

SEPTEMBER 13, 2016

The Supreme Court of South Carolina
DANIEL E. SHEAROUSE; CLERK OF COURT
P.O. Box 11330
Columbia SC 29211

Re: George Cleveland, III v. STATE; Appellate case No. 1
2016-001749; motion TO STAY P.C.R. HEARINGS...

1. DEAR MR. Shearouse,

CAN you please file the attached motion to
stay P.C.R. EVIDENTIARY HEARING of Oct 24-28, 2016
term, supporting Appendix, and proof of service, and
forward to the court for consideration?

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

RECEIVED

SEP 16 2016

S.C. SUPREME COURT

Respectfully Requested,

[Signature]

George Cleveland, III #35 MD
TYGER RIVER CORRECTIONAL INST
200 PRISON ROAD
ENOREE SC 29335

CC: FILE

JOHANNA C. VALENZUELA Esquire

LEGAL MAIL

PETITIONER'S MOTION TO STAY OCONEE
COUNTY EVIDENTIARY HEARING AND A
INJUNCTION TO ENJOIN LEGAL COPIES

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-37-0718

APPELLATE CASE NO. 2016-001749

GEORGE CLEVELAND, ~~JUDGE~~

S.C.D.C. NO. 357770

VS,

STATE OF SOUTH CAROLINA,

PETITIONER,

RESPONDENT.

PETITIONER'S MOTION TO STAY...

OFFICE OF THE ATTORNEY GENERAL
JOHANNA C. VALENZUELA JESQUIRE
P.O. Box 11549
COLUMBIA, SC. 29211-1549
ATTORNEY FOR THE RESPONDENT

GEORGE CLEVELAND, ~~JUDGE~~
TYGER RIVER CORRECTIONAL
200 PRISON ROAD
ENORES, S.C. 29335
PROSE PETITIONER

RECEIVED

SEP 16 2016

LEGAL MAIL,

S.C. SUPREME COURT

1. INTRODUCTION:

~~MY~~ PLEASE THE COURT; George Cleveland,
~~III~~ proceeding pro se, moves this court to stay
the oconee county, s.c. P.C.R.-Evidentiary hearing
scheduled for the common-pleas-term of October
24-28¹, 2016, and to enjoin Tyger River Correctional
Institution's Principle MATTHEW THOMPSON to make
LEGAL COPIES ON FILED LEGAL DOCUMENTS UNDER
Rule 65 SCRCP AND 18 U.S.C.A. § 3626 (A)(2)
ON THE FOLLOWING GROUNDS:

VIOLATION OF THE SEPARATION-OF-POWERS
DOCTRINE, AND ^{NESS} A LONG PATTERN OF THE
DENIAL OF THE COURTS.

2. STANDING

ON JUNE 02, 2016, the SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS (S.C.D.C.) TRANSPORTED ME TO THE
KIRKLAND CORRECTIONAL INSTITUTION (INTERMEDIATE
STAY) AND TO THE OCONEE COUNTY, S.C. DETENTION
CENTER ON JUNE 03, 2016, R. P. 1 AT PAR. 2, SUPPORTING
AFFIDAVIT.

ON JUNE 06, 2016, MY P.C.R. EVIDENTIARY HEARING

1. R.P. 3, PAGE 2 OF JUNE 13, 2016 FILED GRANTING CONTINUANCE

was held at the oconee county courthouse,
I knew nothing about the June 06, 2016
hearing; by the Attorney General's own
admission; by way of An May 06, 2016 letter
that only provided P.C.R. Legal Documents,
No date was provided, r.p. 4. May 06, 2016
letter.

In fact, chief Administrative Judge Alison
R. Lee of the Fifth Judicial Circuit scheduled
me to be present on June 02, 2016 at 2:00 p.m.
at the Richland county courthouse common Pleas
Court for An hearing. r.p. 5. notice of motion
scheduling of George Cleveland, III v. Bryan P.
Stirling, et al., An No. 2015-CP-400-5732,

I suffered prejudice by the secret P.C.R.
date of June 06, 2016 by the Attorney General's
office, and ordering the S.C.D.C. to transport
me to oconee county for An P.C.R. hearing
under the First (Access to courts) and Fourteenth
under the United States Constitution, and Lewis v
Casey 518 U.S. 343, 116 S.Ct. 2174 (1996) id at 2178-80, in
the Supreme Court of the United States Retsoned An
Alleging An Denial of Access to the courts,
he must show "Actual Injury!"
2.

violation of S.C. Code Ann. § 1-1-110 Act
no-181 1993 § 2,³ and unconstitutional under
ART. I § 8 of the constitution of South
CAROLINA,⁴ (1976) because of an Administrative
order of this court that unlawfully awarded
the Attorney General's office extraordinary
power to set P.C.R. Dockets and type up
proposed orders for the circuit court judges
who simply rubber-stamp(ed) the orders, P.p. 1,
3 AND 6 proposed order and filed / signed orders;
Accordingly, I have standing to request relief
from this court.

3.

STAY OF THE PCR HEARING

Under Rule 246(A) S.C.A.C.R. states the Relevent
part: "the service of A [INTERLOCUTORY] notice
of Appeal by A criminal defendant shall operate
As a stay of the execution of the [hearing]"

3. "The executive department of this state is hereby
declared to consist of the following officers, that
is stay ... the Attorney General and the
solicitors..."

4. "In the [G]overnment of this state legislative, executive
and judicial powers of the government shall be forever
SEPARATE AND DISTRICT from each other, and no person
OR PERSONS exercising the functions of one of
said departments..."

LEGAL MAIL

3...

Under the Interlocutory Act S.C. Code Ann. § 14-3-330(2) states the following relevant part:

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

"In order to exercise the right to appeal, a defendant must come within the terms of statute." State v. Miller, 289

S.C. 426, 427, 346 S.E.2d 705, 706 (1986), id. at 679; see also State v. Isaac 405

S.C. 177, 747 S.E.2d 677 2013. ⁴ IBID.

At the June 06, 2016 hearing, I requested an injunction to enjoin the Turberville Correctional Institution staff members to allow me access to the Law Library and legal materials during prison lock-downs, and to support my injunction motion. I requested that the Judge allow me to call other inmates writing in the court's holding cell to testify of the prison lock-downs at their respective institution.

but the judge refused, and even ordered the court reporter to stop transcribing. R.p. 1 At PAR. 3. Supporting Affidavit. The bold-step of refusing to allow me an full and fair hearing to support the multitude of prison lock-downs, and the over 30-cases I have missed the deadlines because of prison-lock-downs. R.p. 1 At PAR. 3. Supporting Affidavit; violated my substantial right to access the courts through reasonable legal research time in the prison's Law Library under Lewis v. Casey. ~~IBID.~~ BASED ON THE SUPPORTING AUTHORITIES, AND EVIDENCE ATTACHED HERETO, AND THE PREVENTION OF THE ATTORNEY GENERAL'S OFFICE EXCEEDING ITS' POWERS⁵. MY MOTION MUST BE GRANTED TO STAY THE EVIDENTIARY HEARING.

RIGHT-TO-LEGAL-COPIES.

ON OR AROUND September 06 2016, the Tiger River

5. Controlling when, and where my P-CR hearing will be hijacking-judicial power from Judge Lee who ordered me in an ~~Richland~~ Richland county courthouse on JUNE 02, 2016 AT 2 PM SUPRA AT PAR 2.

correctional's principal Matthew Thompson
Refused to make legal copies of my legal
filings of hand-written copies despite the
requisite that my documents be filed in the
various courts; thus making them official
documents. R.p.p. 1-2 At PAR. 4. Supporting Affidavit.
The documents are 18 pages, and under rule
240 S.C.A.R. requires file (5) copies bound and
one unbound to this court. It will
take days for me to handwrite 108 legal-
copies. This is an impossible task because
I have over 20 legal cases and file
documents daily in the various courts. R.p.p.
1-2 At PAR. 4. Supporting Affidavit. I submit,
the Attorney General's office is behind the
denial of legal-copies as a way to lose
legal deadlines, and rigging the outcome of
my P.C.R. hearing by controlling the foundation
of the legal system in every aspects
of the judicial process. R.p.p. 3 and R.p.p. 6. The
proposed order and filed order of continuance
and the secret planning of my P.C.R. hearing
6.

of June 06, 2016 ARE examples that do not even scratch the surface of the misconduct by the Attorney General's office.

MR THOMPSON DEVIED ME LEGAL COPIES OF 6-BRIEFS TO THIS COURT, A COPY FOR ME, AND A COPY SERVED ON THE ATTORNEY GENERAL'S OFFICE CAUSED ME DELAY OF FILING MY INTERLOCUTORY APPEAL BRIEFS IN THIS CASE AS REQUIRED UNDER RULE 240 SCRPC (6 COPIES) IN VIOLATION OF SCDC Policy GA-01-03 §§ 12-13 THAT GIVES ME THE LEGAL RIGHT TO LEGAL COPIES TO SUPPORT MY CONVICTIONS AND PRISON CONDITIONS; CONSEQUENTLY I REQUEST THE FOLLOWING INJUNCTIVE RELIEF UNDER RULE 65(D) SCRPC AND 18 U.S.C. § 3626(A)(2)

THERE IS NO THREAT TO SECURITY, THE GENERAL PUBLIC, PRISON RESOURCES; HOWEVER, WITHOUT RELIEF FROM THIS COURT, IRREPARABLE HARM WILL CONTINUE. AS I CANNOT COMMUNICATE WITH THIS COURT THROUGH LEGAL DOCUMENTS, NOR

Will I be able to comply with the
Required number of copies (6 copies)
under Rule 240 SCACR As the requirement
to hand-write 108 - Legal copies is wholly
impossible,

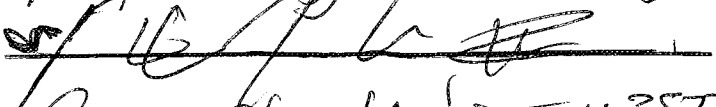
5.
RELIEF REQUESTED:

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

- 5-1. GRANT my motion to stay the Oconee County P.C.R.
Evidentiary hearing of October 24-28, 2016 Court
of Common Pleas Court term; or, in any other
County Court of Common Pleas in South Carolina
pending the final disposition of my Interlocutory
Appeal after my brief in support have been copied,
and filed which protects my substantial right
to call witnesses and provide a non-frivolous
argument that SCDC prisons statewide are in violation
of the federal access to the court right under
the constitution of the United States.
- 5-2. ENJOIN Principal MATTHEW THOMPSON of Tyger River
Correctional Institution, 200 Prison Road Enoree
S.C. 29335 to copy my 18-page briefs, id,
8.

8-copies under Rule 240 SCACR And A
file copy, and ~~A~~ copy to be served on the
Respondent Respectively.

53. Any other relief this court deems just, proper,
And/or impartial.

Respectfully Submitted,

George Cleveland III #35770
TYGER RIVER CORRECTIONAL INST.
200 PRISON ROAD
ENOKEVIC 29335

DATED: SEPTEMBER 09, 2016

PETITIONER'S APPENDIX IN SUPPORT
OF MOTION TO STAY

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
COURT OF COMMON PLEAS

R. SCOTT SPROUSE, CIRCUIT COURT JUDGE
LOWER COURT CASE NO. 2014-CP370718
APPELLATE CASE NO. 2016-001749

GEORGE CLEVELAND, III, PETITIONER,
S.C.D.C. NO. 357779,

v.
STATE OF SOUTH CAROLINA, RESPONDENT

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AFFIDAVIT IN SUPPORT OF MOTION
TO STAY...

APPELLATE CASE NO. 2016-001749

1. I, George Cleveland, ~~III~~, swear under the penalty of perjury, the following statements are true to the best of my knowledge:
2. The S.C.D.C. transported me to the Kirkland Correction Institution in the early morning hours of June 02, 2016, and to the Oconee County, S.C. Detention Center, in the early morning hours of June 03, 2016.
3. The June 06, 2016, P.C.R. Evidentiary hearing. I requested from the Judge (Sprouse) to allow me to call 4-inmate witnesses waiting in the courthouse's holding cell to support my floor motion for injunctive relief to order Turberville Correctional's staff to provide me adequate access to the court's during prison lock-downs my witnesses were needed to support my argument that missed-court deadlines are state-wide but Judge Sprouse stopped me from completing my argument by saying "END-OF-RECORD" despite me suffering prejudice by way of prison-lock-downs and a lack of notice of the June

4. ON OR AROUND September 05 2016, the principal of Tiger River Correctional Inst denied my BRIEF (18-pages) in support of Interlocutory Appeal on the grounds that they were hand-written, but they had the court's stamp. It's impossible for me to handwrite 108-Legal copies As I have over 20-Active legal cases in the various courts with legal deadlines that vary.

sworn to and subscribed to before me

this 13th day of Sept, 2016

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA

my commission expires Dec 10, 2024

Affiant's signature,
[Signature]

- 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.

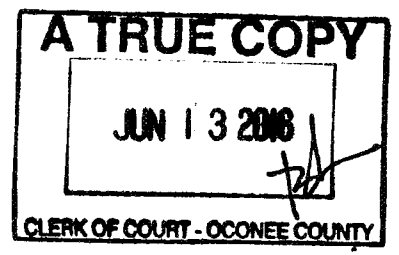
IT IS SO ORDERED this 10 day of June, 2016.

[Handwritten Signature]

R. SCOTT SPROUSE
Presiding Judge
Tenth Judicial Circuit

Walthell, South Carolina

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





page -4

ALAN WILSON
ATTORNEY GENERAL

May 6, 2016

Mr. George Cleveland III, #00357770
Turbeville Correctional Institution
P.O. Box 252
Turbeville, SC 29162

Re: George Cleveland III, #00357770 v. State of South Carolina
2014-CP-37-0718

Dear Mr. Cleveland:

Enclosed please find a copy of your Post-Conviction Relief Application, South Carolina Department of Corrections Records, Oconee County Clerk Records, a filed return and transcript in your above mentioned Post-Conviction Relief case.

Sincerely,

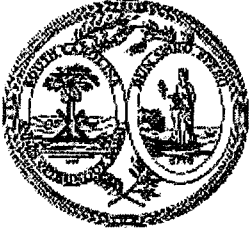
Deonna Rogers
PCR Legal Assistant

DR

Enclosures:
Post-Conviction Relief application
South Carolina Department of Corrections
Oconee County Clerk records
Filed return and transcript

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

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,

Applicant,

vs.

State of South Carolina,

Respondent.

2016 JUN 13 A 9: 08

Case No.: 2014-CP-37-0718

**ORDER GRANTING MOTION TO
CONTINUE HEARING**

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

George Cleveland #1, #357770, U815B
Tyger River Correctional Inst.
200 Prison Road
Endersville 29335



RECEIVED

SEP 12 2016

TYRGI MAILROOM

The Supreme Court of South Carolina
% DANIEL E. SHEAROUSE; CLERK OF COURT
P.O. Box 11330
COLUMBIA, S.C. 29211

LEGAL MAIL