

JUNE 28, 2016

RECEIVED

The SUPREME COURT OF SOUTH CAROLINA
DANIEL E. SHEAROUSE, CLERK OF COURT JUL 05 2016
P.O. Box 11330
COLUMBIA, S.C. 29162
S.C. SUPREME COURT

Re: PETITION FOR REHEARING; George Cleveland, III v.
STATE OF SOUTH CAROLINA; APPELLATE CASE No. 2015-
002251

1. DEAR MR. SHEAROUSE,

Attached to this letter is my petition for an
rehearing, supporting appendix, and proof of service.

2. CAN you please file, forward to the court, and
kindly stamp the extra copies in the self-addressed
stamped envelope, and mail them back to me?

Respectfully Requested,



George Cleveland, III #357770, JAIL 18
TURBEVILLE CORRECTIONAL INST.
1578 CLARENCE COCKER Hwy
TURBEVILLE, S.C. 29162.

CC: FILE
KAREN C. RATIGAN-JESDURE

PETITION FOR AN REHEARING
FOR INJUNCTIVE RELIEF FILED
BY PETITIONER

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

JUL 05 2016

SC SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

DANIEL D. HALL; CIRCUIT COURT JUDGE

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

APPELLATE CASE No. 2015-002251

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

v.

STATE OF SOUTH CAROLINA, , , RESPONDENT.

PETITIONER FOR AN REHEARING

GEORGE CLEVELAND III #357770
TURBEVILLE CORRECTIONAL INST,
1578 CLARENCE COKER HWY
TURBEVILLE, S.C. 29162
PRO SE PETITIONER

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

1.
PETITION FOR AN REHEARING
APPELLATE CASE NO.

2015-002251

MAY IT PLEASE THE COURT: George Cleveland III, proceeding pro se, respectfully moves this court to GRANT MY PETITION FOR AN REHEARING^{1.} ON the following ground:

MY FIRST AMENDMENT (Access to the courts) AND FOURTEENTH AMENDMENT (Due property - property interest) under the United States Constitution provides me AN SUBSTANTIAL CONSTITUTION RIGHT(S) to Access the courts without missing court deadlines caused by Turbeville Correctional Institution's Prison-Administration. This COURT OVERLOOKED these SUBSTANTIAL FEDERAL RIGHTS UNDER ARNOLD V. CAROLINA POWER + LIGHT CO. 168 S.C. 163, 167 S.E. 234 (1933), AND CERTIORARI RULE OF THE SCACR

OVERLOOKED^{2.} SUBSTANTIAL
FEDERAL RIGHTS!

this COURT overlooked my ACTUAL INJURY claim under Lewis v. Casey 518 U.S. 343, 116 S.Ct. 2174 U.S. AR12 (1996), id., at 2178-2179, and that is, my missed legal deadline of: MARCH 02, 2016. in this case, and in this court R.p.p. 2-3 because MAJOR CHVALA OF TURBEVILLE

1. Rip. L (court's order).

Correctional Institution ordered two (2) of my three (3) Legal-Boxes stored in the prison's property room; my files for my missed deadline was in one (1) of the two (2) legal boxes stored in the prison-property-Room, id, And it took NINE (9) days after I first requested an legal box exchange before I was able to exchange the box causing me to miss my legal deadline of MARCH 02, 2016. in this court, R.p.p. 5-6, 8.

I hold close to my heart, my Federal Rights to access the courts under the United States Constitution, id, which are substantial Federal Rights which is an prerequisite under Rule 226 (1) (4) (5); search, by me citing Lewis v. Casey, id, which the Supreme Court of the United States held actual injury must meet the prerequisite of relief, and denial of my rehearing petition will conflict with this U.S. Supreme Court case; accordingly, this court overlooked my federal right (5) to access the courts, and demanded under Arnold, id at 238.

Finally, this court is bound by cases of the United States Supreme Court because... "the same obligation or efficacy in any two states... are

2.

consistent, and uniform throughout the country,
James v. City of Boise, Idaho 136 S. Ct. 685
193 L. Ed. 2d. 694 (2016), id, at 686 because I cited
Lewis v. Casey 518 U.S. 343, 116 S. Ct. 2174 U.S.
ARIZ (1996) id, at 2178-2180, which was overlooked
by this court respectively

3. CONCLUSION:

Actual Injury, i.e., prejudice was argued in my
brief, along with supporting affidavits. As an inmate in the
custody of the South Carolina Department of Corrections
(S.C.D.C.), my rights are limited, but access to the courts
and due process under the law under the United States
Constitution are beyond that limit because these,
id, are fundamental and substantial federal rights that
were overlooked by this court; consequently, I respectfully
request this court GRANT MY PETITION FOR AN REHEARING,
and rule on the merits of my injunctive relief
which is too:

ENJOIN MAJOR CHVALA OF TURBEVILLE CORRECTIONAL
INSTITUTION TO RETURN MY LEGAL BOXES STORE IN THE PRISON'S
PROPERTY ROOM BACK TO ME.

DATED: JUNE 28, 2016.

Respectfully Submitted,
3. George Cleveland, #357770, T118
TURBEVILLE CORRECTIONAL INST.
1578 CLARENCE COCKER HUY
TURBEVILLE, S.C. 29162

SUPPORTING APPENDIX FOR PETITION
FOR AN REHEARING FOR INJUNCTIVE
RELIEF

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JUL 05 2016

SC SUPREME COURT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

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

APPELLAT CASE NO. 2015-002251

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

v,

STATE OF SOUTH CAROLINA, , , , RESPONDENT.

George Cleveland ~~III~~, #357770
Turbeville Correctional Inst.
1578 Clarence Coker Hwy.
Turbeville, S.C. 29162.
pro se Petitioner.

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2015-002251

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COURT ORDER DENYING MOTION FOR INJUNCTIVE
RELIEF DATED: JUNE 15, 2016. 1

PAGE-4 OF INJUNCTION MOTION FILED 2

PAGE-5 OF INJUNCTION MOTION FILED 3

SUPPORTING AFFIDAVITS FILED IN THIS
COURT OF INJUNCTIVE RELIEF, 4-7

The Supreme Court of South Carolina

George Cleveland, III, Petitioner,

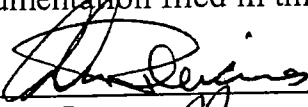
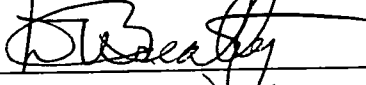
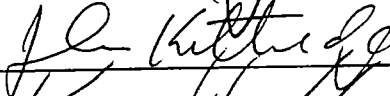

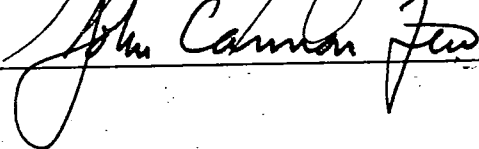
v.

State of South Carolina, Respondent.

Appellate Case No. 2015-002251

ORDER

Petitioner has filed a "Motion for Leave of Court to Order Payment/Printing for Clerk of Court Record," "Priority Motion for Injunctive Relief," and petition for a writ of certiorari. The motions are denied. The petition for a writ of certiorari is denied after careful consideration of all documentation filed in this matter.

	_____	C.J.
	_____	J.
	_____	J.
	_____	J.
	_____	J.

Columbia, South Carolina

June 15, 2016

cc:
Karen Christine Ratigan, Esquire
George Cleveland, III
SC Appellate Defense

ON February 23-26, 2016, I requested to exchange my legal-box with another, by and through my DORM LT. Redder that Sgt Scott was unavailable, after she phoned prison operations. R.P. 1 AT PAR 1.

ON February 29 - MARCH 02, 2016, LT. Redder WAS NOT in the DORM. DURING this time, I requested officer Welch call prison operations to request I exchange my legal box to no avail. IN large part because of yet another prison - lock-down. R.P. 1 AT PAR - 8.

ON MARCH 03, 2016, I WAS finally allowed to retrieve files from another legal box stored in property which contained, the form-4 filed judgment documents, the date I signed for and received

1. the judgment was an appeal motion for sanctions against Assistant Attorney General Karen C. Ratigan for filing an frivolous defense in this p.c.R case in the Greenville County Common-Pleas Court.

APPELLATE CASE No. 2015-002251

the denied Rule 59(e) motion on February 01, 2016, R.P. 1 at PAR. 9 which triggered the thirty (30) day deadline to file my notice of appeal in this court at March 02, 2016. "A NOTICE OF APPEAL shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." Rule 203 (B)(1) SCACR. I suffered actual injury under Lewis v. Casey 518 U.S. 343, 116 S. Ct. 2174 U.S. ARIZ (1996) id., at 2178-2179 (denial of access to the courts require actual injury) of the March 02, 2016 missed deadline to file notice of appeal because my legal - but that the judgment forms were in was stored in the TURBEVILLE CORRECTIONAL INSTITUTION'S property - rooms, were wholly out of my reach, accordingly, I have standing to request injunctive relief from this court.

APPELLATE CASE NO. 2015-002251

AFFIDAVIT BY GEORGE CLEVELAND, III
IN SUPPORT GRANTING INJUNCTIVE RELIEF

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APPELLATE CASE NO. 2015-002251

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

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

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

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

- 2/02/16; Prison-Lockdown;
- 2/09/16; scheduled p.c.r.-hearing on 2/10/16; in transport the morning of 2/09/16; and
- 2/17/16; Prison-Lock-down.

11. Missed the following legal-deadlines:

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

Appellate

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C/A No. 2015-000697; certiorari Petition Deadline on 2/26/16 (S.C. COURT OF APPEALS); INADEQUATE LAW LIBRARY TIME; MOTION FOR AN EXTENSION PENDING,

Appellate case no. 2015-002251; certiorari P.C.R. Review deadline on 2/19/16 (S.C. SUPREME COURT); INADEQUATE LAW LIBRARY TIME; MOTION FOR AN EXTENSION GRANTED.

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

12. All three (3) of my legal-boxes contain my pending legal-cases; AND Resources.

AFFIANT'S SIGNATURE

[Handwritten Signature]

SWORN to and subscribed before me this
17th day of March, 2016.
[Signature] (L.S.)
Notary Public for South Carolina

My Commission Expires: 4-27-2016

Appellate Case No 2015-002251

TURBEVILLE C. L.
MAIL ROOM
TURBEVILLE, S. C. 29162

George Clave Land ~~III~~ 357770 JTA118
1578 Clave Land Hwy

petition For Rehearing
1052

APPELLATE CASE NO.
2015 502251

Legal Mail


The Supreme Court of South Carolina
Daniel E. Shearouse, clerk of court
P.O. Box 11330
Columbia, SC 29211

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JUN 28 2016

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