

APPELLANT'S MOTION FOR LEAVE  
OF COURT TO CORRECT CLERICAL  
ERROR AND MOTION TO PROCEED **RECEIVED**  
IN FORMA PAUPERIS OF \$25.00  
FILING FEE

DEC 13 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT  
CAROLYN C. MATTHEWS, ADMINISTRATIVE LAW JUDGE  
LOWER COURT CASE NO. 2014-ALJ-04-0771-AP.  
APPELLATE CASE NO. 2015-000183

GEORGE CLEVELAND III,

S.C.D.C. No. 35770,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS (S.C.D.C.),

RESPONDENT,

S.C.D.C.

OFFICE OF GENERAL COUNSEL

CHRISTINA CATOE BIGELOW, ESQUIRE

P.O. Box 21787

COLUMBIA, S.C. 29221-1787

ATTORNEY FOR THE RESPONDENT

**LEGAL MAIL**

GEORGE CLEVELAND III, #35770

TYGER RIVER CORRECTIONAL INST.

200 PRISON ROAD

ENDORSE, S.C. 29335

1.  
MOTION TO CORRECT  
CLERICAL ERROR!

MAY IT PLEASE THE COURT: George Cleveland, III,  
proceeding pro se, respectfully request  
this court to add the suffix of: ~~III~~ to my last-  
name that is missing in the case caption of this  
case.

The clerk's office recently submitted this case  
to the court, R.P. 1, Nov. 02, 2016 letter from the  
clerk of this court. The case-caption erroneously  
reads: George Cleveland, v. S.C.D.C. My name is not  
George Cleveland, but rather my legal birth name is:  
George Cleveland, ~~III~~. This same letter, id, has it  
correct in the mailing-address-section of the letter:  
George Cleveland, ~~III~~ #357770. This court in another  
case correctly identified my legal-name as 2. My  
19, 2015 S.C. Court of Appeals order in: George Cleveland,  
~~III~~ #357770 v. South Carolina Department of Corrections;  
Appellate case number: 2015-000957. Even the Appellate  
Court (ALC) has my legal-name-correct.

1.

George Cleveland, ~~III~~ #357770; Docket No. 14-ALJ-04-0771-Ap. R.p. 3; see also; R.p. 4; A copy of the S.C.D.C.'s offender-management system records reflect my correct legal name, R.p. 4.

"[c]lerical errors in a [pending] notice of appeal do [es] not destroy appeal..." MASON v. 412 S.C. 28, 770 S.E.2d 405 (Ct. of Appeals) (2015), id. at 59-60; at 421; accordingly, an court order directing the clerk of court to the S.C. court of Appeals to add my legal suffix of ~~III~~ will not destroy, nor, will it change any part of the filed final briefs or record in this case respectively.

2.  
~~I~~ CANNOT PAY THE  
\$25.00 MOTION FILING  
FEE:

~~I~~ CANNOT AFFORD the \$25.00 fee required under Rule 240(d) S.C.A.C.R. because I have no money in my prison's coper-trust-fund-account, nor do I have a job that pays any sum of money, R.p. 5. Also under MASON v. MASON, id. does not require me to pay

The \$25.00 motion fee for an clerical error.  
that was the sole fault of the clerk of court  
of the s.c.a. court of Appeals because the order  
of dismissal, this case is based from the A.L.C.  
explicitly shows my correct legal name of:  
George Cleveland ~~III~~ R.P. 3 IBID.

IF MASON V. MASON idy OR 240(D) S.C.A.-CR. Legal  
Authorities to decide this motion without the prerequisite  
of the \$25.00 motion filing fee are not persuasive,  
the supreme court of the United States Reasoned  
under BOUNDS V. SMITH 430 U.S. 819, 97 S.Ct. 1491 U.S.  
N.C. (1977) "our decision consistently required  
states to shoulder " the court filing fees  
required under Rule 240(D) S.C.A.-CR. is barred under  
BOUNDS V. SMITH. IBID.

3.

RELIEF-REQUESTED:

Based on the foregoing facts, I request respectfully

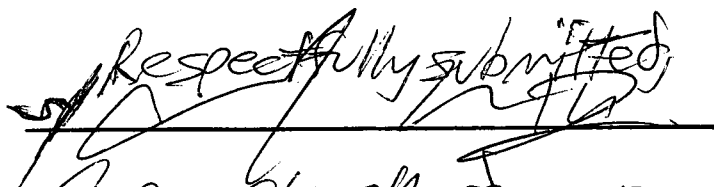
3-1. The following: ~~Whereforefore~~; GRANT my motion for leave of court to proceed without prepayment of the \$25.00 motion fee.

3-2. order the clerk of this court; the Honorable Jenny Abbott Kitchings to add the suffix of: ~~III~~ to the caption of this case; so the correct case caption reads in this court's system and on future legal filed documents:

GEORGE CLEVELAND ~~JUN~~ #357770 . . . Appellant,

v.  
SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS, . . . . . Respondent.

3-3. Any other relief this court deems just, proper and/or impartial.

Respectfully submitted,  


George Cleveland ~~JUN~~ #357770  
Tyger River Correctional Inst.  
200 PRISON ROAD  
ENOPEE, S.C. 29335

DATED: DECEMBER 14, 2016

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DEC 13 2016

SC Court of Appeals

APPELLANT'S APPENDIX IN  
SUPPORT OF MOTION TO CORRECT  
CLERICAL ERRORS

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

CAROLYN C. MATTHEWS ADMINISTRATIVE LAW JUDGE  
LOWER COURT CASE NO. 2014-ALJ-04-0771-AP

APPELLATE CASE NO. 2015-000183

GEORGE CLEVELAND III

S.C.D.C. No. 35776

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS (S.C.D.C.)

RESPONDENT,

INDEX TO APPENDICES

NOVEMBER 02, 2016. NOTICE FROM THE S.C. COURT  
OF APPEALS REGARDING CASE SUBMISSION

PAGE (S) NO.

S.C. COURT OF APPEALS' ORDER FILED MAY 19, 2015

(Appellate case No. 2015-000957) THAT SHOWS MY LEGAL  
NAME CORRECTLY

2

ALC'S ORDER OF DISMISSAL (DOCKET NO. 14-ALJ-040771-AP)  
THAT SHOWS MY CORRECT LEGAL NAME

3

S.C.D.C.'S OFFENDER MANAGEMENT SYSTEM THAT SHOWS MY  
CORRECT LEGAL NAME

4

MY COOPER TRUST-FUND ACCOUNT STATEMENT

5



*[Handwritten signature]*

# 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  
[www.sccourts.org](http://www.sccourts.org)

November 02, 2016

George Cleveland, III, #357770  
U8-115-B  
Tyger River Correctional Inst.  
200 Prison Road  
Enoree SC 29335

Ms. Christina Catoe Bigelow, Esquire  
4444 Broad River Road  
Columbia SC 29210

Re: George Cleveland v. SCDC  
Appellate Case No. 2015-000183

Dear Counsel:

Please be advised this case will be submitted to the Court on the record and briefs during the November 2016 term without oral argument.

Very truly yours,

*[Handwritten signature of Jenny A. Kitchings]*

CLERK

**RECEIVED**

DEC 13 2016

SC Court of Appeals

Rip 2

# The South Carolina Court of Appeals

George Cleveland, III, #357770, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2015-000957

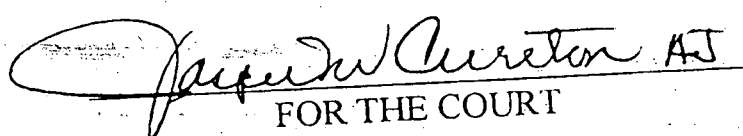
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SC Court of Appeals


\_\_\_\_\_  
ORDER  
\_\_\_\_\_

Appellant has filed a motion to allow a late filing of his notice of appeal. After a careful consideration, the motion is denied and this appeal is dismissed because Appellant failed to timely serve the notice of appeal. See Rule 203(b)(6), SCACR (providing a notice of appeal from the administrative law court must be served within thirty days after receipt of the decision); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended . . . ."); *Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985) (explaining the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend the time in which the notice of intent to appeal must be served).

  
FOR THE COURT

Columbia, South Carolina

cc:  
George Cleveland, 357770  
Daniel John Crooks, III, Esquire

**FILED**  
5/19/15 

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

George Cleveland, III, #357770,

Appellant,

Docket No. 14-ALJ-04-0771-AP  
Grievance No.: ECI 221-14

vs.

ORDER OF DISMISSAL

South Carolina Department of Corrections,

Respondent.

This matter is before the South Carolina Administrative Law Court ("ALC") pursuant to the Notice of Appeal filed September 16, 2014 by George Cleveland, III ("Appellant"), who is incarcerated with the South Carolina Department of Corrections ("SCDC").

Appellant appeals the decision of SCDC in a dispute raised by Appellant regarding the calculation of his sentence-related good time credits and appropriate max out date. Though the Appellant discusses calculation of sentence-related credits, Appellant is not appealing a decision that affected his credits; rather, he is addressing how SCDC is calculating such credits and raising issue with how SCDC staff is trained. SCDC's Step 2 Grievance decision indicates that he was not sanctioned with the loss of any good-time credits, nor does Appellant make a claim for the loss of any other state-created liberty interest. There is no state-created liberty interest in the loss of opportunity to earn additional good-time credits. Howard v. S.C. Dep't of Corr., 399 S.C. 618, 733 S.E.2d 211 (2012); see also S.C. Code Ann. § 1-23-600 (D) (2012).

On its face, it appears that Appellant is arguing that his sentence has been calculated incorrectly and, in some way, he may be presenting such an argument. However, upon examining all of his materials presented, Appellant is actually presenting argument that the Department's method of calculation as a whole is incorrect<sup>1</sup>, and that their staff is improperly trained<sup>2</sup> and ignorant of the law<sup>3</sup>. In his brief, Appellant appears to argue for different methods of calculation of good time credits, and avers that the Department should follow one of the schemes that he has developed<sup>4</sup>. Appellant further alleges that the days that he has lost due to disciplinary actions are not at issue here.<sup>5</sup>

<sup>1</sup> Appellant's Brief p. 18.  
<sup>2</sup> Appellant's Brief p. 15, 17.  
<sup>3</sup> Appellant's Brief p. 10.  
<sup>4</sup> Appellant's Brief p. 11-13.  
<sup>5</sup> Appellant's Brief p. 16.

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SC Court of Appeals

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JAN 15 2015

SC ADMIN. LAW COURT

11:28:02 Wednesday, January 21, 2015

R.P. 4

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 01/21/15  
OMCOMITA RELEASE DATE SCREEN C023981

SCDC# > 00357770 LOC: EVANS  
CLEVELAND, III, GEORGE - SCDC CLASSIFICATION...: NON-VIOLENT  
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY...: N  
SEXUAL PREDATOR...: NOT APP  
DNA STATUS...: COMPLETED  
GPS REQUIREMENT...: N  
PREA DECISION...:

CURRENT SENTENCE: 006-00-000 CONSECUTIVE SENTENCE ...: N  
006-00-000 CURRENT SENT START DATE: 10/23/2013

PROJECTED COMPLETION DATES  
MAXOUT DATE .....: 08/13/2017 CURRENT EWC ..: NOT CURRENTLY EARNING EWC  
YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC  
INITIAL PAROLE DATE: 07/28/2017 NEXT PAROLE HEARING DATE: 07/28/2017

TOTAL GT DAYS EARNED .....: 000180 LABOR CREW/WORK PROG DATE: 99/99/9999  
TOTAL EARNED WORK CREDITS ...: 000000 LABOR CREW DISQ REASON:  
TOTAL EDUCATION CREDITS ....: 000000 ASSAULTIVE DISC W/IN 24 MONTHS  
TOTAL EXTRA EARNED CREDITS ..: 000 SUPERVISED REENTRY DATE...: 00/00/00  
TOTAL SERVICE TIME EARNED ...: 000454 ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

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SC Court of Appeals

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RECORD SUMMARY REPORT DATED 01/21/15

C0239

CLEVELAND, III, GEORGE - FBI # 643210CB0 SID# SC01068002 SCDC # 00357770

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ... EVANS CORR INST

SECURITY/CUST.: 2 MINIMUM IN

CURR INCARC SENT...: 6 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: YES

SOCIAL SECURITY #... [REDACTED]

CURRENT PROGRAM...: NO CURRENT PROGRAM

AGE...: 36 DATE OF BIRTH... [REDACTED] 78

DORM.....: 4A0258A

RACE....: B SEX...: M

PROJ MAXOUT DATE: 08/13/2017

PROJ PAROLE DATE: 07/28/2017

EWC JOB...: NO CURRENT JOB

EDUC PGM...: NO CURR EDUC PROGRAM

EWC LEVEL: 0 EEC LEVEL:

ASSIGNMENT...: GENERAL DETAIL UNEM

PREVIOUS NUMBERS:

\*\* NO PREVIOUS NUMBERS \*\*

CURRENT OFFENSES:	SENTENCE			COUNTY	SENTENCE			V/NV	CATEGORY
	YRS	MOS	DYS		START				
RECEIVE STOLEN VEHICLE	0	0	0	OCONEE	10/12/2014	N		2	
POSSESS STOLEN VEHICLE	0	0	0	OCONEE	10/12/2014	N		2	
POSSESS STOLEN VEHICLE	0	0	0	OCONEE	10/12/2014	N		2	
NONMOVING TRAFFIC VIOL	0	0	0	GREENVILLE	10/23/2013	N		1	
NONMOVING TRAFFIC VIOL	5	0	0	GREENVILLE	10/23/2013	N		1	
OBTAIN SIG/FRAUD \$1K-\$5K	5	0	0	GREENVILLE	10/23/2013	N		1	
POSSESS STOLEN VEHICLE	5	0	0	GREENVILLE	10/23/2013	N		2	
POSSESS STOLEN VEHICLE	6	0	0	GREENVILLE	10/23/2013	N		2	

PRIOR COMMITMENTS OVER 90 DAYS:

\*MISSING PRIORS DATA\*

DETAINERS (HOLD, WANTED, NOTIFY):

\*NO DETAINERS\*

ESCAPES:

7/24/12 OTHER ESCAPE RELATED CODE NOT IN TABLE

CRIMINAL CHARGES:

\*NO CRIMINAL CHARGES HISTORY\*

ASSAULTIVE DISCIPLINARIES:

2/ 8/14 STRIKE I/M W/WO WEAPON CONVICTED MAJOR INMATE

NON-ASSAULTIVE DISCIPLINARIES:

11/24/14 REFUSING OR FAILING OBEY CONVICTED ADMIN

HISTORY OF MOVEMENTS:

10/27/14	EVANS	INCARCERATED	ADMINISTRATIVE
10/22/14	KIRKLAND	INCARCERATED	RETURN FROM COURT
10/21/14	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT
10/16/14	EVANS	INCARCERATED	RETURN FROM COURT
10/ 9/14	OCONEE CO	AUTH ABSENCE (AWL)	TO COURT
9/15/14	EVANS	INCARCERATED	RETURN FROM COURT
9/15/14	OCONEE CO	AUTH ABSENCE (AWL)	TO COURT
1/ 7/14	EVANS	INCARCERATED	ADMINISTRATIVE
11/13/13	KIRKLAND	INCARCERATED	R&E PROCESSING
11/13/13	PERRY	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
-----------------	------------	----------	--------------------	---------

\*NO WORK ASSIGNMENTS \*

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
-----------------	------------	----------	--------------------

\*NO SCHOOL ASSIGNMENTS\*

\*\*\*\*\* END OF REPORT \*\*\*\*\*

R.P.5

FINANCIAL CERTIFICATE  
FOR THE  
DISTRICT OF SOUTH CAROLINA  
(for use in § 1983, Bivens, and non-habeas civil actions filed by prisoners)

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SC Court of Appeals

I request that an authorized officer of the institution in which I am confined, or other person designated to review financial information in relation to inmate trust funds, complete this Certificate. If I am granted *in forma pauperis* status, I authorize and consent to collection of the \$ 350 filing fee in accordance with 28 U.S.C. § 1915(b) until the filing fee is paid in full as well as any amount of costs, sanctions, and/or fees that might be imposed by the court during this litigation. I understand that if I do not qualify for *in forma pauperis* status, I will have to pay \$400 to proceed with my case, which includes the full \$350 filing fee as well as an additional \$50 administrative fee established by the Judicial Conference of the United States. The \$50 administrative fee is not applicable to *in forma pauperis* cases.

GEORGE CLEVELAND III                      357770  
INMATE NAME (PRINTED)                      INMATE (PRISONER) NUMBER

[Signature]                      TYGER RIVER CORRECTIONAL  
INMATE SIGNATURE                      PLACE OF CONFINEMENT

- ◆ (1) Average monthly deposits to the inmate's account.....\$ 0
- ◆ (2) Average monthly balance in the inmate's account calculated for the prior six months period. ....\$ 0
- ◆ (3) Current Balance .....\$ 0
- ◆ (4) Initial Installment Payment - due upon granting of *in forma pauperis* status (Take 20 percent of the greater of lines 1 or 2).....\$ 0

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

M. Boykin                      8/25/14  
Authorized Officer's Signature                      Date

M. Boykin                      Financial Acct  
Authorized Officer's Name and Title

SCDC-FINANCIAL ACCTG  
2016 AUG 23 PM 2:16

APPELLANT'S PROOF OF SERVICE

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THE STATE OF SOUTH CAROLINA

DEC 13 2016

~~IN~~ THE COURT OF APPEALS

SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

CAROLYN C. MATTHEWS; ADMINISTRATIVE LAW JUDGE

LOWER COURT CASE NO. 2014-ALJ-040771-AP

APPELLATE CASE NO. 2015-000183

GEORGE CLEVELAND ~~III~~,

S.C.D.C. NO. 357MO

APPELLANT

v.

SOUTH CAROLINA DEPARTMENT

OF CORRECTIONS (S.C.D.C.),

RESPONDENT

PROOF OF SERVICE

I, George Cleveland ~~III~~, certifies that on the date below, I inserted my motion to correct clerical errors supporting Appendix, and this proof of service in properly addressed envelope in the black-mail box outside the Tyger River Correctional's cafeteria addressed to the Respondent's Attorney of Record:

S.C.D.C.

OFFICE OF GENERAL COUNSEL

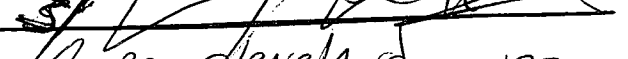
CHRISTINA CATOE BIGELOW, ESQUIRE

P.O. Box 21787

COLUMBIA, S.C. 29201-1787

DATED: DECEMBER 11, 2016

Respectfully submitted,

  
George Cleveland ~~III~~ #357MO  
Tyger River Correctional Inst  
200 PRISON ROAD  
ENDREWS, S.C. 29335

DECEMBER 14, 2016

THE SOUTH CAROLINA COURT OF APPEALS  
JENNY ABBOTT KITCHINGS, CLERK OF COURT  
P.O. BOX 11629  
COLUMBIA, S.C. 29211

Re: Appellant's motion to correct clerical errors in  
George Cleveland, v. S.C.D.C. No. 2015-000-  
183.

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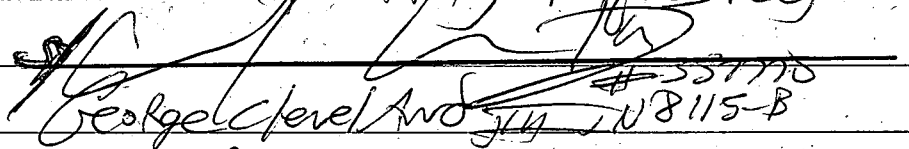
SC Court of Appeals

1. DEAR MS. KITCHINGS,

CAN you please file, and forward to the  
court, the attached motion to correct clerical  
errors, and to proceed in forma pauperis, and  
supporting appendix?

2. CAN you also please kindly stamp the  
extra copies, and mail back to me in the  
S.A.S.E.?

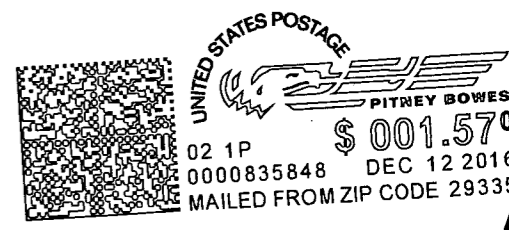
Respectfully Requested,

  
George Cleveland #537710  
J14 U8115-B

CC: FILE.

Tyger River Correctional Inst.  
CHRISTINA CATOE BIGELOW JESPURE

George Cleveland ~~III~~ #357770 U8 U5 - P  
Tyger River Correctional Inst  
200 PRISON ROAD  
ENOKEE, S.C. 29339



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SC Court of Appeals

The SOUTH CAROLINA COURT OF APPEALS  
JENNY ABBOTT KITCHINGS, CLERK OF COURT  
P.O. Box 11629  
Columbia, S.C. 29211

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DEC 12 2016  
TYRCI MAILROOM