

SEPTEMBER 09, 2016

The Supreme Court of South Carolina
DANIEL E. SHEAROUSE; Clerk of Court
Post Office Box 11330
COLUMBIA, S.C. 29211

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SEP 15 2016

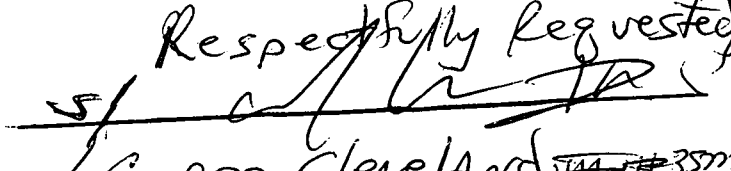
S.C. SUPREME COURT

Re: PETITION FOR REHEARING; George Cleveland, ~~JR~~ v.
STATE; Appellate Case No. 2016-001749.

1. DEAR MR. SHEAROUSE,

Can you please file the attached petition for
rehearing of August 26, 2016 order of dismissal,
supporting appendix, and proof of service, and forward
to the court for consideration?

2. Can you please also kindly stamp the extra
copies in the self-addressed-stamped-envelope
and mail back to me?

Respectfully Requested,

George Cleveland ~~JR~~ #35770
Tiger River Correctional Inst
200 PRISON ROAD
ENOREE, S.C. 29335

CC: FILE
JOHANNA C. VALENZUELA; ESQUIRE

LEGAL MAIL

PETITIONER'S PROOF OF SERVICE

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SEP 15 2016

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

INTERLOUCTORY 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. 2016-001749

GEORGE CLEVELAND, III,

S.C.D.C. NO. 357770,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT,

I, George Cleveland, III, certifies that on the date below,

by and through the Tiger River Correctional's mail-room

properly addressed, and with proper United States

postage, serve the Respondent's Attorney of Record, my

petition for rehearing, supporting Appendix, and this

proof of service to the following entity:

OFFICE OF THE ATTORNEY GENERAL

JOHANNA C. VALENZUELLA; ESQUIRE

P.O. Box 11549

COLUMBIA, SC 29221-1549

Respectfully Submitted



George Cleveland, III #357770

Tiger River Correctional Inst

200 PRISON ROAD

ENOREE, SC 29335

DATED: SEPT. 09, 2016

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SEP 15 2016

S.C. SUPREME COURT

PETITION FOR REHEARING OF THE
DISMISSAL OF INTERLOCUTORY
NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS

R. SCOTT SPROUSE, CIRCUIT COURT JUDGE

LOWER COURT CASE No. 2014-CP-370718

APPELLATE CASE No. 2016-001749.

GEORGE CLEVELAND, III,

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

v.

STATE OF SOUTH CAROLINA,

PETITIONER

RESPONDENT

PETITION FOR REHEARING

OFFICE OF THE ATTORNEY GENERAL
JOHANNA C. VALENZUELA, ESQUIRE
P.O. Box 11549
COLUMBIA, S.C. 29211-1549
Attorney For the Respondent.

GEORGE CLEVELAND, III, #357770
Tyger River Correctional Inst.
200 PRISON ROAD
ENOREE, S.C. 29335

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INTRODUCTION:

MAY IT PLEASE THE COURT: George Cleveland ~~JURY~~
proceeding prose in this case respectfully petitions
this court for a REHEARING under Rule 221 SCACR
on the following grounds:

OVERLOOKED THE WORD: "INTERLOUCTORY," AND
INSTEAD CONTRUED IT AS THE FINAL JUDGMENT.

2. RELEVANT-CASE-HISTORY:

ON OR. Around August 23, 2016, my Notice of
Interlouctory Appeal mailing a second copy as the
first was not received by this office, on or around
August 28, 2016, I mailed to this office an Amended
NOTICE OF INTERLOUCTORY Appeal of the JULY 22, 2016
Judgment, P.P. 1-2. Notice of INTERLOUCTORY Appeal,
And Amended copy.

This court dismissed my Appeal by order dated August
26, 2016, and correlated the dismissal any and subsequent
order related to my Amended Appeal notice, P.P. 3-4,
orders dated August 26, 2016 and September 02, 2016,
this Rehearing petition follows respectively.

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3.
ARGUMENT
INTERLOUCTORY APPEALS
NOT FINAL JUDGMENT!

This court cited Lewis v State 368 S.C. 630, 630 S.E.2d 464 (MEM) (2006) in support of my case being dismissed since the order I was appealing was not a "final order." R.p. 3.

This court overlooked the word INTERLOUCTORY in my notice of appeal, and amended copy filed with this court that under S.C. code Ann. § 14-3-330 (2) & (3), this court has jurisdiction to review:

“(2) An order affecting a substantial right made in an action when such order (A) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues

“(3) A final order affecting a substantial right made in any special proceeding or upon a summary application in any action after judgment.”

The June 13, 2016, order signed by Judge R. Scott Sprouse wrote: “no further continuances shall be granted in this case. R.p. 5. Page 2 of order. This order ~~is~~”

Also failed to mention my attempt to request an Injunction to enjoin S.C.D.C. employees to allow me access to legal books for legal research during prison lock-downs, and the court refused to allow me to question other inmates waiting in the courthouse's holding cell or hearing by stating: "END-OF-RECORD." R.P. 6 AT PAR. 2. Supporting Affidavit.

This shut-me-up strategy violated my first access to the courts, and fourteenth (due process; property; liberty) Amendments under the constitution of the United States which are substantial rights prisoners retain in prison, see Lewis v. Casey 518 U.S. 343, 116 S.Ct. 2174 (1996), id. at 2178-80. In this case among others, the Supreme Court of the United States reasoned I have an fundamental and substantial rights to have full and fair hearings to support my non-trivialous arguments; with this right, calling witnesses in my favor is the foundation for supporting evidence that would of confirmed my argument that a multitude of inmates also have legal deadlines at no fault of their own.

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Also, I have a substantial right to have the
judicial branch of state government set my
p.c.r. hearing, write and decide the legal rulings
and other judicial administrative duties, not
the attorney general's office. In this context,
the attorney general's office stole the judicial
power from chief administrative judge of the
Fifth judicial circuit, Alison R. Lee who scheduled
me for a court hearing for June 02, 2016 at
2:00 p.m. at the Richland county courthouse
in George Cleveland ~~and~~ v. BRYAN STIRLING, et al
Ala. Ct. No. 2015-CP-400-5732. R.P. I, notice of motion
hearing.

I suffered prejudice at the hands of the
attorney general's office scheduling me for an
p.c.r. hearing of June 06, 2016 at the ocafee
county courthouse. without informing me of such
date that caused me to miss my June 02, 2016
(2:00 p.m.) hearing at the Richland county courthouse,
R.P. I; under Lewis v. Casey; first and fourteenth
of the United States constitution. I B I D.

The attorney general's office setting the p.c.r.
docket and ordering transport to the hearings
violates the separation of powers doctrine under ART. 4.

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2 § 8 of the S.C. Const, AND S.C. CODE ANN
§ 17-110 1993 Act No. 181 § 2. The Attorney
General's office has no authority to see the
P.C.R. Docket as this office is part of the
executive branch, not the judicial branch. The Denial
of Access to the courts, AND the violation of the
SEPARATION-OF-POWERS-doctrine ARE both substantial
" . . . "right [S] to appeal a criminal conviction"
is conferred by [the interlocutory Act] . . . IN
order to exercise the right to appeal, a defendant
must come within the terms of the [Act]."
V. Miller 289 S.C. 426, 427, 349 S.E. 706 (1986); *id.*
At 679; see also STATE V. ISAAC 405 S.C. 173 717
S.E. 2d. 677 (2013); accordingly, this court overlooked
my appeal by re-sending it HAS to be final for review.

LEWIS V. STATE AND MY

INSTANT CASE ARE DISTINCTIVE;

IN Lewis v. STATE 368 S.C. 630, 630 S.E. 2d.
464 (men) (2006), this court reasoned the following:
" . . . Any judgment of decree, leaving some further
Act to be done by the court before the rights
of the parties are determined, is interlocutory."

LEGAL MAIL

5.

but if so completely fixes the rights of the parties that the court has nothing further to do in the action, then it is final," *id.*, at 630-31. The Lewis court is distinctive from my instant case, because the Lewis court clearly explained, the order of conditional order. are not final, as the court will file the final order at setting my interlocutory appeal does not appeal the final judgment by the source county, i.e. court of common pleas, but I'm appealing the judgment of the court that presented an merit hearing in my denial of access to the courts of an pattern of missed court deadlines, and the hijacking of the court by the Attorney General's office.

Under the rehearing legal standard in *Arnold v. Carolina Power & Light Co.* 168 S.C. 163 167 S.E. 234 (1933), this court's review is limited to "the points supposed to have been overlooked or misapprehended by the court," *id.*, at 238.

The specific points overlooked are!

My notice of appeal is interlocutory, not final, in order to protect my substantial rights;

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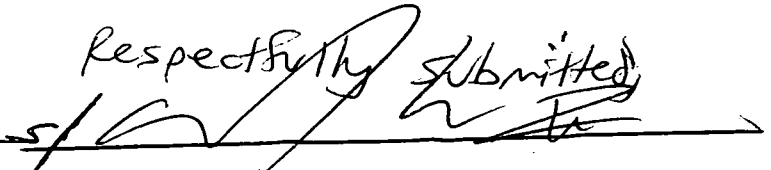
consequently, the Arnold court requires this court to reinstate this instant non-final appeal.

⁴
CONCLUSION:

Based on the foregoing facts, I pray for the following relief:

GRANT my Rehearing Petition AND Reinstate this case to the Docket, and order more briefing considered. Any other subsequent filings in this case respectively.

Any other relief this court deems just proper and/or impartial.

Respectfully submitted,

George Cleveland, #35770
Tyger River Correctional Inst
200 PRISON ROAD
Enoree, S.C. 29335

DATED: Sept 08, 2016

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PETITIONER'S APPENDIX IN SUPPORT
OF REHEARING PETITION

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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

INTERLOUCTORY 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. 2016-001749

GEORGE CLEVELAND, III, PETITIONER,
S.C.D.C. No. 35770,

v.

STATE OF SOUTH CAROLINA, RESPONDENT.

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S.C. SUPREME COURT

APPLICANT'S NOTICE OF INTERLOUCTORY
APPEAL OF JUNE 13, 2016 JUDGMENT

THE STATE OF SOUTH CAROLINA

~~IN~~ THE SUPREME COURT

INTERLOUCTORY APPEAL FROM OXONEE COUNTY
COURT OF COMMON PLEAS

R. SCOTT SPROUSE, CIRCUIT COURT JUDGE

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

APPELLATE CASE NO. 2016-001749

GEORGE CLEVELAND, III,

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

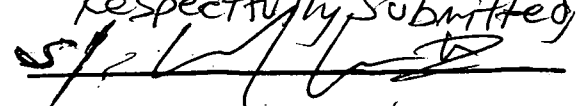
v.

STATE OF SOUTH CAROLINA,

APPLICANT,

RESPONDENT.

George Cleveland, III, the Applicant proceeding pro se, files this NOTICE OF INTERLOUCTORY APPEAL of Judge R. Scott Sprouse's June 13, 2016. I signed for and received the order on June 29, 2016 from the Tiger River Correctional's mailroom.

Respectfully submitted


George Cleveland, III, #357770
Tiger River Correctional Inst.
200 PRISON ROAD
ENOREE, S.C. 29335

DATED: JULY 27, 2016.

LEGAL MAIL

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

THE STATE OF SOUTH CAROLINA.

IN THE SUPREME COURT

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S.C. SUPREME COURT

INTERLOUCTORY APPEAL FROM O'CONNOR COUNTY
COURT OF COMMON PLEAS

R. SCOTT SPROUSE, CIRCUIT COURT JUDGE
LOWER COURT CASE NO. 2014-CP-37-0718
APPELLATE CASE NO. 2016-001749

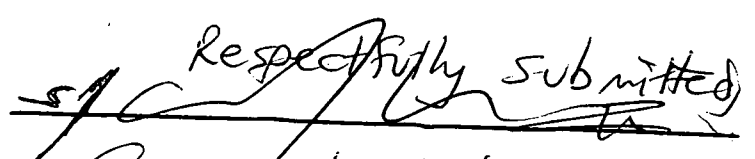
GEORGE CLEVELAND, III
S.C.D.C. NO. 35779

APPLICANT,

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


George Cleveland, III #35779
Tyger River Correctional Inst
200 PRISON ROAD
ENOREE, SC 29335

DATED: AUGUST 28, 2016

LEGAL MAIL

The Supreme Court of South Carolina

George Cleveland III, Petitioner,

v.

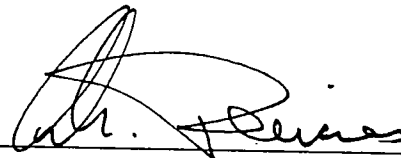
State of South Carolina, Respondent.

Appellate Case No. 2016-001749

Lower Court Case No. 2014CP3700718

ORDER

Petitioner has filed a notice of appeal from an order which granted a continuance, directed that no further continuances would be granted, and made certain other directions regarding the scheduling of this case for a hearing. Since this order is not the final order or decision in a post-conviction relief case, the notice of appeal is hereby dismissed without prejudice. *Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



C.J.

FOR THE COURT

Columbia, South Carolina

August 26 2016

cc: Johanna Catalina Valenzuela, Esquire
Mr. George Cleveland, III, #357770

The Supreme Court of South Carolina

George Cleveland, III, Petitioner,

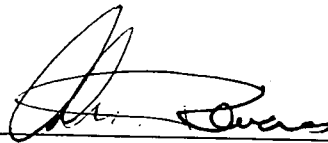
v.

State of South Carolina, Respondent.

Appellate Case No. 2016-001749

ORDER

By order dated August 26, 2016, the notice of appeal in this matter was dismissed. Petitioner has now filed an amended notice of appeal.¹ Since this amended notice of appeal does not have any impact on the basis on which this matter was dismissed, the earlier dismissal order shall remain in effect, and the remittitur shall be sent as provided by Rule 221 of the South Carolina Appellate Court Rules.



C.J.

FOR THE COURT

Columbia, South Carolina
September 2, 2016

cc: Johanna Catalina Valenzuela, Esquire
Mr. George Cleveland, III

¹ The initial notice of appeal, which was dated August 22, 2016, indicated that the appeal was from an order dated June 10, 2016. The amended notice of appeal indicates that the appeal is from an order dated July 21, 2016, and filed with the circuit court clerk on June 22, 2016. This order denied a motion for reconsideration regarding the order of June 10, 2016.

- 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.

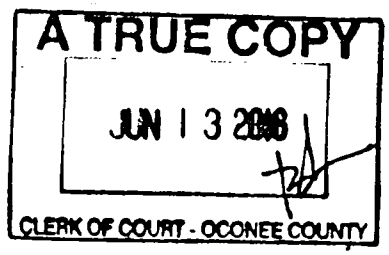
IT IS SO ORDERED this 10 day of June, 2016.

[Handwritten Signature]

R. SCOTT SPROUSE
Presiding Judge
Tenth Judicial Circuit

Walthell, South Carolina

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



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AFFIDAVIT IN SUPPORT OF REHEARING page-6

PETITION

APPELLATE CASE No. 2016-001749

S.C. SUPREME COURT

1. I, George Cleveland, III, swears under the penalty of perjury, the following statement is true to the best of my knowledge:

2. At the JUNE 06, 2016 P.C.R. EVIDENTIARY HEARING at the oconee county courthouse, Judge Sprouse stated; "END-OF-RECORD" AS I TRIED to request the court allow me to call 4 other inmates waiting in the courthouse's holding-cell; in support of argument for injunctive relief that a multitude of S.C.D.C. INMATES miss court deadlines at their respective institutions, and the pattern of missed court deadlines.

sworn to and subscribed before me.

this 9th day of Sept 2016

Paul D. ...

NOTARY PUBLIC FOR SOUTH CAROLINA

Paul Dec. 10, 2024

MY COMMISSION EXPIRES

Affiant's signature

S/ [Signature]

LEGAL MAIL

May 12, 2016

JUN 02 2016



Motion "MDISMS - Motion to Dismiss" for Case: 2015CP4005732 - George #357770 Cleveland III vs Bryan P Stirling , defendant, et al has been added to the following Motions Roster:

960 - MOTION ROSTER JUNE 2, 2016 COURTROOM 2E

This hearing of this motion has been scheduled for 6/2/2016 at 2:00 PM.

The above referenced case is scheduled for a Motion Hearing before Judge DeAndrea G. Benjamin in Courtroom 2-E. The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings. All requests for continuances must be in writing with a \$25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued.

Please notify the Court in writing if the Motions are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing. ALL ATTORNEYS MUST SEND A PROPOSED ORDER OR MEMORANDUM OF LAW BY Wednesday, May 25, 2016 FOR THE MOTION HEARING THAT IS BEING HEARD ON HARD COPY AND DISK: to mailto:DBenjaminlc@sccourts.org

Mail Notice To:

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

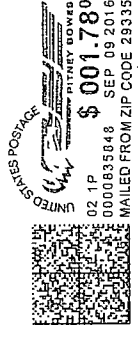
Court Info:

Richland County Common Pleas
Richland County Judicial Center
1701 Main Street
Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

INMATE COPY

George Cleveland #111 #3577208115-B
Tyger River Correctional Inst
200 Prison Road
Emuley S.C. 29335



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S.C. SUPREME COURT

The Supreme Court of South Carolina
% DANIEL E. SHEARER, CLERK OF COURT
Post office Box 11330
Columbia S.C. 29211

LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CENSORED THIS ITEM. THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENT.
TIGER HIVE CORRECTIONS INSTITUTIONS
S.C. DEPARTMENT OF CORRECTIONS