

PETITIONER'S APPENDIX IN SUPPORT

OF PETITION FOR REHEAR **RECEIVED**

THE STATE OF SOUTH CAROLINA ^{JUL 22 2016.}

IN THE SUPREME COURT ^{SC}

APPEAL FROM GREENVILLE COUNTY

JAMES R. BARBER, III, CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2014-CP-23-05661

APPELLATE CASE NO. 2016-000498

GEORGE CLEVELAND, III, PETITIONER

v.

GREENVILLE COUNTY SHERIFF'S OFFICE, RESPONDENT

PETITIONER'S SUPPORTING APPENDIX

GEORGE CLEVELAND, III #35770JTH18
TURBEVILLE CORRECTIONAL INST.
1578 CLARENCE COKER HWY
TURBEVILLE, S.C. 29162
PROSE PETITIONER

PETITIONER'S APPENDIX
APPELLATE CASE NO 2016-000498
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MAR 08 2016

APPELLANT'S MOTION FOR LEAVE TO FILE MOTION FOR AN EXTENSION AS TIMELY

SUPREME COURT

RECEIVED

MAR 04 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

COURT OF COMMON PLEAS

LOWER COURT CASE NO. 2014-CP-23-05661

APPELLATE CASE NO. 2015-000697

George Cleveland III,

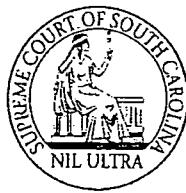
APPELLANT,

v.

GREENVILLE COUNTY SHERIFFS
OFFICE,

RESPONDENT.

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



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The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

March 11, 2016

Mr. George Cleveland, III, #357770
#357770 Turbeville Correctional Institution
P.O Box 252
Turbeville SC 29162

Re: George Cleveland, III v. Greenville Co. Sheriff's Office
Appellate Case No. 2016-000498

Dear Mr. Cleveland:

This Court has received your motion for an extension to serve and file the petition for a writ of certiorari and appendix regarding the South Carolina Court of Appeals' decision in Appellate Case Number 2015-000697, and this matter has been assigned the appellate case number that appears above.

Since you have not paid the \$25 dollar filing fee required for this motion by Rule 240(d) of the South Carolina Appellate Court Rules (SCACR), it will be necessary for you to pay this fee within ten (10) days of the date of this letter. By copy of this letter, I do ask the Court of Appeals not send the remittitur for ten days to give

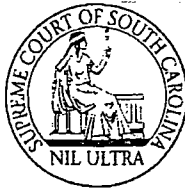
you the opportunity to pay the motion filing fee.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line that extends to the right and then loops back down.

CLERK

cc: Charles Franklin Turner, Jr., Esquire
Anne Ross Culbreath, Esquire
Jenny Abbott Kitchings, Esquire



~~Appellate Exhibit B~~
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The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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March 23, 2016

Mr. George Cleveland, III, #357770
#357770 Turbeville Correctional Institution
P.O Box 252
Turbeville SC 29162

Re: George Cleveland, III v. Greenville Co. Sheriff's Office
Appellate Case No. 2016-000498

Dear Mr. Cleveland:

Since you have not paid the filing fee required by Rule 240(d) of the South Carolina Appellate Court Rules and requested by this Court's letter dated March 11, 2016, no action will be taken on your motion for an extension to serve and file the petition for a writ of certiorari.

Very truly yours,

CLERK

cc: Charles Franklin Turner, Jr., Esquire
Anne Ross Culbreath, Esquire
The Honorable Jenny Abbott Kitchings

PETITIONER'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY

COURT OF COMMON PLEAS

JAMES R. BARBER, III, CIRCUIT COURT JUDGE

LOWER COURT CASE No. 2014-CP-23-05661

APPELLATE CASE No. 2015-000697

APPELLATE CASE No. 2016-008498

George Cleveland, III PETITIONER

v.

GREENVILLE COUNTY SHERIFF'S OFFICE RESPONDENT

PROOF OF SERVICE

George Cleveland, III #357770
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
TURBEVILLE, S.C. 29162
PRO SE LITIGANT

1.
PROOF OF SERVICE

To George Cleveland III, certifies that on the DATE below, by, and through the Turbeville Correctional Institutional's mailroom, properly addressed, proper postage affixed served the following legal documents:

- Petitioner's second motion for an extension;
- Petitioner's motion to proceed in forma pauperis regarding motion fee;
- Proof of service.

The following Attorneys were served:

Wilson Jones Carter + Bartley, P.A.
 Charles F. Turner, Jr., Esquire
 Anne R. Culbreath, Esquire
 872 S. Pleasantburg Drive
 Greenville, S.C. 29607
 Telephone: (864) 467-3713
 Attorneys for Respondent.

Respectfully Submitted,



George Cleveland III #357770
 Turbeville Correctional Inst.
 P.O. Box 252
 Turbeville, SC 29162

DATED: MARCH 24, 2016



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
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March 28, 2016

The Honorable Paul B. Wickensimer
Courthouse
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: George Cleveland, III v. Greenville Co. Sheriff's Office
Lower Court Case No. 2014CP2305661
Appellate Case No. 2015-000697

Dear Clerk of Court:

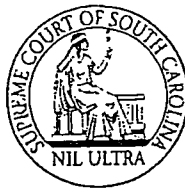
The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure



page 8

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
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COLUMBIA, SOUTH CAROLINA 29201
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April 1, 2016

Mr. George Cleveland, III, #357770
Turbeville Correctional Institution
P.O Box 252
Turbeville SC 29162

Re: George Cleveland, III v. Greenville Co. Sheriff's Office
Appellate Case No. 2016-000498

Dear Mr. Cleveland:

This responds to your motion to proceed without motion fee, motion for extension, and petition for a writ of certiorari. These two motions were received by this Court on March 29, 2016, and the petition was received on March 30, 2016.

Please be advised that the South Carolina Court of Appeals sent the remittitur to the circuit court on March 28, 2016. The sending of the remittitur ended appellate jurisdiction over this case and no further motions or petitions can be considered. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007). Therefore, no action will be taken on your motions and petition by this Court.

Very truly yours,

CLERK

cc: Charles Franklin Turner, Jr., Esquire
Anne Ross Culbreath, Esquire
Jenny Abbott Kitchings, Esquire

Appellate case No
2016-006498

RECEIVED

APR 05 2016
MAILROOM
TURBEVILLE CI.

April 06, 2016

The Supreme Court of South Carolina
 DANIEL E. SHEAROUSE, clerk of court
 Post office Box 11330
 Columbia, SC. - 29211

Re: CONTINUED CONFUSION with Appellate case
 NO. 2016-000498, AND 2015-000957 by George
 Cleveland JIII.

1. DEAR MR. SHEAROUSE,
 ON APRIL 05, 2016, I RECEIVED FROM THE TURBEVILLE
 CORRECTIONAL INSTITUTION'S MAIL ROOM, YOUR LETTER (DATED
 APRIL 01, 2016) REGARDING "NO ACTION WILL BE
 TAKEN ON YOUR MOTIONS AND PETITION BY THIS
 COURT." THIS LETTER REFERRED TO MY GREENVILLE
 COUNTY SHERIFF'S OFFICE (NO. 2016-000498) BECAUSE
 THE REMITTITUR WAS SENT ON MARCH 28, 2016
 BY THE S.C. COURT OF APPEALS
2. I SUBMIT, THIS IS IN ERROR. THE MARCH 30, 2016
 FILING IN YOUR OFFICE WAS APPELLATE NO. 2015-
 000957 VS. SCDC. WHICH DEALS WITH AN ALC
 APPEAL IN THE SC COURT OF APPEALS MISSED
 DEADLINE BECAUSE OF PRISON LOCKDOWNS, AND THE

Supreme Court of the United States deprived of jurisdiction because the Appellate Rules do not allow, SCDC inmates to file late legal documents. will I've explicably detailed in the SCDC petition.

3. This filing has ~~NOTHING~~ to do with my Greenville County Sheriff's office filings in this court (Appellate Case no: 2016-000498)
4. Appellate Case no. 2016-000498 has multiple pending motions for attentions, and FORMA PROPERIS motions that were all filed BEFORE THE REMITTUR WAS sent to the lower court on MARCH 28, 2016; therefore the Greenville County Sheriff's office case pending here, must be forwarded to the full court for their consideration.
5. THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS PRISON EMPLOYEES AND ADMINISTRATION ARE WHOLLY TO BLAME FOR ALL MISSED DEAD LINES IN THIS COURT AND THE S.C. COURT OF APPEALS THE ARGUMENTS, AFFIDAVIT, AND SUPPORTING DOCUMENTS

WERE FILED IN YOUR OFFICE.

6. MAIN CONCLUSION (S)

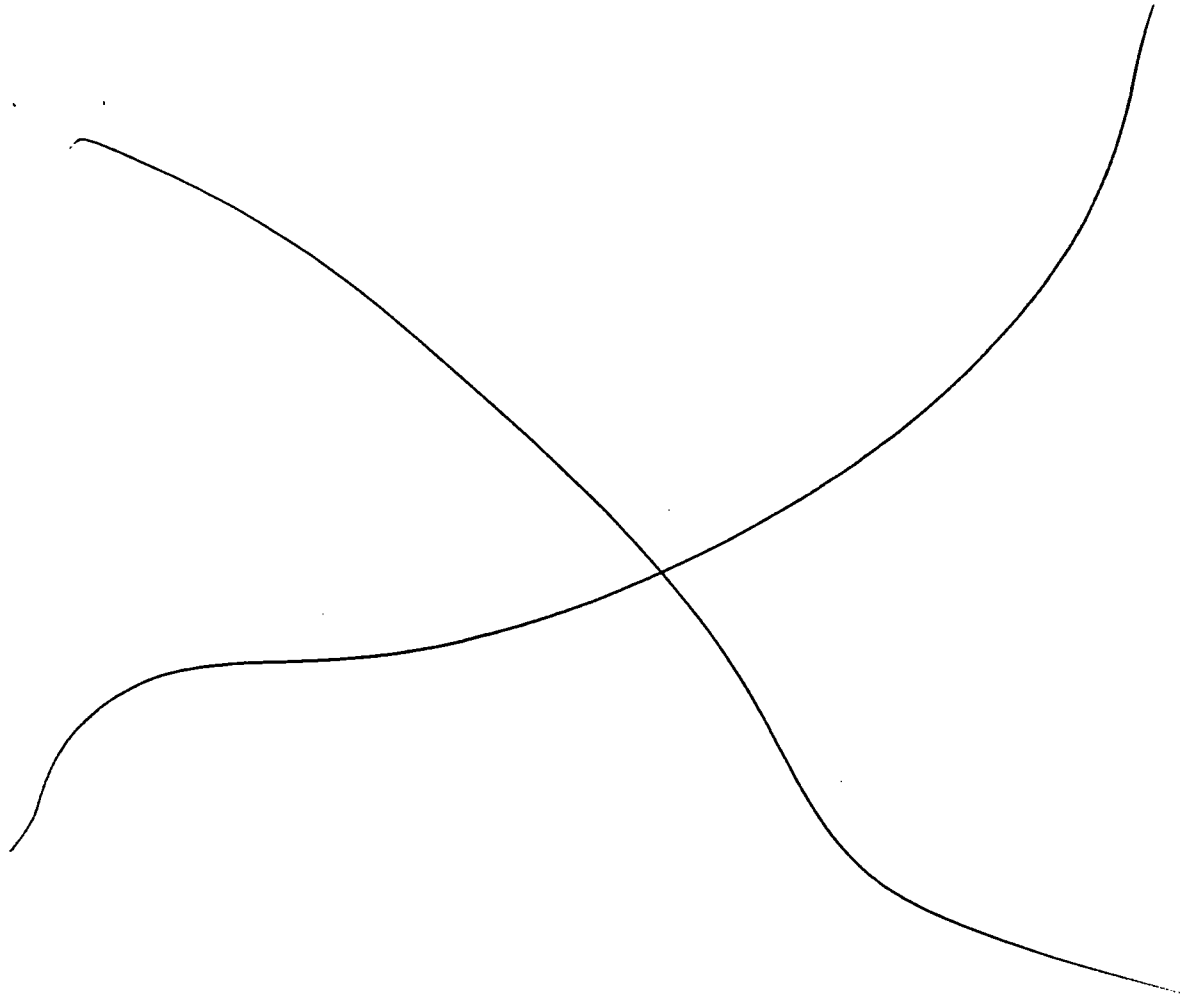
The Remittitur in Appellate case no. 2016-000498 WAS sent in ERROR, AND WITH NO CONSIDERATION BY THE COURT ON MY MOTIONS FOR EXTENSIONS (SCDC Lock-down).

THE MARCH 30, 2016 FILING IN APPELLATE CASE NO. 2015-000957 HAS NOTHING TO DO WITH APPELLATE CASE NO. 2016-000498, but deal solely with PRISON-LOCKDOWNS CAUSED AN MULTITUDE OF MISSED DEADLINES.

7. CONCLUSION:

BOTH FILINGS SHOULD BE FORWARDED TO THE COURT FOR CONSIDERATION AS BOTH FILINGS ARE SUPPORTED BY AN MOUNTAIN OF EVIDENCE.

- cc: CHARLES FRANKLIN TURNER, JR., Esquire
- ANNE ROSS CULBREATH, Esquire
- DAVID TATARSKY, Esquire (S.C.D.C OFFICE OF THE GENERAL COUNSEL)
- JENNY ABBOTT KITCHINGS, Esquire



Respectfully submitted,
~~George Cleveland, III #35770~~
 George Cleveland, III #35770
 TURBEVILLE CORRECTIONAL INST.
 P.O. Box 252
 TURBEVILLE, S.C. 29162

The Supreme Court of South Carolina

George Cleveland, III, Petitioner,

v.


Greenville County Sherriff's Office, Respondent.

Appellate Case No. 2016-000498

Lower Court Case No. 2014CP2305661

ORDER

The South Carolina Court of Appeals sent the remittitur in this case on March 28, 2016.¹ The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007). Therefore, no action will be taken on the motions that have been filed with this Court.²



FOR THE COURT C.J.

Columbia, South Carolina
June 23, 2016

cc: Charles Franklin Turner, Jr., Esquire
Anne Ross Culbreath, Esquire
Mr. George Cleveland, III
The Honorable Paul B. Wickensimer
The Honorable Jenny Abbott Kitchings, Esquire

¹ Before the Court of Appeals, the Appellate Case Number was 2015-000697.

² In letters dated April 6 and April 11, 2016, petitioner argues that the Court of Appeals erred in sending the remittitur. If there is any basis to recall the remittitur, that was a matter that petitioner should have raised by timely motion to the Court of Appeals.

IN re of: TIMELY FILED MOTION page 15
AFFIDAVIT BY GEORGE CLEVELAND III

APPELLATE CASE NO. 2015-000697

1. I, George Cleveland III, swears under the penalty of perjury the following is true, and correct to the best of my knowledge:
2. ON FEBRUARY 29, 2016, TURBEVILLE CORRECTIONAL INST. WAS LOCKED DOWN UNTIL AROUND 3:00 P.M. THE MAIL ROOM IS ONLY OPEN FROM 11 A.M. - 12 P.M. ON NORMAL BUSINESS DAYS. I INFORMED LT. REDDING AND OFFICER WELCH OF RIMINI C-WING DORM OF THIS 2/29/16 DEADLINE, BUT THEY STATED I COULD NOT WALK TO THE MAIL ROOM BECAUSE THE ENTIRE PRISON WAS LOCKED-DOWN.

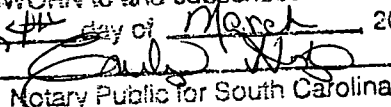
SWORN to and subscribed before me this
1st day of March, 2016
Emily [Signature] (L.S.)
Notary Public for South Carolina

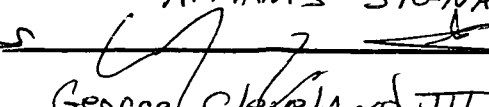
My Commission Expires: 4-27-2016

AFFIDAVANT'S SIGNATURE,
of [Signature]

AFFIDAVIT BY GEORGE CLEVELAND, III
IN RE TO: EXTENSION OF TIME MOTION
APPELLATE CASE NO. 2016-000498

1. I, George Cleveland, III, swear under the penalty of perjury the following is true and correct to the best of my knowledge:
2. My cell-room located in: DORM TAWCAW ASIDE Room No. 118 AT TURBEVILLE CORRECTIONAL INST. WAS without a light from: MARCH 20-23, 2016 until it WAS REPAIRED AFTER FILING AN GRIEVANCE.
3. The lack of light in my room put me further behind with my P.C.R. certiorari petition in Appellate case NO-2015-002251. AFTER REPEATED REQUEST TO SGT. TOLLINSON ON 3/20/16 (FROM NOON-5:30 P.M.) TO CALL TO PRISON OPERATIONS AND ASK SHIFTS CAPTAIN PACK IF I COULD use my DORM'S DAYROOM (WHICH HAD LIGHT) WERE IGNORED.
4. My P.C.R. petition consumed a lot of my legal white paper, thus I may could had not completed my petition and supporting appendix but I could of gotten started at least.

SWORN to and subscribed before me this
24th day of March 2016
 (L.S.)
 Notary Public for South Carolina
 My Commission Expires: 4-27-2016

AFFIANT'S SIGNATURE,

 George Cleveland, III #357770

The Supreme Court of South Carolina

George Cleveland, III, Petitioner,

v.

Greenville County Sherriff's Office, Respondent.

Appellate Case No. 2015-002129

Lower Court Case No. 2014CP2305661

ORDER

By order dated July 10, 2015, the South Carolina Court of Appeals dismissed the appeal in this matter. The Court of Appeals sent the remittitur to the circuit court on July 28, 2015.

Petitioner has now filed a petition for a writ of certiorari seeking review of the decision of the Court of Appeals. The petition is dismissed for three reasons.

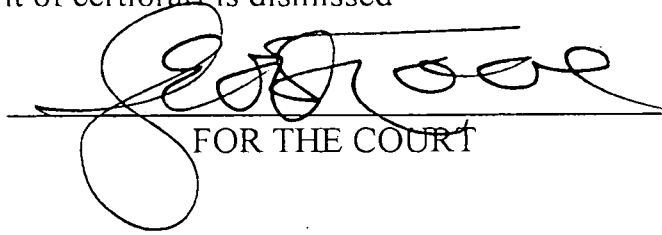
First, petitioner has not paid the \$100 filing fee required by Rule 242(c) of the South Carolina Appellate Court Rules (SCACR).

Second, under Rule 242(a) of the South Carolina Appellate Court Rules (SCACR), this Court will only review a final decision of the Court of Appeals, and a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals. Rule 242(c), SCACR. Since no petition for rehearing or reinstatement has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review.

Finally, the sending of the remittitur ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).¹

¹ In the petition, petitioner argues, among other things, that the Clerk of the Court of Appeals should not have sent the remittitur because a timely petition for

Accordingly, the petition for a writ of certiorari is dismissed

 C.J.
FOR THE COURT

Columbia, South Carolina
October 19, 2015

cc: Charles Franklin Turner, Jr., Esquire
Mr. George Cleveland, III, 357770
The Honorable Paul B. Wickensimer
The Honorable Jenny Kitchings

rehearing had been filed. The Court of Appeals has not ruled on any motion to recall the remittitur, and whether it is appropriate to recall the remittitur is a matter for the Court of Appeals to consider in the first instance.

The South Carolina Court of Appeals

George Cleveland, III, Appellant,

v.

Greenville County Sherriff's Office, Respondent.

Appellate Case No. 2015-000697

ORDER

This Court's Remittitur was sent to the Clerk of Greenville County on July 28, 2015. It is now necessary for this Court to recall the remittitur. The Clerk of Greenville County is, therefore, directed to return the remittitur to the Clerk of the South Carolina Court of Appeals within ten days from the date of this order.

FOR THE COURT

BY Joy A. Kately
CLERK

Columbia, South Carolina

cc:
George Cleveland, III, 357770
Charles Franklin Turner, Jr., Esquire
Anne Ross Culbreath, Esquire

FILED

10/21/15



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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January 28, 2016

George Cleveland, III, #357770
#357770 Turbeville Correctional Institution
P.O Box 252
Turbeville SC 29162

Re: George Cleveland, III v. Greenville Co. Sheriff's Office
Appellate Case No. 2015-000697

Dear Mr. Cleveland:

Enclosed is a copy of an order of the panel denying your petition for rehearing. Your petition for rehearing en banc was distributed to the judges, but it has been rejected. *See* Rule 219, SCACR.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: Charles Franklin Turner, Jr., Esquire
Anne Ross Culbreath, Esquire

The South Carolina Court of Appeals

George Cleveland, III, Appellant,

v.

Greenville County Sherriff's Office, Respondent.

Appellate Case No. 2015-000697

ORDER

Appellant has filed several documents, which we construe together as a petition to rehear the dismissal of this appeal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Paul E. Short, Jr.

J.

John D. Beatty

J.

Stephanie L. McDaniel

J.

Columbia, South Carolina

cc:

George Cleveland, III, #357770
Charles Franklin Turner, Jr., Esquire
Anne Ross Culbreath, Esquire

FILED

1/28/2015

1.

CERTIFICATE BY PROSE APPELLANT

The South CAROLINA COURT OF APPEALS' Deputy Clerk v. CLAIRe Allen declined to file my Petition for REINSTATEMENT on An September 16, 2015 letter; therefore, my instant Petition for A WRIT OF CERTIORARI is Ripe for Review by this Court.

2.

QUESTION PRESENTED FOR REVIEW

2-1 Did the S.C. COURT OF APPEALS' Deputy Clerk v. CLAIRe Allen ERR in not filing my Petition for Rehearing even though the Petition WAS filed PRIOR to the issuance of the Remittitur in my case which is in conflict with STATE v. KEELS, 39 S.C., 553, 17, S.E., 803, S.C., (1893), which held Remittitur mistakenly sent must be recalled?

IN THE INTEREST OF JUDICIAL ECONOMY AND SUBSTANTIAL CONSTITUTIONAL RIGHTS

2-2. Whether S.C. Code of Law Ann. §24-27-130 (Inmate Litigation) is unconstitutional under the equal protection of the LAWS clause

1.