

August 28, 2016.

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

P.O. Box 11330

COLUMBIA, S.C. 29211

RECEIVED

SEP 01 2016

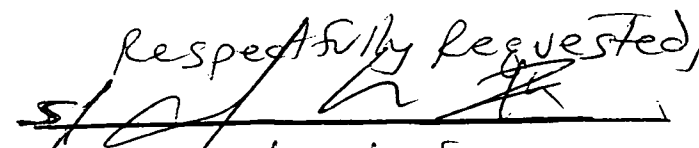
S.C. SUPREME COURT

Re: Applicant's Amended notice of Interlocutory Appeal by George Cleveland, III v. State; Lower Court Case No. 2014-CP-37-0718.

1. DEAR MR. Shearouse,

ON OR-AROUND August 22, 2016, I mailed to your office a duplicate of the Interlocutory Review, but it WAS ERROR. The correct notice of Interlocutory Review of the JULY 22, 2016. order.

2. CAN you please, make the changes in your system? CAN you Also kindly stamp the extra-copies in the self-addressed-stamped-envelope, and mail back to me?

Respectfully Requested,  
  
George Cleveland, III  
Tyger River Correctional Inst  
200 PRISON ROAD  
ENOKEE, S.C. 29335

CC: FILE

JOHANNA C. VALENZUELA, ESQUIRE

LEGAL MAIL

APPELLANT'S AMENDED NOTICE OF INTERLOUCTORY  
APPEAL OF JULY 22, 2016 JUDGMENT

THE STATE OF SOUTH CAROLINA.

IN THE SUPREME COURT

INTERLOUCTORY APPEAL FROM OCONEE COUNTY

RECEIVED

COURT OF COMMON PLEAS

SEP 01 2016

S.C. SUPREME COURT

R. SCOTT SPROUSE, CIRCUIT COURT JUDGE

LOWER COURT CASE No. 2014-CP-37-0718

APPELLATE CASE No. 2016 -

GEORGE CLEVELAND, III, APPLICANT,

S.C.D.C. No. 357770,

v,

STATE OF SOUTH CAROLINA, RESPONDENT.

George Cleveland, III, the Applicant proceeding pro se files this Amended NOTICE OF INTERLOUCTORY APPEAL OF Judge R. Scott Sprouse's JULY 22, 2016. order. I signed for. And received the order on JULY 29, 2016 from the Tyger, River Correctional's mail-room.

Respectfully Submitted

*[Signature]*  
George Cleveland, III #357770

Tyger, River Correctional Inst.  
200 PRISON ROAD  
ENO, REC, S.C. 29335

DATED: AUGUST 28, 2016.

LEGAL MAIL

APPLICANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

INTERLODUCTORY APPEAL FROM OCONEE COUNTY

COURT OF COMMON PLEAS

R. SCOTT SPROUSE; CIRCUIT COURT JUDGE

LOWER COURT CASE No. 2014-CP-37-0718

APPELLATE CASE No. 2016-

GEORGE CLEVELAND, III,

S.C.D.C. No. 35777g

v.

STATE OF SOUTH CAROLINA,

**RECEIVED**, APPLICANT,

SEP 01 2016

S.C. SUPREME COURT

RESPONDENT.

APPELLANT'S PROOF OF SERVICE

I, George Cleveland, III, certifies that on the date below by and through the Tyger River Correctional's unit room, with proper United States Postage, and properly addressed the following documents:

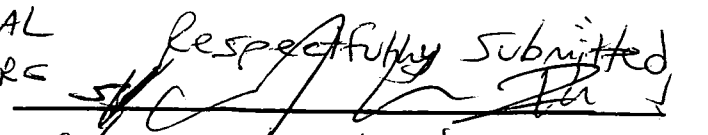
Applicant's Amended notice of Interlocutory Appeal; June 13, 2016 Judgment, and July 22, 2016 Judgment, the following Attorney for the Respondent;

OFFICE OF THE ATTORNEY GENERAL  
JOHANNA C. VALENZUELA, ESQUIRE  
P.O. Box 11549

COLUMBIA, S.C. 29211-1549

Dated: August 29, 2016

**LEGAL MAIL**

Respectfully Submitted  
  
George Cleveland, III #35777g  
Tyger River Correctional Inst  
200 PRISON ROAD  
ENOKEE, S.C. 29335

IN THE COURT OF COMMON PLEAS

CASE NO. 2014-CP-37-0718 FILED OCONEE COUNTY, SC  
BEVERLY H. WHITFIELD  
CLERK OF COURT

George Cleveland, III. #357770  
PLAINTIFF(S)

State of South Carolina 2016 JUN 13 A 9: 08  
DEFENDANT(S)

Submitted by: Court	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> 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);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  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.

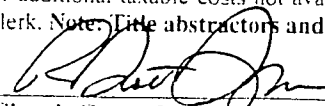
**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

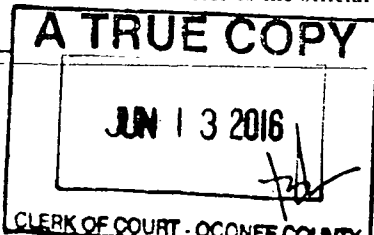
**ORDER INFORMATION**

This order  ends  does not end the case.  
Additional Information for the Clerk :

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)
n/a		\$
		\$
		\$
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



2752  
Judge Code

6-10-16  
Date



STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

FILED OCONEE COUNTY, SC  
BEVERLY H. WHITFIELD  
CLERK OF COURT

IN THE COURT OF COMMON PLEAS  
OR THE TENTH JUDICIAL CIRCUIT

George Cleveland, #357770,

2016 JUN 13 ) A 9: 08

Case No.: 2014-CP-37-0718

Applicant, )

vs. )

**ORDER GRANTING MOTION TO  
CONTINUE HEARING**

State of South Carolina, )

Respondent. )

This matter is before the Court by way of an application for post-conviction relief filed on December 12, 2014. A hearing was held before The Honorable R. Scott Sprouse on June 6, 2016, with Applicant appearing *pro se* and Respondent being represented by Senior Assistant Attorney General Johanna C. Valenzuela.

At the hearing, Applicant moved for a continuance, alleging inability to access the law library; insufficient time to prepare due to the thirty-five other cases he is currently handling, specifically one that had a hearing scheduled on June 2, 2016, before The Honorable DeAndrea G. Benjamin; not having his PCR records with him; and lack of notice of the hearing.

Respondent objected to the continuance, noting Applicant had previously continued this case twice and asserting he had been given notice of a June 2016 PCR hearing date at his February 2016 hearing.

At the hearing, Respondent handed Applicant copies of the following documents:

- Copy of the public index, showing all the filings done by both parties in this case
- Grievance form filed by Applicant
- Appellate order in Applicant's case
- Order relieving counsel from February 2016 term of court
- The Return filed by Respondent
- The Oconee County PCR Application
- The October 13, 2014 guilty plea transcript
- The Oconee County Clerk Records


RSS

- The Greenville County Clerk Records
- Applicant's SCDC Records
- The Greenville County PCR Application

IT IS THEREFORE ORDERED THAT:

1. All Amendments in this case must be filed no later than October 10, 2016.
2. The hearing for this case shall be scheduled for the October 24-28, 2016 term of court in Oconee County.
3. Respondent should communicate with the South Carolina Department of Corrections so that Applicant may be notified of this court date to the extent safety and SCDC policy allows such notification.
4. No further continuances shall be granted in this case.

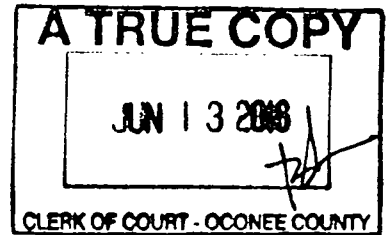
IT IS SO ORDERED this 10 day of June, 2016.



R. SCOTT SPROUSE  
 Presiding Judge  
 Tenth Judicial Circuit

Walthello, South Carolina

FILED OCONEE COUNTY, SC  
 BEVERLY H. WHITFIELD  
 CLERK OF COURT  
 2016 JUN 13 A 9:08



STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

JUDGMENT IN A CIVIL CASE

IN THE COURT OF COMMON PLEAS

CASE NO. 2014-CP-37-0718

FILED OCONEE COUNTY, SC  
SEVERLY H. WHITFIELD  
CLERK OF COURT

George Cleveland, III, #357770  
PLAINTIFF(S)

State of South Carolina  
DEFENDANT(S) 2016 JUL 22 A 8:43

Submitted by: Court

Attorney for:  Plaintiff  Defendant  
or  
 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), 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 (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk:

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.

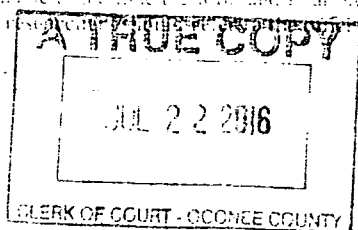
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including a map information and address, referenced in the order:

The judgment information above has been provided by the filer(s) only. 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 payable at the time the term and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and resurveyors should refer to the court order for judgment details.

Circuit Court Judge

SCRCP Form 10 (03/2015)



2753  
Judge Code

7-21-16  
Date

For Clerk of Court Office Use Only

This judgment was entered on the 22<sup>nd</sup> day of July 2016 and a copy mailed first class or placed in the appropriate attorney's box on this 22<sup>nd</sup> day of July 2016 to attorneys of record or to parties (when appearing pro se) as follows:

George Cleveland, pro se

Johanna C. Valenzuela

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Beverly H. Whitfield  
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 OCONEE )  
 )  
 )  
 George Cleveland, III, #357770, )  
 )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

CASE NO.: 2014-CP-37-0718

ORDER DENYING APPLICANT'S MOTION  
 FOR RECONSIDERATION OF  
 ORDER OF CONTINUANCE

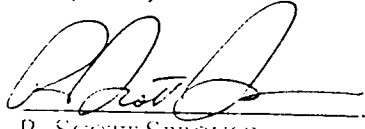
FILED OCONEE COUNTY, SC  
 BEVERLY H. WHITFIELD  
 CLERK OF COURT  
 2016 JUL 22 A 8:43

After careful consideration of filings from the Applicant and review of the record, the Court finds that this Court's Order Granting Motion to Continue Hearing, filed June 13, 2016, shall be modified as follows:

4. No further continuances shall be granted in this case absent the showing of extraordinary or unusual circumstances. Any requests for continuance will be heard by the presiding judge.

As to all other allegations in the Applicant's motion, the court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Accordingly, the Applicant's Motion, pursuant to Rule 59, SCRPC,<sup>1</sup> is DENIED except as expressly modified herein.

AND, IT IS SO ORDERED.

  
 R. SCOTT SPROUSE  
 Judge, Tenth Judicial Circuit

A TRUE COPY  
 JUL 22 2016  
 CLERK OF COURT - OCONEE COUNTY

Walthalla, South Carolina  
 7-21, 2016

<sup>1</sup> The Court, in its discretion, has taken this Motion off the filings, without prejudice, pursuant to Rule 59(d), SCRPC.

George Cleveland, #35770, U8 115A  
Tyger River Correctional Inst.,  
200 Prison Road  
Empire, NC 29335

RECEIVED

AUG 29 2016

TYRGI MAILROOM

The Supreme Court of South Carolina  
DANIEL S. STEARNS, Clerk of Court  
P.O. Box 11330  
COLUMBIA, SC 29211

