

PETITION FOR AN REHEARING
FILED BY PETITIONER

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM ADMINISTRATIVE LAW COURT

RALPH KING ANDERSON, III, CHIEF ADMINISTRATIVE LAW
JUDGE
LOWER COURT CASE NO. 2014-ALJ-040664-AP
APPELLATE CASE NO. 2016-000701

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

v.

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS (S.C.D.C.), RESPONDENT

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

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2016-000701

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TABLE OF AUTHORITIES

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APPELLATE CASE NO.

2016-000701

CASES

ARNOLD V. CAROLINA POWER AND LIGHT
Co. 168 S.C. 163, 167 S.E. 234 (1933) 9

LEWIS V. CASEY 518 U.S. 343, 116 S.Ct. 2174
U.S. (ARIZ) 1996 1-3, 5-8

KENNEDY V. SOUTH CAROLINA RETIREMENT SYSTEM
349 S.C. 531, 564 S.E. 2d. 322 (2001) 7-8

WISE V. SC. DEPT. OF CORR. 372 S.C. 173, 642
S.E. 2d. 551 (2007) 6

FEDERAL STATUTE

TITLE 28 U.S.C.A. § 1257 (A) 2, 8

RULE 221 (A) SCACR APPELLATE COURT RULES 1-2, 9-10

CONSTITUTIONAL AMENDMENTS

FIRST AMENDMENT (ACCESS TO COURTS) OF THE
UNITED STATES CONSTITUTION 4

FOURTEENTH AMENDMENT (DUE PROCESS; LIBERTY INTEREST)
OF THE UNITED STATES CONSTITUTION 4

1.
PETITION FOR REHEARING.

MAY IT PLEASE THE COURT: George Cleveland, III, proceeding pro se in the above-captioned case, respectfully moves this Honorable court for AN REHEARING because the court overlooked the following arguments:

PRISON lock-down(S) caused me to miss my miss my notice of appeal deadline, and the SOUTH CAROLINA COURT OF APPEALS DENIED my motion to FILE my NOTICE OF APPEAL AS TIMELY iN DIRECT-CONFLICT of the United States Supreme Court case-law Lewis v. Casey 518 U.S. 343, 116 S.Ct. 2174 U.S. (ARIZ) (1996);

Deputy Clerk v. Charlie Allen (S.C. COURT OF APPEALS). Also declined to FILE my out-of-time REHEARING PETITION despite, I AGAIN ARGUED ACTUAL-INJURY under Lewis

v. Casey, idij

And the complete absence of language for me to FILE AN out of time certiorari Petition depriving the United States Supreme Court of Jurisdiction under Title 28 U.S.C.A. § 1257(A)

2,
ARGUMENT
OVERLOOKED ACTUAL INJURY
CLAIM UNDER LEWIS V. CASEY;

This court overlooked my argument of the actual causation of my actual injury claim into why my notice of appeal was late in the South Carolina Court of Appeals in the first instance.

The very first question presented to this court which was whether the South Carolina Court of Appeals' Deputy Clerk Allen erred in not filing my Rehearing Petition despite supporting evidence of prison lock-downs, lack-of-legal-materials violated

2,

my first and Fourteenth Amendment under the United States Constitution, and I even cited Lewis v. Casey 518 U.S. 343, 116 S.Ct., 2174 U.S. ARIZ (1996) (hereinafter Lewis).

The Supreme Court of the United States reasoned in Lewis, inmates must show actual injury, i.e., STANDING to seek judicial relief. I provided this court evidence in my FILED Appendix and Certiorari:

R.p. 1 (page-2 of certiorari petition);

R.p.p. 24 (pages 5-7 of certiorari petition) (prison lock-down at Evans Correctional Inst.; lack of legal paper, books, ink pens, and legal envelopes).

R.p. 5 (S.C. court of Appeals order denying my motion for AN LATE FILING)

R.p.p. 6-15 (Certiorari petition FILED in S.C. court of Appeals)

CAPTION - PAGE; , pages ii, iii, iv, 1-4, 18, And 20;

R.P.P. 16-23 (FILED AFFIDAVIT IN THE S.C. COURT OF APPEALS IN SUPPORT OF CERTIORARI PP. 1-7),

The ATTACHED evidence in this Appendix ARE included in the FILED Appendix, AND CERTIORARI Petition in this court. The evidence in this Reharing Appendix shows my CONSTITUTIONAL Right to access the courts under the UNITED STATES CONSTITUTION (FIRST AND FOURTEENTH) which this court overlooked.

This COURT ALSO overlooked the letter written on July 15, 2015 by Deputy Clerk V. CLAIR ALLEN of the SOUTH CAROLINA COURT OF APPEALS;

R.P.P. 24; IN this letter, AN member of the clerk's office decided my important constitutional rights to access the courts. The clerk of court of the SOUTH CAROLINA COURT OF APPEALS has hijacked the decision that

Lewis, demands that A court i.e. Appellate Court Judge(s) who have Law Degrees and Black-Robes decide if my actual Injury claim of: whether S.C.D.C. PRISON officials denied me meaningful access to the courts. This court overlooked this Argument.

2-1,
S.C. APPELLATE COURT
RULES CAUSED ME
PREJUDICE!

AFTER the decision to deny my important Federal Constitutional Rights, it, was made by the clerk of court staff which deprived me the right for review in this case because there is no such language in the Appellate Rules for me to petition this court for review. The petition if filed in this court would had been again decided by this clerk of court's staff which is again

IN violation of Lewis, *id.*, At 2178-2179. which caused the United States Supreme Court of Jurisdiction under Title 28 U.S.C. § 1257 (A) because this Law, *id.*, requires by the "Highest Court" of South Carolina which was confirmed from the United States Supreme Court. R.P.P. 25-26 (December 03, 2015, And JANUARY 15, 2016 letters from the court).

This court cited *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E. 2d 551 (2007), R.P.P. 27-28, (Court's order of this court), this court held once the Remittitur is sent, the Appellate Courts of South Carolina no longer has Jurisdiction. This case is in CONFLICT with Lewis, And my Federal Constitutional Rights to Access the Courts under the First And Fourteenth Amendment of the United

States Constitution because the Lewis court made clear once ACTUAL INJURY is shown, courts, (in this case, S.C. Appellate courts must review the case.) *Id.*, at 2178-2180; therefore, this court overlooked my argument that cited the Lewis court, and other relevant federal authority

3.

LEGAL-STANDARD:

This court held in Kennedy v. South Carolina Retirement System 349 S.C. 531, 564 S.E.2d 322 (2001) that "IN order to prevail on a petition for rehearing, Appellant [] must demonstrate the court overlooked or misapprehended their argument," *id.*, at 322.

this court as stated in this Rehearing Petition, overlooked my argument of suffering prejudice by

7.

citing Lewis, id., at 2178-2179. Inasmuch as the actual injuries were:

Prison Lockdown caused me to miss notice of appeal deadline;

Deputy clerk v. Carre Allen refused to file and allow appellate court judges to decide caused this court jurisdiction because of the appellate rules do not have sufficient language to allow an S.C.D.C. inmate to file late petitions,

Federal law prohibits the Supreme Court of the United States from jurisdiction under Title 28 U.S.C.A. §1257 (A) because the "highest court" of South Carolina (this court) must decide the case first; accordingly, I have standing under Kennedy v. South Carolina Retirement Systems, id., at 322. For an second look at my petition

FOR A WRIT OF CERTIORARI FILED IN THIS CASE,
AND IN THIS COURT.

IN ARNOLD V. CAROLINA POWER AND LIGHT CO.
168 S.C. 163 167 S.E. 234 (1933), THE LATE
CHIEF JUSTICE BLEASE OF THIS COURT REASONED THE
FOLLOWING:

"Petitions for Rehearing are filed in at least
three fourth of the cases decided by this court
many of them we fear, some time, are filed
just for delay," *id.*, at 238.

I submit, to this court my Petition for Rehearing
contains non-frivolous, overlooked principles-
of-law; consequently, my Petition for Rehearing
was not "... filed just for delay!" ARNOLD, *IBID.*

5
CONCLUSION:

BASED ON THE FOREGOING FACTS, I PRAY FOR THE FOLLOWING
RELIEF:

GRANT MY PETITION FOR REHEARING;

GRANT MY FILED motion to PROCEED IN FORMA
PAUPERIS;

Review my Filed Petition FOR A WRIT OF
CERTIORARI;

GRANT my Petition FOR CERTIORARI ON ALL questions
PRESENTED; OR the questions presented that p~~resents~~
this COURT.

Any other Relief this COURT deems just, proper,
AND/OR equitable.

Respectfully submitted,



George Cleveland ~~III~~ #357770

TURBEVILLE CORRECTIONAL INST.

P.O. Box 252

TURBEVILLE, S.C. 29162

DATED: APRIL 19, 2016.

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

George Cleveland III # 357007A112

*Article of interest
Mail*

RECEIVED

APR 20 2016

MAIL ROOM
TURBEVILLE CI

Appellate
Case No.
2016-000701
Supporting
Appendix
2092

Legal Mail

The Supreme Court of South Carolina

Daniel E. Shearouse, Clerk of Court

P.O. Box 11330

Columbia, SC 29211

PETITIONER'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APR 27 2016

APPEAL FROM ADMINISTRATIVE LAW COURT

S.C. SUPREME COURT

RALPH KING ANDERSON, III, CHIEF ADMINISTRATIVE
LAW JUDGE

LOWER COURT CASE NO. 2014-ALJ-040664-AP

APPELLATE CASE NO. 2016-000701

George Cleveland, III

S.C.D.C. NO. 357770

PETITIONER

v.

SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS (S.C.D.C.)

RESPONDENT

PETITIONER'S PROOF OF SERVICE

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

PETITIONER'S PROOF OF SERVICE

APPELLATE CASE NO. 2016-000701

I, George Cleveland, ~~III~~, certifies that on the date below, I personally handed to the Turbeville Correctional's Mail-Room stamp, properly addressed, the following legal documents:

Petition For An Rehearing 10-pages;

Petitioner's Appendix IN SUPPORT
OF REHEARING

28-pages;

And this PROOF OF SERVICE 2-pages to the following Attorney for the Respondent:

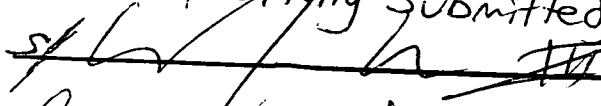
S.C.D.C.

CHRISTINA CATOE BIGELOW, Esquire
OFFICE OF THE GENERAL COUNSEL
P.O. Box 21787
Columbia, S.C. 29221-1787

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APR 27 2016

S.C. SUPREME COURT

Respectfully submitted,

George Cleveland, ~~III~~ #35-7770
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
TURBEVILLE, S.C. 29162

DATED:

APRIL 20, 2016.

George Cleveland, III #357770JTA118

Attorney at Law
Legal Mail

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APR 20 2016

COLUMBIA, S. C.

Appellate case
no. 2016-000701
petition for
rehearing
1082

The Supreme Court of ^{LEGAL MAIL} SOUTH CAROLINA
Daniel E. Shearouse, Clerk of Court
P.O. Box 11338
Columbia, S.C. 29211