt
15 and see if you really want to relieve him.

16 MR. CLEVELAND: And I want to say, I got one order
17 in October. And I told him that I got money issues, I
18 am a used car dealer and all of my money was gone to
19 get out of jail. And I filed that in February, March,
20 something like that. And every time I got a car I told
21 Mr. Watts that and it seems like they are shoving this
22 down my throat. I don't feel ready. And I don't feel
23 comfortable with Mr. Sarratt.

24 THE COURT: Whether you are ready or not ready,
25 the Court is proceeding with the case. If you are not

1 ready, that is your fault. We are going forward. I
2 suggest that you talk to Mr. Sarratt and see if you
3 want to represent yourself or continue on with
4 Mr. Sarratt.

5 Okay. And we will take just a few minutes.

6 (Brief recess.)

7 THE COURT: Keep your seats. Okay.

8 MR. SARRATT: Your Honor, I have had an
9 opportunity to speak with Mr. Cleveland. The first
10 complaint, I offered to answer questions for him, he
11 didn't seem to be very receptive to asking any. So,
12 therefore, I referred to his note from yesterday that I
13 received over the computer, got to about the first
14 issue and was interrupted.

15 One of the issues he had was that he is unable --
16 was unable to round up his witnesses. He's never
17 informed me that he had any witnesses until today. I
18 asked him the name -- to name one witness that we may
19 have to present to the Court at trial and he refused.
20 And his response was that I'm not answering you, quote,
21 because I don't trust you. So, that was the end of the
22 conversation and that is where we stand.

23 THE COURT: All right.

24 MR. CLEVELAND: Your Honor, I was wanting to have
25 a chance to, you know, you sign an order to relieve him

1 of his duties and let me talk to Mr. Watts for, you
2 know, 30 minutes or so and see if we can work it out.

3 MR. WATTS: Judge, I have got nothing to say to
4 Mr. Cleveland. We can just put people in the jury box
5 and try the case at this point in time. I have
6 Mr. Duval who owns Duval Ford down in Clayton, Georgia,
7 he's here from out of town. And Mr. Walt Woloszczuk in
8 the back from Rock Hill. I have got a myriad of
9 witnesses who are ready to see the case tried at this
10 point in time, Your Honor.

11 THE COURT: Okay.

12 MR. CLEVELAND: Again, I'm not ready for trial. I
13 mean, I just want to see if I can get a plea or
14 something like that. I know that you want to rush this
15 case through and I don't -- I object to that. Many
16 times.

17 THE COURT: Well, you can plea if you want to.

18 MR. CLEVELAND: I just don't --

19 THE COURT: The policy in this circuit is that you
20 have a window of -- did you make an offer?

21 MR. WATTS: Yes, Your Honor, we made an offer
22 that's long since expired.

23 THE COURT: If you don't respond by a certain time
24 the offer is off of the table. If you plead now you
25 plead straight up. You can do that now if you want to.

1 Is that what you want to do?

2 MR. CLEVELAND: Your Honor, you know, I read a
3 case last night, State versus McKenney and the Appeals
4 Court denied, you know, Mr. McKenney's motion to
5 continue the case because he was merely trying to
6 interview a neighbor. And I mean, if you can just read
7 that case. I mean, what I understand with that case,
8 I'm not a lawyer obviously, but from what I understand
9 from that case is that the Appeals Court was, you know,
10 didn't want to see that -- want to see that case go
11 through because it wasn't anything wrong with the
12 proceedings. In this case I don't have any witnesses,
13 I ain't got time to get any witnesses. You know, it's
14 like it's being shoved down my throat, I mean.

15 MR. WATTS: If I may, the State would argue it is
16 the law of the case. Judge Verdin heard a motion on
17 the record yesterday, for a continuance motion, and it
18 was denied.

19 THE COURT: Yeah.

20 MR. CLEVELAND: Also, Judge, I think one of the
21 rules, the court rules, say that the only person that
22 can hear the motion for a continuance is the admin --
23 the chief administrative judge.

24 THE COURT: She is the chief administrative judge.

25 MR. CLEVELAND: I didn't --

1 THE COURT: Excuse me, do not interrupt me.

2 MR. CLEVELAND: I am sorry.

3 THE COURT: She is the chief administrative judge.
4 She heard your motion yesterday. Mr. Sarratt, are you
5 counsel of record or not? Are you going to keep him or
6 not?

7 MR. SARRATT: Your Honor, I have reached such an
8 impasse with this gentleman I don't think that I can
9 diligently represent him at this point. He's not even
10 responding to my questions. He is wanting to go a path
11 on this case that I strongly go against. I would say
12 that there was an offer in this case.

13 THE COURT: Did you communicate it to him?

14 MR. SARRATT: Absolutely Your Honor, immediately
15 upon receiving it. It was open for quite some time.
16 It was a very kind offer. I suggested to him over and
17 over that he accept the offer. Your Honor, and also I
18 have spent hours looking at discovery. He may not
19 think that I'm prepared. I'm prepared, but I'll tell
20 you right now I'm not prepared to present much of a
21 defense in this case because in reviewing and
22 discussing with him I don't see much of a defense in
23 this case and that is why I --

24 THE COURT: Well, you don't need to disclose that.

25 MR. SARRATT: Yes, Your Honor. But as far as me

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1 representing him further, if it were up to me at this
2 juncture right now, Your Honor, I would say that I
3 would like to be relieved from this case.

4 THE COURT: Well, there you go. Are you ready to
5 go on your own?

6 MR. CLEVELAND: I am not.

7 THE COURT: Well, you are going. Mr. Sarratt,
8 I'll ask you to stay if you will at least for a short
9 period to see if he has questions through the course of
10 the trial, just on the front row back there. You don't
11 have to sit at the counsel table. And we are going to
12 pick a jury.

13 MR. SARRATT: As you wish, Your Honor.

14 THE COURT: All right.

15 THE CLERK: How many do you want, sir?

16 THE COURT: Thirty-five.

17 (Whereupon, a recess was taken.)

18 THE COURT: Mr. Cleveland, did I already tell you
19 this? That our court system is set up to allow people
20 to represent themselves but you are held to the same
21 standards that an attorney is. So I will expect the
22 same rules to apply to you as they do any attorney.

23 MR. CLEVELAND: I understand what you are saying,
24 Judge, but I mean you want me to go to trial so if I
25 just plead to all charges and be sentenced or whatever.

1 I mean, I just don't want to -- I am not going to take
2 a chance going to trial and have five more years in
3 prison.

4 I mean, I just wanted to ask for a new attorney
5 but I respect your decision on that. But I don't want
6 to -- I will just decide to plea, I don't want to waste
7 the State's money and I just wanted somebody else to
8 take this case. But I am just not -- I would rather
9 take my faith in you than a jury and get the maximum
10 sentence allowed under the law. I mean . . .

11 THE COURT: Are you telling me that you want to
12 enter a guilty plea?

13 MR. CLEVELAND: Your Honor, I really don't want
14 to --

15 THE COURT: Well --

16 MR. CLEVELAND: -- but to get this case resolved.

17 THE COURT: Well, let me tell you something. If
18 you want to enter a guilty plea, that is fine. But I
19 am not going to take it unless you are going to stand
20 up here and admit what you did and admit your guilt and
21 acknowledge that you understand what your rights are.
22 You are not going to game the system and set it up for
23 some fall down the road.

24 MR. CLEVELAND: I am not trying to game the
25 system, Your Honor. If I have to do it I will do it

1 right now. You want me to get up there right now?

2 THE COURT: Mr. Watts, you got -- he says he wants
3 to tender a plea. You need to talk to Mr. Sarratt for
4 a minute?

5 MR. CLEVELAND: I have, Your Honor.

6 THE COURT: Okay.

7 MR. CLEVELAND: We just talked like five minutes.

8 THE COURT: Okay.

9 MR. WATTS: I'd just as soon pick the jury.

10 THE COURT: Well, we don't have the list yet, do
11 we?

12 THE CLERK: No.

13 THE COURT: So, do it now because once we get the
14 list we are not going to stop.

15 Mr. Sarratt, I am going to ask you to stand with
16 him. So I'm not relieving you.

17 MR. SARRATT: Absolutely. Yes, Your Honor.

18 (Pause.)

19 MR. SARRATT: Your Honor, may I ask the Court a
20 question?

21 THE COURT: Yes.

22 MR. SARRATT: You would desire that I continue
23 representation and sign the sentencing sheet, or am I
24 just accompanying him at this point? I have no
25 objection either way.

1 THE COURT: Well, go ahead. I am requiring you
2 stand with him.

3 MR. SARRATT: I assume because of that I need to
4 advise him of certain things prior to the plea?

5 THE COURT: Yes.

6 (Pause.)

7 THE COURT: All set? All right. Come on around.
8 Did he spend any time in jail?

9 MR. WATTS: Thirteen days, Your Honor.

10 THE CLERK: All right. Your Honor, this case is
11 2012-GS-237505 and 7506, the State versus George
12 Cleveland, III. He's indicted for -- beg your pardon,
13 let me start again. In the case of 2012-GS-237505, the
14 State versus George Cleveland, III. He is indicted for
15 obtaining goods under false pretences. He's pleading
16 to the same.

17 In the case of 2012-GS-237506 and 7504, he is
18 indicted with possession of a stolen motor vehicle.
19 He's pleading to the same.

20 In the case of 2012-GS-2357503 and 7507 he's
21 indicted for removing a vehicle identification number.
22 He's pleading to the same on both counts.

23 And Your Honor, there's an order of restitution.
24 And these are all true billed. All right.

25 THE COURT: All right.

1 THE CLERK: Okay. Mr. Cleveland, if you would
2 please raise your right hand.

3 Thereupon,

4 GEORGE CLEVELAND

5 was called as a witness, having been first duly sworn,
6 was examined and testified as follows:

7 THE COURT: All right. Mr. Cleveland, in the last
8 24 hours have you had any drugs, alcohol, or
9 medications?

10 MR. CLEVELAND: Yes, I take prescription
11 medication.

12 THE COURT: What is that?

13 MR. CLEVELAND: I take Crestor for my cholesterol
14 and Prozac for my anxiety.

15 THE COURT: All right. Well, in the last three
16 days have you had the prescribed dosage?

17 MR. CLEVELAND: Yes, sir.

18 THE COURT: Does it limit your ability to
19 understand what you are doing?

20 MR. CLEVELAND: I don't think so.

21 THE COURT: All right. You are up here on some
22 indictments. The first one that I'm looking at is
23 2012-7503. It alleges that you did in Greenville
24 County, May 7, 2012, knowingly and feloniously remove,
25 alter or change the vehicle identification number on a

1 2011 Ford Fusion for the purpose of concealing or
2 misrepresenting the identity of a stolen vehicle. That
3 carries up to five years; do you understand that?

4 MR. CLEVELAND: Yes, sir.

5 THE COURT: You are also here on 2012-7504. It
6 alleges that you did in Greenville County, May 7, 2012,
7 unlawfully receive, possess, conceal, sell, or dispose
8 of a motor vehicle belonging to Duval Ford described as
9 a 2011 Ford Fusion valued greater than \$10,000. You
10 were not entitled to possession of the vehicle and you
11 knew it to be stolen or converted under circumstances
12 constituting a crime and that carries up to 10 years;
13 do you understand that?

14 MR. CLEVELAND: Yes, sir.

15 THE COURT: And you are also here on it 2012-7506.
16 It alleges that you did, in Greenville County, on or
17 about June 21, 2012, unlawfully and willfully receive,
18 possess, conceal, sell or dispose of a vehicle
19 belonging to Kia of Easley. That is a 2012 Nissan
20 Versa valued at greater than \$10,000. You were not
21 entitled to possession of the vehicle. You knew that
22 it was either stolen or converted under circumstances
23 constituting a crime. This indictment says that it's
24 greater than 10,000, and the sentencing sheet says that
25 it is between two and ten, so I'll treat that as a

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1 five-year offense; do you understand that?

2 MR. CLEVELAND: Yes, sir.

3 THE COURT: All right. You are also here on the
4 2012-7505. It alleges that you did in Greenville
5 County May 7, 2012, with intent to cheat and defraud
6 the victim, CarMax in Greenville, to obtain the 2011
7 Ford Fusion valued at more than \$10,000 from the victim
8 by means of false pretenses and representations. You
9 did sell them a stolen vehicle and this carries up to
10 five years; do you understand that?

11 MR. CLEVELAND: Yes, sir.

12 THE COURT: You are also here on 2012-7507. And
13 it alleges that did you in Greenville County, June 21,
14 2012, knowingly and feloniously remove, alter or change
15 the vehicle identification number from a 2012 Nissan
16 Versa for purpose of concealing or misrepresenting the
17 identity of the stolen vehicle, and that carries five
18 years; do you understand that?

19 MR. CLEVELAND: Yes, sir.

20 THE COURT: All right. Understanding the nature
21 of the charges against you and the maximum possible
22 punishment; how do you want to plea?

23 MR. CLEVELAND: Guilty.

24 THE COURT: Is that your free and voluntary
25 decision?

1 MR. CLEVELAND: Yes, sir.

2 THE COURT: What?

3 MR. CLEVELAND: Yes, sir.

4 THE COURT: Do you understand that you have an
5 absolute right to a trial by jury where you will be
6 presumed innocent unless and until the State can prove
7 you guilty beyond any reasonable doubt of each and
8 every element or each offense that you are charged
9 with. You have the right to confront and cross-examine
10 the witnesses and the evidence put up by the State.
11 You have a right to compel in court all relevant and
12 competent evidence in your own defense or you can
13 remain silent. Your silence cannot be held against
14 you. And you can never be compelled to incriminate
15 yourself. Do you understand all of those rights?

16 MR. CLEVELAND: Yes, sir.

17 THE COURT: Do you give up those rights to enter
18 this plea?

19 MR. CLEVELAND: Yes, sir.

20 THE COURT: Are you guilty?

21 MR. CLEVELAND: Yes, sir.

22 THE COURT: I already understand that you are not
23 satisfied with your lawyer and you have made those
24 complaints on the record, but I haven't heard anything
25 that would -- about the conduct of your attorney that

1 would indicate that he has violated your rights.

2 Do you have any -- other than that, do you have
3 any complaints that you want to make about the way that
4 you have been treated in this case?

5 MR. CLEVELAND: I mean, I just -- I keep repeating
6 myself. I just don't like the way they are trying to
7 ram the case down my throat. I wasn't prepared for it.
8 But . . .

9 THE COURT: It doesn't work on your timetable, it
10 works on the timetable of the charging body, which is
11 the State. And you were given plenty of notice in this
12 case. Over a year ago told to get a lawyer. And you
13 received an offer. You have had a lawyer since
14 February. Lawyers are not babysitters. They are there
15 to represent people. The people have to contribute and
16 participate in it because the lawyer is not the one who
17 is facing the criminal charges.

18 So, I understand that you don't like what's going
19 on. And I just want to make sure that you are going to
20 enter this plea and it's free, voluntarily, and it is
21 knowingly and intelligently made. Is there anything
22 that you would disagree with if I make that finding?

23 MR. CLEVELAND: Repeat that again? I am sorry.

24 THE COURT: If I make a finding that this plea is
25 made freely and voluntarily with a full understanding

1 of the rights that you have and your waiver; would you
2 disagree with that?

3 MR. CLEVELAND: No, sir.

4 THE COURT: All right. And have you had enough
5 time to review the evidence, other than what you have
6 told me? I mean, you can say no.

7 MR. CLEVELAND: Other than what I have already
8 said previously, no, sir.

9 THE COURT: All right. Well, from what Mr. Watts
10 has represented to me about this late production, most
11 of it would not be admissible at trial. And pictures
12 of the vehicle that would have been described are
13 really more demonstrative than they are substantive in
14 nature, so I think that you, whether or not you have
15 availed yourself of the opportunity to review the
16 evidence, you have had the opportunity to review the
17 evidence.

18 So listen to what the State has to say and we will
19 see if you agree or disagree with what their -- what
20 they would prove at trial.

21 MR. WATTS: Thank you, Your Honor. May it please
22 the Court, the State alleges on or about June the 21st,
23 2012 here in Greenville County at the Lawrence Road
24 CarMax of Greenville this Defendant brought in a Nissan
25 Versa and tendered it for sale. The State would have

page 24

1 presented Rob Armbruster and Scott Millis, both
2 managers there and workers at CarMax, who as part of
3 their process took back the car to evaluate it to
4 determine what value to assign the car.

5 As they proceeded to look at it they noticed that
6 the sticker and the -- and the VIN on the window
7 matched, but the key port, the computer system, was
8 broken. That -- the State would have presented
9 evidence that that rarely, if ever, happens. And it
10 threw up a red flag for them. They then went to check
11 on the other, the last VIN that is located in the
12 engine compartment, Your Honor. When they popped the
13 hood and looked at that it was ground off and
14 spray-painted over with the khaki spray paint. The
15 khaki spray paint bottle was in the back seat of that
16 car. And Mr. Cleveland was still in the lobby waiting
17 on the appraisal.

18 At that point in time the authorities were called.
19 They came, they took some paint thinner and got the
20 Acetone -- or Acetone paint thinner off and got the
21 khaki paint off of that ground-off VIN number in the
22 engine compartment, Your Honor. . They could see some of
23 the numbers and they didn't match. At that point they
24 did some research and found out that that VIN number
25 for that car belonged to Best Kia. It had been stolen

1 off of their lot, Your Honor.

2 They went out and talked to the Defendant who had
3 a receipt in his pocket for spray paint of the khaki
4 color matching what was found in the car, Your Honor.
5 He was subsequently arrested. Scott Millis then went
6 and ran a customer check to see if Mr. Cleveland had
7 sold him a car before. He saw that the month before he
8 had sold him a Ford Fusion.

9 The Ford Fusion, they talked to who they had
10 already sold it to, had them investigate, they noticed
11 that, once again, the same kind of plan or scheme had
12 been used and it had a switched VIN from a salvaged
13 car. And they sent it back, they are a self-insurer,
14 and ended up paying him \$7,000 for that.

15 The State would have presented a contract for sale
16 as well as an appraisal for that where he received
17 \$7,000 in, once again, some of the late discovery where
18 it was debited from their account. Investigators also
19 looked at that. And they executed a search warrant on
20 his house and found the salvaged Ford Fusion car in his
21 back yard with the missing VINs. And it would have
22 more than likely corresponded to what he had put on the
23 car that he intended to defraud CarMax for.

24 Moreover, Your Honor, he had what appeared to be
25 almost a chop shop. Mr. Duval is here. And of course

1 some of the victims would like to speak at the
2 appropriate time. But he had another one of Mr.
3 Duval's stolen cars in the back and another stolen
4 Honda from Honda of Greer, both of which are out of our
5 jurisdiction. We don't have anything pending for that;
6 just these cases Your Honor.

7 But ultimately he swapped -- he fraudulently
8 swapped two VINs, got \$7,000 for one and was unable to
9 sell the other one when he got caught.

10 THE COURT: All right. Do you agree or disagree
11 that that is substantially true and correct?

12 MR. SARRATT: The only thing that I disagree on
13 was the actual computer on the Nissan Versa, I didn't
14 know that it was damaged. I mean, it was a fairly new
15 car.

16 THE COURT: Okay. But you agree that you -- with
17 everything else, you would agree that it is
18 substantially true and correct?

19 MR. CLEVELAND: Yes, sir.

20 THE COURT: All right. Do you want to tell me --
21 I'm going to go ahead and accept the plea as being
22 freely and voluntarily made. It appears that there is
23 a substantial factual basis for the plea. What do the
24 victims want to tell me?

25 MR. WATTS: Your Honor, first would be Pete

1 Mirante from Best Kia. Just anything you would like to
2 say. Keep it brief, please.

3 MR. MIRANTE: On the 2012 Nissan Versa, we
4 salvaged the car and the insurance company called it
5 (inaudible). We received money from the insurance
6 company minus our thousand dollar deductible, but as
7 far as we were concerned the car was a total loss.

8 THE COURT: All right. Thank you very much.

9 MR. WATTS: Mr. Duval if you would stand up
10 please.

11 MR. DUVAL: Like CarMax, my business is
12 self-insured. And not only was this vehicle stolen
13 from my business, Ford Fusion, there was another
14 vehicle that Mr. Cleveland was driving personally that
15 was stolen from my business. When I went to
16 Mr. Cleveland's home I found my vehicle, the Ford Edge.
17 That is in Oconee County. As well as the Ford Fusion,
18 the salvaged vehicle that the plate came off of, a Ford
19 Edge that was salvaged. And a plate had been taken off
20 of it and put on my other car. As well as a Honda
21 Accord that was stolen from a dealer in Spartanburg
22 County.

23 I spent countless hours hunting these vehicles for
24 a period of four to five months. There's no telling --
25 I can't imagine how much time and effort I put into

1 trying to find these two vehicles.

2 THE COURT: All right. Thank you very much.

3 MR. WATTS: Would you like to say anything?

4 MR. MILLIS: Sure. We were the one that found the
5 Nissan Versa, so fortunately we found that out before
6 we offered cash for it. But we are asking for the
7 \$7,000 that we are out for the Ford Fusion that was
8 sold to another dealer and then buying it back.

9 THE COURT: All right. Thank you. All right.
10 Does he have a criminal history?

11 MR. WATTS: Your Honor, beginning in 1998 with a
12 fraudulent check. 1999 another fraudulent check. In
13 2000 he had a counterfeiting in the Federal system.
14 And in 2001 a criminal domestic violence.

15 THE COURT: Okay.

16 MR. WATTS: That is it, Your Honor.

17 THE COURT: All right. Do you want to have
18 Mr. Sarratt speak for you? Or I'm going to give you an
19 opportunity to speak as well.

20 MR. SARRATT: Well, I think that --

21 MR. CLEVELAND: I think that I could wrap it up.
22 If he wants to say anything after I get done he's
23 welcome to do it. You know, as Mr. Watts said, I
24 haven't had any -- I haven't had a criminal record, I
25 haven't been arrested since 2001, you know. I wish

1 that I had never been arrested because once you go
2 through the system it haunts you the rest of your life
3 until you get it expunged from your record.

4 After that 2000, 2001 counterfeiting charge,
5 obviously I admitted to that, you know, it is in the
6 Federal system. I didn't really understand the law
7 then. The record is sealed with the Federal court. I
8 think Judge Anderson sealed that record. And then I
9 changed my life around and sold cars from 2000 until
10 2006 for numerous GM dealers in Anderson, Seneca, and
11 Walhalla.

12 After that I got my own dealer license and started
13 to sell cars on my own. Over the years I probably sold
14 over 1,000 cars to different people. And, you know, I
15 had been attending County Council meetings in Oconee
16 County where I was born and raised since 2004, Seneca
17 City Council Meetings since 2004, and School Board
18 meetings in Oconee County since 2004. I coach
19 basketball. I have got three kids. I am actively in
20 their lives. They are teen-age girls, three of them.
21 I'm currently in college majoring in sociology. You
22 know, I try to do -- try to do the right thing.

23 And this case has just kind of tarnished that.
24 And now I'm back in the system and I wish that I
25 wasn't, but here I am. And I respectfully ask that you

1 throw some leniency on me. I have never did drugs.
2 Most of my family is in Oconee County, brothers,
3 sisters, mom, dad, cousins, aunts, uncles, all of that.

4 And as you can see from my record, you know, I
5 came to every court date. I was a little late
6 sometimes, 20 or 30 minutes because I had to take my
7 kids to school, but no failure to appear. I always
8 paid my fines or whatever the Court required of me. So
9 I ask that you be a little leniency on me to the
10 charges. And if you sentence me to prison time if you
11 can give me time to get my affairs in order I'd really
12 appreciate that because, you know, I basically pay all
13 of the bills in the house.

14 THE COURT: Well, tell me how you got -- tell me
15 what you were doing. Who was stealing the cars?

16 MR. SARRATT: Your Honor, I don't know. And that
17 may be --

18 THE COURT: Don't be coy. This is your chance.
19 But before I ask you that, are there charges pending in
20 these other counties?

21 MR. WATTS: Judge, I believe that there's some
22 pending in Oconee County. There was not enough to
23 charge him with receiving stolen goods, but I believe
24 he has some pending in Oconee County. Maybe Mr.
25 Sarratt can confirm that.

1 MR. SARRATT: I don't represent him on any other
2 charges other than what is here, so I can't tell you.
3 I thought that he indicated that those were resolved.

4 MR. CLEVELAND: No, they are still pending. There
5 is three charges pending in Oconee County.

6 THE COURT: I won't ask you about that then.

7 MR. SARRATT: If I can just tell you about these
8 charges? I was a dealer and believe it or not I bought
9 these cars off of Craig's List. And you know, over the
10 years just -- it's like when you buy a car, somebody in
11 this courtroom has had this done before and you buy a
12 car, you are not planning on buying a car, so you never
13 take the title or know to take your checkbook and, you
14 know, I fell into that.

15 You know, I went on Craig's List, these cars were
16 really cheap so I bought them and my life was a living
17 hell after that. I never got the titles to them, they
18 had my cash, so yeah, I did go on co-part.com and I did
19 get salvaged vehicles and I did do that. I did swap
20 the VINS out because I wanted my money back. You know,
21 I just panicked. You know, \$15,000 in cash was a lot
22 of money for me and my family. So, you know, that is
23 the way that it is. And now I have got to pay for
24 that.

25 MR. WATTS: Judge, if I may. Two things. First,

1 I don't know that I put the values of the car in the
2 plea. The Ford Fusion was worth about \$19,000, and
3 they were able to sell it for 16. Leaving Duval Ford a
4 loss of around \$3300.00. The Nissan Versa was
5 approximately worth \$12,000, but since he obtained
6 \$7,000 for it we wanted to plea to the two to ten
7 range.

8 And one thing to address what Mr. Cleveland just
9 said, he's charged with possession of a stolen vehicle,
10 Your Honor, because they really couldn't -- they didn't
11 have enough evidence to get him on the theft. We are
12 pretty sure that he stole the cars. He didn't buy them
13 off of Craig's List. We have Walt Woloszcuk in the
14 back who came all the way down. He works for NICB,
15 which is kind of an intermediary between insurance
16 companies and dealers that look up VINs. He would have
17 shown, or confirmed actually, that Mr. Cleveland is an
18 auto sell broker, he does deal with cars for a living
19 and he would have known not to purchase these cars on
20 Craig's List without a title, Your Honor.

21 THE COURT: Okay. Well, I'm going to give you 10
22 years, by appointment of service for six years. The
23 balance is suspended for five years probation. And
24 restitution pursuant to the order. Random drug and
25 alcohol testing. And that was on 2012-7504.

1 On 2012-6057 five years consecutive suspended
2 during probation. So, you are going to have 9 hanging
3 over you. On all of the others, five years concurrent.
4 Good luck.

5 MR. WATTS: Thank you, Your Honor.

6 THE COURT: Okay.

7 (Concluded at 11:00 a.m.)
8
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2 CERTIFICATE

3

4 STATE OF SOUTH CAROLINA:

5 COUNTY OF GREENVILLE:

6 I, MONA L. MANLEY, Court Reporter, certify that I was
7 authorized to and did stenographically report the foregoing
8 proceedings and that the transcript is a true and complete
9 record of my stenographic notes.

10 DATED this 14th day of July, 2014.

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Mona L. Manley
MONA L. MANLEY
Official Circuit Court Reporter
(850) 893-6662
mmanley@scccourts.org

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE)

2014-CP-23- 01895

George Cleveland)

Full name and prison number (if any) of Applicant.)

v.)

APPLICATION FOR

State of South Carolina)

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

ENTERED COMPUTER

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Evans CI: 610 Highway 9 west, Bennettsville, SC 29512
2. Name and location of Court which imposed sentence 13 th Circuit, Greenville County
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012 -GS-23-7503-07
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 11/5/2013
 - (b) _____

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty X
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
no
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) No judicial error, ineffective assistance of counsel.
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) ineffective assistance of counsel
 - (b) due process violation
 - (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) failed to advise effectively, investigate, research mitigation, or adequately prepare case for trial
 - (b) actions of my attorney and the Solicitor resulted in an Unconstitutional breakdown of the adversarial process
 - (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? _____
 - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
 - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
 - (d) any other petitions, motions or applications in this or any other Court? x
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
 - i. Motion to Reconsider Sentence
 - ii. _____
 - iii. _____
 - iv. _____
 - (b) the name and location of the Court in which each was filed:
 - i. 13th Circuit, Greenville County
 - ii. _____
 - iii. _____
 - iv. _____
 - (c) the disposition thereof:
 - i. Denied

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. 11/21/2013

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) PCR appropriate venue

(b) _____

- (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? yes
 - (b) your trial, if any? _____
 - (c) your sentencing? _____
 - (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 - (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? yes
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
 - i. Michael Sarratt, 1500 E. Rutherford St., Greenville SC 29356 LANDRUM, SC 29356
 - ii. Susannah Ross, 330 E. Coffee St., Greenville SC 29601
 - iii. _____
 - (b) the proceedings at which each such attorney represented you:
 - i. guilty plea
 - ii. Motion to Reconsider
 - iii. _____
19. State clearly the relief you seek in filing this application:
vacate guilty plea
20. Are you now under sentence from any other court that you have not challenged?
no

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STATE OF SOUTH CAROLINA)

VERIFICATION

County of Greenville)

I, George Cleveland, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

George Cleveland

SWORN to and subscribed before me this 27th
day of February, 2014.

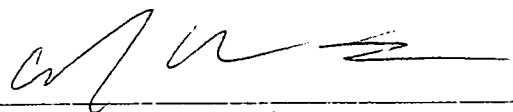
S. Outlaw (L.S.)
Notary Public

My Commission Expires: 2/24

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, George Cleveland, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.



Applicant

SWORN or affirmed to and subscribed before me this
27th day of February, 2014



Notary Public

My Commission Expires: 2/24

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

page 47-1

George Cleveland ~~III~~

PLAINTIFF,

v.

STATE OF SOUTH CAROLINA,

DEFENDANT.

IN THE COURT OF
COMMON PLEAS

C/A NO.

2014-CP-23-01895

PLAINTIFF'S AMENDED
POST-CONVICTION RELIEF
(PCR) APPLICATION

1. George Cleveland ~~III~~ proceeding pro se respectfully amends the PCR Application filed in this court on April 03, 2014 to include deprivation of subject-matter-jurisdiction.
2. This additional ground is in addition to ineffective assistance of counsel and due process violation.
3. The facts that deprived the Greenville County General Sessions Court is the Dyer Act 18 U.S.C. § 2313 preempts state law.
4. WHEREFORE, I GRANT my additional grounds as part of my PCR Application.

Respectfully Submitted,


George Cleveland ~~III~~ 357710

EVANS CORRECTIONAL INST.
610 Hwy 9 West
Bennettsville S.C 29872

Dated: Feb. 16, 2015



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ALAN WILSON
ATTORNEY GENERAL

August 22, 2014

The Honorable Paul B. Wickensimer
Clerk of Court, Greenville County
305 East North Street; Room 224
Greenville SC 29601-2121

**Re: Jay Reginald Burdine, 354243 v. State of South Carolina
2014-CP-23-0553**

**George Cleveland, III, 357770 v. State of South Carolina
2014-CP-23-1895**

**James Wilbur Doyley, Jr., 238681 v. State of South Carolina
2014-CP-23-1898**

**James Allen Moore, 193942 v. State of South Carolina
2014-CP-23-0978**

**Harold Watts, 127180 v. State of South Carolina
2014-CP-23-1117**

Dear Mr. Wickensimer:

Enclosed please find the Respondent's original **Return**, in the above-captioned cases for filing in your office.

Sincerely,

Karen C. Ratigan
Senior Assistant Deputy Attorney General

KCR/jacc

cc: Jay Reginald Burdine, 354243
Susannah C. Ross, Esquire
James Allen Moore, 193942
Harold Watts, 127180

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS	
	)	C.A. No. 2014-CP-23-1895	
COUNTY OF GREENVILLE	)		
	)		
George Cleveland, III,	)		
S.C.D.C. No. 357770,	)		
	)		
Applicant,	)		
	)	RETURN	
v.	)		
	)		
State of South Carolina,	)		
	)		
Respondent.	)		
	)		

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2014 SEP 4 PM 2 59

In response to the post-conviction relief application filed April 3, 2014, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. The Greenville County Grand Jury indicted the Applicant at the September 2013 term of General Sessions for two counts of removing a vehicle identification number (VIN) (2013-GS-23-7503, -7507), two counts of possession of a stolen vehicle (2013-GS-23-7504, -7506), and obtaining goods under false pretenses (2013-GS-23-7505). Michael J. Sarratt, Esquire represented the Applicant.

On November 5, 2013, the Applicant pled guilty. The Honorable Edward W. Miller sentenced the Applicant to concurrent terms of five years for one count of removing a VIN,¹ five years suspended during probation for the second count of removing a VIN, ten years suspended upon the service of six years and five years probation for one count of possession of a stolen

¹ 2013-GS-23-7503.

vehicle,² five years for the second count of possession of a stolen vehicle, and five years for obtaining goods under false pretenses. The Applicant did not appeal.

Susannah C. Ross, Esquire filed a motion to reconsider the sentence. Judge Miller denied the motion by order filed November 21, 2013.

Attached herewith and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding the subject convictions and the Applicant's records from the South Carolina Department of Corrections. The plea transcript will be forwarded upon receipt.

II.

In his application for post-conviction relief, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
 - a. "[F]ailed to advise effectively, investigate, research mitigation, or adequately prepare case for trial."
2. Due process violations.
 - a. "[A]ctions of my attorney and the Solicitor resulted in an Unconstitutional breakdown of the adversarial process."

III.

The Respondent asserts the Applicant's allegation that his attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v.

² 2013-GS-23-7504.

Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel “rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel’s deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305

S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

The Respondent denies each allegation not expressly admitted, qualified or explained.

V.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held on the issues raised in the PCR application.

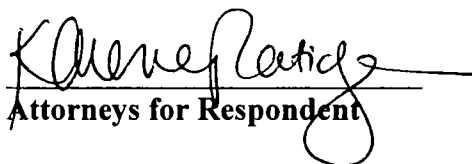
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Deputy Attorney General

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Columbia, S.C. 29211

By: 
Attorneys for Respondent

8/22, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
))
))
GEORGE CLEVELAND, III, 357770)
))
Applicant,)
))
vs)
))
STATE OF SOUTH CAROLINA,)
))
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS

2014-CP-23-1895

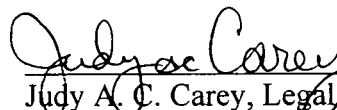
AFFIDAVIT OF SERVICE BY MAIL

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2014 SEP 4 PM 2 59

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Susannah C. Ross, Esquire
Ross & Enderlin, PA
330 East Coffee Street
Greenville SC 29601

DATED this 22nd day of August, 2014.


Judy A. C. Carey, Legal Assistant
For Respondent

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF GREENVILLE) IN THE COURT OF COMMON PLEAS

3
4 GEORGE CLEVELAND, III,)
5 PETITIONER,) TRANSCRIPT OF RECORD
6 -vs-) 2014-CP-23-01895
7 STATE OF SOUTH) FEBRUARY 18, 2015
8 CAROLINA,) GREENVILLE, SOUTH CAROLINA
9 RESPONDENT.

10
11 B E F O R E:

12 THE HONORABLE DANIEL D. HALL, JUDGE.
13
14

15 A P P E A R A N C E S:

16 GEORGE CLEVELAND, III
17 APPEARING PRO SE

18 SUSANNAH C. ROSS, ESQUIRE
19 ATTORNEY FOR THE PETITIONER

20 KAREN C. RATIGAN, ESQUIRE
21 ATTORNEY FOR THE RESPONDENT

22 MICHAEL R. WATTS
23 CIRCUIT COURT REPORTER
24
25

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	NO.	DESCRIPTION	ID.	EV.
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1 (PROCEEDINGS, FEBRUARY 18, 2015)

2 THE COURT: All right, Ms. Ratigan.

3 MS. RATIGAN: Thank you, Your Honor.

4 May it please the court, this is the case of
5 George Cleveland versus the State of South Carolina. The
6 docket number is 2014-CP-23-1895.

7 Mr. Cleveland was indicted for two counts of
8 removing a VIN number; two counts of possession of stolen
9 vehicle; and obtaining goods by false pretenses.

10 He was represented on those charges by Mr.
11 Sarratt.

12 On November 5th of 2013 he pled guilty before
13 Judge Miller. He received concurrent sentences of five
14 years for one count of removing a VIN; five years suspended
15 during probation for the second count of removing a VIN; ten
16 years suspended on service of six years and five years
17 probation for one count of possession of stolen vehicle;
18 five years for the second count of possession of stolen
19 vehicle; and five years for obtaining goods under false
20 pretenses. Again, those were while he was represented by
21 Mr. Sarratt, and Ms. Ross actually filed a motion to
22 reconsider for Mr. Cleveland in this case. That was denied
23 November 21st of 2013.

24 His application was timely filed in April, in --
25 let's see, April 3rd of 2014.

1 Mr. Cleveland filed a motion for appointment of
2 counsel and for a speedy trial in July of 2014.

3 He then filed a motion to arrest the judgement of
4 his criminal case in August of 2014.

5 The State submitted a return on August 22nd of
6 2014.

7 It was put on the October 2014 roster.

8 We had a hearing before I believe it was Judge
9 Verdin, because Mr. Cleveland at that point had written
10 letters saying he wanted to fire Ms. Ross and then also to
11 withdraw his PCR application. After the hearing Mr.
12 Cleveland indicated both that he did not want to withdraw
13 his PCR and that he wanted to keep Ms. Ross as counsel.
14 That hearing was on October 22nd of 2014.

15 Approximately two months later Mr. Cleveland sent
16 me a letter stating that he wanted to relieve Ms. Ross and
17 that Ms. Ross filed a motion to be relieved in January of
18 this year, so i put it on this roster.

19 I will turn it over to Ms. Ross for her motion to
20 be relieved. However, I would also note that Mr. Sarratt is
21 here, so the State would be ready to proceed with this case,
22 either if Mr. Cleveland represents himself or if he has
23 decided to keep Ms. Ross.

24 THE COURT: All right.

25 Ms. Ross?

1 MS. ROSS: Thank you, Your Honor. May it please
2 the court.

3 I have prepared a written order to be relieved.
4 Do you have that up there?

5 THE COURT: I do not.

6 MS. ROSS: Okay. Here is a copy that I had. And
7 it basically says after agreeing to stay on Mr. Cleveland's
8 case, he wrote me again wanting me relieved. He filed a
9 motion to be relieved himself, a pro-se motion.

10 We had discussed hybrid representation and self
11 pro-se representation a number of times. Due to that and
12 the amount of time spent on the case, we blew through the
13 retainer pretty quickly, and it's my understanding Mr.
14 Cleveland wants me relieved, and at this point I would ask
15 to be relieved and join him in that.

16 THE COURT: Okay. All right.

17 I'll be glad to hear from you, Mr. Cleveland.
18 Would you stand, please?

19 MR. CLEVELAND: Yes, sir.

20 THE COURT: Tell me what is it that you want to
21 tell the court?

22 MR. CLEVELAND: Basically, I mean, Ms. Ross did a
23 good job in my case. I don't like to use the word fire.
24 Just I would rather use the word relieved, because due to
25 this case that's fine.

1 THE COURT: All right. And are you ready to
2 proceed without a lawyer this morning?

3 MR. CLEVELAND: Yes, sir.

4 THE COURT: All right. Then -- I will talk to you
5 about in just a minute. Then I will -- do I need to -- do
6 you have an order? I will be glad to sign the order
7 relieving you, Ms. Ross.

8 MS. ROSS: I didn't actually prepare an order --

9 THE COURT: We need to get the order, though --

10 MS. ROSS: -- but I'll go do that right now.

11 THE COURT: -- but I'll grant your motion to be
12 relieved.

13 MS. ROSS: Thank you, judge.

14 THE COURT: Now, Mr. Cleveland, if you would
15 stand.

16 MR. CLEVELAND: Yes, sir.

17 THE COURT: Mr. Cleveland, you had a hearing --
18 was that in October in front of Judge Verdin? What's the
19 date of that?

20 MS. RATIGAN: October 22nd.

21 THE COURT: And at that point do you remember
22 being in front of Judge Verdin about wanting to relieve or
23 fire Ms. Ross at that time and then withdraw your PCR
24 application? Do you remember that hearing?

25 MR. CLEVELAND: Oh, yes. Yes.

1 THE COURT: Did she go into detail with you about
2 representing yourself and the dangers of representing
3 yourself?

4 MR. CLEVELAND: She didn't, but I'm pretty aware
5 of it.

6 THE COURT: She did or she did not?

7 MR. CLEVELAND: She did not.

8 THE COURT: Well, I'm just going to --

9 Let me ask Ms. Ross, even though you are relieved,
10 Ms. Ross, let me ask you to come forward and just -- Ms.
11 Ratigan, if y'all would come up.

12 (Whereupon, the lawyers approached the bench for
13 an off-the-record discussion)

14 THE COURT: Mr. Cleveland, I just had a discussion
15 at the bench with both lawyers about you representing
16 yourself. And let me just ask you, are you prepared to go
17 forward today with your PCR hearing --

18 MR. CLEVELAND: Yes.

19 THE COURT: -- without a lawyer?

20 MR. CLEVELAND: Yes, sir.

21 THE COURT: And you understand that -- and you
22 certainly -- it appears you have had an ample opportunity to
23 talk to Ms. Ross, who has represented you in the past. Do
24 you understand that lawyers know the rules, and, in fact,
25 they may be able to help you understand your case and what

1 is allowed and what's not allowed in court? Do you
2 understand that's what a lawyer can do for you?

3 MR. CLEVELAND: Yes, sir.

4 THE COURT: And in spite of that you still want to
5 go forward and represent yourself in this matter?

6 MR. CLEVELAND: Yes, sir.

7 THE COURT: All right. Then we will go forward
8 and we will let you -- we will allow you to proceed pro-se
9 without an attorney.

10 So what we will do is -- do you have some evidence
11 that you would like to present?

12 MR. CLEVELAND: Yes, sir, I served Ms. Ratigan all
13 the things that I may ask to be admitted into evidence. So,
14 yes.

15 THE COURT: All right. Then I believe that it
16 would be appropriate for you to come forward and be sworn
17 in, and you can take a seat in the witness stand and you can
18 tell the court whatever it is you would like to tell us.

19 MR. CLEVELAND: Okay.

20 THE COURT: So if you would come up. You can
21 bring all your paperwork with you.

22 MR. CLEVELAND: Could I ask the court a question?
23 Would it be permissible if I questioned Mr. Sarratt first
24 and then me get on the stand afterwards?

25 THE COURT: You can -- it's a civil case. I think

1 you can call whoever you want to. So if you want to --
2 well --

3 MR. CLEVELAND: The burden of proof is on me. I
4 kind of prepared my case around questioning him first and
5 then, you know --

6 THE COURT: All right. Well, let me do this. The
7 court needs to have an understanding from you what it is
8 that is the basis of your application, what you allege your
9 lawyer did or didn't do --

10 MR. CLEVELAND: Uh-huh.

11 THE COURT: -- and that needs to be under oath --

12 MR. CLEVELAND: Okay.

13 THE COURT: -- because not only you are
14 representing yourself, but you are the witness, so I'm going
15 to ask you to come forward and then you can ask -- after
16 we -- after the court asks you a few questions, then you can
17 take a seat and then you can call Mr. Sarratt, question him,
18 and then I will give you another opportunity if you want to
19 say something.

20 MR. CLEVELAND: Okay. If it pleases the court,
21 Your Honor, I want to make a floor motion under State v.
22 Missouri, I think it is, to have these -- at least my hands
23 free so the person and myself are shuffling papers around
24 and I want to say organize and write notes, if need be, and
25 it's an undue influence of me to have my hands --

1 THE COURT: Well, I'm not going to -- again, this
2 is a civil matter. I'm not going to attempt to dictate to
3 the courtroom security what they can or can't do. I will
4 just promise you we will take as much time as we need --

5 MR. CLEVELAND: Okay.

6 THE COURT: -- and give you an opportunity to, you
7 know, to -- whatever time that you need to write and get
8 yourself organized, we will give you plenty of opportunity
9 to do that.

10 MR. CLEVELAND: Okay. I just want to say for the
11 record that I think that case, the courts basically say you
12 go by a case-by-case basis on that.

13 THE COURT: I'm not going to order that.

14 If you will come around and be sworn in.

15 GEORGE CLEVELAND, III, having been first duly
16 sworn, testified as follows:

17 THE CLERK: Thank you.

18 Please state your full name for the record.

19 MR. CLEVELAND: All right. It's George Cleveland,
20 III.

21 THE CLERK: Okay.

22 THE COURT: And Mr. Cleveland, tell the court why
23 you are here.

24 MR. CLEVELAND: Basically I hired Mr. Sarratt I
25 think it was April of -- I'm sorry, April 8th of 2013, to

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1 represent me in my June -- June 21st, 2012 arrest.

2 And, again, on --

3 Well, let me back up. The arrest on June 23rd of
4 2012, I was arrested by Greenville County Sheriff's Office
5 for possession of a stolen vehicle and falsifying a VIN
6 number.

7 And subsequent investigation led to the arrest --
8 me being arrested by Greenville County Sheriff's Office
9 again on July 12th of 2012, for obtaining goods under false
10 pretenses, possession of a stolen vehicle, and falsifying a
11 VIN number.

12 And I think it was right around August of --
13 August or September of 2012 that I made my first appearance
14 in Greenville County General Sessions for appointment of
15 counsel and spoke with Mr. Watts, who was the solicitor on
16 my case, and told him that -- he told me I needed a lawyer,
17 and I concurred with that, and he offered a plea at that
18 time. And I think it was Judge McIntosh put me under an
19 order to get counsel. And that -- again, that came on
20 April 8th of 2012.

21 So --

22 I'm sorry, 2013. April 8th, 2013. That's when
23 Mr. Sarratt took over my case.

24 THE COURT: And what is it that you are
25 complaining about Mr. Sarratt?

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1 MR. CLEVELAND: Well, basically Ms. Ross, when I
2 retained her, she actually helped me with the application
3 and I alleged due process violations and ineffective
4 assistance of counsel at that time.

5 I did want to bring to the court's attention that
6 I actually mailed an amended PCR application to the
7 Greenville County clerk's office. It was in the mailbox
8 Monday, but Monday was a state holiday. Tuesday the prison
9 mail room was closed, so it's probably going to be
10 postmarked today, which is February -- what is today?
11 February the 18th, 2015.

12 I also brought a copy to serve Ms. Ratigan in
13 court instead of waiting to wait on the mail and being
14 served to her. And basically it was two things I added.
15 One was the relief I was seeking is vacating the guilty
16 pleas instead of plea, pleural, because it was five charges.
17 I want to make that clear.

18 And also the deprivation of subject matter
19 jurisdiction.

20 THE COURT: Anything else?

21 MR. CLEVELAND: No, that was just the three
22 grounds.

23 THE COURT: All right. I'm going to allow Ms.
24 Ratigan to ask you any questions.

25 MR. CLEVELAND: Okay.

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1 MS. RATIGAN: What specifically in terms of
2 ineffective assistance of counsel are you alleging against
3 Mr. Sarratt?

4 MR. CLEVELAND: Basically poor communication, not
5 being prepared for trial, and basically just outright lies.

6 MS. RATIGAN: Thank you.

7 That's all I have, Your Honor.

8 THE COURT: All right. Then, Mr. Cleveland, I'm
9 going to ask you to step down.

10 MR. CLEVELAND: Okay.

11 Can I -- if it please the court, could I look at
12 my notes just for a second, because Ms. Ratigan asked me
13 what am I alleging. I want to make sure that I put
14 everything on the record.

15 THE COURT: Well, here is what we will do. You
16 will get another opportunity to do that.

17 MR. CLEVELAND: Okay.

18 THE COURT: I'm going to ask you to step down.

19 MR. CLEVELAND: Okay.

20 THE COURT: You can -- I'm going to allow you to
21 call Mr. Sarratt. Normally the State calls Mr. Sarratt.

22 MR. CLEVELAND: Okay.

23 THE COURT: You can call Mr. Sarratt and ask him
24 any questions that you want, and then Ms. Ratigan will get
25 an opportunity to talk to Mr. Sarratt.

1 MR. CLEVELAND: All right. Thank you, sir.

2 THE COURT: So at this point, Mr. Cleveland, are
3 you calling Mr. Sarratt?

4 MR. CLEVELAND: Yes, sir.

5 THE COURT: All right.

6 MR. CLEVELAND: Do you want me speak in this
7 microphone, or is it okay if I --

8 THE COURT: I can hear you, as long as this
9 gentleman right here, the court reporter can hear you.

10 MR. CLEVELAND: Okay. I would like to call Mr.
11 Michael James Sarratt, and if I could have a couple minutes
12 to kind of get myself organized?

13 THE COURT: That's all right. Get yourself
14 organized.

15 (Off the record)

16 (Back on the record)

17 MR. CLEVELAND: All right, Your Honor, I'm ready,
18 if it pleases the court.

19 MICHAEL SARRATT, ESQUIRE, having been first duly
20 sworn, testified as follows:

21 THE CLERK: Please state your full name for the
22 record.

23 THE WITNESS: Michael J. Sarratt.

24 THE CLERK: Thank you.

25 THE COURT: All right, Mr. Cleveland.

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1 DIRECT EXAMINATION BY MR. CLEVELAND:

2 Q. Mr. Sarratt, do we know each other?

3 A. Absolutely.

4 Q. All right. How do we know each other, sir?

5 A. You approached me one day after I left court and
6 indicated that you had a criminal case in General Sessions
7 and hired me subsequently to represent you in those matters.

8 Q. All right. And just so we got it on the record, the
9 arrest warrant N, as in Nancy, 201731, it was removing a --
10 falsifying a VIN number.

11 THE COURT: Mr. Cleveland, all of those are part
12 of the record.

13 MR. CLEVELAND: Okay.

14 THE COURT: All right. So you won't need to read
15 those.

16 MR. CLEVELAND: Got you. Okay. Okay.

17 BY MR. CLEVELAND:

18 Q. And Mr. Sarratt, you actually filed an appearance of
19 counsel with the clerk's office around April the 8th, 2013,
20 is that correct?

21 A. I filed an appearance. Without looking in my file, I
22 would not know the exact date, but I have no question of the
23 date being correct of what you are saying, sir.

24 Q. Okay.

25 MR. CLEVELAND: Can you -- if I can get the

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1 bailiff to let him look at this, please? Thank you.

2 A. Thank you, sir.

3 BY MR. CLEVELAND:

4 Q. And that's the actual -- is that the -- does that look
5 like the appearance that you filed in the Greenville County
6 clerk of court's office?

7 A. Yeah, this has my signature on it. It was filed April
8 9th, at 10:49, and filed in the solicitor's office at 10:52
9 that same date, along with a Rule Five discovery request.

10 Q. Okay.

11 MR. CLEVELAND: Your Honor, if I can get that
12 submitted into evidence?

13 THE COURT: That's already part of the record that
14 he was your lawyer.

15 MR. CLEVELAND: Okay.

16 BY MR. CLEVELAND:

17 Q. All right, here.

18 Sorry, I was -- I was practicing doing this without
19 restraints on, so I'll get used to that in a minute.

20 Mr. Sarratt, if you could tell -- if you could tell
21 me -- you were admitted to the bar November 15th of 1993,
22 right?

23 A. That's correct.

24 Q. All right. And basically what have you -- what have
25 you practiced the most of, or --

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1 THE COURT: Mr. Cleveland, let me explain to you a
2 little bit the procedure we follow here.

3 MR. CLEVELAND: Okay.

4 THE COURT: It's called a post-conviction relief
5 hearing.

6 MR. CLEVELAND: Okay.

7 THE COURT: And it appears, from what the court
8 has been provided, and in a post-conviction relief is that
9 you are alleging an ineffective assistance of counsel.

10 MR. CLEVELAND: Uh-huh.

11 THE COURT: So you need to -- your questions need
12 to be relevant to that and his representation of you at
13 trial, so --

14 MR. CLEVELAND: Okay.

15 THE COURT: So let's -- let's limit ourselves to
16 that.

17 MR. CLEVELAND: Okay.

18 BY MR. CLEVELAND:

19 Q. The first time we came to court, Mr. Sarratt, you as my
20 lawyer was in June of 2013, is that right?

21 A. I have no reason to question that date, but I do not
22 know that off the top of my head without referring to my
23 file, but I assume that that date is correct, sir.

24 Q. Okay. And the first batch of discovery, when you filed
25 the Rule Five Brady motion, Mr. Austin Watts of the

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1 solicitor's office, he actually responded. I think it
2 was -- I think it was May 13th of 2013, and provided you
3 with four separate sets of documents. Do you remember that?

4 A. I received a multitude of discovery in your file, sir,
5 so I would assume that that's correct as well.

6 Q. Okay. Let me see if I can find that actual thing so we
7 can get on the same page here.

8 MR. CLEVELAND: Can one of y'all let him see this,
9 please? Thank you.

10 A. Thank you.

11 BY MR. CLEVELAND:

12 Q. All right. The document the court security just handed
13 you is the first batch of discovery in my case and basically
14 it was a -- could you say what's on that piece of paper,
15 please?

16 A. This is a one-page document apparently of a multiple
17 page document, but this appears to be only page one. It is
18 a letter from -- I would assume -- it's from the solicitor's
19 office, so I would assume it is from Mr. Watts, and it is
20 the cover letter for the discovery that was sent to me on
21 May 13th, 2013. It included warrants, incident reports, and
22 your criminal history.

23 Q. Okay. If you want to look at that to make sure that
24 you say what was accurate. That's the second sheet of paper
25 that the court security already has.

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1 THE COURT: Mr. Cleveland, let me -- let me --
2 Let's do this, Mr. Cleveland. We are going to
3 allow -- and maybe this will assist you. At this point
4 let's -- we are going -- the court is going to allow Ms.
5 Ratigan to question Mr. Sarratt.

6 MR. CLEVELAND: Okay.

7 THE COURT: And we are going to call -- that's
8 called cross-examination. When she gets through with her
9 questions, then you can ask him other questions.

10 MR. CLEVELAND: All right.

11 THE COURT: All right. That may -- that may --
12 the court -- that may help you.

13 MS. RATIGAN: Thank you, Your Honor.

14 CROSS EXAMINATION BY MS. RATIGAN:

15 Q. So, Mr. Sarratt, you filed the usual Brady and Rule
16 Five motions?

17 A. Yes, ma'am.

18 Q. And did you receive those materials from the State over
19 time?

20 A. I did, yes.

21 Q. Do you have any reason to believe that you did not
22 receive full discovery?

23 A. No.

24 Q. And did you review those materials just independently?

25 A. I reviewed them independently, and also during court

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1 appearances we would meet in the conference room. I would
2 send copies to Mr. Cleveland through the mail prior to our
3 court appearances, and we would bring -- he would bring
4 those with him, and I would answer any questions that he had
5 regarding whatever he had questions about.

6 Q. Okay. And was Mr. Cleveland in the detention center or
7 was he on bond?

8 A. He was out on bond.

9 Q. Did he come to meetings at your office?

10 A. He never did come to my office. I did try to get him
11 to come to my office, but all of our meetings were at the
12 courthouse. He lived in Oconee County I believe at the
13 time.

14 Q. Okay.

15 A. If not Oconee, it was Anderson.

16 Q. How many meetings at the courthouse would you say that
17 you would have had with Mr. Sarratt -- I'm sorry, with Mr.
18 Cleveland?

19 A. We had multiple court appearances. There were I would
20 say four or five. We also corresponded via e-mail and over
21 the telephone. And also I have many letters in my file to
22 Mr. Cleveland giving him notice of court dates, any offers
23 by the State. There was --

24 Q. In --

25 A. Go ahead.

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1 Q. In reviewing the case with Mr. Cleveland, did you
2 explain to him the elements of the charges that he was
3 facing?

4 A. Absolutely.

5 Q. Did you explain to him the penalties for these charges?

6 A. The penalties, very simple, were a total of 35 years
7 max.

8 Q. You explained all that to him?

9 A. Yes.

10 Q. Did Mr. Cleveland tell you his version of events?

11 A. I would say yes -- yes.

12 Q. Okay. About how far into your representation until you
13 got a plea offer from the State?

14 A. I believe we were getting plea offers right off the
15 bat. I -- I did not take up Mr. Cleveland's case
16 immediately upon his arrest, so he was already two or three
17 appearances, I believe, into his case before I came into it.
18 I know he was here for an appearance for that case when we
19 first had his initial contact, so I was involved in the case
20 after his first appearance.

21 Offers started coming soon into my representation. I
22 see one here in my file that was proffered out and it states
23 that he must plead by July 18th, 2013, or the offer would be
24 revoked.

25 So I see an offer was made on June 11th of 2013 as

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1 well.

2 Q. And did you communicate plea offers to Mr. Cleveland?

3 A. Absolutely.

4 Q. How many would you say there were, once you got the
5 case?

6 A. There was one plea offer that stayed steady until right
7 before we were going to come to trial, and then one charge
8 was dismissed. The recommendation stayed the same, so there
9 was one standing offer throughout his case and then a
10 sweetened offer right before trial.

11 Q. Okay.

12 A. The offer, if I may, was for him to be -- to plead
13 guilty to two of the charges, to be sentenced to eight
14 years, which would have been suspended to three years
15 probation, had the court accepted the plea.

16 Q. And when you explained the plea offers to Mr.
17 Cleveland, did you explain kind of the risks and benefits of
18 accepting the plea versus going to trial?

19 A. Absolutely.

20 Q. Did Mr. Cleveland ever tell you why he rejected the
21 offers?

22 A. Throughout my representation Mr. Cleveland was pressing
23 me to impress the solicitor to allow him to enter pretrial
24 intervention. Throughout my representation, even though I
25 asked Mr. Watts if that was an acceptable alternative in Mr.

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1 Cleveland's case, that was rejected and never offered.

2 He also wanted me to bring up some issues under the
3 Omnibus Crime Reduction Act at one point. That was -- I'm
4 trying -- looking into that. That wasn't something to be
5 pursued in this case.

6 Other than not being happy with the outcome and the
7 probability of having a felony on his record, that was
8 his -- now that I think back and recall, it's been a year,
9 or so, or two, but his main concern was having -- being a
10 convicted felon.

11 Q. Did Mr. Cleveland have any other pending charges in any
12 other counties when you represented him?

13 A. Yes.

14 Q. And did you represent him on those charges?

15 A. No.

16 Q. And where was -- what county, do you recall?

17 A. I believe it was either Anderson or Oconee County.
18 Oconee.

19 Q. Okay. When did this case get placed on the trial
20 docket, do you remember?

21 A. Beg my indulgence for a moment.

22 The case was set to be on the trial docket on November
23 5th, 2013.

24 Q. Was that the actual trial date, or just when you got
25 notice of it being put on the docket?

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1 A. No, that was trial date.

2 Q. Okay. And did you communicate that to Mr. Cleveland?

3 A. We were there the day prior.

4 Q. Okay.

5 A. There was a motion for a continuance that was denied by
6 Judge Verdin on that Monday and we were instructed to be in
7 court for trial the next day, so he was there when the judge
8 issued that order from the bench.

9 Q. Okay.

10 A. That instruction.

11 Q. Do you recall the basis of the continuance motion?

12 A. There was some discovery that I did not receive until
13 October 31st. It consisted of two pages.

14 Based on my client's adamant pushing of me to do a
15 motion for a continuance based on this late discovery, that
16 was the basis for the motion for a continuance. It was
17 pretty much taken care of, though, because Mr. Watts agreed
18 prior to the hearing on the motion to not present those two
19 documents that were in that for admission into evidence.

20 Q. Okay. So were you prepared for a trial the following
21 day?

22 A. Absolutely. Very familiar with the facts and
23 circumstances behind his arrests and what they were.

24 The biggest problem, frankly, with Mr. Cleveland's case
25 was that through my lengthy representation of him, I never

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1 could come up with a legitimate defense, and neither could
2 he, and he never did present even one witness to me for me
3 to speak with or to present for trial.

4 Q. Would you characterize Mr. Cleveland as being
5 cooperative in helping to put the case together?

6 A. No. There were several times when Mr. Cleveland would
7 refuse to answer my questions. The main question was is
8 tell me what your defenses are. Tell me -- even though I'm
9 his lawyer, come up with the defenses, but I wanted to know
10 what he thought his defenses were, since he was pushing for
11 no plea.

12 He never said he wanted a trial, but he never said he
13 wanted to plead. He was very uncooperative on that issue
14 right there.

15 Q. Okay. So he didn't want a trial and he didn't want to
16 plead and he was waiting for some kind of magical third
17 option?

18 A. I think -- yes, it was either a magical dismissal or a
19 way to avoid a felony on his record.

20 Q. Okay. Now, the date of the trial, did you meet with
21 Mr. Cleveland prior to going into the courtroom?

22 A. I showed up. We were supposed to be there at 8:30. I
23 was there at 8:30. Mr. -- nine o'clock rolls around and Mr.
24 Cleveland wasn't there. I went in the hall and sent him a
25 text. I think the text that I received back was -- I

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1 actually have it here. I don't have the exact time, but it
2 was after the court time that I did receive a text from him
3 that just said "you're fired".

4 Q. So did Mr. Cleveland eventually appear, I assume?

5 A. He was -- he did appear in court, yes, ma'am.

6 Q. And obviously the transcript speaks for itself, but
7 would it be fair to say that when the case was still in the
8 trial posture, Judge Miller had relieved you, but when Mr.
9 Cleveland decided to plead, Judge Miller decided you were
10 not relieved? Would that be a fair assessment?

11 A. I was instructed by Judge Miller to stand by, should
12 Mr. Cleveland have any questions during his plea, and he
13 stated -- had stated on the transcript that I reviewed that
14 he did not relieve me for the plea.

15 Q. Did Mr. Cleveland ask you any questions that you recall
16 during the plea?

17 A. No, I don't believe he did. During the actual on
18 record during the plea?

19 Q. Yes, sir.

20 A. I don't believe he did, no.

21 Q. Can you think of anything else you could have done to
22 prepare Mr. Cleveland's case, either for trial or for a
23 subsequent plea?

24 A. No. I have practiced 21 years now and handled hundreds
25 of cases and I never walk into court unprepared, and I

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1 certainly wasn't for Mr. Cleveland's case.

2 MS. RATIGAN: That's all I have, Your Honor?

3 THE COURT: All right. Mr. Cleveland, you can ask
4 him questions.

5 MR. CLEVELAND: Okay. I kind of understand how
6 this process works now.

7 REDIRECT EXAMINATION BY MR. CLEVELAND:

8 Q. Now, the day before -- the day before the trial,
9 November 5th, 2012 -- 2013, I'm sorry, I e-mailed you a
10 two-page document. That was November 4th, 2013, is that
11 right?

12 A. Yeah, at 10:55 p.m..

13 Q. Okay. Our records, it happened a little earlier,
14 but --

15 A. What -- you -- you would send me e-mails periodically,
16 so I'm not exactly sure what you are talking about. Let me
17 look at my notes. I may --

18 I'm sorry, the first was at 1:12 p.m., and the second
19 was at 8:55 p.m., but they didn't require responses. They
20 were just information.

21 Q. All right. Just to back up a little bit.

22 On November 4th, 2013, while we were still in the
23 courtroom -- I mean the courthouse walking out to my car, I
24 had -- you had told me about dollar issues, even though
25 you -- and that's what that e-mail was, but the point of the

1 e-mail was basically questions that I still had that I
2 needed answers to, as far as evidence.

3 And specifically I will go back to the 2011 Ford Fusion
4 that was stolen in another state, and I will bring up
5 federal jurisdiction. Was it federal jurisdiction if a car
6 is stolen from another state and brought --

7 THE COURT: Mr. Cleveland, ask him any questions
8 about the issue about ineffective assistance of counsel.

9 MR. CLEVELAND: That's what I was getting at.

10 THE COURT: All right. If you have testimony you
11 want to present, I will let you get back on the stand and
12 you can tell us what you want to present. This is your
13 opportunity to ask him questions.

14 Again, if you have something -- testimony you want
15 to present, I'm going to let you get back on the stand. You
16 will have an opportunity to do that, and then we are going
17 to do that, and then Ms. Ratigan will have an opportunity to
18 cross-examine you. Right now you ask him any questions.

19 MR. CLEVELAND: Okay.

20 Well, basically -- I mean, I got -- I mean, I got
21 a prepared statement and trying to get these things on
22 record, so -- I mean, I wasn't really familiar with the
23 process of post-conviction relief, but, I -- I mean, I
24 don't -- I can't ask him any more questions, because I'm not
25 familiar with the process, but I think Ms. Ratigan laid out

1 the foundation and I think I can finish up with my own --

2 THE COURT: All right.

3 MR. CLEVELAND: -- testimony.

4 THE COURT: Then Mr. Sarratt --

5 Any questions Ms. Ratigan?

6 MS. RATIGAN: No, and we would ask that he be
7 released.

8 THE COURT: All right. Mr. Sarratt, you can step
9 down and you are released.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: All right, Mr. Cleveland, we will
12 allow you to take the stand again.

13 MR. CLEVELAND: Okay.

14 THE COURT: Now, if you have -- if you have
15 everything that you want to say in documents, the court will
16 allow you to make those exhibits, and then after the hearing
17 I will be glad to go over those document before I issue a
18 ruling.

19 If you intend to just read those documents, then
20 just enter them in and I'll read them. They would be part
21 of the record and then I'll read them.

22 MR. CLEVELAND: Okay. Actually, Your Honor, I
23 have to hand write all my documents and I did it twice and
24 it's a lot of crossing out. I mean, I can read quick. I
25 mean, I will try not to read word for word.

1 THE COURT: No, I'm not going to let you read the
2 documents.

3 MR. CLEVELAND: Okay.

4 THE COURT: You can hand those to the court
5 reporter down here and he will label them.

6 MR. CLEVELAND: Okay.

7 THE COURT: And then they will be entered into the
8 record and I'll read them.

9 MR. CLEVELAND: Okay.

10 THE COURT: Let's just staple them together as one
11 exhibit.

12 COURT REPORTER: Okay.

13 (Petitioner's Notes marked and admitted into the
14 record as Petitioner's Exhibit No. 1)

15 THE COURT: And what is that exhibit?

16 COURT REPORTER: Petitioner's.

17 THE COURT: I have been handed Petitioner's
18 Exhibit 1.

19 For the record, what is this?

20 Have a seat, Mr. Cleveland.

21 MR. CLEVELAND: Okay.

22 THE COURT: Remember, you are still under oath.

23 MR. CLEVELAND: Okay.

24 THE COURT: And I have a fairly thick document
25 here listed as Plaintiff's Exhibit 1, and what is that?

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1 MR. CLEVELAND: Your Honor, that's the -- that's
2 basically a memorandum of law in support of granting my
3 post-conviction relief. It goes into great detail about the
4 two-prong test and identifying specifically the errors and
5 also the prejudice that I got caused.

6 THE COURT: All right. Then that's entered into
7 the Court's Exhibit. It would be part of the record.

8 And we will make a copy of this, Ms. Ratigan, if
9 you would like a copy. All right.

10 What else do you want to tell the court?

11 DIRECT EXAMINATION BY MR. CLEVELAND:

12 MR. CLEVELAND: I'm trying to think. I had it all
13 on paper.

14 THE COURT: Well, let me ask you, is there
15 anything, other than what you have in Plaintiff's Exhibit --
16 Petitioner's Exhibit 1 that you would like to tell the
17 court?

18 MR. CLEVELAND: Yeah, but I think I mailed all of
19 it to the clerk, like all the exhibits I wanted to work on,
20 to bring up, so it's filed with the clerk's office, all the
21 evidence -- all the evidence.

22 THE COURT: Okay. The court will take note of
23 those at the appropriate time.

24 MR. CLEVELAND: Okay.

25 THE COURT: Anything else that you would like

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1 to -- before I give Ms. Ratigan an opportunity to ask you
2 some questions, is there anything else you would like to
3 tell the court?

4 MR. CLEVELAND: Yeah, one -- a couple things on
5 the subject matter jurisdiction that may or may not be in
6 there. Basically it was a question about the vehicle was
7 coming across state lines and I asked specifically Mr.
8 Sarratt to look into that. It's actually documented on the
9 e-mail. And I actually didn't learn this until a couple
10 months ago that it's a federal law called the Dyer Act.
11 It's in Title 18, Section 23-12, I think. Essentially what
12 it says is if a vehicle is stolen or received and it goes to
13 another state, basically interstate commerce, it's actually
14 a federal offense, not a -- not a state crime.

15 And I think there's a case in there that the State
16 Supreme Court, Jean Toal wrote the opinion, and it was
17 basically the City of Cayce v. Norfolk Southern Railroad
18 Company, and basically the City of Cayce was citing them for
19 some kind of graffiti on the railway. And basically the
20 point of the case is that, and they argued that, the City of
21 Cayce didn't have any power to enforce anything, because it
22 was a federal -- they cited some kind of federal act, and
23 basically that's what -- that's what that is.

24 The Ford Fusion was stolen -- reported stolen from
25 Duval Ford in Clayton, Georgia, and obviously I got -- I was

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1 possessing it in South Carolina, so that would -- that would
2 trigger the supremacy clause and preempt any state
3 prosecution, because, again, it's a federal crime and
4 federal jurisdiction. And basically that's what I'm in
5 prison on is I was sentenced to ten years, suspended to six
6 years, solely on the possession of that stolen vehicle, that
7 Ford Fusion, that was stolen from another state. That
8 was -- that was an issue.

9 And I don't think I put this in there, but I was
10 very nervous and didn't really -- wasn't ready for trial,
11 and Mr. Sarratt wasn't ready for trial either, because I
12 still had questions, like jurisdiction. The indictments
13 looked fake. They looked rubber stamped. The signature
14 wasn't signed. Barry Brown, the Greenville County detective
15 on the case was a sole witness on the face of these
16 documents. The date was received September the 24th, 2012,
17 in the Greenville County clerk's office, and it never left
18 the clerk's office. And had I known that, I wouldn't
19 have -- I wouldn't have waived presentment to a Grand Jury.
20 I wasn't indicted, so that may be an error, may not be an
21 error, but basically I wouldn't have did that.

22 And my plea was -- I don't think my plea wasn't
23 intelligently made, and that's on the record, too, so -- so
24 I was just basically just forced into -- forced into taking
25 a plea or go to trial with an unprepared attorney, and I

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1 just urge the court to look at all the documents with the
2 e-mails that me and Mr. Sarratt went back and forth on. And
3 I basically laid it out on the line, you know, this is the
4 issues the day before trial, November 4th, 2013, but he
5 never responded to the e-mails. So that night, about eight
6 o'clock, I e-mailed him again and said I haven't heard from
7 you, and then the next morning, you know, I e-mailed him and
8 saying "you're fired". I didn't know what the rules were.
9 I didn't think you had to do it in front of a judge in open
10 court, but -- but basically he wasn't prepared. And if he
11 would have answered my questions that, oh, the State has
12 jurisdiction over this car, I would -- I would have pled a
13 long time ago, but it was just open-ended questions that I
14 couldn't get very direct answers from, and that's why I
15 hired him, for his knowledge and his skill to represent me,
16 because I was facing some major charges.

17 And the other thing is, the State has a law, Title
18 17-25-50 that says that if all the crimes were committed or
19 closely related, it's supposed to be one -- you are supposed
20 to be sentenced only one time. So the 30, 35 years he's
21 talking about for all five charges would be contrary to what
22 the law says, what the double jeopardy clause says, so that
23 was another big issue that I had questions about.

24 And the indictment -- the sentencing sheets don't
25 indicate that I was indicted. And I was forced into

1 initialing them, two of them. One was a falsifying VIN
2 number and the other one was the possession of stolen
3 vehicle that I'm in prison on now about that Ford Fusion,
4 and so it's clear there that I wasn't indicted or something
5 fishy was going on.

6 And I had some questions, his qualifications
7 about, you know, Grand Jury and things like that, but I
8 didn't -- I didn't know what the procedures were, but
9 basically that's my -- the due process I'm talking about and
10 also the deprivation of subject matter jurisdiction that's
11 pretty decent.

12 I apologize for the exhibit. It's kind of sloppy,
13 but when you are handwriting 35 copies and you are doing it
14 two or three times, it kind of --

15 THE COURT: I understand, Mr. Cleveland.

16 MR. CLEVELAND: Okay.

17 THE COURT: I appreciate that. You have explained
18 Petitioner's Exhibit 1, which is 36 pages.

19 MR. CLEVELAND: Okay.

20 THE COURT: Anything, Ms. Ratigan?

21 MS. RATIGAN: I have no questions for him.

22 THE COURT: All right. Thank you, Mr. Cleveland.

23 MR. CLEVELAND: Thank you.

24 THE COURT: You can step down.

25 MR. CLEVELAND: All right.

1 THE COURT: That concludes this hearing, unless
2 the State has any other witness.

3 MS. RATIGAN: No, Your Honor, we would just rest
4 on the pleadings in the record.

5 THE COURT: Do you have any other witnesses, Mr.
6 Cleveland?

7 MR. CLEVELAND: No. No, sir. No, sir.

8 THE COURT: All right. That concludes this
9 hearing and I will take it under advisement.

10 (END OF REQUESTED TRANSCRIPT OF RECORD)
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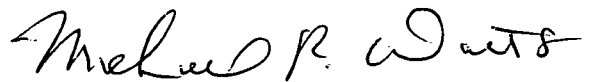
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CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Greenville County, South Carolina, on the 18th day of February, 2015.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

January 2, 2016



Michael R. Watts
Circuit Court Reporter

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FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2015 FEB 25 PM 1 41

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
STATE OF SOUTH CAROLINA)
v.)
GEORGE CLEVELAND,)
DEFENDANT)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

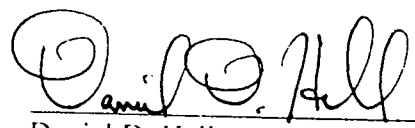
ORDER

CA NO. 2014-CP-23-1895

On November 11, 2013, Susannah Ross was retained by Mr. Cleveland to prepare a Motion to Reconsider and to pursue a PRC action if desired. On October 22, 2014, Judge Verdin heard Mr. Cleveland in a Motion to Dismiss his PCR action and relieve Ms. Ross. There, Mr. Cleveland changed his mind and requested to go forward with Ms. Ross as Counsel. In December, Mr. Cleveland again requested removal of Ms. Ross as counsel of record so he could precede pro se. Upon Motion of the Applicant which was joined by Ms. Ross, a hearing was held today where the Applicant requested to have Ms. Ross relieved to continue pro se. Counsel stated representation had exceeded payment in the case due a number of issues involving self representation. After hearing the testimony of the parties and instructing Mr. Cleveland on the dangers of self-representation, I find that Ms. Ross should be relieved in the above case.

IT IS HEREBY ORDERED that Ms. Ross is relieved of representation in the above matter.

AND IT SO ORDERED.


Daniel D. Hall
Circuit Court Judge

_____, 2015
Greenville, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NO: 2014CP2301895

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2015 APR 7 PM 2:00

George Cleveland vs. State Of South Carolina

CHECK ONE:

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried, or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy: ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; ☐ Statement of Judgment by the Court:
Dated at Greenville, South Carolina, this .

Court Reporter: _____

PRESIDING JUDGE - Daniel D Hall

This judgment was entered on the , and a copy mailed first class this , to attorneys of record or to parties (when appearing pro se) as follows:

George Cleveland 357770 Evans Correctional
Institute 610 Hwy 9 West Bennettsville, SC 29512

ATTORNEY(S) FOR THE PLAINTIFF(S)

Karen Christine Ratigan PO Box 11549 Columbia,
SC 29211

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court
- Clerk of Court

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
C.A. No. 2014-CP-23-1895

ORDER OF DISMISSAL

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2015 APR 7 PM 2 00

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 3, 2014. The Respondent made its return on August 22, 2014. An evidentiary hearing was held on February 18, 2015 at the Greenville County Courthouse. The Applicant was present and proceeded pro se.¹ Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf. Also testifying was the Applicant's plea counsel, Michael J. Sarratt, Esquire. The Court had before it the transcript of the guilty plea hearing, the Greenville County Clerk of Court records, the South Carolina Department of Corrections records, the PCR application, the return, and Applicant's Exhibit 1.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Greenville County Clerk of Court. The Applicant was indicted at the September 2013 term of the Greenville County Grand Jury for two counts of removing a

¹ At the start of the hearing, the Applicant's retained counsel made a motion to be relieved and the Applicant joined her in that motion. This Court granted the motion and issued an order to that effect that was filed on February 25, 2015.

vehicle identification number (VIN) (2013-GS-23-7503, -7507), two counts of possession of a stolen vehicle (2013-GS-23-7504, -7506), and obtaining goods under false pretenses (2013-GS-23-7505). He was represented by Michael J. Sarratt, Esquire.

On November 5, 2013, the Applicant pled guilty. The Honorable Edward W. Miller sentenced the Applicant to concurrent terms of 5 years for one count of removing a VIN,² 5 years suspended during probation for the second count of removing a VIN, 10 years suspended upon the service of 6 years and 5 years probation for one count of possession of a stolen vehicle,³ 5 years for the second count of possession of a stolen vehicle, and 5 years for obtaining goods under false pretenses. Susannah C. Ross, Esquire filed a motion to reconsider the sentence, which was denied by order filed November 21, 2013. The Applicant did not appeal.

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
 - a. "[F]ailed to advise effectively, investigate, research mitigation, or adequately prepare case for trial."
2. Due process violations.
 - a. "[A]ctions of my attorney and the Solicitor resulted in an Unconstitutional breakdown of the adversarial process."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the record and heard the testimony and arguments. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Below are findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

² 2013-GS-23-7503.

³ 2013-GS-23-7504.

Relevant Testimony

The Applicant stated he had poor communication with plea counsel and that counsel told him "outright lies." The Applicant stated he was very nervous and not ready for trial. The Applicant stated plea counsel was also not ready for trial. The Applicant stated plea counsel forced him to sign the sentencing sheets. The Applicant stated the sentencing sheets incorrectly indicated he waived presentment. The Applicant stated the indictments look "fake" and as if they had been "rubber-stamped." The Applicant stated plea counsel failed to examine the subject matter jurisdiction issue regarding the fact that the cars in this case came across state lines. The Applicant stated plea counsel forced him to plead guilty because he never directly answered his questions.

Plea counsel testified he was retained and that the Applicant was out on bond. Plea counsel testified he filed discovery motions, received those materials and reviewed them, and reviewed them with the Applicant. Plea counsel testified he also mailed a copy of the discovery materials to the Applicant. Plea counsel testified they reviewed the Applicant's version of events, the elements of the charges, and the sentence ranges. Plea counsel testified there was no viable defense. Plea counsel testified the Applicant never came to his office so they had meetings at the courthouse. Plea counsel testified they also exchanged numerous telephone calls, emails, and letters. Plea counsel testified the Applicant was not a cooperative client and would often refuse to answer his questions. Plea counsel testified there was a standing plea offer in this case that was later "sweetened." Plea counsel testified the offer was to plead guilty to two charges in exchange for eight years suspended to three years probation. Plea counsel testified he explained the offer to the Applicant, as well as its risks and benefits. Plea counsel testified the Applicant refused the offer because: (1) he wanted PTI (which the State refused to agree to), (2)

he wanted to raise issues under the Omnibus Crime Reduction Act, and (3) he did not want a felony. Plea counsel testified the case was eventually placed on the trial docket and that he was ready for trial. Plea counsel testified the judge relieved him as counsel when the case was going to trial but then rescinded this decision when the case was to be resolved in a guilty plea. Plea counsel testified there was nothing else he could have done to prepare this case.

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

This Court finds the Applicant failed to meet his burden of proving plea counsel did not adequately meet with him to review and prepare his case. Plea counsel testified the Applicant was not a cooperative client but that they nonetheless had several meetings and exchanged numerous telephone calls, emails, and letters. Plea counsel testified he sent a copy of the discovery materials to the Applicant and also reviewed those materials with him. Plea counsel

testified they discussed the Applicant's version of events, the elements of the charges, and the sentence ranges. Plea counsel testified he conveyed and explained the plea offer to the Applicant, who refused it. This court finds plea counsel's testimony is credible. This Court further finds the Applicant failed to articulate what more he wanted plea counsel to do in order to prepare his case. See Skeen v. State, 325 S.C. 210, 481 S.E.2d 129 (1997) (holding applicant not entitled to relief where no evidence presented at PCR hearing to show how additional preparation would have had any possible effect on the result at trial).

This Court finds the Applicant failed to meet his burden of proving plea counsel pressured him into signing the sentencing sheets and pleading guilty. This Court does not find the Applicant's testimony is credible. This Court finds there is no evidence in the guilty plea transcript to support the Applicant's assertion that he was pressured into entering a guilty plea. Rather, when asked by the plea judge whether the decision to plead guilty was his "free and voluntary decision," the Applicant replied it was. (Plea transcript, pp.20-21). Further, while the Applicant was very expressive of his opinion of plea counsel's representation on the day of his plea hearing, the Applicant never stated plea counsel was forcing him to plead guilty. This Court finds the guilty plea transcript itself has refuted the Applicant's allegation. See Stalk v. State, 375 S.C. 289, 300, 652 S.E.2d 402, 407 (Ct. App. 2007); see also Rayford v. State, 314 S.C. 46, 48-49, 443 S.E.2d 805, 806 (1994) (where transcript of guilty plea proceeding refuted applicant's claim that he did not understand the terms of a plea bargain, grant of PCR was inappropriate notwithstanding applicant's claim lawyer misadvised him).

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that plea counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence

that plea counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by plea counsel’s performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

Subject Matter Jurisdiction

This Court finds the Applicant has failed to meet his burden of proving a lack of subject matter jurisdiction in his case. This Court rejects the Applicant’s argument that the plea judge lacked subject matter jurisdiction because the cars at issue in this case may have crossed state lines. The federal case law cited by the Applicant is not persuasive.

This Court also rejects the Applicant’s argument that the court lacked subject matter jurisdiction because the sentencing sheets indicated that he waived presentment but his indictments were actually true-billed. This Court finds this is a mere scrivener’s error and not a jurisdictional issue.

This Court further rejects the Applicant’s argument that there was no subject matter jurisdiction in his case because the indictments were false or defective. This Court notes indictments are merely notice documents and the indictments in this case were properly true-billed by the Grand Jury and sufficient to put the Applicant on notice of the charges he was facing. See State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005).

This Court finds the Applicant failed to meet his burden of proving the plea judge lacked subject matter jurisdiction to accept his guilty pleas. See Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (finding a PCR applicant bears the burden of proving the allegations in their application).

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

CONCLUSION

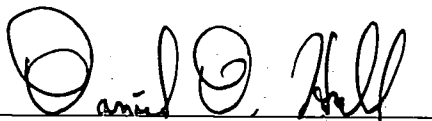
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 12th day of March, 2015.

A handwritten signature in black ink, appearing to read "Daniel D. Hall", written over a horizontal line.

Daniel D. Hall
Presiding Judge
Thirteenth Judicial Circuit

York, South Carolina.

(COPY)

Page - 96

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

State of South Carolina,)
)
VS.)

APPEARANCE OF COUNSEL

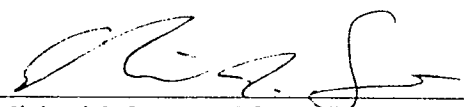
WARRANT NOS.: 2012A2330200168,
2012A2330200169,
2012A2330200170,
N-201731, and
N-201732

George Cleveland, III,)
)
Defendant.)

NOTICE IS HEREBY GIVEN that the undersigned attorney shall be appearing and representing the Defendant in the above-captioned matters.

Michael J. Sarratt
Attorney for Defendant
1500 East Rutherford Street
Landrum, SC 29356
864-457-7330-phone
msarratt@live.com

2013 APR 10 10:49



Michael J. Sarratt (SC Bar # 66326)
Attorney for Defendant

DATED: April 8, 2013

RECEIVED
APR 10 2013
CLERK OF COURT
GREENVILLE

COPY emailed
to
GCLEVELAND@AOL.COM
on
4/13/13
ny

Page 97
12-7504

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

) IN THE COURT OF GENERAL SESSIONS
) THIRTEENTH JUDICIAL CIRCUIT
)

State of South Carolina,

) **MOTION FOR PRODUCTION AND**
) **INSPECTION OF EVIDENCE**
) **SCRCP RULES 5 AND 6, BRADY AND**
) **EDWARDS NOTICE**
)

vs.

George Cleveland, III,

) Warrant Nos.: 2012A2330200168
) 2012A2330200169
) 2012A2330200170
) N-201731
) N-210732
)

Defendant.

TO: Solicitor, Thirteenth Judicial Circuit

The above-captioned Defendant, by and through his counsel, Michael J. Sarratt, does hereby request, under authority of SCRPC Rules 5 and 6, *Brady v. Maryland*, 373 U.S. 83 (1963), *Napue v. Illinois*, 360 U.S. 364 (1959), *Alcorta v. Texas*, 355 U.S. 28 (1957), *Mooney v. Holohan*, 294 U.S. 103 (1935), *Giglio v. U.S.*, 405 U.S. 150 (1972), and *State v. Bryant*, 307 S.C. 458 (1992), that the above-captioned Defendant, by and through his Attorney, Michael J. Sarratt, does hereby request the above-indicated Prosecuting Officer of the Court, including but not limited to the Circuit Solicitor, the City Solicitor, or the Arresting Officer, to cause any and all information presently in his/her possession or that of the State Law Enforcement Division, or in the possession of any other law enforcement agency operating in the above-indicated jurisdiction, involved in this case, be disclosed to Defense Counsel to the degree that said information is covered by the above-cited Rules and cases. This Motion constitutes a continuing request for all such discoverable information as it becomes known to the Prosecuting Officer.

The Defendant does hereby assert his Fifth Amendment right to remain silent and he does not wish to be questioned in the absence of Counsel, pursuant to *McNeil v. Wisconsin*, 111

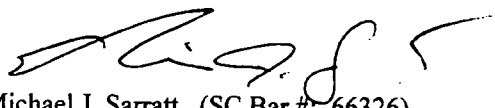
(PAGE ONE OF TWO)

[Handwritten signature]

S.Ct. 220 (1991) and Edwards v. Arizona, 451 U.S. 477 (1981).

The Defendant objects pursuant to SCRPC Rule 6, to the introduction of a chemist's or analyst's report without such person being personally present and testifying at trial and the Defendant objects to the introduction of Chain of Custody Reports without all persons within the chain of custody being personally present and testifying at trial to the degree that this Rule may apply to any of the charges against the Defendant.

Respectfully submitted



Michael J. Sarratt (SC Bar #: 66326)
Attorney for Defendant
1500 East Rutherford Street
Landrum, SC 29356
864-457-7330-phone
msarratt@live.com

Landrum, South Carolina

Dated: April 8, 2013

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Page 99

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

May 13, 2013

Michael J. Sarratt, Esq.
1500 East Rutherford Street
Landrum, SC 29356

RE: STATE OF SOUTH CAROLINA vs. GEORGE CLEVELAND III
Warrant/Ticket # (s) 2012A2330200168, -0169, -0170; N-201731, N-201732

Dear Michael:

Enclosed please find the following discoverable material, pursuant to Rule 5, South Carolina Rules of Criminal Procedure:

1. Above referenced warrants;
2. GCSO Incident Report by Officer Brown dated 07-05-12, Case # 01-12-096583, 3 pages;
3. GCSO Incident Report by Officer Brown dated 06-23-12, Case # 01-12-090329, 3 pages;
4. NCIC Criminal History.

Pursuant to Rule 609(b) of the South Carolina Rules of Evidence, this shall serve as advance written notice of the State's intention to use all convictions of crimes in excess of ten (10) years old to impeach the Defendant in this matter. Those crimes are listed on the Defendant's NCIC report of criminal activity. This will be the only notification in this regard.

Please note that the State may introduce video recording(s) relevant to this case, which are also available for viewing and downloading on the internet, at www.greenvillecounty.org, using the attorney log-in screen in the Solicitor's Office. Instructions for downloading and viewing video(s) can be found at the log-in screen. Please let me know if you have problems accessing this information, and I will assist you. (VIDEO AVAILABLE IN GREENVILLE COUNTY CASES ONLY AT THIS TIME). There may also be a 911 recording available in this case. Please provide a blank CD to receive a copy. Otherwise, you may contact my investigator to make an appointment to listen to the recording.

Please contact our office regarding a mutually convenient time for you to view evidence, which may be contained in the Property and Evidence Room at the Law Enforcement Center here in

Michael J. Sarratt, Esq.
May 13, 2013
Page 2

Greenville County. Pursuant to discovery rules, we will allow you to inspect the evidence that may be utilized at trial.

Please make every effort to protect the disclosure of any personal identifying information released to you through the discovery process. Such personal identifying information would include, but not limited to, names, addresses, dates of birth, social security numbers, driver's license numbers, bank account numbers, credit card numbers and telephone numbers for any witness, victim or defendant.

Also, please find enclosed the State's Request for Reciprocal Discovery and the State's Request for Notice of Alibi and/or Insanity Defense, pursuant to Rule 5, South Carolina Rules of Criminal Procedure.

If you have any questions regarding this defendant's case(s), please do not hesitate to call me. I look forward to working with you.

Sincerely,

Austin Watts
Assistant Solicitor

AFW/br

RE: **GEORGE CLEVELAND III**

*** Please acknowledge receipt of discovery by signing here and returning a copy of this to me within 10 days. If I do not hear from you or receive a copy of this acknowledgement within the allotted time, I will assume you received the enclosed documents and have no objections.

Attorney for Defendant

(COPY)

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MICHAEL J. SARRATT
ATTORNEY AT LAW

1500 E. RUTHERFORD ST.
LANDRUM, SOUTH CAROLINA 29356
(864) 457-7330-OFFICE PHONE
msarratt@live.com

May 20, 2013

Mr. George Cleveland, III
219 Savannah Dr.
Seneca, SC 29678-1863

RE: The State of South Carolina vs. George Cleveland, III
Case Nos.: 2012A2330200168, 2012A2330200169, 2012A2330200170,
N-201731 and N-201732

Dear Mr. Cleveland:

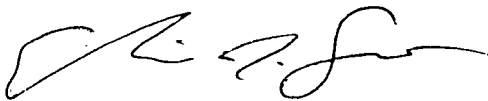
Enclosed please find copies of the State's response to my Request for Discovery for you to keep for your records, and for your review.

Please review the enclosed documents and let me know your comments.

Please do not hesitate to contact me if you should have any questions or concerns.

With kindest regards, I remain,

Respectfully yours,



Michael J. Sarratt
Attorney at Law

enclosures

cc: file ✓

page 102

Court Appearance

From: **Michael Sarratt** (msarratt@live.com)
 Sent: Wed 5/29/13 9:15 PM
 To: gcleveland7475@aol.com (gcleveland7475@aol.com)

Mr. Cleveland:

I hope this finds you doing well. I have received a notice that you are required to appear in the Court of General Sessions in Greenville County on **Wednesday, June 12, 2013 at 8:30 a.m.** I will meet you there at that time. Normally, what will happen is that I will speak with the Solicitor that is assigned to your case and discuss any possible plea offers that they may wish to make at that time. I usually do not force a decision from my clients on the day of Court because I believe that this is something that needs to be examined carefully before you either accept or reject any offer they may make.

It is imperative that you appear on this date and time because your failure to appear will result in a warrant being issued for your arrest, and you will sit in jail until your charges are resolved.

I am also mailing a notice to you in the mail. Please send me an email confirming that you have received the copies of the discovery that I mailed to you very recently. Also, please confirm that your mailing address is: 219 Savannah Dr., Seneca, SC 29678-1863.

I will meet you in the hallway of the 3rd floor on June 12th between 8:30 and 9:00 a.m.. Do not discuss your case with anybody unless I am present.

In the meantime, please do not hesitate to contact me if you should have any questions or concerns.

With kindest regards, I remain,

Respectfully yours,

Michael J. Sarratt
 Attorney at Law
 1500 E. Rutherford St.
 Landrum, SC 29356
 864-457-7330 - office phone
 864-978-4649 - cell phone
 msarratt@live.com

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page 103

**RE: From George Cleveland, Re: S.C. v. George Cleveland
III**

From: **Michael Sarratt** (msarratt@live.com)
Sent: Mon 7/22/13 11:20 AM
To: Gcleveland7475@aol.com (gcleveland7475@aol.com)

Mr. Cleveland:

I have discussed your cases with Mr. Watts and he is not willing to allow your case to go to PTI (even if it qualifies). He still insists that you will not qualify, but will not agree to this nonetheless.

He stated to me that you must plea to his offer by August 8th or you will be facing either a straight up plea on all charges or a trial.

Please let me know your response.

Thank you !!

With kindest regards, I remain,

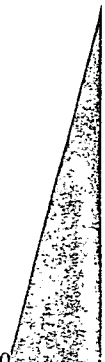
Respectfully yours,

Michael J. Sarratt
Attorney at Law
1500 E. Rutherford St.
Landrum, SC 29356
864-457-7330 - office phone
864-978-4649 - cell phone
msarratt@live.com

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From: Gcleveland7475@aol.com
Date: Mon, 15 Jul 2013 14:39:09 -0400
Subject: From George Cleveland, Re: S.C. v. George Cleveland III
To: msarratt@live.com

Mr. Sarratt,



7/22/2013 11:20

page 104

I have thought about the plea agreement from last week's court date. I did a little research on the law and the deferment program. Mr. Watt told you I did not qualify for the PTI program because of my counterfeiting charge from 2000, and my 2001 criminal violence conviction; however, the S. C. Omnibus Crime Reduction and Sentencing Reform Act: 273 of 2010 clearly defines what violent crimes are disqualifications from the deferment program. Pursuant to § 16-1-60, criminal domestic violence of a high and aggravated nature. My old charge is a misdemeanor and is not of a high and aggravated nature. As far as the counterfeiting charge which is not on this prohibited list, this old charge did not block me from the PTI program as well, see § 16-1-60 below:

For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16-3-10); criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first and second degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-3-620); kidnapping (Section 16-3-910); voluntary manslaughter (Section 16-3-50); armed robbery (Section 16-11-330(A)); attempted armed robbery (Section 16-11-330(B)); carjacking (Section 16-3-1075); drug trafficking as defined in Section 44-53-370(e) or trafficking cocaine base as defined in Section 44-53-375(C); manufacturing or trafficking methamphetamine as defined in Section 44-53-375; arson in the first degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); burglary in the first degree (Section 16-11-311); burglary in the second degree (Section 16-11-312(B)); engaging a child for a sexual performance (Section 16-3-810); homicide by child abuse (Section 16-3-85(A)(1)); aiding and abetting homicide by child abuse (Section 16-3-85(A)(2)); inflicting great bodily injury upon a child (Section 16-3-95(A)); allowing great bodily injury to be inflicted upon a child (Section 16-3-95(B)); **criminal domestic violence of a high and aggravated nature** (Section 16-25-65); abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43-35-85(E)); accessory before the fact to commit any of the above offenses (Section 16-1-40); attempt to commit any of the above offenses (Section 16-1-80); and taking of a hostage by an inmate (Section 24-13-450). Only those offenses specifically enumerated in this section are considered violent offenses.

Please discuss this with Mr. Watts. The general assembly is trying their best to reduce the recidivism rate and preventing people from have felonies on their record. Please read the law, and tell me what you think.

Respectfully,

George Cleveland
Seneca, SC

page 105

RE: From George Cleveland, Re: S.C. v. George Cleveland III

From: **Michael Sarratt** (msarratt@live.com)
Sent: Thu 8/01/13 11:23 AM
To: Gcleveland7475@aol.com (gcleveland7475@aol.com)

Mr. Cleveland:

Please be advised that I have received a notice that your appearance is required in Greenville on **Wednesday, August 14, 2013 at 8:30 a.m.**

With kindest regards, I remain,

Respectfully yours,

Michael J. Sarratt
Attorney at Law
1500 E. Rutherford St.
Landrum, SC 29356
864-457-7330 - office phone
864-978-4649 - cell phone
msarratt@live.com

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From: Gcleveland7475@aol.com
Date: Mon, 22 Jul 2013 15:18:01 -0400
Subject: Re: From George Cleveland, Re: S.C. v. George Cleveland III
To: msarratt@live.com

Mr. Sarratt,

Thanks for your response. I'm shock that Mr. Watts is so against me in a diversion program which the General Assembly premise is to reduce crime and reduce recidivism rates. I'm considering still applying for PTI which the law clearly states I qualify for. I will continue to go to my court dates, but I'm doing all I can to keep felonies off my SLED report. No one cares about my future more than I do. Have you read the Omnibus Crime Reduction and Sentencing Reform Act? If so, tell me what you think, and how you interpret the specific laws I emailed you.

In a message dated 7/22/2013 11:20:24 A.M. Eastern Daylight Time, msarratt@live.com writes:

Mr. Cleveland:

page 106

I have discussed your cases with Mr. Watts and he is not willing to allow your case to go to PTI (even if it qualifies). He still insists that you will not qualify, but will not agree to this nonetheless.

He stated to me that you must plea to his offer by August 8th or you will be facing either a straight up plea on all charges or a trial.

Please let me know your response.

Thank you !!

With kindest regards, I remain,

Respectfully yours,

Michael J. Sarratt
Attorney at Law
1500 E. Rutherford St.
Landrum, SC 29356
864-457-7330 - office phone
864-978-4649 - cell phone
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From: Gcleveland7475@aol.com

Date: Mon, 15 Jul 2013 14:39:09 -0400

Subject: From George Cleveland, Re: S.C. v. George Cleveland III

To: msarratt@live.com

Mr. Sarratt,

I have thought about the plea agreement from last week's court date. I did a little research on the law and the deferment program. Mr. Watt told you I did not qualify for the PTI program because of my counterfeiting charge from 2000, and my 2001 criminal violence conviction; however, the S. C. Omnibus Crime Reduction and Sentencing Reform Act: 273 of 2010 clearly defines what violent crimes are disqualifications from the deferment program. Pursuant to § 16-1-60, criminal domestic violence of a high and aggravated nature. My old charge is a misdemeanor and is not of a high and aggravated nature. As far as the counterfeiting charge which is not on this prohibited list, this old charge did not block me from the PTI program as well, see § 16-1-60 below:

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degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); burglary in the first degree (Section 16-11-311); burglary in the second degree (Section 16-11-312(B)); engaging a child for a sexual performance (Section 16-3-810); homicide by child abuse (Section 16-3-85(A)(1)); aiding and abetting homicide by child abuse (Section 16-3-85(A)(2)); inflicting great bodily injury upon a child (Section 16-3-95(A)); allowing great bodily injury to be inflicted upon a child (Section 16-3-95(B)); **criminal domestic violence of a high and aggravated nature** (Section 16-25-65); abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43-35-85(E)); accessory before the fact to commit any of the above offenses (Section 16-1-40); attempt to commit any of the above offenses (Section 16-1-80); and taking of a hostage by an inmate (Section 24-13-450). Only those offenses specifically enumerated in this section are considered violent offenses.

Please discuss this with Mr. Watts. The general assembly is trying their best to reduce the recidivism rate and preventing people from have felonies on their record. Please read the law, and tell me what you think.

Respectfully,

George Cleveland
Seneca, SC

=

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Page 108

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

October 9, 2013

Michael J. Sarratt, Esq.
1500 East Rutherford Street
Landrum, SC 29356

Re: STATE OF SOUTH CAROLINA vs. GEORGE CLEVELAND III
Warrant/Ticket # (s) 2012A2330200168, -169, -170; N-201731, N-201732

Dear Michael:

Pursuant to Rule 5 (C) South Carolina Rules of Criminal Procedure, Continuing Duty to Disclose, the State has recently received additional evidence or material previously requested or ordered, which is subject to discovery or inspection under this rule. The additional discovery is as follows:

1. Above Referenced Warrants;
2. SCDMV Title History Report, 1 page;
3. Fax Cover Sheet from CARMAX with attachments, 12 pages;
4. Fax Cover Sheet from Clayton Police Department with attachments, 5 pages;
5. Advanced Person Search printout, 2 pages;
6. CARFAX Vehicle History Report, 2 pages;
7. B&W Photographs, 7 pages;
8. Search Warrant Cover Sheet dated 07-02-12 from Oconee County, 1 page;
9. NCIC Vehicle Detail Request and Response, 1 page;
10. B&W Photographs, 6 pages;
11. CARFAX Title History Report, 1 page;
12. ISO Claim Search printout, 2 pages;
13. Signature Page of Sales Contract dated 05-07-12, 1 page;
14. SC Title Inquiry Report for CARMAX, 1 page;
15. CARMAX Vehicle Purchase Agreement, 1 page;
16. Affidavit & Notification of Sale of Motor Vehicle, 1 page;
17. GCSO Supplemental Report by Officer Brown dated 07-05-12, Case # 01-12-096583, 2 pages;
18. FAX Cover Sheet from GCSO CID, 1 page;

19. GCSO Incident Report by Officer Brown dated 07-05-12, Case # 01-12-096583, 1 page;
20. Copy of S.C. Driver's License for defendant, 1 page;
21. GCSO Incident Report by Officer Brown dated 06-23-12, Case # 01-12-090329, 2 pages;
22. Pickens County Sheriff's Office Incident Report by Officer Littleton dated 06-21-12, 2 pages;
23. Copy of Receipt from Tri-County Ace Hardware, 1 page;
24. NCIC License Check printout, 1 page;
25. GCDC Inmate Quickview printout, 1 page;
26. Copy of Receipt from Tri-County Ace Hardware, 1 page;
27. ISO Claim Search printout, 2 pages;
28. CARFAX Vehicle History Reports, 6 pages;
29. NCIC Rap Sheet printout, 3 pages;
30. B&W Photographs, 2 pages;
31. ISO Claim Search printout, 1 page;
32. B&W Photographs, 1 page;
33. GCSO Supplemental Report by Officer Weiner dated 06-27-12, 2 pages;
34. B&W Photographs, 5 pages.

Please note that the State may introduce video recording(s) relevant to this case, which are also available for viewing and downloading on the internet, at www.greenvillecounty.org, using the attorney log-in screen in the Solicitor's Department. Instructions for downloading and viewing video(s) can be found at the log-in screen. Please let me know if you have problems accessing this information, and I will assist you. (VIDEO AVAILABLE IN GREENVILLE COUNTY CASES ONLY AT THIS TIME). There may also be a 911 recording available in this case. Please provide a blank CD to receive a copy. Otherwise, you may contact my investigator to make an appointment to listen to the recording.

If you have any questions regarding this defendant's case(s) or need any further assistance, please do not hesitate to contact me.

Sincerely,



Austin Watts
Assistant Solicitor

AFW/br

Page 116

State v. George Cleveland III

From: **Michael Sarratt** (msarratt@live.com)
Sent: Tue 10/22/13 5:28 PM
To: gcleveland7475@aol.com (gcleveland7475@aol.com)
1 attachment
hh 085.jpg (84.9 KB)

Mr. Cleveland:

Please find attached a notice indicating that your case has been set for a Trial on **Tuesday, November 5, 2013 at 8:30 a.m.** in General Sessions Court at the Greenville County Courthouse.

I will look forward to seeing you there at that time.

In the meantime, please do not hesitate to contact me with any questions or concerns.

With kindest regards, I remain,

Respectfully yours,

Michael J. Sarratt
Attorney at Law
1500 E. Rutherford St.
Landrum, SC 29356
864-457-7330 - office phone
864-978-4649 - cell phone
msarratt@live.com

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this communication in error, and delete the copy you received.

State of South Carolina Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

October 29, 2013

Michael J. Sarratt, Esq.
1500 East Rutherford Street
Landrum, SC 29356

Re: STATE OF SOUTH CAROLINA vs. GEORGE CLEVELAND III
Warrant/Ticket # (s) 2012A2330200168, -0169, -0170; N-201731, N-201732

Dear Mr. Sarratt:

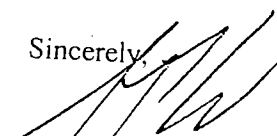
Pursuant to Rule 5 (C) South Carolina Rules of Criminal Procedure, Continuing Duty to Disclose, the State has recently received additional evidence or material previously requested or ordered, which is subject to discovery or inspection under this rule. The additional discovery is as follows:

1. Wells Fargo Print Image/CARMAX/Wachovia Bank, N.A. Check No. 7177047921, dated 5/7/12, 1 page;
2. 2011 Nissa Versa Vehicle Information, ²/₁ page.

Please note that the State may introduce video recording(s) relevant to this case, which are also available for viewing and downloading on the internet, at www.greenvillego.org, using the attorney log-in screen in the Solicitor's Department. Instructions for downloading and viewing video(s) can be found at the log-in screen. Please let me know if you have problems accessing this information, and I will assist you. (VIDEO AVAILABLE IN GREENVILLE COUNTY CASES ONLY AT THIS TIME). There may also be a 911 recording available in this case. Please provide a blank CD to receive a copy. Otherwise, you may contact my investigator to make an appointment to listen to the recording.

If you have any questions regarding this defendant's case(s) or need any further assistance, please do not hesitate to contact me.

Sincerely,


Austin Watts by SPE
Assistant Solicitor

SOLICITOR, 13TH Judicial Circuit
GREENVILLE COUNTY COURTHOUSE
305 E. North Street, Suite 325, Greenville, SC 29601
2185 (864) 467-8647

AS: ATTORNEY FOR/BONDSMAN FOR/DEFENDANT
GEORGE CLEVELAND III

is ordered to appear in **GENERAL SESSIONS**

COURT, GREENVILLE COUNTY COURTHOUSE

Greenville, SC on TUESDAY

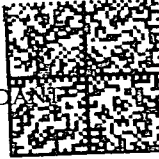
the 5TH day of NOVEMBER

2013 at 8:30 AM

PLEASE BRING THIS CARD WITH YOU AND ASK FOR

AFW/KR.

Failure to appear may result in trial being conducted in
the defendant's absence and/or a bench warrant being issued
for defendant's arrest. Date Mailed: 10/21/2013



02 1M
0008003918 OCT 21 2013
MAILED FROM ZIP CODE 29687

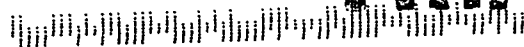
\$ 00.33⁰

TO:

MICHAEL J. SARRATT
1500 EAST RUTHERFORD STREET
LANDRUM SC 29356

TRIAL

29356141600



November 04, 2013

Michael J. Saratt

Attorney at Law

1500 E. Rutherford St.

Landrum, SC 29356

Re: State v. George Cleveland III

Dear Mr. Saratt,

Below I will fully explain all the issues with my case. First, I wanted to start with case law regarding Motion for a Continuance.

The S.C. Court of Appeals State v. Smith (2010), State v. Yarborough, 363 S.C. 260, 266, 609 S.E.2d 592, 595 (Ct. App. 2005)), State v. Funderburk, 367 S.C. 236, 239, 625 S.E.2d 248, 249-50 (Ct. App. 2006), State v. Preslar, 364 S.C. 466, 473, 613 S.E.2d 381, 385 (Ct. App. 2005)); All case basically saying: The Court says: "The granting of a motion for a continuance is within the sound discretion of the trial court and will not be disturbed absent a clear showing of an abuse of discretion." "An abuse of discretion arises from an error of law or a factual conclusion that is without evidentiary support." Id. (quoting State v. Irick, All the evidence I will direct your attention to below, please let me know if this satisfies the evidentiary support required by State v. Irick.

The first batch of discovery packet you mailed me back on May 20, 2013. Please take a look at the Greenville County Sheriff's Office (GCSO) Supplemental Report where Sgt. Weiner wrote in his report that Kia of Easley did not know the Nissan was stolen until Sgt. Weiner called the dealership, upon Weiner and Detective Barry Brown responded to the CarMax call. The issue here is, GCSO charged me with poss. a stolen vehicle, but the vehicle was not reported stolen. In fact, Sgt. Weiner looked up the D.M.V. records of the previous owners of the Nissan Versa. After several phones calls to previous owners, he spoke with a lady who said she traded the car in at the Kia dealership in Easley. Only then Sgt. Weiner called the dealership and they told him, the vehicle was last seen by a salesmen a couple of days prior to June 21, 2013

June 21, 2013 is a critical date in this case because the Pickens County Sherriff's incident report states a salesman last saw the Versa on their lot on June 19, 2013 (Who is this Salesman)? I have a constitutional right to face my accuser in Court. Also, Im having the glass company locate the receipt that prove I had the Nissan Versa way before the salesman claimed he saw the Versa on their lot, and this glass receipt will prove it. Also, where is the vehicle that I supposedly took the VIN number? It's not listed in any evidence I have. The State did not send you a full copy of the CarMax report for the Versa, so I purchase the full 6 page copy of the

report that shows on June 25, 2012, the vehicle was at recycler facility, but on November 04, 2012, the same report states the vehicle is at a dealer's lot in Utah.

I do not remember signing anything that gave CarMax permission to put their hand-held computer into my on-board computer on the Versa to retrieve the VIN number from the computer; therefore, the Police could not have searched my versa without a search warrant, or my permission.

Where is a photo of the spray can? Where is a clear copy of the receipt? There are many different kinds of kaki paint. A paint expert can testify to that. Where is a sample of the paint Detective Brown removed from the Versa at CarMax with "paint thinner" which he wrote in his report? Did the search warrant give the Police permission to enter my fence area where the vehicles were located?

I had no time to call witnesses on my behalf. I had no time to look at the credibility of the State's witnesses.

The State has no jurisdiction over the Ford Fusion case because the Fusion was stolen out of state. The Federal Government has jurisdiction.

The same Judge that we were before today is the same Judge that was scheduled to see me in my initial roll call, but she could not because she was in another hearing that day, and my initial court appearance was delayed to the next month.

Do I need to provide you case law on all these issues?, or can you look them up?

Mr. Watts told the Judge today that I had plenty of time to prepare. This is not true because I only receive statements, arrest warrants, and Incident reports during the initial discover packet mailed to me. I just now last week received the crux of my case i.e. photos, Pickens County Sherriff's incident report, carfax reports, cancelled bank draft. These are all the evidence that I should have gotten months ago so I had time to toughly look over every document, piece by piece. I want to see if every piece of evidence was obtained legally or where my constitutional rights violated?

Can you please get back with me soon regarding this matter. Thanks for your time.

With Kind Regards,

George Cleveland

page 115

State v George Cleveland

From: **George** (gcleveland7475@aol.com) You moved this message to its current location.
Sent: Mon 11/04/13 8:55 PM
To: Michael Sarratt (msarratt@live.com)

Mr Sarratt,

I have not heard from you regarding my issues for trial tomorrow.
Can you please email me regarding my issues tonight please?

Thanks,

George Cleveland

Sent from my iPhone

State v George Cleveland

page 116

From: **George Cleveland** (gcleveland7475@aol.com) This sender is in your safe list.

Sent: Tue 11/05/13 7:06 AM

To: Michael Sarratt (msarratt@live.com)

Mr Sarratt,

You are fired! You are not experienced with case law, the constitution, rules of the court, and you're very unprepared. You are also very unprofessional. Read the dam law, and case law.

George Cleveland
Seneca, SC

Sent from my iPad

GREENVILLE COUNTY GENERAL SESSIONS
 PRESIDING JUDGE: Edward M. Miller and Letitia H. Verdin
 TERM: November 4, 2013
 TEAM LEADER: Mark Moyer

Published: October 18, 2013

State and Defense to have all witnesses and clients in the courtroom at 9:00 a.m. every day for roll call. Please Note: Section 1-7-330 South Carolina Code of Laws provides in part "the Solicitor shall determine the Order in which cases on the docket are called for trial." We will endeavor to call the cases in the order listed on this published docket but such is not guaranteed if circumstances require us to vary from that published order. See also State v. Mikel 257 S.C. 315, 185 SE 2nd 814 (1971). We will however, call the cases for trial only on the day of the week they are listed unless they are designated to roll to another day of that week.

TUESDAY, NOVEMBER 5, 2013

IND #	DEFENDANT	LEC/ SCDC	OFFENSE	OFFENSE DATE	ARREST DATE	ATTORNEY	SOL. ATTY.	AGENCY
13-1551	Justin Rhodes	SCDC	Burg 1 st /PL	11/17/12	12/11/12	Caroline Horlbeck	LMM	GCSO
12-2862 THRU 12-2864	Shawna Newton		ID Fraud Bank Fraud Forgery x 2	4/21/10	11/30/11	Victor Sarratt	Sylvia Harrison	SPD
12-7503 THRU 12-7507	George Cleveland III		Falsifying VIN x 2 Poss Stolen Vehicle x 2 OGUFP	5/7/12 6/21/12	7/12/12 6/21/12	Michael Surratt	Austin Watts	GCSO
12-7564	Warren Sexton		FTS	5/5/12	8/10/12	Darren Haley	JHP	FIPD

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
THE STATE)
)
-VS-)
)
GEORGE CLEVELAND III,)
)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

INDICTMENT # 2012GS2307507

ORDER OF RESTITUTION

Upon Motion of the Solicitor of the Thirteenth Judicial Circuit, it appears South Carolina Code of Laws Section 17-25-322 requires the Court to hold a hearing to determine the amount of restitution due the victim(s) of the defendant's criminal acts which have resulted in pecuniary damage or loss. Further, South Carolina Code of Laws Section 16-3-1530(D)(3) provides that the Court "shall order restitution at every sentencing for a crime against person or property" unless the Court finds a substantial and compelling reason not to order restitution.

The Court upon conducting a Restitution Hearing, or upon waiver and consent of the defendant, hereby finds:

() Restitution should not be ordered for the following substantial and compelling reasons:

() Restitution should be paid by the defendant as a condition of his/her sentence to the designated victims in the following Court-ordered amounts:

1. Victim MKG AUTOMOTIVE INC - BEST KIA

PETER MIRANTE GENERAL MANAGER
5031 EASLEY HWY 153
EASLEY, SC 29642

Phone: (864) 312-4049 Restitution: \$1,000.00

3. Victim Duvall Ford

Attn: Jeff Duvall
PO Box 707

Clayton, GA 30525

Phone: - Restitution: \$3,300.00

2. Victim CarMax Of Grenville

Attn: Scott Millis
2800 Laurens Road
Greenville, SC 29607

Phone: - Restitution: \$7,000.00

4. Victim

Phone: - Restitution: \$ 0.00

AND IT IS SO ORDERED THIS 5 DAY OF

Greenville, South Carolina

SO MOVE:

BY: Assistant Solicitor, Thirteenth Judicial Circuit

PRESIDING JUDGE
THIRTEENTH JUDICIAL CIRCUIT

I WAIVE MY RIGHT TO A RESTITUTION
HEARING AND CONSENT TO THE ABOVE:

DEFENDANT

AGENCY I.D.
SC0390000

INCIDENT REPORT
PICKENS COUNTY SHERIFF'S OFFICE

CASE NUMBER

2012-14607

page 119

NRG. ENT.

EVENT	INCIDENT TYPE					COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
	1. 240 - MOTOR VEHICLE THEFT					☒ YES ☐ NO	☐ YES ☒ NO	41(Auto Dealership New/Used)		☐ Individual ☒ Business ☐ Financial Ins ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
	2.					☐ YES ☐ NO	☐ YES ☐ NO				
	3.					☐ YES ☐ NO	☐ YES ☐ NO				
VICTIM NO. 1	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)					ZIP CODE		WEAPON TYPE			
	5031 HIGHWAY 153, EASLEY, SC					29642-					
	INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK		LOCATION NO.			
	06/19/2012	10:00		06/21/2012	17:00	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME		
	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)					RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	
	MATURE, MIKE					#1 #2 #3	☒ J ☐ S ☐ O ☐ U	W	M	47	
	ADDRESS					CITY	STATE	ZIP CODE	LOCATION NO.		
						EASLEY	SC	29642-			
	VICTIM'S NAME (LAST, FIRST, MIDDLE)					RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	
	BEST KIA/CHEVROLET, (B)					#1 #2 #3	☒ J ☐ S ☐ O ☐ U				
SUBJECT NO. 1	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ECT.						
	ADDRESS					CITY	STATE	ZIP CODE	LOCATION NO.		
	5031 HWY 153					EASLEY	SC	29640-			
	VISIBLE INJURY (VICT. 1) ☐ YES ☐ NO ☐ EXPLAIN -										
	VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☐ NO ☐ UNK ☒ DRUGS: ☐ YES ☐ NO ☐ UNK ☒ TYPE:										
	COMPLAINT OF NON-VISIBLE INJURIES: ☐ YES ☒ NO										
	TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPL.ASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ * J - This Jurisdiction S - State O - Out of State U - Unknown										
	☐ SUSPECT	NAME, (LAST, FIRST, MIDDLE)					RACE	SEX	AGE	ETH.	
	☐ RUNAWAY										
	NARRATIVE	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ECT.									
ADDRESS											
CITY											
STATE											
ZIP CODE											
LOCATION NO.											
SUBJECT (NO. 1) USING: ALCOHOL ☐ YES ☐ NO ☐ UNK ☐ ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO ☐ DATE/TIME OF OFFENSE											
DATE/TIME OF ARREST											
DRUGS: ☐ YES ☐ NO ☐ UNK ☐ TOTAL # ARRESTED 0											
06/19/2012 10:00											
PROPERTY EST.	ON THE ABOVE DATE AND TIME, I, DEPUTY LITTLETON, RECEIVED A CALL FROM BEST KIA, WHICH IS INSIDE PICKENS COUNTY, ABOUT A VEHICLE THAT HAD BEEN STOLEN FROM THEIR PARKING LOT. UPON ARRIVAL AT BEST KIA AT 5031 HIGHWAY 153, I MET WITH THE GENERAL MANAGER MIKE MATURE (COMPLAINANT) WHO STATED HE RECEIVED A CALL FROM THE GREENVILLE COUNTY SHERIFF'S OFFICE STATING A VEHICLE BELONGING TO HIS DEALERSHIP HAD SHOWN UP AT CARMAX OF GREENVILLE AND SOMEONE WAS TRYING TO SELL IT. MR. MATURE ADVISED THE SERGEANT FROM GREENVILLE STATED SOMEONE HAD PAINTED THE VEHICLE GOLD, IT WAS ORIGINALLY SILVER, THE PAINT WAS FRESH AND THE VIN ON THE DASH HAD BEEN REPLACED. MR. MATURE THEN STATED THEY WERE ABLE TO LOCATE A VIN IN A DIFFERENT LOCATION THAT HAD BEEN TAMPERED WITH BUT WAS STILL LEGIBLE. THIS VIN MATCHED THE VIN FROM THE CAR THAT MR. MATURE WAS MISSING. MR. MATURE ADVISED HE RECENTLY SENT THIS CAR TO AUCTION. HOWEVER; IT DID NOT SELL AND WAS RETURNED TO THE DEALERSHIP. HE ALSO ADVISED ONE OF HIS SALESMEN LAST SEEN THE CAR ON THE LOT ON 6/19/2012 AT AROUND 10:00 IN THE MORNING. I ATTEMPTED TO MAKE CONTACT WITH SERGEANT WEINER FROM GREENVILLE										
	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY										
	PCSO										
	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY										
	TYPE (GROUP)	03-Automobiles					TOTAL VALUE				
	STOLEN	\$15,000.00					\$15,000.00				
	DAMAGED										
	BURNED										
	RECOVERED										
	SEIZED										
COUNTERFEIT											
ADMINISTRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADM. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18		
	☐ YES ☒ NO		☐ YES ☒ NO		☐ UNFOUNDED		☐ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER		
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY										
	REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		
	2333 - KEITH LITTLETON		06/21/2012		2333		893 - LT. TONY GILSTRAP		06/22/2012		
FOLLOW-UP INVESTIGATION OFFICER											
☐ YES ☒ NO 1658 - MICHAEL HENDRICKS											
1653											

AGENCY I.D.
SC0390000

SUPPLEMENTAL INCIDENT REPORT
PICKENS COUNTY SHERIFF'S OFFICE

CASE NUMBER

2012-14607

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NCIC
INQ. ENTD.

☐ ORIGINAL REPORT ☐ MODIFIES ORIGINAL	☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE	☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY	PAGE <u>2</u> of <u>3</u> PAGES
--	---	--	---	---------------------------------

VICT/SUBJ. I.D. OVERFLOW:	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	☐ VICTIM #	HEIGHT WEIGHT HAIR EYES	#1	#2	#3	J S O U					
VICT/SUBJ. I.D. OVERFLOW:	☐ SUBJECT #	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARTIES, ECT.									
	☐ RUNAWAY	ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	HOME PHONE	EMPLOYER PHONE			
VICT/SUBJ. I.D. OVERFLOW:	☐ WANTED	☐ VICTIM NO. VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE			
	☐ WARRANT	EXPLAIN		☐ NO ☐ YES		DRUGS: ☐ NO ☐ YES ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED	
VICT/SUBJ. I.D. OVERFLOW:	☐ ARREST	☐ SUBJECT NO. USING ALCOHOL: ☐ NO ☐ YES									
	☐ JAIL	USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK									
VICT/SUBJ. I.D. OVERFLOW:	☐ SUMMONS										
	☐										

COUNTY TO GET THE RECOVERED PROPERTY REPORT NUMBER TO ADD TO THIS INCIDENT REPORT FOR REFERENCE, BUT WAS UNABLE TO MAKE CONTACT. LATER IN THE SHIFT ON 6/21/2012, I WAS CONTACTED BY DEPUTY RAGAN MARLING FROM GREENVILLE COUNTY WHO ADVISED THERE WAS AN ARREST MADE IN THIS CASE, HOWEVER, SHE WAS UNABLE TO PROVIDE THE SUSPECT'S NAME. SHE ALSO ADVISED THEIR CASE NUMBER ON THIS INCIDENT IS 12-090329 BUT WAS NOT COMPLETED AT THE TIME OF MY REPORT. SHE STATED INVESTIGATOR BARRY BROWN WOULD COMPLETE THE REPORT IN THE MORNING, 6/22/2012. CASE IS ACTIVE

VEH/GUN/ECT	STATUS TYPE		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
	☒ STOLEN	☒ VEHICLE	PCSO			
	☐ RECOVERED	☐ GUN	VIN AND/OR LICENSE NO. 3N1CN7APXCL844902		BOAT HULL NO. AND/OR REG. NO.	
	☐ FOUND	☐ BOAT	SERIAL AND/OR OWNER APPLIED NO.		STATE	
	☐ TOWED	☐ LICENSE PLATE	YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE
	☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS	MODEL	STYLE	COLOR	TYPE
VEH/GUN/ECT	☐ VICTIM	☐ ARTICLE	NIC NO.		DENOMINATION	
			ISSUER		SECURITIES DATE	
		MISCELLANEOUS				

PROPERTY EST.	TYPE (GROUP)						TOTAL VALUE
	STOLEN						\$15,000.00
	DAMAGED						
	BURNED						
	RECOVERED						
	SEIZED						
PROPERTY EST.	COUNTERFEIT						

ADMINISTRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADM. CLOSED		☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18	
	☐ YES ☒ NO		☐ YES ☒ NO		☐ UNFOUNDED		☐ ARRESTED 18 AND OVER ☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY							
	REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
ADMINISTRATIVE	2333 - KEITH LITTLETON		06/21/2012	2333	893 - LT. TONY GILSTRAP		06/22/2012	
					FOLLOW-UP INVESTIGATION OFFICER			
					☐ YES NO ☒ 1658 - MICHAEL HENDRICKS			1658

AGENCY I.D.
SC0390000

SUPPLEMENTAL INCIDENT REPORT
PICKENS COUNTY SHERIFF'S OFFICE

CASE NUMBER

2012-14607

PAGE 121

NCIC

INFO. ENTD.

☐ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE <u>2</u> of <u>3</u> PAGES
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

VICT./SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	☐ VICTIM #					#1	#2	#3	J	S	O	U		
	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ECT.								
	☐ RUNAWAY	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	HOME PHONE	EMPLOYER PHONE			
	☐ WANTED													
	☐ WARRANT													
	☐ ARREST													
	☐ JAIL													
	☐ SUMMONS													
	☐													

VICT./SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	☐ VICTIM #					#1	#2	#3	J	S	O	U		
	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ECT.								
	☐ RUNAWAY	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	HOME PHONE	EMPLOYER PHONE			
	☐ WANTED													
	☐ WARRANT													
	☐ ARREST													
	☐ JAIL													
	☐ SUMMONS													
	☐													

COUNTY TO GET THE RECOVERED PROPERTY REPORT NUMBER TO ADD TO THIS INCIDENT REPORT FOR REFERENCE, BUT WAS UNABLE TO MAKE CONTACT. LATER IN THE SHIFT ON 6/21/2012, I WAS CONTACTED BY DEPUTY RAGAN MARLING FROM GREENVILLE COUNTY WHO ADVISED THERE WAS AN ARREST MADE IN THIS CASE, HOWEVER, SHE WAS UNABLE TO PROVIDE THE SUSPECT'S NAME. SHE ALSO ADVISED THEIR CASE NUMBER ON THIS INCIDENT IS 12-090329 BUT WAS NOT COMPLETED AT THE TIME OF MY REPORT. SHE STATED INVESTIGATOR BARRY BROWN WOULD COMPLETE THE REPORT IN THE MORNING, 6/22/2012. CASE IS ACTIVE.

NARRATIVE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
	PCSO			

VEH/GUN/VECT	STATUS	TYPE	VIN AND/OR LICENSE NO.		BOAT HULL NO. AND/OR REG. NO.	
	☒ STOLEN	☒ VEHICLE	3N1CN7APXCL844902			
	☐ RECOVERED	☐ GUN	SERIAL AND/OR OWNER APPLIED NO.		STATE	
	☐ FOUND	☐ BOAT	YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE
	☐ TOWED	☐ LICENSE PLATE	2012		NISSAN	
	☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS	MODEL	STYLE	COLOR	BRAND NAME
	☐ VICTIM	☐ ARTICLE	VERSAS	SEDAN	SIL - Silver/Alumi	CALIBER
			NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE
			MISCELLANEOUS			

PROPERTY EST.	TYPE (GROUP)						TOTAL VALUE
	STOLEN						\$15,000.00
	DAMAGED						
	BURNED						
	RECOVERED						
	SEIZED						
	COUNTERFEIT						

ADMINISTRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE	☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
	☐ YES ☒ NO		☐ YES ☒ NO		☐ UNFOUNDED		☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY							
	REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
	2333 - KEITH LITTLETON		06/21/2012	2333	893 - LT. TONY GILSTRAP		06/22/2012	

FOLLOW-UP INVESTIGATION OFFICER

☐ YES ☒ NO 1658 - MICHAEL HENDRICKS

1658

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type <u>0538 - Poss/Conceal/Sell/Dispose Of Stolen Vehicle</u>																																															
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District <u>05</u> Page <u>1</u> of <u>2</u> Pages																																															
I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, first, Middle)		Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth																																									
	☐ Victim	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone																																										
	☐ Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.																																													
	☐ Runaway	☐ Victim No. <u> </u>		☐ Visible Injury ☐ Yes ☐ No	☐ Complaint of any Non-Visible Injuries ☐ Yes ☐ No		Victim Using Alcohol ☐ Yes ☐ No ☐ Unk		Two-Man Veh ☐ One Man Veh ☐ ALONE ☐																																										
	☐ Wanted	Explain:				Drugs ☐ No ☐ Yes Type:		Detective ☐ Other ☐ ASSISTED ☐																																											
	☐ Arrest	Subject No. <u> </u>		Using Alcohol ☐ No ☐ Yes ☐ Unk			☐ Arrested on Current Offense																																												
	☐ Missing			Using Drugs ☐ No ☐ Yes ☐ Unk			☐ Unk ☐ Cleared By Arrest on Prior Offense																																												
	☐ Jail							☐ On View Arrest ☐ Summoned ☐ Custody																																											
	☐ Other																																																		
	Arrestee Armed ☐ Yes ☐ No				Weapon Type																																														
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority																																																			
Arrest Location																																																			
NARRATIVE	overflow: ----- CLEVELAND, GEORGE 3rd:Subject 1 Subject Types: Suspect, Warrant Arrest DOB: 11/03/1978 Narrative: UPON OUR ARRIVAL, SGT. WEINER MET WITH THE MANAGER(SEE SGT. WEINER'S SUPPLEMENTAL) AND I BEGIN CHECKING THE VIN ON THE DASH AND ON THE DRIVERS DOOR JAM OF A NISSAN VERSA THAT THE MANAGER HAD POINTED OUT. DUE TO THE FEDERAL STICKER, CONTAINING THE VIN ON THE DOOR JAM MISSING ON A NEW VEHICLE AND THE PUBLIC VIN ON THE DASH BEING HARD TO READ THRU THE WINDSHIELD, I BEGIN TO BELIEVE THE VEHICLE WAS STOLEN. THE MANAGER ALSO SAID THEY COULD NOT OBTAIN THE VIN FROM THE ON BOARD COMPUTER. DUE TO MY EXPERIENCE IN THE AUTO THEFT UNIT, I KNEW THE SECONDARY VIN WAS ON THE FIREWALL. I RAISE THE HOOD AND NOTICED THE VIN ON THE FIREWALL HAD BEEN PAINTED OVER WITH A KHAKI COLORED PAINT. IN THE BACK SEAT WAS A CAN OF SPRAY PAINT MATCHING THE COLOR USED TO SPRAY OVER THE SECONDARY VIN. I USED A RAG WITH PAINT THINNER AND REMOVED THE PAINT COVERING THE VIN. THE SECONDARY VIN DISPLAYED WAS <u>3N1CN7APXCL844902</u> THE VIN. HAD BEEN GROUND ON, BUT WAS STILL LEGIBLE. I KNEW THIS TO BE THE TRUE VIN. THE VIN ON THE DASH WAS, 3N1BC1CP0BL421109, WHICH CAME BACK TO A HATCH BACK, WHICH THE VEHICLE WAS NOT. AT THIS TIME, WE MET WITH SUSPECT WHO WAS WAITING IN CARMAX LOBBY. SGT. WEINER READ SUSPECT HIS RIGHTS WHO REPEATEDLY SAID THE VEHICLE WAS HIS, BUT WOULD NOT GIVE US ANY FURTHER INFORMATION. SUSPECT WAS ADVISED HE WAS UNDER ARREST DUE TO POSSESSION OF A VEHICLE WITH AN ALTERED VIN. WHEN SUSPECT WAS SEARCHED, SGT. WEINER FOUND SUSPECT TO BE IN POSSESSION OF A SALES RECEIPT SHOWING SUSPECT HAD PURCHASED THE SPRAY PAINT, USED TO SPRAY OVER THE VIN, FROM TRI COUNTY ACE STORE USING HIS VISA CARD. THE RECEIPT ALSO CONTAINED SUSPECTS NAME. SGT. WEINER MADE SEVERAL PHONE CALLS AND EVENTUALLY FOUND THE VEHICLE HAD RECENTLY BEEN STOLEN FROM KIA OF EASLEY. THEY WERE <u>UNAWARE</u> OF THE <u>THEFT UNTIL SGT. WEINER HAD CALLED. KIA OF EASLEY</u> FILE A VEHICLE THEFT REPORT WITH PICKENS COUNTY SHERIFFS OFFICE. (SEE PICKENS COUNTY CASE NUMBER <u>12-14607</u>). DEPUTY R. WHEATLEY B-35, ARRIVED AND TRANSPORTED SUSPECT TO THE DETENTION CENTER. I ALSO RESPONDED AND OBTAINED WARRANTS, N-201731, REMOVING /FALSIFYING VIN AND N-201732, POSSESSION OF STOLEN VEHICLE. SUSPECT WAS PLACED INTO THE GREENVILLE COUNTY DETENTION CENTER WHO APPEARED TO BE IN GOOD HEALTH. I TOOK PHOTOS OF THE VINS. AND OF THE VEHICLE. THE PAINT, THE RECEIPT AND THE TAG DISPLAYED ON THE VEHICLE, HZE-975 WERE PLACED INTO P/E.																																																		
	PROPERTY	<table border="1"><thead><tr><th>Status</th><th>Property Type</th><th>Quantity</th><th>Property Make</th><th>Color</th><th>Description</th><th>Serial # / OAN</th><th>Value</th></tr></thead><tbody><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></tbody></table>										Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value																																
		Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value																																										
	ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18																																									
		☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded		☒ Arrested 18 and Over		☐ Ex-Cleared 18 and Over																																									
		Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest																																																	
Reporting Officer(s)		Date	Unit#/Star#	Approving Officer		Date	Unit#/Star#																																												
BROWN, BARRY		06/23/2012	672 / 00045	Sgt. Weiner		06/27/2012	604 / 00630																																												
			/	Follow Up Investigation ☐ Yes ☒ No (officer)																																															

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: tbrandon 07/10/2012

04:22:23

Page 123
Case Number

12000090329

☐ Original Report		☐ Status Change		☐ Additional Victims		☐ Additional Stolen Property		Incident Type <u>0538 - Poss/Conceal/Sell/Dispose Of Stolen Vehicle</u>									
☒ Supplemental Report		☐ Other Report		☐ Additional Defendants		☐ Additional Recovered Property		Patrol District <u>05</u> Page <u>2</u> of <u>2</u> Pages									

I. D. OVERFLOW	☐ Complainant		Subject's Name (Last, first, Middle)										Victim Relationship To Subject		Ethnicity		Resident		Race		Sex		Age		Date of Birth	
	☐ Victim		Address										City		State		Zip Code		Patrol District		Day Phone		Evening Phone			
	☐ Subject		Height		Weight		Hair		Eyes		Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.															
	☐ Runaway		☐ Wanted		☐ Arrest		☐ Missing		☐ Jail		☐ Other		☐ Victim No. _____		☐ Visible Injury Yes ☐ No ☐		☐ Complaint of any Non-Visible Injuries Yes ☐ No ☐		☐ Victim Using Alcohol Yes ☐ No ☐ Unk ☐		☐ Two-Man Veh ☐ One Man Veh ☐ ALONE ☐		☐ Detective ☐ Other ☐ ASSISTED ☐			
	☐ Explain:		Subject No. _____		Using Alcohol ☐ No ☐ Yes ☐ Unk ☐		Using Drugs ☐ No ☐ Yes ☐ Type:		☐ Arrested on Current Offense		☐ Unk ☐ Cleared By Arrest on Prior Offense															

Arrestee Armed ☐ Yes ☐ No		Weapon Type		☐ On View Arrest ☐ Summoned ☐ Custody	
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority					
Arrest Location					

CASE CLEARED BY ARREST. KIA OF EASLEY MADE ARRAIGNMENTS WITH CARMAX TO PICK UP THE VEHICLE.

PROPERTY	Status		Property Type		Quantity		Property Make		Color		Description		Serial # / OAN		Value	

ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18			
	☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded		☒ Arrested 18 and Over		☐ Ex-Cleared 18 and Over			
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest											
	Reporting Officer(s)		Date		Unit#/Star#		Approving Officer		Date		Unit#/Star#	
	BROWN, BARRY		06/23/2012		672 / 00045		Sgt. Weiner		06/27/2012		604 / 00630	

Follow Up Investigation ☐ Yes ☒ No (Officer)			
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GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Case Number

12000090329

Page 123
124

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property													
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property													
Incident Type 0538 - Poss/Conceal/Sell/Dispose Of Stolen Vehicle																
Patrol District 05 Page 1 of 3 Pages																
I.D. OVERFLOW	☐ Complainant			Subject's Name (Last, first, Middle)			Victim Relationship To Subject		Ethnicity	Resident	Race	Sex	Age	Date of Birth		
	☒ Victim #1			STATE OF SOUTH CAROLINA												
	☐ Subject			Address			City		State	Zip Code	Patrol District	Day Phone	Evening Phone			
	☐ Runaway			4 MCGEE St			GREENVILLE		SC	29601	CJ11	(864)467-4575				
	☐ Wanted			Height			Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.						
	☐ Arrest			☒ Victim No. 1			Visible Injury		Complaint of any Non-Visible Injuries		Victim Using Alcohol		Two-Man Veh		One Man Veh	ALONE
	☐ Missing			☐ Yes ☒ No			☐ Yes ☒ No		☐ Yes ☐ No ☐ Unk		☐ Yes ☐ No ☐ Unk		☐ Detective ☐ Other		ASSISTED	
	☐ Jail			Explain:					Drugs		Type:					
	☐ Other			Subject No.			Using Alcohol		Using Drugs		Type:					
							☐ No ☐ Yes ☐ Unk		☐ No ☐ Yes ☐ Unk							
Arrestee Armed ☐ Yes ☐ No				Weapon Type				☐ On View Arrest ☐ Summoned ☐ Custody								
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority																
Arrest Location								Gang Affiliation: NG - Not Gang Related								

Overflow:

INCIDENT TYPE: POSSESSION OF VEHICLE WITH ALTERED VIN, OFFENSE COMPLETE: Y, FORCED ENTRY: N
PREMISE TYPE: 41 - Auto Dealership New/Used, UNITS ENTERED: 0

BROWN, BARRY: Complainant 1

RACE: white, Caucasian, SEX: Male, RESIDENT: Primary Jurisdiction
4 MCGEE St GREENVILLE 29601 CJ11 (Greenville City)

CLEVELAND, GEORGE 3rd: Subject 1

Subject Types: Suspect, Warrant, Arrest

ADDRESS: 219 SAVANNAH Dr SENECA SC 29678 0J19 (Out of County), RESIDENT: J, RACE: B, SEX: M,
AGE: 34, DOB: 11/03/1978, SSN:

Physical Description

HAIRCOLOR: Black, EYES: Brown, HEIGHT: 605, WEIGHT: 250, VISIBLE INJURY: No, NON-VISIBLE
INJURY: No, USING ALCOHOL: No, USING DRUGS: No, ARREST ON CURRENT OFFENSE, ON VIEW ARREST,
ARREST LOCATION: 2800 LAURENS Rd GREENVILLE SC 29607 05

Charges

CHARGE 1: POSSESSION OF VEHICLE WITH ALTERED VIN WARRANT #: N-201731 BOND AMOUNT: 5000

Vehicles

Vehicle #1

COLOR: Gold, MAKE: Nissan, MODEL: VERSA, MAKE: 4-D, VEHICLE YEAR: 2012, RECOVERED VALUE:
12000. PROPERTY LOSS CODES: Recovered, VIN NUMBER: 3N1CN7APXCL844902

Narrative:

On June 21st, 2012 I was contact by Deputy Tim Jones regarding a suspicious vehicle at
CarMax on Laurens Rd. Deputy Jones works side jobs at this location and was contacted by a
manager there. According to Jones the vehicle's VIN and tag did not match and the manager
did not feel comfortable with the vehicle.I notified Investigator Brown and the two of us responded to CarMax (2800 Laurens Rd.). The
vehicle in question was parked in front of the business. According to the manager (Scott)

PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value
ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed		☐ Arrested Under 18	
	☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded		☒ Arrested 18 and Over	
	Reason For Exceptional Clearance		☐ Offender Death ☐ No Prosecution		☐ Victim Declines Cooperation		☐ Ex-Cleared Under 18	
							☐ Ex-Cleared 18 and Over	
Reporting Officer(s)		Date	Unit#Star#	Approving Officer		Date	Unit#Star#	
WEINER, DAVID		06/27/2012	604 / 00630	Sgt. Weiner		06/27/2012	604 / 00630	
				Follow Up Investigation ☐ Yes ☒ No (Officer)				

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental ReportCase Number
12000090329

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property
☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Incident Type 0538 - Poss/Conceal/Sell/Dispose Of Stolen Vehicle
Patrol District 05 Page 2 of 3 Pages

I.D. OVERFLOW

☐ Complainant ☐ Victim ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle) _____ Victim Relationship To Subject _____ Ethnicity _____ Resident _____ Race _____ Sex _____ Age _____ Date of Birth _____

Address _____ City _____ State _____ Zip Code _____ Patrol District _____ Day Phone _____ Evening Phone _____

Height _____ Weight _____ Hair _____ Eyes _____ Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc. _____

☐ Victim No. _____ ☐ Visible Injury ☐ Yes ☐ No ☐ Complaint of any Non-Visible Injuries ☐ Yes ☐ No ☐ Victim Using Alcohol ☐ Yes ☐ No ☐ Unk ☐ Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED

Explain: _____

Subject No. _____ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense ☐ Unk ☐ Cleared By Arrest on Prior Offense

Using Drugs ☐ No ☐ Yes ☐ Type: _____

Arrestee Armed ☐ Yes ☒ No ☐ Weapon Type _____ ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location _____ Gang Affiliation: NG - Not Gang Related

the vehicle was brought in by the suspect, Cleveland, who wanted to sell it. Upon closer inspection it was noted the VIN came back to a salvage vehicle and none of the body panels had VINS marked on them like they were supposed to. They also advised that the electronic scanner did not work when plugged into the vehicle, and the tag came back to another salvaged vehicle.

Brown opened the hood and pointed out where the VIN should have been stamped into the firewall. I saw that it had recently been painted with a different color paint, and some of the paint had dripped onto the engine components below the firewall. I could not read the VIN on the firewall. I walked around the vehicle and saw the VIN in the windshield did not quite fit in the space that it should have, I also noticed small fragments of glass on the cowl of the hood as well as scuff and scratch marks on the dash close to where the VIN plate was. As I continued walking around the car I noticed a brown cardboard box in the back seat. On top of the box was a can of spray paint with a light tan or brown colored cap, a close match to the off colored paint under the hood on the firewall.

I asked if the vehicle could be moved inside the garage so the suspect would not come out and get suspicious if he saw the police around it. Inv. Brown was able to get some paint thinner from the shop. When he rubbed the firewall the new paint came right off, revealing a freshly ground down firewall where the VIN was located. I got close enough to the VIN to read it. I provided the VIN to dispatch and they stated it came back to a Jeanette Galli in Gray Court. This VIN did not match the VIN on the dash.

Dispatch could provide no number for Galli so I asked them to call Laurens County Sheriff's Office so that they could try to contact her. I spoke with Inv. Brown and we decided to detain the suspect for possessing a vehicle with an altered VIN.

The suspect was in the lobby area watching TV. I signaled to him by saying 'Mr. Cleveland.' and he acknowledged my presence. I asked him to step into an office and he did. I then placed handcuffs of Cleveland and advised him of his miranda rights. Cleveland immediately started repeating over and over that the car was his. I asked him where he got it and he said 'the car is mine.' I asked him who he bought it from and he said 'the car is mine.' I then explained to him about the altered VIN and he said he got the car from a scrap yard and pieced it together.

When I first arrived CarMax management said that Cleveland had informed them he got the car

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified ☒ Yes ☐ No Subject Located ☒ Yes ☐ No

☐ Active ☐ Admin Closed ☐ Arrested Under 18 ☐ Ex-Cleared Under 18
☐ Unfounded ☐ Arrested 18 and Over ☐ Ex-Cleared 13 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
WEINER, DAVID	05/27/2012	604 / 00630	Sgt. Weiner	05/27/2012	604 / 00630
			Follow Up Investigation ☐ Yes ☒ No		

Ent: dlam 07/17/2012 23:35:38

GREENVILLE COUNTY SHERIFF'S OFFICE

EC5 07/13/2012-13:59:35

Incident Report

Agency I.D.
SC0230000

RTA

26AC,280C,

Case Number

12000096583

Adult/Juv

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EVENT	INCIDENT TYPE				OFFENSE COMPLETED	FORCED ENTRY	PREMISE TYPE				UNITS ENTERED	TYPE VICTIM																		
	POSSESSION OF STOLEN VEHICLE				Y	N	#1 - Auto Dealership New/Used				0	☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Religious Org. ☐ Soc / Public ☐ Other ☐ Unknown ☐ Police Officer																		
	OBTAINING MONEY UNDER FALSE PRETENSE				Y	N	#1 - Auto Dealership New/Used				0																			
	ALTERING VEHICLE IDENTIFICATION NUMBER				Y	N	#1 - Auto Dealership New/Used				0																			
VICTIM	Incident Location (Subdivision, Mill Village, Apartment & Number, Street Name & Number)										Closest Intersection				Zip Code															
	2800 LAURENS Rd GREENVILLE SC														29607															
	Incident Date		Time		To		Date		Time		Weapon Type		Time Arrived		Time Completed		Patrol District													
	06/29/2012		13:00				06/29/2012		14:00				13:00		14:00		05													
	Complainant's Name (Last, first, Middle)				Resident		Race		Sex		Age		Primary Phone		Business Phone		Mobile Phone													
	MILLS, SCOTT				J		W		M		43		(864)363-2842		(864)284-0331															
	Address				City				State				Zip Code		Patrol District															
	2800 LAURENS Rd				GREENVILLE				SC				29607		05															
	Victim's Name (Last, first, Middle)				Victim Relationship To Subject				Resident		Ethnicity		Race		Sex		Age		Primary Phone		Business Phone		Mobile Phone							
	CARMAX OF GREENVILLE																		(864)363-2842		(864)284-0331									
Address				City				State				Zip Code		Patrol District																
2800 LAURENS Rd				GREENVILLE				South Carolina				29607		05																
SUBJECT	Visible Injury (Vict 1) ☐ Yes ☒ No Explain: Complaint of any Non-Visible Injuries ☐ Yes ☒ No																													
	Victim (No.1) Using Alcohol ☐ Yes ☐ No ☐ Unk Drugs ☐ Yes ☐ No ☐ Unk Type:																													
	Two-Man Ven ☐ One Man Veh ☐ Detective/SPLASMT ☐ Other ☐ ALONE ☐ ASSISTED ☐ Jurisdiction: -																													
	☒ Suspect		Subject's Name (Last, first, Middle)										Ethnicity		Race		Sex		Age		Date of Birth		Height		Weight		Hair		Eyes	
	☐ Runaway		CLEVELAND, GEORGE 3rd										B		M		33		11/03/1978		603		251		Blk		Bro			
	☐ Wanted		Address																											
	☒ Warrant		219 SAVANNAH Dr																											
	☐ Arrest		Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.																											
	☐ Missing		City										State		Zip Code		Patrol District													
			SENECA										SC		29678		0J19													
NARRATIVE	Subject (No.1) Using Alcohol ☐ Yes ☐ No ☒ Unk Drugs ☐ Yes ☐ No ☒ Unk Type: Arrested Near Offense Scene ☐ Yes ☐ No Total Arrested 0 Date/Time of Offense 05/07/2012 18:00 Date of Arrest																													
	Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ Arrested on Current Offense ☐ Cleared By Arrest on Prior Offense																													
	Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority ☐ On View Arrest ☐ Summoned ☐ Custody																													
	Charge Warrant Number Ticket Number																													
	POSSESSION OF STOLEN VEHICLE 2012A2330200168																													
	OBTAINING MONEY BY FALSE PRETENSE 2012A2330200169																													
	FALSIFYING VIN TO CONCEAL ID OF VEHICLE 2012A2330200170																													
	Arrest Location Gang Affiliation: NG - Not Gang Related																													
	ON 6-29-2012 I RESPONDED TO INCIDENT LOCATION WHERE I MET WITH COMPL. MANAGER OF CARMAX. HE STATED HE HAS A FORD FUSION. THAT ON 5-7-2012. HE PURCHASED FROM SUSPECT THAT HE FEELS MAYBE STOLEN, DUE TO SUSPECT SELLING THEM ANOTHER STOLEN VEHICLE ON 6-21-2012. (SEE CASE 12-90329).																													
	VEHICLE	Jurisdiction of Theft: Jurisdiction of Recovery:																												
☐ Towed		Tag Number		State		Year		VIN								Value														
☐ Stolen								3FAHP0HA4BR168843																						
☒ Recovered		2011		Ford		FUSION		4-D				Beige																		
PROPERTY	☐ Suspect		Tag Only ☐		Additional Vehicle Description																									
	☐ Victim																													
	Status		Property Type		Quantity		Property Make		Color		Description		Serial # / CAN		Value															
ADMIN	Subject Identified				Subject Located				☒ Active ☐ Admin Closed				☐ Arrested Under 18				☐ Ex-Cleared Under 18													
	☒ Yes ☐ No				☐ Yes ☒ No				☐ Unfounded				☐ Arrested 18 and Over				☐ Ex-Cleared 18 and Over													
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest																													
	Reporting Officer(s)		Date		Unit#/Star#		Approving Officer		Date		Unit#/Star#																			
BROWN, BARRY		07/05/2012		672 / 00045		WHATLEY, ROBERT		07/09/2012		601 / 00364																				
						Follow Up Investigation ☐ Yes ☒ No (officer)																								

☐ Original Report		☐ Status Change		☐ Additional Victims		☐ Additional Stolen Property		Incident Type <u>POSSESSION OF STOLEN VEHICLE</u>			
☒ Supplemental Report		☐ Other Report		☐ Additional Defendants		☐ Additional Recovered Property		Patrol District <u>05</u> Page <u>2</u> of <u>2</u> Pages			

I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, First, Middle)			Victim Relationship To Subject		Ethnicity	Resident	Race	Sex	Age	Date of Birth
	☐ Victim	Address			City	State	Zip Code	Patrol District	Day Phone	Evening Phone		
	☐ Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.						
	☐ Runaway	☐ Victim No. _____		☐ Visible Injury ☐ Yes ☐ No		☐ Complaint of any Non-Visible Injuries ☐ Yes ☐ No		Victim Using Alcohol ☐ Yes ☐ No ☐ Unk		Two-Man Veh ☐ One Man Veh ☐ ALONE ☐		
	☐ Wanted	Explain:			☐ Drugs ☐ No ☐ Yes Type:		☐ Detective ☐ Other ☐ ASSISTED ☐					

☐ Arrest	☐ Missing	☐ Jail	☐ Other	Subject No. _____		Using Alcohol ☐ No ☐ Yes ☐ Unk	☐ Arrested on Current Offense
				Using Drugs ☐ No ☐ Yes Type:		☐ Unk	☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No		Weapon Type		☐ On View Arrest ☐ Summoned ☐ Custody	
---	--	-------------	--	--	--

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority	
---	--

Arrest Location	
-----------------	--

TRANSACTION BETWEEN SUSPECT AND CARMAX SHOWING SUSPECT RECEIVED \$7000 FOR THE SALE OF THE STOLEN FORD FUSION TO CARMAX.
CASE REMAINS ACTIVE UNTIL SUSPECT IS ARRESTED.

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

Subject Identified		Subject Located		☒ Active ☐ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18	
☒ Yes ☐ No		☐ Yes ☒ No		☐ Unfounded		☐ Arrested 18 and Over		☐ Ex-Cleared 18 and Over	
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest									
Reporting Officer(s)		Date	Unit#/Star#	Approving Officer		Date	Unit#/Star#		
BROWN, BARRY		07/05/2012	672 / 00045	WHATLEY, ROBERT		07/09/2012	601 / 00364		
			/	Follow Up Investigation ☐ Yes ☒ No (Officer)			/		

NARRATIVE

PROPERTY

ADMIN

page 128

DOCKET NO. 2012-GS-23-007503

APW

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

September 2013 TERM 2012

THE STATE

vs.

GEORGE CLEVELAND III

WITNESSES

Barry Brown

Greenville County Sheriffs Office

7/12/2012

ARREST WARRANT NUMBER
2012A2330200170

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0536

REMOVING VEHICLE IDENTIFICATION
NUMBER

VIOLATION § 16-21-0040

Foreperson of Petit Jury
Date:

RECEIVED

SEP 20 2012

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
REMOVING VEHICLE IDENTIFICATION NUMBER

At a Court of General Sessions, convened on

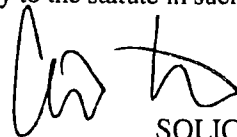
SEP 24 2013

the Grand Jurors of Greenville

County present upon their oath:

That GEORGE CLEVELAND III did in Greenville County, on or about the 7th day of May, 2012, knowingly and feloniously remove, alter or change the vehicle identification number from a 2011 Ford Fusion for the purpose of concealing and/or misrepresenting the identity of the stolen vehicle. This is in violation of § 16-21-40 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

Exhibit
13

007504

DOCKET NO. 2012-GS-23-
AFW

The State of South Carolina

County of Greenville

WITNESSES

[Signature]

Barry Brown

Greenville County Sheriffs Office

7/12/2012

COURT OF GENERAL SESSIONS

2013

September

TERM 2012

THE STATE

vs.

GEORGE CLEVELAND III

ARREST WARRANT NUMBER

2012A2330200168

ACTION OF GRAND JURY

TRUE BILL

[Signature]

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

3468

POSSESSION OF A STOLEN MOTOR VEHICLE

VIOLATION § 16-21-0080

Foreperson of Petit Jury

Date:

RECEIVED

SEP 20 2012

Clerk of Court
Greenville County

Page 130

Page 131

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF A STOLEN MOTOR VEHICLE

SEP 24 2013

the Grand Jurors of Greenville

At a Court of General Sessions, convened on
County present upon their oath:

That GEORGE CLEVELAND III did in Greenville County, on or about the 7th day of May, 2012, willfully and unlawfully receive, possess, conceal, sell or dispose of a motor vehicle belonging to DUVALL FORD described as a 2011 Ford Fusion, valued at more than Ten Thousand Dollars and GEORGE CLEVELAND III was not entitled to possession of the vehicle and knew the vehicle to be stolen or converted under circumstances constituting a crime. This is in violation of § 16-21-0080 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

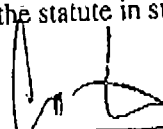

SOLICITOR

Exhibit
12

Page 132

RECEIVED

SEP 20 2012

Clerk of Court
Greenville County

DOCKET NO. 2012-GS-23-
APW 007505

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS
September 2013
TERM 2012

THE STATE

vs.

GEORGE CLEVELAND III

WITNESSES

Barry Brown

Greenville County Sheriff's Office

7/12/2012

ARREST WARRANT NUMBER
2012A2330200169

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

3470

OBTAINING GOODS UNDER FALSE
PRETENSES

VIOLATION § 16-13-0240

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

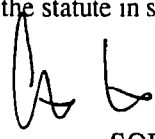
INDICTMENT FOR
OBTAINING GOODS UNDER FALSE PRETENSES

At a Court of General Sessions, convened on **SEP 24 2013** the Grand Jurors of Greenville

County present upon their oath:

That GEORGE CLEVELAND III did in Greenville County, on or about the May 7, 2012, with intent to cheat and defraud the victim, CARMAX OF GREENVILLE to obtain a 2011 Ford Fusion valued at more than Ten Thousand Dollars from the victim by means of false pretenses and representations, to wit: did sell them a stolen vehicle. This is in violation of §16-13-0240 of South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

WITNESSES

Barry Brown

Greenville County Sheriffs Office

6/21/2012

DOCKET NO. 2012-GS-23-

AFW

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

September

2013

TERM 2012

THE STATE

vs.

GEORGE CLEVELAND III

ARREST WARRANT NUMBER

N201732

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

3468

POSSESSION OF A STOLEN MOTOR VEHICLE

VIOLATION § 16-21-0080

Foreperson of Petit Jury

Date:

RECEIVED

SEP 20 2012

Clerk of Court
Greenville County

Page 134

007506

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF A STOLEN MOTOR VEHICLE

SEP 24 2013

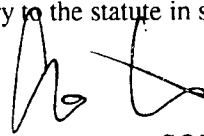
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That GEORGE CLEVELAND III did in Greenville County, on or about the 21st day of June, 2012, willfully and unlawfully receive, possess, conceal, sell or dispose of a motor vehicle belonging to KIA OF EASLEY described as a 2012 Nissan Versa, valued at more than Ten Thousand Dollars and GEORGE CLEVELAND III was not entitled to possession of the vehicle and knew the vehicle to be stolen or converted under circumstances constituting a crime. This is in violation of § 16-21-0080 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

WITNESSES

Barry Brown
Greenville County Sheriff's Office

6/21/2012

DOCKET NO. 2012-GS-23-

ARW

The State of South Carolina

County of Greenville

007507

COURT OF GENERAL SESSIONS

2013

September TERM 2012

THE STATE

vs.

GEORGE CLEVELAND III

ARREST WARRANT NUMBER

N201731

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0536

REMOVING VEHICLE IDENTIFICATION
NUMBER

VIOLATION § 16-21-0040

Foreperson of Petit Jury

Date:

RECEIVED

SEP 20 2012

Clerk of Court
Greenville County

page 136

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

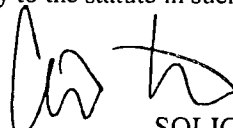
INDICTMENT FOR
REMOVING VEHICLE IDENTIFICATION NUMBER

page 137

At a Court of General Sessions, convened on **SEP 24 2013** the Grand Jurors of Greenville
County present upon their oath:

That GEORGE CLEVELAND III did in Greenville County, on or about the 7th day of May, 2012, knowingly and
feloniously remove, alter or change the vehicle identification number from a 2011 Ford Fusion for the purpose of
concealing and/or misrepresenting the identity of the stolen vehicle. This is in violation of § 16-21-40 of the South
Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

B

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Greenville

VS.

George Cleveland III

AKA:

Race: BLACK Sex: M Age: 33

DOB: 11-03-1978 SS#: 2

Address: 219 Savannah Dr

City, State, Zip: South Carolina, SC 29678

DL#: 007627664 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Remove, falsifying VIN intending to conceal identity

in violation of § 16-21-0040(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0536

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSCw/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. 6C (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Watts, Austin

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 13 Days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: _____ \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5

3% to County (if paid in installments) \$

TOTAL \$

Clerk of Court/ Deputy Clerk

Court Reporter: M. Manley

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS2307503

A/W#: 2012A2330200170

Date of Offense: 5/7/2012

S.C. Code § : 16-21-0040(A)(2)

CDR Code #: 0536

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SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date:

2130
11-5-13

0-10

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.
George Cleveland III

AKA:
Race: BLACK Sex: M Age: 33
DOB: 11-03-1978 SS#: 2
Address: 219 Savannah Dr
City, State, Zip: South Carolina, SC 29678
DL#: 007627664 SID#:

INDICTMENT/CASE#: 2012GS2307504
A/W#: 2012A2330200168
Date of Offense: 5/7/2012
S.C. Code §: 16-21-0080
CDR Code #: 3468

Page 139

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Poss., conceal, sell., or dispose of stolen vehicle, value \$10,000 or more

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-21-0080 of the S.C. Code of Laws, bearing CDR Code # 3468

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. 66 (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Watts, Austin

78576
SC Bar#

Defendant

Attorney for Defendant

66326
SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 6 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 13 Days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: _____ \$

days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

PER ORDER

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☒

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Recipient:

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)	\$	
TOTAL	\$	

Clerk of Court/ Deputy Clerk

Paul B. Workman

Court Reporter: M. Manley

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2130

Sentence Date: 11-5-13

Probation begins after completion of any early release program.

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Greenville
VS.
George Cleveland III

AKA:

Race: BLACK Sex: M Age: 33

DOB: 11-03-1978 SS#:

Address: 219 Savannah Dr

City, State, Zip: South Carolina, SC 29678

DL#: 007627664 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Obtain signature or prop. under false pretenses, value more than \$2,000 but less than \$10,000

in violation of § 16-13-0240 of the S.C. Code of Laws, bearing CDR Code # 3470

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Watts, Austin

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 13 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5
3% to County (if paid in installments) \$
TOTAL \$

Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning
\$ _____ paid to Public Defender Fund
Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Paul B. Wickens

M. Marley

Presiding Judge

Judge Code:

Sentence Date:

2130

11-5-13

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS2307505

A/W#: 2012A2330200169

Date of Offense: 5/7/2012

S.C. Code § : 16-13-0240

CDR Code #: 3470

SENTENCE SHEET

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.
George Cleveland III

INDICTMENT/CASE#: 2012GS2307506
A/W#: N201732
Date of Offense: 6/21/2012
S.C. Code § : 16-21-0080
CDR Code #: 3468

AKA:
Race: BLACK Sex: M Age: 33
DOB: 11-03-1978 SS#: 2
Address: 219 Savannah Dr
City, State, Zip: South Carolina, SC 29678
DL#: 007627664 SID#:

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Possession, Conceal, Sell, or Dispose of a Stolen Vehicle >\$2000- 10000

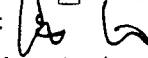
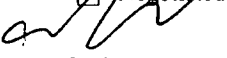
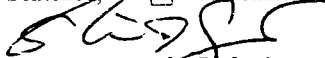
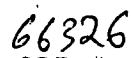
☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-21-0080 of the S.C. Code of Laws, bearing CDR Code # 3467

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:  Watts, Austin
 SC Bar#
 Defendant
 Attorney for Defendant
 SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 13 DAYS

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: _____ \$ _____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

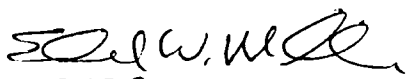
*Fine: \$
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5
3% to County (if paid in installments) \$
TOTAL \$

Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning
\$ _____ paid to Public Defender Fund
Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk Paul B. Workman
Court Reporter: M. Menley
SCCA/217 (03/2011)

Presiding Judge
Judge Code: 2130
Sentence Date: 11-5-13


2130
11-5-13

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.
George Cleveland III

AKA:
Race: BLACK Sex: M Age: 33
DOB: 11-03-1978 SS#:
Address: 219 Savannah Dr
City, State, Zip: Seneca, SC 29678
DL#: 007627664 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Remove, falsifying VIN intending to conceal identity

in violation of § 16-21-0040(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0536

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:
Watts, Austin SC Bar# 78878 Defendant Attorney for Defendant 66326 SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 13 DAYS

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25
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§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$
3% to County (if paid in installments) \$
TOTAL \$

Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning
\$ _____ paid to Public Defender Fund
Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk Paul B. Wickensimer
Court Reporter: M. Menley
SCCA/217 (03/2011)

Presiding Judge
Judge Code: 2170
Sentence Date: 11-5-13

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS2307507
A/W#: N201731
Date of Offense: 6/21/2012
S.C. Code § : 16-21-0040(A)(2)
CDR Code #: 0536

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SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

STATE OF SOUTH CAROLINA

v.

GEORGE CLEVELAND,

DEFENDANT

) IN THE GENERAL SESSIONS COURT
) THIRTEENTH JUDICIAL CIRCUIT
)

) MOTION TO RECONSIDER
) SENTENCE
)

) WARRANT NOS. ~~2013A2330201784, 2061~~

) N201731, N201732,
) 2012A2330200168
) 2012A2330200169
) 2012A2330200170

COMES NOW, GEORGE CLEVELAND, by and through his undersigned counsel, and respectively moves this court for a reconsideration of the sentence given November 5, 2013, of ten years suspended to six years incarceration and five years probation for Possession of Stolen Vehicle, Obtaining Signature by False Pretenses, and Falsifying VIN. In support of this Motion, the Defendant would show the following:

1. Mr. Cleveland has lived with his partner, Suzanne Russell, in Seneca, South Carolina, for eleven years and has helped raise three step-children who are thirteen, fifteen, and sixteen. He is an active step-father who takes and picks up his children from school, is involved with the Oconee school district, and coaches basketball
2. Mr. Cleveland attends Greenville Technical College and plans to transfer to Clemson University where he presently works in the Harcombe Dining Hall. He had aspirations of going to law school and ran for Oconee County Council.
3. Mr. Cleveland volunteers at Our Daily Rest, a homeless shelter in Seneca, South Carolina. He was the volunteer of the year in 2009.
4. Mr. Cleveland has cerebral palsy and was prescribed Prozac for anxiety.
5. Mr. Cleveland was originally offered probation on these charges and faces three charges

of a similar nature in Oconee County for which he has been offered probation.

6. Mr. Cleveland has a limited prior record consisting of a Federal counterfeiting charge for which he successfully completed U.S. probation on March 29, 2003, and two magistrate convictions from 1999 and 2001 for which he paid fines.

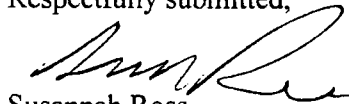
7. Mr. Cleveland now realizes he made an error in attempting to be his own lawyer and allowing his anxiety to control his actions after he became convinced that his attorney, Michael Sarratt, was ill prepared and lacked professionalism.

8. Attached is a statement from his partner, Suzanne Russell. Additional character statements can be provided at a later time.

WHEREFORE, for the above stated reasons as well as any other reasons which may appear to this court, Mr. Cleveland requests that this court grant his motion and order:

- (1) a sentence containing any alternative to imprisonment.

Respectfully submitted,



Susannah Ross
Attorney for the Defendant
330 E. Coffee St.
Greenville, SC 29601
(864) 242-0029

Greenville, South Carolina
November 14, 2013

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STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
State of South Carolina,)
vs.)
George Cleveland,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS

C.A. No: 2012-GS-23-7503
2012-GS-23-7504
2012-GS-23-7505
2012-GS-23-7506
2012-GS-23-7507

2012A 233020017
2012A 233020016
2012A 233020019
N201732
N201731
2013 NOV 21 PM 10:18

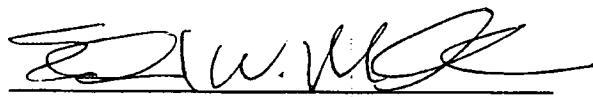
**ORDER DENYING DEFENDANT'S
MOTION TO RECONSIDER SENTENCE**

THIS MATTER is before the Court on the Defendant's Motion to Reconsider a Sentence given November 5, 2013, of ten years suspended to six years incarceration and five years probation for Possession of Stolen Vehicle, Obtaining Signature by False Pretenses, and Falsifying VIN.

After careful consideration the Motion is denied and the Court's decision of November 5, 2013, is reaffirmed.

THEREFORE, it is ORDERED ADJUDGED AND DECREED that the Defendant's Motion to Reconsider Sentence is DENIED.

IT IS SO ORDERED.



The Honorable Edward W. Miller
Judge, Thirteenth Judicial Circuit

Dated: 11/21/13
Greenville, South Carolina

A Certified Copy
Paul B. Williams
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 4-3-14

STATE OF SOUTH CAROLINA page 146
COUNTY OF GREENVILLE

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

V.

STATE OF SOUTH CAROLINA,
Respondent.

IN THE COURT OF
COMMON PLEAS

C/A NO. : 2014-CP-23-1895

APPLICANT'S OBJECTIONS
TO THE PROPOSED
ORDER OF DISMISSAL
OF P.C.R.

1. Now comes George Cleveland, III proceeding pro se in the above captioned case Respectfully objects to the STATE'S proposed order of Dismissal And Post-Conviction-Relief (P.C.R.) I received at my prison's mail-room on MARCH 11, 2015; the envelope from the South CAROLINA Attorney General's office was post-marked on MARCH 05, 2015 on the following grounds: the proposed order is meritless on my very specific arguments regarding the NATIONAL Motor vehicle Theft Act; A.K.A.; the Dyer Act; Title 18 U.S.C.A. §§ 2312, And 2313, evidence

SUPPRESSION motion, due process violations, Lies made by my former Attorney Michael J. SARRATT, Mr. SARRATT failed to file a motion to quash Rubber-stamped Indictments, insufficient language in the body of the Indictments, SARRATT'S failure to object to an illegal prison sentence, SARRATT'S failure to read the sentencing sheets before they were signed.

MERITLESS PROPOSED ORDER. OBJECTIONS

2. the proposed order does not merit my exact arguments because the court could not have read my Memorandum of Law in support of granting my P.C.R., Amended P.C.R. Adding the claim of deprivation of Subject-matter Jurisdiction AND vacation of guilty plea (PLURAL), And guilty plea-transcripts.
3. My Memorandum of Law Described in detail the poor performance by my former Attorney, And the Relevant prejudice

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And different outcome by identifying the errors on the guilty plea transcript And/or providing the relevant evidence As part of the clerk of court's Record.

4. the proposed order fails to even mention the state supreme court case Regarding the supremacy clause of the United States Constitution despite me saying the case name in open court under oath at my P.C.R. hearing on February 18, 2015, And in my Applicant's Exhibit 1 (Memorandum of Law) which is A Due process violation And A Abuse of Discretion because my P.C.R. evidence WAS NOT fully Ruled on, thus the findings of fact, And conclusions of law ARE Flawed in violation of S.C. Code Ann. § 17-27-80 (2003). further, the proposed order mentions A Federal case, my argument mentions A state case.
5. the proposed order fails to identify

the exact federal statute that triggers federal jurisdiction when stolen vehicles cross state lines nor did the proposed order identify the specific vehicle(s) that were stolen from Georgia which is a due process violation, and an abuse of discretion because my P.C.R. evidence was not fully addressed in the proposed order, thus the findings of fact and conclusions of law are flawed in violation of S.C. Code Ann. § 17-27-80 (2003).

6. The proposed order fails to directly address my insufficient indictments claim that is in my memorandum of law as Applicant's Exhibit 1, which is a due process violation and an abuse of discretion because my former attorney's failure to quash indictments argument, thus the findings of fact and conclusions of law are flawed in violation of S.C. Code Ann. § 17-27-80

(2003).

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7. the proposed order fails to directly address my due process violation claim of the judge Miller's court forcing me to either plea or go to trial despite me pleading with the court that Mr. SARRATT WAS not prepared to go to trial, AND WAS IGNORANT of the law. which is A due process violation AND A abuse of discretion because there WAS NO findings of fact AND conclusions of law^{of law} regarding this specific claim in violation of S.C. Code Ann. § 17-27-80 (2003).

8. the proposed order fails to directly address the claims that my former lawyer did not respond to my prepared emails the day before the trial despite the emails I emailed him

5.

10. This court has not read Any of my Arguments in my Memorandum of Law Admitted into evidence As Applicant's Exhibit, nor Any of the Record including, but not limited too, the plea hearing transcript.

CONCLUSION:

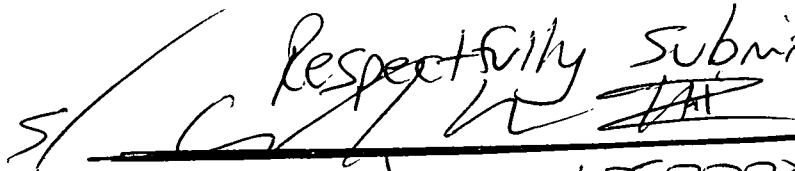
11. I find it ALARMING that this Court COULD ASK the State to type up An Proposed ORDER which is evident of this Court not taking the time to Review All Relevant evidence, READ the CASES I cited, state LAWS I cited, AND READ my Memorandum of Law, AND READING the Relevant documents I provided AS PART of the Record before deciding Against my P.C.R. Application.

12. I have satisfied both prongs of Strickland v. Washington by providing the poor performance AND connecting the poor performance to my prejudice

claim, AND my different outcome
claim.

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13. I Urge this court to slow-down
on its signing of the proposed
ORDER, AND once my MEMORANDUM
OF LAW, AND SUPPORTING evidence
ARE reviewed, the court will grant
my P.C.R. in full.
14. BASED ON the foregoing, I Respectfully
object, AND PRAY that this court
SUSTAIN my objections

Respectfully Submitted,

George Cleveland III, #357770
EVANS Correctional Institution
610 Hwy 9 West
Bennettsville, S.C. 29512

DATED: MARCH 16, 2015

J.

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

C.A. NO

2014-CP-237895

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

Rules of civil Procedure, this court
Retains Jurisdiction for ten (10) days
After the entry of the judgment filed
is Received by me from the EVANS
CORRECTIONAL'S MAIL-ROOM FROM the Greenville
County clerk of the court's office.

3. The order dismissing my P.C.R. was
signed by this court on MARCH 12, 2015.
Judgment was entered by the Greenville
County clerk's office on APRIL 07, 2015.
And this entry of the judgment was
Received by me from my PRISON-MAIN-ROOM
on April 13, 2015, my instant motion to
Reconsider, supporting Affidavit, supporting
exhibits, and court forms were all mailed
out together on APRIL 20, 2015. My
Rule 52 (B) motion was filed in the Greenville
County Clerk of Court on MAY 01, 2015. I
signed for and Received my filed motion
from my Prison's MAIL-ROOM on MAY 07,
2015. I submit, my motion was filed on
MAY 01, 2015; however, pursuant to the
mail-box doctrine, my motion was filed when
the prison staff mail-room Received it,
on APRIL 20, 2015; therefore, my instant
motion is timely, see HOUSTON v. LACK, 487 U.S. 266,
270, (1988).

CASE-BACKGROUND:

4. The Greenville County Sheriff's office ARRESTED me on June 21, 2012 FOR: poss. of stolen vehicle, VIN Altering, AND I WAS ARRESTED on July 10, 2012 FOR: poss. of stolen vehicle, VIN Altering, AND obtaining goods under false pretenses.
5. Attorney Michael J. SARRATT WAS hired by me AND filed notice of Appearance of Counsel on April 08, 2013, see Applicant's exhibit 16 (Notice of Appearance).
6. On November 05, 2013, I WAS forced with going to TRIAL with AN UNPREPARED LAWYER, REPRESENTED myself, OR pleading guilty. I plead guilty AS Result of not standing a chance of winning in a TRIAL the SAME day I would of Relieved MR. SARRATT.
7. ON April 03, 2014 my P.C.R. Application WAS filed in the Greenville County clerk of court's office.

8. the state filed their RETURN ON August 22, 2014; Along with my guilty plea transcript, S.C.D.C. Records, And the Greenville county clerk of court Records.
9. ON OR AROUND February 16, 2015, my Amended P.C.R. Application WAS filed with the Greenville county clerk of court's office.
10. At my February 18, 2015. At my P.C.R. hearing; At the Greenville County Courthouse, I served my Amended P.C.R. Application on the state's Attorney Mrs. Karen Ratigan. I also informed the court of my Amendments during my ORAL testimony.
11. the Amendments were: vacate all five (5) charges; deprivation of subject-matter jurisdiction, And order my Release from state custody on A PERSONAL Recognizance bond.
12. ON MARCH 11, 2015, I signed for And recieved the Proposed "ORDER of Dismissal" from the SOUTH CAROLINA Attorney General's

letter addressed, And wrote for Judge Daniel Hall.

13. ON MARCH 16, 2015, I mailed objection directly to you (Judge Hall), And mailed A copy the Attorney General's office, And The Greenville county Clerk of Court's office, which WAS filed ON MARCH 26, 2015.
14. ON MARCH 30, 2015, I signed for, And recieved from my Prison-mail-Room from you (Judge Hall) Dated MARCH 23, 2015, And post-marked ON MARCH 24, 2015, the letter refered me to the P.C.R. order-governing how to file AN APPEAL.
15. ON APRIL 17, 2015, I signed for, And recieved the Judgment signed, filed, And entered in the Greenville county Clerk of Court's office.
16. this timely motion for Reconsideration IS NOW before the Court.
TO CORRECT A CLEAR ERROR OF LAW
OR PREVENT MANIFEST INJUSTICE;
17. Motions for Reconsideration Are

Appropriately granted only in
NARROW circumstances:

- 17-A. TO ACCOMMODATE AN INTERVENING
CHANGE IN CONTROLLING LAW;
- 17-B. TO ACCOUNT FOR NEW EVIDENCE; OR
- 17-C TO CORRECT A CLEAR ERROR OF LAW,
OR PREVENT MANIFEST INJUSTICE. COLLISON
V. INT'L CHEM. WORKERS UNION, 34
F.3d, 233, 235 (4th CIR. 1994) (quoting
HUTCHINSON V. STATION, 994, F.2d, 1076,
1081, (4th CIR 1993). I will tilt the COURT'S
ATTENTION to, C.: TO CORRECT A CLEAR
ERROR OF LAW, OR PREVENT MANIFEST
INJUSTICE BECAUSE S.C. CODE § 17-27-
80 AS AMENDED STATES IN RELEVANT
PART: "... THE JUDGE SHALL MAKE
FINDINGS OF FACT... AND CONCLUSIONS
OF LAW..."

18. THE PROPOSED ORDER OF DISMISSAL
WAS WRITTEN BY MRS. KAREN RATIGAN
ESQUIRE OF THE SOUTH CAROLINA
ATTORNEY GENERAL'S OFFICE, WHICH
THIS COURT SIGNED AS IS IN VIOLATION

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OF § 17-27-80, SUPRA, BECAUSE § 17-27-80 I.B.D., PLAINLY READS THE JUDGE NOT THE ATTORNEY GENERAL'S OFFICE ACTING AS THE JUDGE'S SECRETARY CAN MAKE FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND THE ORDER OF DISMISSAL MENTION NOTHING ABOUT THE COURT'S RECORD FILED IN THE GREENVILLE COUNTY COURTHOUSE CLERK'S OFFICE; THEREFORE, THIS COURT MADE AN ERROR OF STATE LAW.

19. FURTHERMORE; REGARDING THE COURT RECEIVING EVIDENCE AT THE HEARING § 17-27-80, SUPRA, READS IN RELEVANT PART: "THE COURT MAY RECEIVE PROOF BY AFFIDAVITS, DEPOSITIONS, ORAL TESTIMONY OR OTHER EVIDENCE..."

20. THE SIGNED ORDER OF DISMISSAL MENTIONED VAGUELY ABOUT MY ORAL TESTIMONY AND SAID NOTHING ABOUT MY APPLICANT'S EXHIBIT 1 (APPLICANT'S MEMORANDUM OF LAW IN SUPPORT OF GRANTING P.C.R.) NOR NONE OF THE EVIDENCE FILED WITHIN THE CLERK'S OFFICE; THUS IT'S AN ERROR OF LAW BECAUSE

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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

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inside my MEMORANDUM OF LAW, AND ORAL testimony that the Greenville County General Sessions WAS without JURISDICTION to sentence me to prison because my SIX (6) year PRISON sentence AND five (5) years of probation thereafter is based SOLELY ON A 2011 FORD FUSION stolen from GEORGIA, AND Recovered IN SOUTH CAROLINA; therefore, I will AGAIN explain in detail below because of the clear error of LAW since this COURT Rubber-stamped AN ORDER OF DISMISSAL that did NOT base its' facts AND CONCLUSIONS OF LAW in the ORDER OF DISMISSAL.

22. The supremacy clause of the United STATES CONSTITUTION ART. VI § 2 states in relevant part: ".... under the Authority of the United States shall be the supreme LAW OF the LAND..."

23. IN PRIESTER V. CROMER, 401, 38, 736 S.E. 2d, 249 S.C. (2012); Justice Kittredge writing for the majority

Wrote in Relevant part: "The preemption doctrine" is rooted in the supremacy clause provides that any state law that conflicts with Federal law is without effect..."

24. The court's order of dismissal states in relevant part: "the Federal case law cited by the Applicant is not persuasive," ID. At p. 6.

25. It's "not persuasive" because the court never reviewed the entire court record e.g., oral testimony, clerk of court record and admitted plaintiff's exhibits.

26. I mentioned nothing about a Federal case, but instead mentioned in open court and in my memorandum of law; A Federal Law the Dyer Act (Admitted as Applicant's Exhibit 1, City of Cayce v. Northfolk Southern Ry Co., 391 S.C. 395, 706 S.E. 2d 6, S.C. (2011)), I mentioned during oral testimony was a state case, law, not Federal case law.

27. IN City of Cayce, SUPRA
 Chief Justice TOL writing for
 the MAJORITY in this Relevant case
 wrote.... "three (3) ways Federal
 Law can preempt state Law: 1. where
 Congress makes its intent to preempt
 state Law explicit in statutory language
 2. where state Law regulates conduct
 in a field that intends for the
 Federal Government to occupy exclusively
 or 3. where there is an actual conflict
 between state and Federal Law. My
 issues cover all three (3) of these
 elements.

28. The History, AND purpose of the Dyer
 Act, AND I will fully explain how
 the Law is Relevant to my case.

29. Automobiles which were stolen,
 driven across state lines into
 other Police Jurisdiction posed
 problems with a SAFE HAVEN from
 prosecution. The ORIGINAL Act
 sponsored by Representative L.C.
 Dyer of Missouri became Law
 11.

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in 1919. The Dyer Act was Amended
in 1945 to include AIRCRAFT, see
U.S. v. TURLEY, 352, U.S., 403, 77,
S.Ct., 397, U.S., (1957).

FEDERAL - JURISDICTION:

30. ON November 04, 2013 AROUND 1p.m.
I emailed MR. SARRATT questioning
the STATE'S JURISDICTION in the
following email to him:

"STATE HAS NO JURISDICTION OVER
THE FORD FUSION CASE BECAUSE
THE FUSION WAS STOLEN OUT
OF STATE" . . . , see Attached Applicant.
Exhibit 26, ID. At p.2 (Email letter
to MR. SARRATT the day BEFORE trial)

31. ON the SAME day of November 04,
2013 AT 8:55 P.M., I emailed MR.
SARRATT AGAIN AND SAID the following:

"I HAVE NOT HEARD FROM YOU,"
see Attached Applicant's Exhibit 22.
(Email to MR. SARRATT).

32. ON November 05, 2013, the day of my trial, I emailed Mr. SARRATT AT 7:06 A.M. Informing him of the following;

"YOU ARE FIRED..... YOU ARE NOT PREPARED..."

CONFLICT BETWEEN STATE AND FEDERAL LAW:

33. I plead guilty to poss. of stolen vehicle; S.C. code AS Amended §16-21-0080 which states IN Relevant PART:

.... "who receives, poss, conceals, OR disposes of" ... see Exhibit 23, supra,

34. The Dyer Act: 18 U.S.C.A. § 2313 states in Relevant PART:

"Whoever Receives, poss, conceals OR disposes..."

35. Since Federal Law preempts STATE Law my prison sentence is without effect. PRIESTER V.

CROMER, 736 S.E.2d, 249, S.C. (2012).

36. there is not need to go into detail regarding falsifying VIN S.C. code of LAW AS AMENDED §16-21-0040, see ATTACHED APPLICANT'S exhibit 2 (sentence sheet) since it's the charge stemming from the 2011 FORD FUSION stolen from GEORGIA which I HAVE ALREADY explained this in detail, I BID.

37. this COURT REASONED in its' order OF DISMISSAL THAT MR. SARRATT testimony WAS CREDIBLE AFTER the following: "plea counsel testified there WAS nothing else he could have done to prepare the case"... ID. AT P 4, "... this COURT finds plea counsel's testimony credible ID. AT P. 5.

38. this is further proof, this COURT did not read nothing in the RECORD

where Mr. SARRATT refused to answer my questions on November 04, 2013 by email, see AGAIN Applicant's Attached Exhibit 22 (not heard from you Email), and Exhibit 26, (two-page letter emailed to Mr. SARRATT around 1 p.m. on November 04, 2013) which Mr. SARRATT admitted during ORAL testimony at my P.C.R. hearing on February 18, 2015 that he received the two (2) page letter by email around 1 p.m. on November 04, 2013; therefore, Mr. SARRATT lied under oath to this court that "there was nothing else [he] could have done..." (order of dismissing ID. at p. 4). there was a lot Mr. SARRATT could have done if he would have answered my questions and researched my discovery and how it was obtained.

39. Mr. SARRATT also told JUDGE MILLER before I plead guilty on November 05, 2013 in Greenville county General

Sessions Court the following:

"I HAVE ANSWERED ALL HIS QUESTIONS", see plea transcript p. 6, line 15-16.

40. This was a lie because, Again he never contacted me on November 04, 2013 despite my multiple emails to him a day before my November 05, 2013 trial date. In this relevant part regarding Federal Jurisdiction see again Attached Applicant's exhibit 26 (Detailed LETTER I emailed Mr. SARRATT on November 04, 2013 around 1 p.m.).

CONGRESS 'INTENT WAS TO PREEMPT STATE LAW:

41. The Dyer Act 18 U.S.C.A. § 2312, 2313 clearly reads the Dyer Act preempts South Carolina Code AS Amended (stolen vehicle statute) §§ 16-21-80, 16-21-46 if the vehicle crosses a state line. 18 U.S.C.A. § 2313 (B) reads in relevant part:

B) "THE TERM STATE includes state of the United States"...

SOUTH CAROLINA IS A STATE OF THE UNITED STATES; therefore, it was Congress' INTENT to preempt STATE LAW when A STOLEN VEHICLE crosses STATE LINES AS WAS THE CASE WITH THE 2011 FORD FUSION STOLEN FROM GEORGIA, see Applicant's Attached Exhibit 1 (Sentence sheet) AND WHICH ARREST WARRANTS NUMBERS MATCH THE ARREST WARRANT NUMBERS ON THE ACTUAL ARREST WARRANT; see Applicant's Attached Exhibit 5. IN THE NARRATIVE OF THE ARREST WARRANT THE LANGUAGE PLAINLY READS "vehicle was stolen FROM CLAYTON, GA, ID.

STATE LAW REGULATES CONDUCT INTENDED FOR THE FEDERAL GOVERNMENT:

42. Further, on the FEDERAL JURISDICTION issue, STATE LAW REGULATES CONDUCT INTENDED FOR FEDERAL

LAW 18 U.S.C.A. §§ 2312, 2313 because of its' clear purpose: Automobiles stolen and poss. across state lines into other jurisdictions posed a problem for other police jurisdiction, thus the federal Government has exclusive jurisdiction on stolen vehicles across state lines because the stolen 2011 Ford Fusion was stolen from Georgia recovered across state lines into South Carolina, Exhibit 1, supra, and Exhibit 6, supra; therefore, South Carolina Code §§ 16-21-40, 16-21-80 (poss. of stolen vehicle, and falsifying UN) regulates conduct in a field that congress intended for the federal Government to occupy exclusively, thus is without authority. City of Cayce, IBID.

43. Mr. SARRATT's performance was deficient by not responding to my emailed questions regarding stolen vehicles across state-lines

AND Federal JURISDICTION. IT WAS UNREASONABLE FOR MR. SARRATT NOT TO INVESTIGATE MY LEGAL QUESTIONS.

DEFICIENT PERFORMANCE/ PREJUDICE:

44. MR. SARRATT'S deficient performance caused me prejudice because my SIX (6) YEAR PRISON sentence is based soley on ARREST WARRANT NUMBER: LAST FOUR (4) 0168, see Applicant's Exhibit 1, SUPRA.
45. The ARREST WARRANT states the following Relevant language, . . . "A stolen FORD FUSION, . . ." "The STOLEN vehicle . . . which belong to DUVALL FORD IN CLAYTON, GA., see Applicant's Attached exhibit 6 which is the ARREST WARRANT that I'm serving my SIX (6) YEAR PRISON sentence LAST FOUR (4) of this ARREST WARRANT IS 0168.
46. MR. SARRATT'S deficient performance caused me prejudice because the Dyer

Act 18 U.S.C.A. §§ 2312, 2313
 preempt S.C. code AS Amended
 §§ 16-21-80 (Exhibit 1, supra), 16-21-40
 Applicant's Exhibit 2, supra) because
 OF the following: Congress' intent
 WAS to preempt state LAW, state
 LAW regulates conduct in A field
 that congress intended for the
 Federal Government, And there is
 AN actual conflict between state,
 And Federal LAW, thus the Supremacy
 Clause, supra, preempts state LAW;
 Consequently, my prison sentence
 is unlawful And the Greenville
 County General Sessions Court WAS
 deprived of subject-matter-jurisdiction
 to impose sentence, And Mr. SARRATT
 is to blame.

NOT LEGALLY CONVICTED:

47. South CAROLINA code AS Amended §17-
 25-10 Reads in relevant part: "no
 person shall be punished for AN

offense unless . . . legally convicted".

48. This law And Relevant incorporation into my ineffective Assistance of Counsel claim Against Mr. SARATH, but this COURT never Ruled on my § 17-25-10, supra, Argument because this COURT never Read my Memorandum OF LAW in support of Granting my P.C.R. (Applicant's Admitted COURT Exhibit 1. ; therefore, I will Again explain below since it WAS AN ERROR OF State Law to do so § 17-27-80, ID.

49. The Dyer Act 18 U.S.C.A. § § 2312, 2313 preempted S.C. Code As Amended §§ 16-21-40, 16-21-80 Falsifying VIN, see Attached Exhibit 2 (sentence sheet), And poss. of stolen vehicle, see Attached Exhibit 1 (sentence sheet) because the purpose of the Dyer Act is to punish offenders possessing of stolen vehicle that crossed State ~~lines~~ Lines Cherein At par 29), thus the State of South CAROLINE is

is punishing me despite me not being legally convicted since my 5+ (6) YEAR prison sentence is based solely on ARREST WARRANT number: 2012A2330200168 (2011 FORD FUSION Stolen From Georgia) which triggered Federal Jurisdiction. MR. SARRATT'S ERRORS ~~were~~ were so serious by not reading my ARREST WARRANTS NARRATIVE: poss. of stolen vehicle (Attached Exhibit 6); Falsifying VIN; (Attached Exhibit 7) which clearly stated the FUSION WAS stolen in Georgia; Accordingly, I WAS prejudiced by serving A UNLAWFUL prison sentence AND MR. SARRATT failed to object to the COURT imposing A prison sentence that is BARRED by the Dyer Act U.S.C.A. §§ 2312, 2313.

50. IF I would had known at my guilty plea hearing that I WAS not legally convicted, I would no had plead guilty, but demanded A TRIAL

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.

Argument.

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52. The South CAROLINA Code of LAW
As Amended § 17-19-90 "OBJECTIONS
TO DEFECTIVE INDICTMENTS"

Reads in Relevant PART: "EVERY
objection to ANY indictment FOR
ANY defect.... shall be by DEMURRER
OR OR MOTION to QUASH SUCH
Indictments BEFORE the jury shall
be SWORN AND NOT AFTERWARDS."

53. The Issues with my indictments
Are: SOLE WITNESS, AND NEVER
FILED with the Greenville County
CLERK OF COURT.

54. The Greenville County Clerk's office
p. 2 of a letter that was mailed to
me reads in Relevant PART: "The
CLERK OF COURT CAN NOT provide
copies of documents which were
not filed in this office"; see ATTACHED
Applicant's Exhibit 29.

55. The face of All Five (5) Indictments:

Poss. of stolen vehicle, (Applicant's Attached Exhibit 11), falsifying VIN (Applicant's Attached Exhibit 12), obtaining goods... (Attached Exhibit 13), Poss. of stolen vehicle, (Attached Exhibit 14), And removing vehicle VIN (Applicant's Attached Exhibit 15). All have one (1) thing in common: they All have the CLERK OF COURT OF GREENVILLE COUNTY STAMP "RECEIVED" SEP 20, 2012" meaning the Solicitor's office prepared the Indictments for the GRAND JURY, AND Forwarded them to the Greenville County Clerk of Court's Office AS indicated by All Five (5) exhibits, SUPRA, that the clerk Received the documents, but they never left the clerk's office AND presented to the GRAND JURY.

56. The Indictments were "~~TRUE-BILLED~~" by A Rubber-STAMP.

57. Further evidence is from the second

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PAGE OF ALL FIVE (5) ATTACHED
EXHIBIT THAT HAVE AN EXPIRING
DATE OF "SEP 24, 2013".

58. SOUTH CAROLINA LAW AS AMENDED
§ 14-17-530 GIVES CLERKS OF
COURT AUTHORITY OF "FILING AND
ENDORSEMENT OF PAPERS", AND
S.C. CODE AS AMENDED § 14-17-570
STATES IN RELEVANT PART: "BOOKS
AND RECORDS SHALL REMAIN IN
CLERK'S OFFICE"...

59. THE GREENVILLE COUNTY CLERK OF
COURT COULD NOT PROVIDE COPIES
OF THE INDICTMENTS BECAUSE
PROPER PROCEDURES AND STATUTORY
LAWS WERE NOT FOLLOWED.

60. IN OTHER WORDS, NO GREENVILLE
COUNTY GRAND JURY EVER HEARD
TESTIMONY OF MY CASE, NEVER
TRUE-BILLED THE INDICTMENT, THUS

the indictments never made its way back to the clerk of courts' office of Greenville County to be "FILED".

61. my sentencing sheets (Applicant's Attached Exhibit 1-5) Also indicates NO X by AS INDICTED ☐, but All five (5) sentencing sheets have AN ☒ by: "Defendant waives presentment TO GRAND JURY!"

62 Without AN ☒ by "As Indicted" OR INITIALS by "Defendant waives presentment TO GRAND JURY."

constitutes AN due process violation Under OUR state constitution ARTICLE I § 3 because I WAS NOT properly served with valid indictments, STATE v. SMALLS, 613, S.E., 2d, 754, (2005), AND my due process liberty interest were also violated by the SAME REASONS in PARAGRAPH under The United States Constitution's 'FOURTEETH AMENDMENT.

DEFICIENT PERFORMANCE/ PREJUDICE:

63. MR. SARRATT'S PERFORMANCE regarding the defective INDICTMENTS were so deficient by failing to make objections to the five (5) defective face of the indictments regarding the "SOLE WITNESS", "RECEIVED SEPT[] 2012" STAMP, AND the "SEPT[] 24, 2013 DATE the Greenville County Grand JURY supposedly conveyed by motion OR demurrer prior to me pleading OR going to trial, PURSUANT to § 17-19-90, SUPRA caused me prejudiced because the defective Indictments issues were not preserved for Appellate Review, thus, IF I would had known the Indictments were defective, I would have demanded a trial OR dismissal of all charges; Consequently, the outcome would have been different

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DEFICIENT PERFORMANCE
PREJUDICE:

64. MR. SARRATT'S performance Relevant to the sentence sheets were so deficient by failing to read over the sentencing sheets, whereas, he missed the big blank box ☐ did not have an "X" before I signed and he signed the sentencing sheets caused me prejudice because I plead guilty to three (3) unindicted charges of: poss. of stolen vehicle, obtaining goods under false pretenses, and falsifying a VIN, see Applicant's Attached Exhibit 3-5 (sentence sheets), the General Sessions Court of Greenville County was deprived of jurisdiction to sentence me on these three (3) charges, further, I unknowingly initiated waiver of presentment on two (2): poss. of stolen vehicle, and falsifying a VIN, see Applicant's Attached Exhibit 1-2 (sentence sheets)

65. Pleading guilty to poss. of stolen vehicle and falsifying a VIN caused me prejudice because I'm serving an unlawful prison sentence because the Ford Fusion stolen from Georgia and recovered in South Carolina depriving

29.

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).

thus, it's' AN ERROR OF LAW; therefore,
I will AGAIN Argue this issue.

67. ON OR AROUND APRIL 03, 2013, I
Hired Mr. SARRATT AS my ATTORNEY,
AND ON APRIL 08, 2013, Mr. SARRATT
Filed APPEARANCE OF COUNSEL ON
APRIL 08, 2013 IN the Greenville
County Courthouse, see ATTACHED APPLICANT'S
Exhibit 16, (APPEARANCE OF COUNSEL Filing).

68. ~~ON OR AROUND~~ ON OR AROUND April
09, 2013, Mr. SARRATT Filed AN Rule 5,
AND BRADY motion that were Filed
ON APRIL 09, 2013 IN the Greenville
County Courthouse, see ATTACHED Exhibit
17.

69. Both Exhibits 16, AND 17 ARE Relevant
here because of the logical connection
to both exhibits, AND my willful
withholding of exculpatory evidence
Argument.

70. ON MAY 13, 2013, Mr Austin WATTS

of the 13th circuit solicitor's office (hereinafter Mr. Watts' office) provided the following discoverable material :

1. ARREST WARRANT;
 2. Incident Report dated 7-05-12;
 3. Incident Report dated 6-23-12;
 4. NC.I.C. CRIMINAL HISTORY; see Applicant's Attached Exhibit 18.
71. The next set of discoverable material were not provided by Mr. Watts' office until October 09, 2013, his office provided the following discoverable material :

1. ARREST WARRANT;
2. Title History Reports;
3. CARFAX Reports;
4. CLAYTON (GA.) Police Incident Report;
5. PERSON SEARCH PRINTOUT;
6. MORE CARFAX Reports;
7. Photos;
8. SEARCH WARRANT;
9. NC.I.C. vehicle Detail Request AND Response; AND

10. Photos;
11. more CARFAX Reports;
12. I.S.O. claim search;
13. signature page;
14. S.C. Title Enquire;
15. CARMAX Purchase Agreement;
16. Affidavit And notice of motor vehicle;
17. Supplemental Reports;
18. Fax-cover sheet;
19. Incident Report Dated 7/05/12;
20. copy of Driver's License;
21. Incident Report Dated 6/23/12;
22. more Incident Reports dated 6/23/12;
23. copy of Reciept;
24. N.C. I.C. License check;
25. Inmate Quickview;
26. copy of Reciept;
27. I.S.O. claim search;
28. more CARFAX history Reports;
29. N.C. I.C. RAP sheet;
30. photographs;
31. I.S.O. claim search;
32. photographs;
33. Supplemental Report Dated: 6-27/12

34. And photos, see Applicant's Attached Exhibit 19.

72. the last discovery material were sent by MR. WATTS' office on October 29, 2013 the following:

1. Wells Fargo check-image;
2. Nissan Versa vehicle information;

See Applicant's Attached Exhibit 20.

73. none of the discovery disclosures say nothing provided by Mr. Watts' office relevant to indictments which were exculpatory evidence because the indictments were not presented to the GREENVILLE COUNTY GRAND JURY is favorable to me since they contradicted the "TRUE-BILL" on the face of the indictments but the conflicting dates and the sole witness discredits the AUTHENTICATION of the mere "TRUE BILL" stamp which can be purchase at any office supply store or easily be photocopied to any

NUMBER OF INDICTMENT PAPERS,
FURTHER, I DID NOT LEARN THE WORD:
"TRUE-BILL" UNTIL THE CLERK SAID
THE FOLLOWING IN OPEN COURT THE
DAY OF MY GUILTY PLEA HEARING ON
NOVEMBER 05, 2013:

"AND THESE ARE ALL 'TRUE-BILL',
ID. AT TRIAL TRANSCRIPT P. 17, LINE-24.

74. BECAUSE THE WORDS "TRUE-BILL"
WERE NEVER MENTIONED TO ME UNTIL
MINUTES BEFORE I PLEAD GUILTY, I
HAD NO-TIME TO EXAMINE THE INDICTMENT
OR EVEN LOOK AT THE INDICTMENTS OR
EVEN LOOK AT THE DOCUMENTS PRIOR TO
PLEADING GUILTY, THUS THE DEFECTS
WERE NOT KNOWN POST MY GUILTY
PLEA WHICH WERE FAVORABLE TO ME;
ACCORDINGLY, THE DEFECTIVE INDICTMENTS
WERE IN VIOLATION OF BRAY V. MARYLAND
373, U.S., 83, ID. AT P 87, AND WILLFULLY
WITHHELD BY MR. WATTS' OFFICE.

DEFICIENT PERFORMANCE / PREJUDICE;

75. MR. SARRATT'S UNPROFESSIONAL errors by not demanding the indictment ahead of time, by not even looking at the three (3) different Rule-5 and BRADY disclosures, and by failing to object to the withheld exculpatory evidence mailed to MR. SARRATT from MR. WATT'S office constitutes A MACK-TRUCK prejudice to me because I plead guilty to unindicted charges, and the exculpatory evidence withheld WAS NOT preserve for Appellate Review because of NO objections to this issue by MR. SARRATT before I plead guilty, the outcome would have been different, because I would not had plead guilty, I would have demanded a trial or, dismissal of all charges; therefore there is A REASONABLE probability the outcome would have been

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 Bindings 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.

77. South CAROLINA Code AS Amended
 § 17-19-20 "ALLEGATIONS SUFFICIENT
 FOR INDICTMENT" states in
 Relevant part: "Every indictment
 shall be deemed, and judged
 sufficient And in good law....
 the crime substantially in the
 language of the common law,
 or so plainly that the nature
 of the offense charged may be
 easily understood..."

78. ON JULY 10, 2012, I WAS ARRESTED
 FOR obtaining goods under false
 pretenses, see APPLICANT'S ATTACHED
 Exhibit 3 (ARREST WARRANT) S.C.
 Code of LAWS § 16-13-0240 AS
 Amended.

79. S.C. code § 16-13-024, SUPRA,
 (obtaining goods under false
 pretenses) states in Relevant
 PART: "..." obtains from Another
 person any chattel, money, ...
 with the intent to cheat and defraud..."

80. the language of the indictment for obtaining goods under false pretenses in Relevant PART states: "... to obtain A 2011 FORD FUSION, ... did sell them A stolen vehicle" see Applicant's Attached exhibit 8 is insufficient not substantially in the statutory language easy to understand, § 17-19-20, SUPRA,

81. the indictment language in exhibit 8, SUPRA, is not easily understood and not A substantial part of the statutory language because the indictment language alleged that I bought A 2011 FORD FUSION from CARMAA OF Greenville and sold them the same vehicle which is wholly inaccurate since the 2011 FORD FUSION was stolen from DUVAL FORD in Clayton, GA, (Exhibit 6, SUPRA, poss. of stolen vehicle); therefore, the obtaining goods under

False pretenses indictment language
Allegations are insufficient.

DEFICIENT PERFORMANCE/PREJUDICE:

82. Mr. SARANT's professional performance fell below objective norms by not objecting to not receiving the indictment before I plead guilty so he and I could read the language caused me prejudice because I could not have this issue reviewed by the Appellate Court, thus I would not have plead guilty to a indictment with insufficient language had instead demanded a trial or dismissal of all charges; therefore the outcome would have been different.

DUE PROCESS VIOLATIONS:

83. The order of dismissal states in relevant part: "This court finds there is no evidence in the guilty plea transcript to support the Applicant's assertion that he

was pressured into entering a guilty plea.... when asked by the judge whether the decision to plead guilty was his 'free and voluntary', the applicant replied it was." (Plea transcript pp. 2021) ID. at p. 5.

84. This did not directly address my argument that I was forced to plead guilty, or go to trial with an unprepared, unskilled lawyer. Furthermore, I never stated to this court Mr. Sarratt forced me to plead guilty as this court wrote in its order ID. at p. 5, but I wrote in my memorandum of law admitted into evidence, and it's quite clear this court has never read, thus the court's order of dismissal findings of fact, and conclusions of law are without merit and a error of state law, § 17-27-80, supra; therefore, I must explain

the Due Process issues AGAIN,
since it's a novel issue.

85. As the attached evidence has
proven, e.g.: exhibit 26 C11-04-13
email regarding my legal issues,
And, exhibit 22 C11-04-13 email
stating "I have not heard from
you"; he ignored my emails; therefore,
I no longer trusted him as the
following colloquy between the
Judge and MR. SARRATT on November
05, 2013 at my guilty plea hearing:

SARRATT: "... And his response was
that I'm not answering you, quote,
because 'I don't trust you,' (Applicant's
transcript p.10, Line 20-2)

86. On November 05, 2013, I expressed
to the court for a continuance to
hire new counsel because MR.
SARRATT WAS NOT PREPARED AND Refused
to investigate my legal claims, this
exchange took place between me AND

the court;

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ME: "I want to make sure before I go to trial that my attorney is prepared for me," (Plea Transcript p. 5, Line 18-19).

COURT: "We are not going to delay the trial, (Plea Transcript p. 6, Line 3). In violation of my due process constitutional rights,

87. The United States Constitution Amendment fourteenth (14th) sec 1 states in Relevant part: "All persons born in the United States And of the state wherein they reside nor shall any state deprive any person of life, liberty without due process of law, and the South Carolina Constitution ART. I § 3 states in Relevant part: (4) 1. Adequate notice, 2. Adequate opportunity for a hearing,

88. My due process liberty interest,

Adequate notice, And Adequate opportunity for a hearing were violated because of the following colloquy between me And the court on November-05, 2013:

Court: "I have been informed by your Attorney -- do you want to relieve him" (Plea transcript p.3 line 19-20).

ME: "yes sir," (transcript from plea p.3, line 21).

Court: "you understand if you do that you will be representing yourself today? we are picking a jury And going forward" (Plea transcript p.3, line 22-24).

ME: "I'm not ready," (Plea transcript p.9 line 1).

ME: "I don't feel ready," (Plea transcript p.9, line 22).

COURT: "whether you are Ready or not Ready, the Court is proceeding with the case," (Plea transcript p. 9, Line 24-25.)

MR. WATTS: "We can just put people in the box and try the case," (Plea transcript p. 11, Line 4-5.)

ME: "Again, I'm not Ready for trial" (Plea transcript p. 11, Line 12.)

ME: "I AM not [Ready]" (Plea transcript p. 14, Line 6.)

ME: "I really don't want to [Plea]" (Plea transcript p. 15, Line 13.)

COURT: "You are not going to game the system and set it up for a fall down the road" (Plea transcript p. 15, Line 22-25.)

89. these exchanges noted make on the transcript makes it crystal-

- CLEAR my Liberty interest due
 PROCESS Rights were violated by
 not being allow more time to
 hire A new LAWYER who WAS
 MORE PREPARED, AND knowable
 WITH CRIMINAL-LAW that could
 have found ALL the ERRORS in my
 CASE e.g.: defective indictment, JURISDICTION,
 AND GRAMMY JURY TRUE BILL, then I
 COULD have made A decision to
 plea OR go to TRIAL, OR even Demanded
 A DISMISSAL of ALL CHARGES AFTER
 EXAMINATION OF ALL legally obtained evidence,
 this is ALL REAL evidence that MR.
 SARRATT WAS not to be trusted,
 Any-longer.

90. Even more Repugnant was me
 signing the sentencing sheets before
 learning the elements of the
 crimes, awaiting constitutional Rights,
 OR the indictment language AS
 evidence pursuant to the following

colloquy At my guilty plea hearing:

Court: "ALL SET? All-Right come on AROUND" (Plea transcript p. 17, Line 7),

91. Even the court was Acutely AWARE of me having insufficient time to Review ALL evidence.

Court: "All-Right And have you had enough time to Review the evidence other than what you have told me? I MEAN you CAN SAY NO." (Plea transcript p. 23, Line 4-6.

DEFICIENT PERFORMANCE/PREJUDICE:

92. MR SARRATT'S Refusal to Fully Answer All my questions prior to my trial date, failing to object to me signing the sentencing sheets, prior to learning the elements of the charges Against me, And prematurely waiving All non-jurisdictional constitutional

Rights constituted unprofessional error, I suffered due process prejudice because I was given two (2) losing choices: PLEAD GUILTY, OR go to TRIAL which prevented me with sufficient time to hire new counsel, no objections preserved for Appellate Review, OR INSTANT consideration by the TRIAL Judge, thus there was a reasonable probability that the outcome would have been differently; Accordingly, Mr. SARRATT's unskilled performance undermined confidence in the outcome.

ILLEGALLY OBTAINED EVIDENCE:

93. As I stated multiple times already, the ORDER OF DISMISSAL says nothing about my ILLEGALLY obtained evidence Argument that was in

my memorandum of Law, And part of the courts' Record as Applicant's Court Exhibit 1, thus it's an error of Law under § 17-27-80, IBID, which clearly state the court shall make findings of facts, and conclusions of Law must come from the Record, it did not; therefore my reconsideration motion must be granted, ID.

94. the Fourth (4th) Amendment of the United States Constitution states the following relevant part: "The Right of the people to be ~~secure~~ secure in their persons. . . . effects. . . . Against unreasonable searches And seizures, shall not be violated. . . . No WARRANT shall issue, but upon probable cause!! . . .

95. South CAROLINA Code AS Amended § 17-13-30 states in relevant part to my illegally obtained evidence

Argument: "The Sheriff and Deputy Sheriff of this State may Arrest without Warrant Any And All persons who within their view violate Any of the Criminal laws of this State"...

96. The definition of "ILLEGALLY OBTAINED EVIDENCE" is: Evidence obtained by violating a statute or a person's 4th Amendment guaranteed against unreasonable search".... (Source: Black's Law Dictionary 7th Edition).

97. The definition of "FRUIT OF THE POISONOUS TREE DOCTRINE" states in relevant part.... "AN ILLEGAL SEARCH WARRANT.... IS INADMISSIBLE because the evidence was tainted by the [ILLEGALLY] [searched] (Source: Black's Law Dictionary 7th Edition)

98. Applicant's Attached exhibit 36 is a Receipt from TRI-COUNTY ACE HARDWARE in Clemson, S. C.

Shows A time of 1:15 p.m. on
June 21, 2012.

99. The Greenville County Sheriff's office
Supplemental Report written by
Investigator BARRY BROWN wrote
the following relevant statement:
"Sgt. Weiner (Greenville County
Sheriff's office) made several
phone calls and eventually found
the vehicle had recently been
stolen from KIA of Easley [correct
name Best KIA] they were
unaware of the theft until Sgt.
Weiner had called"... see Applicant's
Attached Exhibit 30 (Incident Report).

100. On November 04, 2012, Around 1:00 p.m.
(time confirmed by Mr. SARRATT AT
my P.C.R. hearing), I emailed Mr.
SARRATT the following relevant
issues: "... Greenville County
Sheriff's office charged me with
Poss. of stolen vehicle, but the

vehicle WAS NOT REPORTED stolen i . . .

AFTER several phone-calls to previous owners, he [Weiner] spoke with a lady who said she TRADED the CAR in AT the KIA Dealership in Easley only then Sgt. Weiner called the dealership, And they told him the vehicle was stolen !.. see Applicant's Attached Exhibit 26 at p. 1. (Email to Mr. SARLAT.

101. Deputy Keith Littleton of the Pickens County Sheriff's office Reported to Best KIA of Easley located AT: 5031 Hwy 153, Easley, SC on June 21, 2012.

102. Littleton WAS Dispatched to Best KIA AT 17:23 p.m., Arrived AT 17:57 p.m., AND DEPARTED AT 18:16 p.m., see Applicant's Attached Exhibit 27 (Pickens County Sheriff's Incident Report).

103. Exhibit 27, SUPRA, states the following Relevant part: i . . .

"I met with the General Manager Mike MATURE (complainant) who stated he received a call from the Greenville County Sheriff's office stating a vehicle belonging to his dealership had shown up at CARMAX of Greenville". . .

104. Applicant's Attached Exhibit 30 (Investigator BARRY BROWN's Incident Report) writes in relevant part to ILLEGALLY OBTAINED EVIDENCE: . . . "I RAISED the Hood". . .

105. Applicant's Attached Exhibit 31 (Sgt. Scott Weimer's Incident Report) writes in relevant part to ILLEGALLY obtained evidence: . . . "I ASKED that the VERSA be moved into the service bays". . .

106. BROWN OR Weimer made no mention of the time they both ARRIVED, OR, OR mention if the VERSA DOORS

TRUNK, AND Hood were All closed;
no mention AT All. I submit, they
were All closed.

107, Applicant's Attached Exhibit -26
At p. 2 (November 04, 2013 Email to
MR SARRATT) states in Relevant
part to the 4th Amendment violation:
.... "the police could not have
searched [the] versa without
A SEARCH WARRANT OR my permission
.... "I want to see if every
piece of Evidence was obtained
legally or were my constitutional
Rights violated? CAN YOU
please get back with me soon
Regarding this matter? IBID,

108 MR. SARRATT did not call OR
Return my email on November
04, 2013 the day before my
trial despite unanswered legal
questions directly Related to my

CASE, one last email attempt happened at 8:55p.m. on November 04, 2013, see Applicant's Attached Exhibit 22. which states the following:

" I HAVE NOT HEARD FROM YOU."

And MR. SARRATT lied to the court when ask about suppression matters by saying this to the court:

" suppression matters are before the court..." (Plea transcript p. 6 Line 24-25).

DEFICIENT PERFORMANCE/ PREJUDICE:

169. MR. SARRATT performance was deficient and he made errors so serious that MR. SARRATT was not functioning as the counsel guaranteed under the United States Constitution's sixth (6th) Amendment by not filing or presenting a floor motion to suppress

the illegally obtained evidence which was weiner and Brown's opening up the versa, ordering carmax staff to drive the versa into their service bays without a search warrant, without a arrest warrant, or my consent since the offenses were not committed in their view, failing to investigate what time the versa was reported stolen from the time I was arrested, and charged with poss of stolen vehicle, failing to investigate the time-line between the trip to Ace Hardware to the time at carmax, and time I was arrested for poss of stolen vehicle, failing to challenge the statutory and constitutional legality of the evidence, thus the evidence could all be tainted; therefore, I suffered prejudice by MR. SARRATT not filing a suppression motion, or objecting to the illegally obtained evidence, which did not preserve the evidence for appellate review.

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 separate issue in this case, IBID.

111. SOUTH CAROLINA code AS AMENDED

§ 17-25-50, states in relevant part:

"the court shall treat as one offense any number which have been committed at times so closely connected... be considered as one offense".

111. South Carolina Code as Amended § 17-25-130 states in relevant part: "... the accused shall be sentenced in like manner as if the jury in a trial had recommended him to the mercy of the court."

112. The Greenville County General Sessions Court on November 05, 2013 said the following relevant part: "I'm going to give you ten (10) years, by appointment of service for six (6) years. The balance is suspended for five (5) years probation...., and that was on 2012-7504

(2012-7504) is the first four (4) and last four (4) of the indictment from poss. of stolen vehicle; Ford

Fusion stolen from Georgia,

See Exhibit 1, SUPRA, (Plea Transcript p. 32, Line 21-25. ON 2012-6057 five years consecutive suspended during probation. SO you are going to have 9 hanging over you. ON ALL of the [Rest], five years concurrent!! (Plea Transcript p. 33, Line 1-3.

113. South CAROLINA Code AS Amended §16-21-80 states in Relevant part: "A person not entitled to the possession of a vehicle is guilty of a felony must be imprisoned not more than ten years!!" DEFICIENT PERFORMANCE/PREJUDICE

114. MR. SARRATT'S deficient performance fell way below objectable norms by failing to object to the court's

"10 years by Appointment of
 Service for six years", IBID,
 with balance suspended for
 five years probation. . . . "five
 years consecutive suspended
 during probation on 2012-6057,
 And failing to object to me
 Receiving over the maximum and
 this in violation of § 17-25-139,
 SUPRA which requires the court
 to not sentence a defendant to
 the maximum since I plead guilty.
 I suffered prejudice because I
 have no appealable objections, and
 I did not receive MERCY OF THE
 COURT despite my guilty plea, thus
 a prejudicial increased prison-stay.
 I would not have plead guilty if
 I knew I was getting a over-
 the statutory limit allowed by law,
 but instead, I would have demanded
 a trial; therefore, the outcome would
 had been different.

CONCLUSION:

115. Reconsideration on the merits of my case is proper because this court failed to read my MEMORANDUM OF LAW, TRIAL TRANSCRIPT, relevant evidence that are all filed with the Greenville County Clerk's office. All my issues raised are all novel issues because I have provided relevant evidence and the two-prong test under STRICKLAND v. WASHINGTON.
116. This court has violated my due process rights under South Carolina and the United States Constitution, 14th, by not reading my arguments before contacting the Attorney General's office for a proposed order.
117. It's troubling to learn that this court refuses to take the time to review all the evidence from

both-sides before Ruling. The JUDICIAL
BRANCH WAS set up for the sole
purpose of settling disputes, hearing
both sides, reviewing the evidence,
And writing An logical opinion
based on the Evidence not to
simply ignore me because of it's
time consuming or, cause I'm not
worthy of the COURT'S time
because I'm not A Lawyer. I
submit, I must be treated equally,
AND my CASE MATTERS JUST AS
MUCH AS the CASES that have
LAWYERS.

118. With the exception of the TRIAL-
TRANSCRIPT, All Relevant evidence
is ATTACHED hereto, AND FILED
with the CLERK OF THE COURT'S
OFFICE, I Respectfully demand
this COURT to take the time, AND
Review my Reconsideration, AND
All Relevant evidence, AND then
make A Ruling. I know my

Reconsideration motion is long,
but it's not my fault that my
former lawyer (MR. SARRATT) was
that deficient. I pray for the
following relief:

PRAYER-FOR-RELIEF:

119. Wherefore; Reverse the court's
order dismissing my P.C.R. C/A No. 1
2014-CP-23-1895 in part or in
all, and provide me with finding
of facts, and conclusion of law,
based on the merits, pursuant to
Rule 52 (B) of the S.C.R.C.P.
120. ORDER the S.C.D.C. to Release
me.
121. ORDER the Greenville County
Detention Center to Release me
on a personal recognizance
bond.
122. Any other relief this Court
deems just and/or proper.

Respectfully Submitted,
S/ [Signature]
George Cleveland, III #357770
EVANS CORRECTIONAL INSTITUTION
610 Hwy 9 West
Bennettsville, S.C. 29512

DATED: April 20, 2015

STATE OF SOUTH CAROLINA page ~~218~~
COUNTY OF GREENVILLE

George Cleveland ~~III~~
S.C.D.C. NO. 1357770
Applicant

v.
STATE OF SOUTH CAROLINA
Respondent.

FILED - CLERK OF COURT
GREENVILLE CO. S.C.
PUBL. BRICKENRIDER
2015 MAY 1 PM 1:35
IN THE COURT
OF COMMON PLEAS
C.A. ~~2~~
2014-CP-23-1895

PLAINTIFF'S AFFIDAVIT
IN SUPPORT OF
TIMELY FILED RULE
52(b) MOTION TO
THE COURT'S ORDER
OF DISMISSAL OF
(P.C.R.)

I, George Cleveland ~~III~~ swears under the
penalty of PERJURY the following is
true AND correct regarding the
jurisdiction this court still holds
PURSUANT to Rule 52 of the South
CAROLINA Rules of Civil Procedures
which gives "A party ten (10) days after
Receipt of written notice of entry
of judgment"... quoting Rule 52(b)
S.C. R.C.P.

RECEIVED PROPOSED
ORDER:

2. I signed for, AND Received the proposed order from the South Carolina Attorney General's office from the EVANS Correctional Institution's MAIL ROOM STAFF ON MARCH 11, 2015. The Attorney General's ~~enve~~ envelope, and letter addressed to JUDGE DANIEL D.

HALL were dated ON MARCH, 05, 2015. (George Cleveland III v. State, case NO: 2014-CP-2301895.)

PROPOSED ORDER SIGNED
BY JUDGE DANIEL D. HALL:

3. The proposed order was signed by Judge DANIEL D. HALL ON MARCH 12, 2015. (George Cleveland III v. State, case NO: 2014-CP-2301895.).

SIGNED ORDER FILED WITH
THE GREENVILLE COUNTY CLERK
OF COURT:

4. the Greenville County Clerk of Court
2.

page 220

of the court filed the signed order
on April 07, 2015. (George Cleveland, III
v. State, case no: 2014-CP-2301895),

RECIEVED FILED ORDER:

5. I signed for AND Recieved the ~~FILED~~
filed ORDER from the EVANS & Correctional
Institution's MAIL-ROOM STAFF ON April
17, 2015, mailed from the Greenville County
clerk of the court. (George Cleveland, III,
v. State, case no: 2014-CP-2301895).

PLAINTIFF'S RULE 52(b) MOTION GIVEN TO THE EVANS CORRECTIONAL STAFF:

6. I gave my rule 52(b) motion, supporting
exhibits, AND this AFFIDAVIT in a sealed
large BROWN envelope to the EVANS Correctional
Institution mail-room-staff ON April 20, 2015.
(George Cleveland, III v. State, case no: 2014-
CP-2301895).

SWORN AND AFFIRMED
by AND THROUGH ME THIS:

20th day of April 2015

S Oullen
NOTARY PUBLIC

2/24
my commission Expires

[Signature]

PLAINTIFF'S SIGNATURE
4-20-15

PLAINTIFF'S DATE SIGNED

May 08, 2015

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Greenville County Courthouse
Paul B. Wickensimer, Clerk of the Court
FOIA Division / Common Pleas Division
305 East North Street
Greenville, S.C. 29601

Re: George Cleveland III v. State
CIA No.: 2014-CP-23-1895

Dear Clerk,

My ~~8~~ ~~mail~~ ~~order~~ ~~for~~ ~~FOIA~~ ~~fee~~
of ~~the~~ ~~FOIA~~ ~~fee~~ ~~is~~ ~~for~~ ~~\$6.00~~
~~mail~~ ~~A~~ ~~\$6.00~~ money order to this office for
A FOIA fee.

The money order Receipt number
is: ~~0000000000~~, purchase Date:
May 03, 2015.

Can you folks not return that
to me or mail it back to ~~me~~
~~me~~, but apply it to the following
FOIA Request:

I'm requesting under the South Carolina Freedom of Information Act the following:

1. Any JUDGE that signed out my P.C.R. Court Record that ~~is~~ were filed in this office for P.C.R. CIA no: 2014-CP-23-1895.
2. IF my P.C.R. Record WAS signed out, please NAME the Judge, DATE it was signed out, AND when it was returned to this office.
3. Finally, please provide the written request form the Judge used to request permission for the P.C.R. file, including signatures from the clerk staff member that signed the file out to the Judge.
4. CAN you please mail Requested ~~documents~~ documents to me AT:
George Cleveland, III, #357770
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, SC 29512
Respectfully Requested ~~R/W~~



Office of the Clerk of Court

Paul B. Wickensimer
Clerk of Court for Greenville County
Greenville, South Carolina

www.greenvillecounty.org

PAGE 224

May 19, 2015

George Cleveland 357770
Evans Correctional Institute
610 Hwy 9 West
Bishopville SC 29512

Mr. Cleveland,

We have received your letter. In response to sign out procedure, your file was pulled by the Clerk of Court staff and was in the courtroom the day of the trial and brought back after the trial.

Subsequently, the motion per rule 52b was forwarded to Judge Hall and the Attorney General.

Thank you for your attention in this matter.

***Greenville County Clerk of Court Office.
Civil Records***



Page 225

ALAN WILSON
ATTORNEY GENERAL

May 21, 2015

The Honorable Paul B. Wickensimer
Clerk of Court, Greenville County
305 East North Street, Room 224
Greenville, SC 29601-2121

RE: George Cleveland, III v. State
2014-CP-23-1895

Dear Mr. Wickensimer:

Enclosed please find the Respondent's original Return to the "Plaintiff's Rule 52(b) Motion to the Court's Order of Dismissal of (P.C.R.)" for filing in your office.

Sincerely,


Karen C. Ratigan
Senior Assistant Deputy Attorney General

Enclosure

cc: Honorable Daniel D. Hall
George Cleveland, III, #357770

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	C.A. No. 2014-CP-23-1895
COUNTY OF GREENVILLE	)	
	)	
George Cleveland, III,	)	
S.C.D.C. No. 357770,	)	
	)	
Applicant,	)	
	)	RETURN TO "PLAINTIFF'S RULE 52(B)
	)	MOTION TO THE COURT'S ORDER OF
v.	)	DISMISSAL OF (P.C.R.)"
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent, by and through undersigned counsel, making its Return to the "Plaintiff's Rule 52(b) Motion to the Court's Order of Dismissal of (P.C.R.)," would respectfully show unto this Court:

1. The matter is before the Court by way of a post-conviction relief (PCR) action filed April 3, 2014.
2. An evidentiary hearing was held on February 18, 2015 at the Greenville County Courthouse.
3. Applicant, on his request, proceeded pro se and also testified on his own behalf. Also testifying was Applicant's plea counsel, Michael J. Sarratt, Esquire.
4. After a full review of the evidence presented at the evidentiary hearing, the PCR judge issued an order filed April 7, 2015 denying the PCR application.
5. Applicant filed a "Plaintiff's Rule 52(b) Motion to the Court's Order of Dismissal of (P.C.R.)" on May 1, 2015 (which was received by Respondent on May 6, 2015).
6. Applicant argues the final order does not address his Exhibit 1. Applicant argues

the court “did not conform its’ findings of fact and conclusion of law to the National Vehicle Theft Act.” Applicant argues plea counsel lied to both the plea judge and the PCR judge. Applicant re-raised the issues he argued at the PCR hearing and also argued issues in his Exhibit 1 should have been addressed.

7. Respondent submits the final order of dismissal in this case contained findings of fact and conclusions of law on every issue that was raised at the PCR hearing and testified to by the witnesses. See S.C. Code Ann. § 17-27-80 (“The court shall make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented.”) (emphasis added). Issues listed in Exhibit 1 – but not corroborated by the presentation of probative evidence – are insufficient to warrant relief. See Smith v. State, 369 S.C. 135, 138-39, 631 S.E.2d 260, 261-62 (2006) (An “averment in a PCR application” is insufficient to warrant relief. An applicant seeking relief must present probative evidence to support PCR allegation that a defense attorney’s purported deficient performance entitles him to relief).

8. Respondent submits the “Plaintiff’s Rule 52(b) Motion to the Court’s Order of Dismissal of (P.C.R.)” must be denied. Applicant is not requesting either an alteration or amendment to the final order. Rather, Applicant is asking the Court to reverse its decision and grant post-conviction relief. Such a request is more properly addressed through the appellate process. Cf. Wilder Corp. v. Wilke, 330 S.C. 71, 77, 497 S.E.2d 731, 734 (1998) (noting the proper use of a Rule 59(e) motion is to preserve issues raised to but not ruled upon by the trial court).

9. Respondent submits the post-conviction relief court fully reviewed and properly ruled upon all issues and that the “Plaintiff’s Rule 52(b) Motion to the Court’s Order of Dismissal of (P.C.R.)” must be denied.

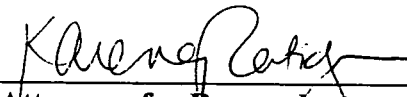
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By: 
Attorneys for Respondent

May 15, 2015

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	C.A. No. 2014-CP-23-1895
COUNTY OF GREENVILLE	)	
	)	
George Cleveland, III,	)	
S.C.D.C. No. 357770,	)	
	)	
Applicant,	)	
	)	
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

CERTIFICATE OF SERVICE

I, Karen C. Ratigan, certify that I have today served the within Return to the "Plaintiff's Rule 52(b) Motion to the Court's Order of Dismissal of (P.C.R.)" upon Petitioner by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

George Cleveland, III, #357770
MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville, SC 29472

I further certify that all parties required by Rule to be served have been served. This 21st day of May, 2015.


KAREN C. RATIGAN
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
ATTORNEY FOR RESPONDENT



Office of the Clerk of Court
Greenville, South Carolina
Paul B. Wickensimer
Clerk of Court

PAGE 230

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

September 22, 2015

George Cleveland III #357770
Turbeville Correctional Inst.
P.O. Box 252
Turbeville, SC 29162

Dear Mr. Cleveland:

Your letter postmarked 9/14/2015 was received 9/17/2015. Copies of subpoenas and an order summoning jurors were not mailed to you with your previous Freedom of Information Act Request because no subpoena or order summoning jurors was filed with the Clerk of Court for the warrant numbers listed in your original FOIA request.

Sincerely,
Clerk of Court
Greenville County General Sessions

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS
George Cleveland

FORM 4

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JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP2301895

State Of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☒ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☒ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☒ Other: Rule 52(b) denied
- ☐ Rule 43(k), SCRPC (Settled);
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy; ☐ Other: _____
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

This order ☒ ends ☐ does not end the case.

ORDER INFORMATION

Additional Information for the Clerk: Rule 52(b) Motion is denied.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of
(List name(s) below)

Judgment Against
(List name(s) below)

Judgment Amount To be Enrolled
(List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2753

Judge Code

Date

23 September 2015

For Clerk of Court Office Use Only

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This judgment was entered on ⁹⁻²⁵⁻¹⁵, and a copy mailed first class or placed in the appropriate attorney's box on ⁹⁻²⁵⁻¹⁵, to attorneys of record or to parties (when appearing pro se) as follows:

**George Cleveland 357770 Turbeville Correctional Institute P
O Box 252 Turbeville, SC 29162**

ATTORNEY(S) FOR THE PLAINTIFF(S)

**Karen Christine Ratigan PO Box 11549 Columbia, SC
29211**

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer

**Paul B. Wickensimer Greenville County Clerk Of
Court - Clerk of Court**

Court Reporter

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1:

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

George Cleveland, III,

S.C.D.C. #357770,

APPLICANT,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

IN THE COURT OF COMMON

PLEAS

13th Judicial Circuit

CASE NO. 1

2014-CP-23-189

PLAINTIFF'S MOTION FOR
LEAVE TO FILE SUPPLEMENTAL
PLEADINGS UNDER RULE

15(d) S.C.R.C.P.

1. COMES NOW, George Cleveland, III, proceeding
pro se respectfully moves this COURT
FOR AN ORDER to supplemental pleadings
to my pending RULE 52(B) S.C.R.C.P.
FOR the following REASONS:

AFTER the filing of my RULE 52(B)
S.C.R.C.P., I found through documents
filed with the Greenville County Court
of Common Pleas that four-hundred-
two (402) indictments were TRUE-

BILLED on a signal day within eight
(8) hours on September 24, 2013

1.

which amounts to fraud, judicial, and prosecutorial misconduct, these developments were discovered after the mailing and filing of my Rule 52(b) motion; accordingly, this court should permit me to serve and file a memorandum of law arguing this new supplemental discovery.

STANDARD OF REVIEW:

2. Rule 15(d) of the South Carolina Rules of Civil Procedure (SCRCP) states the following relevant part:

"Upon motion of a party the court may, upon reasonable notice and such terms as are just, permit him to serve a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented, whether or not the original pleading is defective in its statement of a cause of action or defense. . . ."

3. The Rule grants this court with jurisdiction to allow me to supplement my pending pleadings because of the real evidence I now have, and the original pleadings is defective and will remain defective without this new evidence; consequently, supplementing my pending pleadings are proper in this case.

CONCLUSION:

4. My indictments were rubber-stamped on September 24, 2013, see attached Applicant's Exhibit 1 (Copy of 1 of 5 indictments; second page shows date at top.) This was the only date the Grand Jury of Greenville County, S.C., see attached Applicant's Exhibit 2 (Filed order signed by Chief Administrative Judge LETHIA VERDIN convening the Grand Jury on Sept. 24, 2013.)
5. Judge Verdin also signed the Grand Jury Report on Sept. 26, 2013, see attached Applicant's

Exhibit 3 (Filed Grand Jury Request
rendering a true bill with "no exceptions")

6. And the most damaging and flagrant misconduct
by Judge Verdin, Assistant Solicitor Mr.
Austin Watts and other solicitors assigned
to the attached indictments are the eight (8)
pages of indictments that were true billed
And a couple of amended true billed
see attached Applicant's Exhibit 4 (8-pages
of indictments 402 in 8 hours). The number
of indictments are totally impossible in
such a small amount of time. This is fraud
And misconduct, the attached evidence proves
it; accordingly, an order allowing me to supplement
my pending Rule 52(b) motion asking the court
to amend its findings of facts and conclusions
of law. I pray for the following relief:

PRAYER FOR RELIEF

7. WHEREFORE, GRANT my motion to allow me to file AN MEMORANDUM OF LAW supplementing my evidence discovered after the filing of my pending rule 52(b), see Applicant's Attached Affidavit At PAR. 2, with a reasonable Amount of time.

Respectfully Submitted



George Cleveland #357770
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
Turbeville, SC - 29162

Dated: 9/08/15

STATE OF SOUTH CAROLINA Page 234
COUNTY OF GREENVILLE

George Cleveland, III,
S.C.D.C. #357779
APPLICANT,
VS.

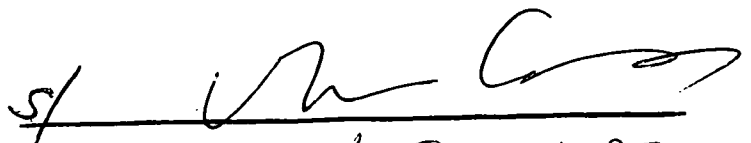
STATE OF SOUTH CAROLINA,
RESPONDENT.

FILED CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMMER
2015 SEP 25 PM 1:53
IN THE COURT OF COMMON
PLEAS
13th JUDGE
CASE No. 2014-CP-23-1825

PLAINTIFF'S AFFIDAVIT
IN SUPPORT OF MOTION
UNDER RULE 15(d)
S.C.R.C.P.

1. I, George Cleveland, III, SWEARS under the penalty of PERJURY the following is true and correct:
2. I received the Greenville County GRAND JURY Report, eight (8) pages of indictments and the convening the Greenville County GRAND JURY July-Dec of 2013. After I mailed and was filed, motion under RULE 52(b) S.C.R.C.P. My Rule 52(b) motion was filed in this court on MAY 01, 2015.

SWORN to and subscribed before me this
9th day of Sept 2015
Paul B. Wickensimmer (L.S.)
Notary Public for South Carolina


APPLICANT'S SIGNATURE

My Commission Expires: 4-27-2016 page 1 of 1

STATE OF SOUTH CAROLINA	)	IN THE COURT OF
	)	GENERAL SESSIONS
COUNTY OF GREENVILLE	)	
	)	THIRTEENTH JUDICIAL CIRCUIT
IN RE:	)	
	)	
GRAND JURY SESSION	)	ORDER
JULY - DECEMBER	)	

IT IS SO ORDERED that the Grand Jury for Greenville County, South Carolina, shall convene during the months of July - December, 2013 as follows:

TUESDAY	July 23, 2013
TUESDAY	August 27, 2013
TUESDAY	September 24, 2013
TUESDAY	October 22, 2013
TUESDAY	November 26, 2013
TUESDAY	December 17, 2013

2013 NOV 27 08:46

IT IS FURTHER ORDERED that the Clerk of Court for Greenville County South Carolina, shall notify all Grand Jurors of these meetings dates and times.

IT IS SO ORDERED.



Letitia H. Verdin
Chief Administrative Judge
Thirteenth Judicial Circuit

Greenville, South Carolina

5/23, 2013

STATE OF SOUTH CAROLINA]

COUNTY OF GREENVILLE]

GRAND JURY SESSION]

September 24, 2013]

IN THE COURT OF GENERAL SESSIONS

REPORT

TO: THE HONORABLE JUDGE LETITIA VERDIN
PRESIDING JUDGE, THIRTEENTH JUDICIAL CIRCUIT

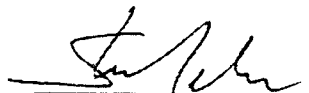
The Grand Jury makes the following report: We do hereby certify that at least twelve jurors have reviewed the indictments listed on the attached sheet and have rendered a true bill on each with the following exceptions:

INDICTMENT NUMBER

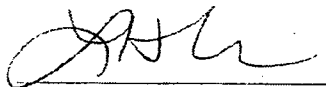
No Exceptions

ACTION TAKEN

Respectfully Submitted,


GRAND JURY FOREPERSON

I do hereby accept the Grand Jury's Report.


THE HONORABLE LETITIA VERDIN
PRESIDING JUDGE
THIRTEENTH JUDICIAL CIRCUIT

Greenville, South Carolina

9/26, 2013

<u>Indictment Number</u>	<u>Name</u>	<u>Status</u>
2010-10322	Jacqueline Michelle Johnson	TB
2010-10323	Jacqueline Michelle Johnson	TB
2011-07149	Jeremy Stephen Tripp	TB
2011-07980	Jazzmone Shatoddick Walker	TB
2011-08952	Lynn Major Hansen	TB
2011-08954	Lynn Major Hansen	TB
2012-00359	Cyrstal Danielle McGreen	TB
2012-00537	Anthony Dale Helton	TB
2012-01021	Brian Keith Leitzsey	TB
2012-01271	Fredrick Lamar Frazier	TB
2012-02060	Dennis Brian Dockins	TB
2012-03012	Anthony Dale Helton	TB
2012-03371	Cynthia Alexander Strickland	TB
2012-03415	Jacqueline Michelle Johnson	TB
2012-03752	Calvin Cornelius Latimore	TB
2012-03780	Crystal Danielle McGreen	TB
2012-03781	Crystal Danielle McGreen	TB
2012-04038	James Michael Duck	TB
2012-04434	Cyrstal Danielle McGreen	TB
2012-04984	Humberto Alonso Garcia	TB
2012-04985	Humberto Alonso Garcia	TB
2012-05059	Anthony Dale Helton	TB
2012-05059	Anthony Dale Helton	TB
2012-05593	Justin Enrikus Jackson	TB
2012-05594	Justin Enrikus Jackson	TB
2012-05595	Justin Enrikus Jackson	TB
2012-05596	Justin Enrikus Jackson	TB
2012-05597	Justin Enrikus Jackson	TB
2012-05601	Lucas Wayne Brooks	TB
2012-05655	Paul Thomas Moody	TB
2012-05838	Joseph Edward Nelson	TB
2012-06123	Paul Thomas Moody	TB
2012-06154	Lucas Wayne Brooks	TB
2012-06379	Jeremy S Craig	TB
2012-06380	Jeremy S Craig	TB
2012-06427	Felton Davon Smith	TB
2012-06666	Roderick Frizdarl Richardson	TB
2012-06667	Roderick Frizdarell Richardson	TB
2012-06668	Roderick Frizdarl Richardson	TB
2012-06669	Roderick Frizdarl Richardson	TB
2012-06670	Roderick Frizdarl Richardson	TB
2012-06671	Roderick Frizdarl Richardson	TB
2012-06672	Roderick Frizdarl Richardson	TB
2012-06673	Roderick Frizdarl Richardson	TB
2012-06675	Steven Holliday	TB
2012-06863	Rodrick Frizderel Richardson	TB
2012-06878	Ethel Ree Jackson	TB
2012-07145	Nasheka Janon Long	TB
2012-07503	George Cleveland III	TB
2012-07504	George Cleveland III	TB
2012-07505	George Cleveland III	TB

2012-07506	George Cleveland III	TB
2012-07507	George Cleveland III	TB
2012-07621	Timothy Wayne Collins	TB
2012-07622	Timothy Wayne Collins	TB
2012-07690	Tricia Gayle Moody	TB
2012-07791	Reginald Bernard Gamble	TB
2012-07802	Staci Leigh Hickey	TB
2012-07803	Staci Leigh Hickey	TB
2012-07851	Maria Summer Cromer	TB
2012-07975	Howard Craig Richards	TB
2012-07976	Howard Craig Richards	TB
2012-08094	Cynthia Alexander Strickland	TB
2012-08660	Beth Gray	TB
2012-08770	Chrissy Marie Shumate	TB
2012-09252	Joshua Adam Cantrell	TB
2012-09522	Stomy Lynn Goodman	TB
2012-09689	Sonja Nechelle Jones	TB
2012-09690	Sonja Nechelle Jones	TB
2012-09979	Tony Davis Kiger	TB
2012-09980	Tony Davis Kiger	TB
2012-09981	Tony Davis Kiger	TB
2012-09986	Nancy Kiger Davis	TB
2012-09987	Nancy Kiger Davis	TB
2012-09988	Nancy Kiger Davis	TB
2012-09989	Nancy Kiger Davis	TB
2012-09990	Nancy Kiger Davis	TB
2012-09991	Nancy Kiger Davis	TB
2012-09992	Nancy Kiger Davis	TB
2012-09993	Tony Davis Kiger	TB
2012-10186	Thomas Daniel Geo Massey	TB
2012-10309	Jason Steve Sanchez	TB
2012-10355	Stacy Brooke Payne	TB
2012-10383	Joseph Michael Kimbrell	TB
2012-10384	Joseph Michael Kimbrell	TB
2012-10514	Carl James Lee Ebert JR	TB
2012-10646	Frank Lamar Henderson	TB
2012-10690	Shina Delphine McKinney	TB
2012-10691	Shina Delphine McKinney	TB
2012-10726	Kimberly Dawn Cutshaw	TB
2012-10734	Brian Marvin Shores	TB
2012-10747	Michael Lee Lawrence	TB
2012-10842	Ashley Dawn Psathos	TB
2012-10866	Maurice Gaddis, Jr	TB
2012-10867	Maurice Gaddis, Jr	TB
2012-10868	Maurice Gaddis, Jr	TB
2012-10869	Maurice Gaddis, Jr	TB
2012-10941	Sasha Dawnette Eichelberger	TB
2012-10942	Sasha Dawnette Eichelberger	TB
2012-10974	Travis Scott Whitman	TB
2012-11052	Stephone Daracus Clement	TB
2012-11054	Franklin J Lockett	TB
2013-00022	Andrew Grant	TB

2013-00065	Ernest Dean Dennis JR	TB
2013-00066	Ernest Dean Dennis JR	TB
2013-00154	Ernest Dean Dennis JR	TB
2013-00155	Ernest Dean Dennis JR	TB
2013-00207	Marquise Sullivan	TB
2013-00208	Marquise Sullivan	TB
2013-00209	Marquise Sullivan	TB
2013-00231	William Michael Rouse	TB
2013-00245	James Danny Bridges	TB
2013-00276	Brian Patrick Wagers	TB
2013-00433	John David Griffith III	TB
2013-00879	Joseph Matthew Elrod	TB
2013-00880	Joseph Matthew Elrod	TB
2013-00881	Joseph Matthew Elrod	TB
2013-00882	Joseph Matthew Elrod	TB
2013-00946	Gregory Matthew Marr	TB
2013-00972	Daniel Scott Chasteen	TB
2013-01094	James Danny Bridges	TB
2013-01101	Barry Michael Shicks	TB
2013-01135	Kenneth Earl Foster	TB
2013-01372	Ethel Ree Jackson	TB
2013-01660	Lovonia Louise Groves	TB
2013-01667	Esley Laquon Smith	TB
2013-01717	Keng Thor	TB
2013-01718	Christopher Todd Rosemond	TB
2013-01723	James D Bridges	TB
2013-01724	James D Bridges	TB
2013-01725	James D Bridges	TB
2013-01726	James D Bridges	TB
2013-01727	James D Bridges	TB
2013-01771	Jordan Ellen McCurry*	TB
2013-01772	Jordan Ellen McCurry*	TB
2013-01773	Jordan Ellen McCurry	TB
2013-01785	Jimmy Jackson	TB
2013-01891	Jesse Ocasio	TB
2013-02039	Chrissy Marie Shumate	TB
2013-02040	Jacqueline Louise Dougherty	TB
2013-02051	Vy Tuyet Trinh	TB
2013-02062	Elijah Shane Charo	TB
2013-02063	Elijah Shane Charo	TB
2013-02173	Joshua Adam Cantrell	TB
2013-02301	Joshua Allen Mitchell	TB
2013-02318	Tejay Croft	TB
2013-02319	Tejay Croft	TB
2013-02320	Tejay Croft	TB
2013-02321	Tejay Croft	TB
2013-02427	Wendy Latham*	TB
2013-02518	Michael Clay Donahue	TB
2013-02519	Michael Clay Donahue	TB
2013-02520	Michael Clay Donahue	TB
2013-02560	Lacey Jean Hembree	TB
2013-02561	Lacey Jean Hembree	TB

2013-02562	Nathan Hyles Ackerman	TB
2013-02686	Timothy Lee Carter	TB
2013-02687	Timothy Lee Carter	TB
2013-02712	Randell Wayne Mobley	TB
2013-02785	Leonardo N Allgood	TB
2013-02811	Pierre Perkins	TB
2013-02896	Ashley Dawn Psathos	TB
2013-02795	Shane Navinski Johnson	TB
2013-02796	Shane Navinski Johnson	TB
2013-02881	Joshua Adam Cantrell	TB
2013-02882	Joshua Adam Cantrell	TB
2013-02883	Joshua Adam Cantrell	TB
2013-02927	Lynn Major Hansen	TB
2013-02958	Lynn Major Hansen	TB
2013-02963	Chad Edward Gilliland	TB
2013-02976	Raymond L Roberson	TB
2013-02977	Raymond L Roberson	TB
2013-02979	Raymond L Roberson	TB
2013-02978	Raymond L Roberson	TB
2013-03104	Kenneth Cawand Durham	TB
2013-03130	Ryan J Gerrie	TB
2013-03157	Kenneth Warner Carter II	TB
2013-03158	Kenneth Warner Carter II	TB
2013-03173	Chrissy Marie Shumate	TB
2013-03192	Trachrislen Joaquin Allen	TB
2013-03193	Trachrislen Joaquin Allen	TB
2013-03209	Ashley Dawn Psathos	TB
2013-03210	Ashley Dawn Psathos	TB
2013-03288	Ryan Joseph Gerrie	TB
2013-03289	Ryan J Gerrie	TB
2013-03325	John Mark Williams	TB
2013-03364	Chaz Dewayne Massengale	TB
2013-03365	Chaz Dewayne Massengale	TB
2013-03390	Traci Martin	TB
2013-03391	Miranda Marie Casteel	TB
2013-03431	Randy Harold Manley	TB
2013-03453	Javon Daquan Mack	TB
2013-03455	Javon Daquan Mack	TB
2013-03460	Starsha Ann Limbaugh	TB
2013-03461	Starsha Ann Limbaugh	TB
2013-03489	Keisha Alice Kirby	TB
2013-03571	Barry Michael Shicks	TB
2013-03580	Russell Fulton Day	TB
2013-03581	Jerry Wayne James	TB
2013-03582	Carl Lorenzo Walker Jr	TB
2013-03621	Kimberly Dawn Cutshaw	TB
2013-03635	Wendy Neely Batson	TB
2013-03636	Wendy Neely Batson	TB
2013-03637	Wendy Neely Batson	TB
2013-03654	Randell Wayne Mobley	TB
2013-03710	Darrin Broadus Lawson	TB
2013-03784	Wendy Neely Batson	TB

2013-03785	Wendy Neely Batson	TB
2013-03786	Wendy Neely Batson	TB
2013-03787	Wendy Neely Batson	TB
2013-03788	Wendy Neely Batson	TB
2013-03789	Wendy Neely Batson	TB
2013-03790	Wendy Neely Batson	TB
2013-03791	Wendy Neely Batson	TB
2013-03796	Reza Omeid Owfi	TB
2013-03897	Patrick Monte Chapman*	TB
2013-03898	Patrick Monte Chapman	TB
2013-03899	Patrick Monte Chapman	TB
2013-03900	Patrick Monte Chapman	TB
2013-03901	Patrick Monte Chapman	TB
2013-03902	Patrick Monte Chapman	TB
2013-03927	Elbert Wayne Breeze	TB
2013-03928	Elbert Wayne Breeze	TB
2013-03945	Jeffery Lewis Vaughn	TB
2013-03951	William Perry Burns	TB
2013-03952	Reginald Bernard Gamble	TB
2013-04099	Jessica Lynn Fowler	TB
2013-04100	Jessica Lynn Fowler	TB
2013-04101	Jessica Lynn Fowler	TB
2013-04142	Brian Javon'e Allen Hurst	TB
2013-04157	Romareo Diesmon McGowen	TB
2013-04179	Jonatha Dashon Hellams	TB
2013-04221	Tinaki Johnson	TB
2013-04233	Maria Summer Cromer	TB
2013-04307	Staci Leigh Hickey	TB
2013-04399	Carl Noah Fromm	TB
2013-04407	William Travis Calvert	TB
2013-04408	William Travis Calvert	TB
2013-04409	William Travis Calvert	TB
2013-04410	William Travis Calvert	TB
2013-04415	Ervin Lee Simpson JR	TB
2013-04416	Ervin Lee Simpson JR	TB
2013-04421	Ervin Lee Simpson JR	TB
2013-04429	Joshua Allen Mitchell	TB
2013-04430	Joshua Allen Mitchell	TB
2013-04431	Joshua Allen Mitchell	TB
2013-04432	Joshua Allen Mitchell	TB
2013-04433	Joshua Allen Mitchell	TB
2013-04510	Trachrislen Joaquin Allen	TB
2013-04511	Trachrislen Joaquin Allen	TB
2013-04599	Gary Jeter, Jr	TB
2013-04608	Anthony Wayne Shelton	TB
2013-04621	Joseph Michael Kimbrell	TB
2013-04622	Joseph Michael Kimbrell	TB
2013-04623	Joseph Michael Kimbrell	TB
2013-04624	Joseph Michael Kimbrell	TB
2013-04625	Joseph Michael Kimbrell	TB
2013-04626	Joseph Michael Kimbrell	TB
2013-04651	Daniel Vance Passmore	TB

2013-04682	Lee Roy Nixon	TB
2013-04730	Elizabeth Anne Elrod	TB
2013-04731	Elizabeth Anne Elrod	TB
2013-04742	Luster Lamont Young	TB
2013-04749	Elizabeth Anne Elrod	TB
2013-04773	Catherine Tenice Clark	TB
2013-04856	Stacy Brooke Payne	TB
2013-04865	Robert Lee haygood,II	TB
2013-04866	Robert Lee haygood,II	TB
2013-04867	Robert Lee haygood,II	TB
2013-04868	Robert Lee haygood,II	TB
2013-04898	Joseph Michael Kimbrell	TB
2013-04914	Kandall Maurice Simmons	TB
2013-04967	Richard Duane Knabe, JR	TB
2013-04983	Roger Allen Ward	TB
2013-04984	Roger Allen Ward	TB
2013-04989	Triska Starr James	TB
2013-05035	Kenyatta Olando Tucker	TB
2013-05037	Kenyatta Olando Tucker	TB
2013-05038	Kenyatta Olando Tucker	TB
2013-05093	Larry Williams	TB
2013-05094	Larry Williams	TB
2013-05095	Larry Williams	TB
2013-05096	Larry Williams	TB
2013-05148	Jeremy Nash aka Jeremy Antwan Nash	TB
2013-05241	Brandon Rashad Oneal	Amended TB
2013-05258	Patrick M Chapman	TB
2013-05259	Patrick M Chapman	TB
2013-05324	Joseph Michael Kimbrell	TB
2013-05381	Joseph Michael Kimbrell	TB
2013-05382	Joseph Michael Kimbrell	TB
2013-05383	Joseph Michael Kimbrell	TB
2013-05385	Catherine Tenice Clark	TB
2013-05386	Catherine Tenice Clark	TB
2013-05388	Ingrid M. Neal	TB
2013-05392	Starvious Laqwon Sloan	TB
2013-05446	Joan Moon Holiday	TB
2013-05447	Joan Moon Holiday	TB
2013-05472	Barry Michael Shicks	TB
2013-05473	Ingrid Michelle Neal	TB
2013-05575	Terrence Bryant Tolliver	TB
2013-05577	Darrin Broadus Lawson	TB
2013-05668	Jason Collazo	TB
2013-05842	Rico Alvondo Sloan	TB
2013-05843	Rico Alvondo Sloan	TB
2013-05844	Rico Alvondo Sloan	TB
2013-05847	Brenden Matthew Smith	TB
2013-05854	Pierre Perkins	TB
2013-05855	Nancy Kiger Davis	TB
2013-05856	Nancy Kiger Davis	TB
2013-05857	Nancy Kiger Davis	TB
2013-05858	Nancy Kiger Davis	TB

2013-05870	Curtis Dantione Ellerbe	TB
2013-05874	Darold Robinson	TB
2013-05901	Patricia Marie Howard	TB
2013-05957	Sean Michael Scates	TB
2013-05958	Sean Michael Scates	TB
2013-05959	Sean Michael Scates	TB
2013-05988	Shakera Keshia Monique Wilson	TB
2013-05989	Barry Michael Shicks	TB
2013-05990	Barry Michael Shicks	TB
2013-06082	Joshua Allen Mitchell	TB
2013-06083	Joshua Allen Mitchell	TB
2013-06084	Joshua Allen Mitchell	TB
2013-06085	Joshua Allen Mitchell	TB
2013-06087	Joshua Allen Mitchell	TB
2013-06088	Alrad Cobbs	TB
2013-06090	Rodney Dominic Payne	TB
2013-06091	Linda Robinson	TB
2013-06092	Linda Robinson	TB
2013-06198	Barry Michael Shicks	TB
2013-06219	Shawn Eugene Levett	TB
2013-06348	Jessica Lynn Fowler	TB
2013-06349	Jessica Lynne Fowler	TB
2013-06379	Jeremy S Craig	TB
2013-06384	Joshua Allen Mitchell	TB
2013-06385	Joshua Allen Mitchell	TB
2013-06386	Joshua Allen Mitchell	TB
2013-06387	Joshua Allen Mitchell	TB
2013-06578	Ranson Lee Barrett-Sparrow	TB
2013-06579	Ranson Lee Barrett-Sparrow	TB
2013-06640	Heather Danielle Prado	TB
2013-06744	Tyrone Angelo Smith	TB
2013-06762	Anthony James Royster	TB
2013-06811	Starvious Laqwon Sloan	TB
2013-06893	Wren S Hinton	TB
2013-06899	Keith Lewis Ackert	TB
2013-06900	Keith Lewis Ackert	TB
2013-06901	Keith Lewis Ackert	TB
2013-06902	Keith Lewis Ackert	TB
2013-06929	Carrie June Reagan	TB
2013-06943	Jessica Lynn Fowler	TB
2013-06960	Triska Starr James	TB
2013-07183	Christina Lashay Adams	TB
2013-07224	Larry Willis Norman III	TB
2013-07230	Joyce Ann Rhymer	TB
2013-07266	Joy Frieda Marie Baker	TB
2013-07267	Joy Frieda Marie Baker	TB
2013-07324	Heather Danielle Prado	TB
2013-07350	Aaron Demetry Goodwin	TB
2013-07438	Joshua Allen Mitchell	TB
2013-07530	Leah Sloan Cash	TB
2013-07542	Beth Gray	TB
2013-07574	Patricia Marie Howard	TB

2013-07764	Carl Noah Fromm	TB
2013-07812	Marquis Syshawn Blassingame*	TB
2013-08131	Bruce James Owings	TB
2013-08132	Bruce James Owings	TB
2013-08214	Joe Dean Bellis	TB
2013-08215	Joe Dean Bellis	TB
2013-08216	Joe Dean Bellis	TB
2013-08237	Steven Blain Holiday	TB
2013-08238	Steven Blain Holiday	TB
2013-08476	George ralph Bobo	TB
2013-08477	George ralph Bobo	TB
2013-08478	Darrin Broadus Lawson	TB
2013-08479	Patrice McMahan	TB
2013-08480	Janie Gilstrap	TB
2013-08481	Javon Daquan Mack	TB
2013-08482	Javon Daquan Mack	TB
2013-08483	Ali Alatif*	TB
2013-08484	Heath A Whitehead*	TB
2013-08485	Javon Daquan Mack*	TB
2013-08486	Bobby Ernest Pitts	TB
2013-08487	Lance Caset Tew	TB
2013-08488	Vy Tuyet Trinh	TB
2013-08489	Frank Lamar Henderson	TB
2013-08490	Frank Lamar Henderson	TB
2013-08491	Frank Lamar Henderson	TB
2013-08492	Frank Lamar Henderson	TB
2013-08493	Joseph Ryan Livingston	TB
2013-08494	Joe Dean Bellis	TB
2013-08495	Lawrence Evans Jenkins	TB
2013-08496	Randell Wayne Mobley	TB
2013-08497	Randell Wayne Mobley	TB
2013-08498	Carl James Lee Ebert JR	TB
2013-08499	Timothy Wayne Gibson	TB
2013-08500	Christopher Taylor Hall	TB
2013-08501	Christopher Taylor Hall	TB
2013-08502	Braylen Sentell Benson	TB
2013-08503	Braylen Sentell Benson	TB
2013-08504	Braylen Sentell Benson	TB
2013-08505	Braylen Sentell Benson	TB

October 12, 2015

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Greenville County Courthouse
PAUL B. WICKENSIMER, Clerk of Court
GENERAL SESSIONS DIVISION
325 EAST NORTH STREET
Greenville, S.C. 29601

Re: Outstanding F.O.I.A. Request, And S.C. F.O.I.A.
Request Anew FROM George Cleveland, ~~III~~

1. DEAR GENERAL SESSIONS DIVISION,

ON AN SEPTEMBER 22, 2015 letter from
this office, post-dated ON SEPTEMBER 24, 2015
AND RECEIVED ON SEPTEMBER 28, 2015, stated
PURSUANT TO MY REQUESTED F.O.I.A. request that
HAS BEEN PAID FOR THAT: AND SUBPOENA OR ORDER
SUMMONING JURORS WAS FILED WITH THE CLERK OF
COURT FOR THE WARRANT NUMBERS LISTED IN YOUR
ORIGINAL F.O.I.A. Request." (letter from this office)

2. THE RESPONSE WAS VAGUE. I RESPECTFULLY REQUESTED
SPECIFIC DATA.

3. SO, CAN YOU PLEASE PROVIDE SPECIFIC LIKE THIS
EXAMPLE:

ON November 05 2013, no subpoenas or. PAGE 246
ORDER SUMMONING JURORS were filed with
the clerk of court for ARREST WARRANT
numbers;

2012A2330200168-170 AND
N-201731-732.

4. There should not be a charge for this F.O.I.A.
request because the specific information I
requested was not provided in the first-place.
5. CAN you please mail requested information to me
At:

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

Respectfully Requested

George Cleveland, III #357770

CC: FILE



Office of the Clerk of Court
Greenville, South Carolina
Paul B. Wickensimer
Clerk of Court

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Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

October 21, 2015

George Cleveland III #357770
Turbeville Correctional Inst.
P.O. Box 252
Turbeville, SC 29162

Re: "Outstanding" FOIA Request

Dear Mr. Cleveland:

Your letter postmarked 10/13/2015 was received 10/15/2015. Your FOIA request was fulfilled on 8/28/2015. **Please be advised that the Clerk of Court for General Sessions cannot provide copies of documents which were not filed with this office.**

Sincerely,
Clerk of Court
Greenville County General Sessions



RECEIVED
OCT 28 2015
MAILROOM
TURBEVILLE CI

October 20, 2015

Page 248

Greenville County Courthouse
Paul B. Wickensimer, Clerk of Court
Common Pleas Division
305 East North Street
Greenville, S.C. 29601

RECEIVED

NOV 04 2015

Re: S.C. FOIA Request

Clerk of Court
Greenville County

1. DEAR Common Pleas Division,

I'm Requesting under the South
CAROLINA Freedom of Information
Act (FOIA) the following:

- 1-1. A list of All Defendants Indicted by
the Greenville County Grand Jury
for the following months:
JULY, August, September, October,
November, December for 2012, 2014,
And 2015 (July, August, September, October
for 2015). Including the Grand Jury
Report to the Chief Administrative Judge.
- 1-2. A copy of the Court Order
signed by the Chief Administrative
Judge convening the Grand Jury

OF Greenville County FOR the
Following years 2012, 2014, and
2015 (Grand JURY TERMS)

1-3 copy of the pending motions,
calendar for common Pleas And
General sessions that include
the case number, date of
request, name of the action,
attorneys involved and the
nature of the motion.

1-4 CAN you please provide A
copy the internal sign-in and
sign-out sheet that shows the date,
and by who signed out any
part of the record in my P.C.R.
case, and a number of all
the documents that have been filed
in my P.C.R. case:

George Cleveland, III, #357770
v.

STATE

CA NO. 2014-CP-23-1895.

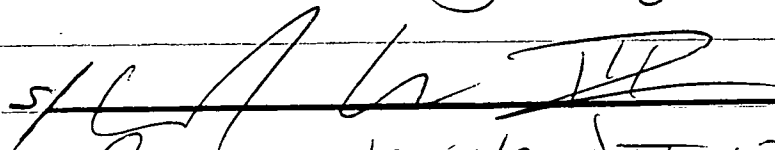
2. Finally, can you separate the
FOIA Fees so that subsection

1-4 is separate from subsection(s)
1-1, 1-2, And 1-3?

3. CAN you MAIL me the cost of
these Request to me AT:

George Cleveland III, #357770, TA 132
Turbeville Correctional Inst.
P.O. Box 252
Turbeville, S.C. 29162

Respectfully Requested,


George Cleveland III, #357770



Office of the Clerk of Court

Paul B. Wickensimer
Clerk of Court for Greenville County
Greenville, South Carolina

www.greenvillecounty.org

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November 4, 2015

George Cleveland, III 357770
Turbeville Correctional Institute
P O Box 252
Turbeville SC 29162

Regarding F.O.I.A. Request

Mr. Cleveland,

You must address General Sessions regarding information concerning Grand Jury issues.

The Civil Action case number 2014CP2301895 has been dismissed Per order dated 4/7/15. The motion per rule 52b was denied per order dated 9/25/15.

Civil Records does not have "sign out sheets".

Thank you for your attention in this matter.

***Greenville County Clerk of Court Office.
Civil Records***

~~Exhibit 1~~

PAGE 252

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 04/24/14
OMCOMITA RELEASE DATE SCREEN C051132
SCDC# > 357770 LOC: EVANS
CLEVELAND, III, GEORGE - SCDC CLASSIFICATION... NON-VIOLENT
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY... N
SEXUAL PREDATOR... NOT APP
DNA STATUS...: COMPLETED
GPS REQUIREMENT... N
PREA DECISION...:
CURRENT SENTENCE: 006-00-000 CONSECUTIVE SENTENCE ... N
006-00-000 CURRENT SENT START DATE: 10/23/2013
PROJECTED COMPLETION DATES
MAXOUT DATE: 07/23/2017 CURRENT EWC ..: NOT CURRENTLY EARNING EWC
YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC
INITIAL PAROLE DATE: 04/22/2016 NEXT PAROLE HEARING DATE: 04/22/2016

TOTAL GT DAYS EARNED: 000040 LABOR CREW/WORK PROG DATE: 99/99/9999
TOTAL EARNED WORK CREDITS ...: 000000 LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS: 000000 ASSAULTIVE DISC W/IN 24 MONTHS
TOTAL EXTRA EARNED CREDITS ..: 000 SUPERVISED REENTRY DATE...: 00/00/00
TOTAL SERVICE TIME EARNED ...: 000184 ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES
4-© 1 Sess-1 167.7.50.33 SCDC1602 3/11

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RECORD SUMMARY REPORT DATED 04/24/14

C0511

CLEVELAND, III, GEORGE - FBI # 643210CB0 SID# SC01068002 SCDC # 357770

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ... EVANS CORR INST

SECURITY/CUST.: 2 MINIMUM IN

CURR INCARC SENT...: 6 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: NO

SOCIAL SECURITY #...: [REDACTED]

DORM.....: 4B0235A

RACE....: B SEX...: M

PROJ MAXOUT DATE: 07/23/2017

PROJ PAROLE DATE: 04/22/2016

EWC JOB...: NO CURRENT JOB

EDUC PGM.: NO CURR EDUC PROGRAM

EWC LEVEL: 0 EEC LEVEL:

ASSIGNMENT...: GENERAL DETAIL UNEM

CURRENT PROGRAM...: NO CURRENT PROGRAM

AGE...: 35 DATE OF BIRTH...: [REDACTED]/78

PREVIOUS NUMBERS:

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE			COUNTY	SENTENCE		V/NV	CATEGORY
	YRS	MOS	DYS		START			
NONMOVING TRAFFIC VIOL	0	0	0	GREENVILLE	10/23/2013	N		1
NONMOVING TRAFFIC VIOL	5	0	0	GREENVILLE	10/23/2013	N		1
OBTAIN SIG/FRAUD \$1K-\$5K	5	0	0	GREENVILLE	10/23/2013	N		1
POSSESS STOLEN VEHICLE	5	0	0	GREENVILLE	10/23/2013	N		2
POSSESS STOLEN VEHICLE	6	0	0	GREENVILLE	10/23/2013	N		2

PRIOR COMMITMENTS OVER 90 DAYS:

MISSING PRIORS DATA

DETAINERS (HOLD, WANTED, NOTIFY):

FUGITIVE FROM JUSTICE

NOTIFY

OPEN ARREST NOTIFICATION CATEG: 4

NO DETAINERS

ESCAPES:

7/24/12 OTHER ESCAPE RELATED CODE NOT IN TABLE

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

2/ 8/14 STRIKE I/M W/NO WEAPON CONVICTED MAJOR INMATE

NON-ASSAULTIVE DISCIPLINARIES:

NO NON-ASSAULTIVE DISCIPLINARY HISTORY

HISTORY OF MOVEMENTS:

DATE	LOCATION	STATUS	REASON
1/ 7/14	EVANS	INCARCERATED	ADMINISTRATIVE
11/13/13	KIRKLAND	INCARCERATED	R&E PROCESSING
11/13/13	PERRY	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
*NO WORK ASSIGNMENTS *				

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
NO SCHOOL ASSIGNMENTS			

***** END OF REPORT *****