

JANUARY 03, 2017

THE SUPREME COURT OF SOUTH CAROLINA.

DANIELE SHEAROUSE, CLERK OF COURT

P.O. BOX 11330

COLUMBIA, S.C. 29211

RECEIVED

JAN -9 2017

S.C. SUPREME COURT

Re: RULE 266 SCAR APPLICATION: George Cleveland  
V. STATE; APPELLATE CASE No. 2016-001749.

to DEAR MR. SHEAROUSE,

Attached are the following legal documents:

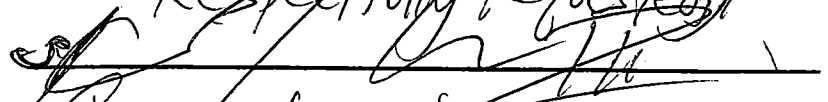
Appellant's RULE 266 SCAR chs. 26-pages;

APPELLANT'S APPENDIX IN SUPPORT... 33 pages and order  
recalling remittitur.

2. CAN YOU PLEASE FILE AND PLACE OF THE COURT'S DOCKET?

3. CAN YOU ALSO PLEASE KINDLY STAMP THE EXTRA COPIES IN  
THE CASE, AND MAIL BACK TO ME?

Respectfully Requested,



George Cleveland #35770  
TYGER RIVER CORRECTIONAL INST,  
200 PRISON ROAD  
ENOKEE, S.C. 29835

CC: FILE

JOHANNA C. VALENZUELA, ESQUIRE

LEGAL MAIL

# The South Carolina Court of Appeals

George Cleveland #357770, Appellant,

v.

South Carolina Department of Corrections, Respondent.

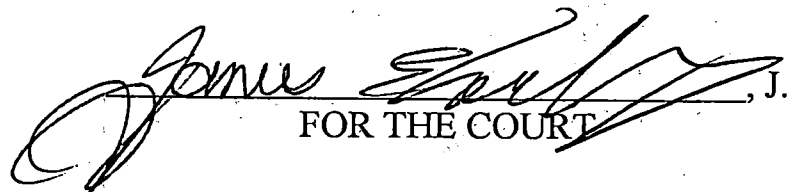
Appellate Case No. 2016-001033

---

## ORDER RECALLING REMITTITUR

---

This Court's remittitur was sent to the Clerk of the Administrative Law Court on October 18, 2016. It is now necessary for this Court to recall the remittitur. The Clerk of the Administrative Law Court is, directed to return the remittitur to the Clerk of the South Carolina Court of Appeals within ten (10) days from the date of this order.

  
FOR THE COURT

Columbia, South Carolina

**FILED**

cc:

George Cleveland #357770

Christina Catoe Bigelow, Esquire

November 4, 2016

APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA.

IN THE SUPREME COURT.

**RECEIVED**

INTERLOUCTIONARY APPEAL FROM OCONEE COUNTY

JAN 09 2017

COURT OF COMMON PLEAS

S.C. SUPREME COURT

R. SCOTT SPROUSE; CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2014-CP 37-0718

APPELLATE CASE NO. 2016-601749

GEORGE CLEVELAND III, . . . . . APPELLANT.

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

v.

STATE OF SOUTH CAROLINA. . . . . RESPONDENT.

I, George Cleveland III, certifies that on the date below, I inserted in the prison's mail-box outside the CAFETERIA AT TYGER RIVER CORRECTIONAL, properly addressed to the Respondent's Attorney of Record, the following Documents Rule 266 SCACR Application, and supporting Appendix to the following:

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

COLUMBIA, S.C. 29211-1549

DATED: JANUARY 03, 2017

Respectfully Submitted,  
George Cleveland III, #357770  
TYGER RIVER CORRECTIONAL  
200 PRISON ROAD  
ENOKEENOC, SC 29335  
**LEGAL MAIL**

APPELLANT'S RULE 266 SCAOR.  
SUBSEQUENT APPLICATION FOR RELIEF

RECEIVED

JAN 09 2017

THE STATE OF SOUTH CAROLINA.  
IN THE SUPREME COURT

S.C. 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 . . . . . APPELLANT  
S.C.A.C. - No. 357770

v.  
STATE OF SOUTH CAROLINA, . . . . . RESPONDENT.

OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX DIVISION  
JOHANNA C VALENZUELA, ESQUIRE  
P.O. BOX 11549  
COLUMBIA, S.C. 29211-1549  
ATTORNEY FOR RESPONDENT

GEORGE CLEVELAND III #357770  
TYGER RIVER CORRECTIONAL INST.  
200 PRISON ROAD  
ENDREE, SC - 29335  
PRO SE APPELLANT

LEGAL MAIL

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## COURT RULES

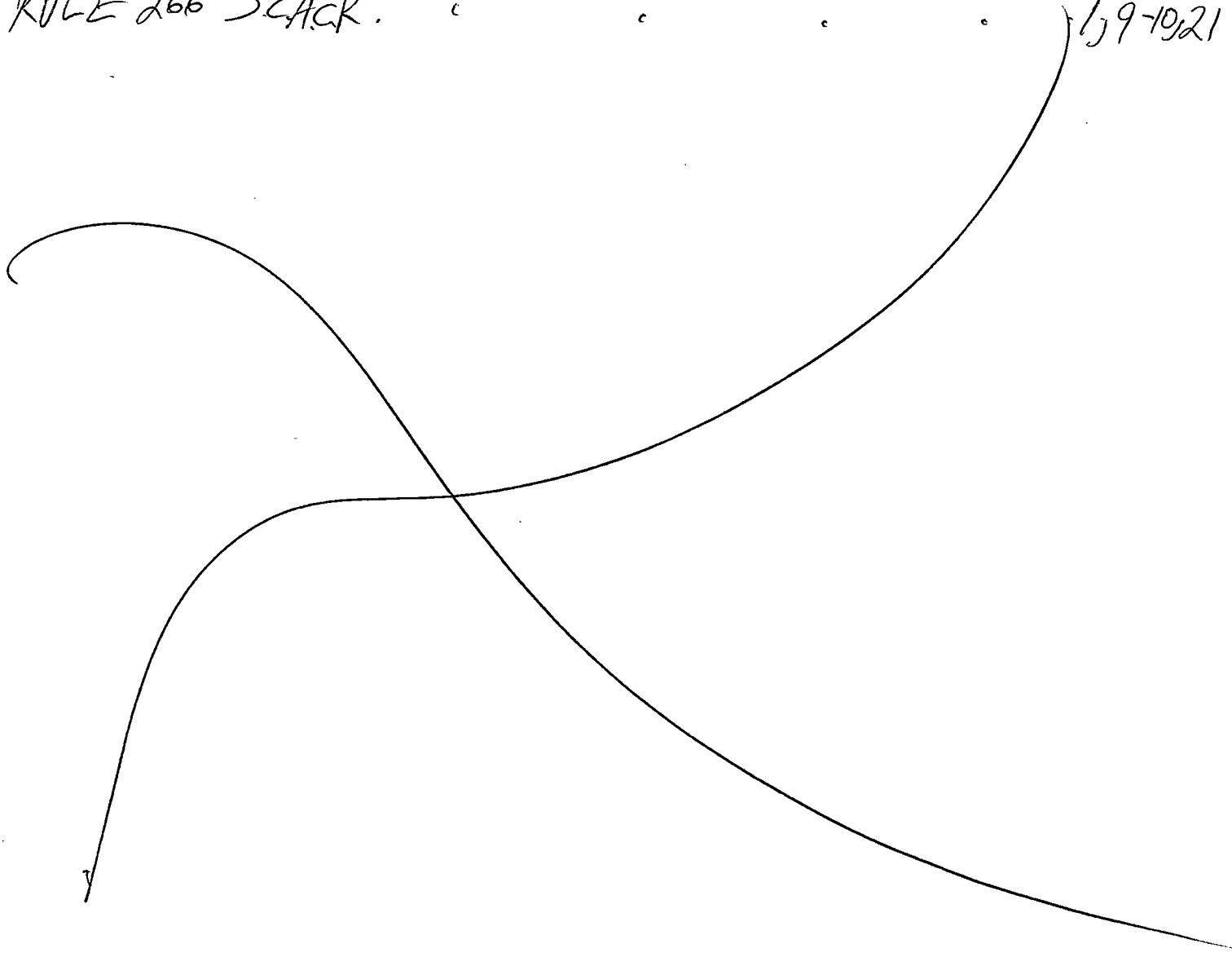
RULE 59(c) S.C.R.C.P.	4-5
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TABLE OF AUTHORITIES CONTINUED  
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COURT RULES

RULE 266 SCACR. . . . . 19-21



1.  
RULE 266 S.C.A.C.R. SUBSEQUENT  
APPLICATION FOR RELIEF:

MAY IT PLEASE THE COURT; George Cleveland,  
~~the~~ proceeding pro se respectfully files this  
Rule 266 S.C.A.C.R. subsequent Application for Relief  
to recall the Remittitur sent on September 13,  
2016. R.p.p. 1; on the following grounds;

on November 04, 2016; the S.C. court of  
Appeals (5); Appellate case no. 2016-001033 because  
of errors by S.C. court of Appeals deputy  
clerk v. CLAIRE ALLEN; and similar characters  
were used in this case;

the clerk of this court; MR. DANIEL E. SHEAROUSE  
and/or other employees within the building of  
the S.C. Supreme Court exploited flaws in the

---

R.p.p. 2. ORDER RECALLING THE REMITTITUR...

court's software by fraudulently electronically signing the justices' name(s) to the S.C. Supreme Court order dismissing my Interlocutory Appeal. R.p. 3;

BRIEFS WERE NOT FILED by me or the state in violation of Rule 208(A)(1)(2)(3) S.C.A.C.R. rule 211(A)(B)(1)(2) S.C.A.C.R. S.C.A.C.R.

The remittitur that was sent to the wrong court in violation of Rule 221(b) S.C.A.C.R. R.p. 1 September 13, 2016 Remittitur,

And the S.C. Supreme Court Clerk's office never submitted my case to the court in violation of Rule 215 S.C.A.C.R. R.p. 4 Supreme Court Docket of Cases.

2.

### BRIEF RELEVANT CASE HISTORY:

on or around MAY 12, 2016, (DATED MAY 06, 2016) letter from the office of the Attorney General signed by P.C.R. Legal Assistant IDEONNA ROGERS

2.

**LEGAL MAIL**

That simply provided me with my p.c.r. File. There was no mention of A specific p.c.r. evidentiary hearing date, R.p. 5.

The S.C.D.C. transportation staff transported me to the oconee county Detention Center. on or around JUNE 03 2016.<sup>2</sup>

on JUNE 03 2016. At 2:00 p.m., I WAS ordered to be at the Richland county Court of common Pleas by the Honorable. Alison R-Lee for AN Motion to Dismiss Hearing in: George Cleveland, III v. BRYAN P. Stirling, et al., GA No. 2015-CP-400-5732, R.p. 6; however, I missed that hearing because the S.C.D.C. failed to transport me to the hearing ~~it is~~.

---

<sup>2</sup> the S.C.D.C. transportation staff transported me from Turbeville Correctional to Kirkland Correctional on the morning of JUNE 02, 2016.

ON JUNE 06, 2016, I ATTENDED MY P.C.R. EVIDENTIARY HEARING AT THE OCONEE COUNTY COURT OF COMMON PLEAS WITH THE HONORABLE R. SCOTT SPROUSE PRESIDING,

AT THE HEARING, I MADE A SPOOR MOTION TO CONTINUE THE P.C.R. EVIDENTIARY HEARING ON THE GROUND THAT I WAS ORDERED AT ANOTHER COURT HEARING ON JUNE 02, 2016, ID, I MADE ADEQUATE ACCESS TO THE PRISON'S LAW LIBRARY, I DID NOT HAVE ANY P.C.R. FILE WITH ME, AND I WAS NOT GIVEN ADVANCED NOTICE FROM THE OFFICE OF THE ATTORNEY GENERAL, P.P. I, PAGE 1 OF THE JUNE 13, 2016 ORDER GRANTING CONTINUANCE.

THE COURT GRANTED MY MOTION TO CONTINUE THE HEARING UNTIL THE NEXT TERM OF COURT. ON JUNE 13, 2016, THE COURT FIRED AN ORDER MODIFYING ITS JUNE 13, 2016 PURSUANT TO MY TIMELY

filed Rule 59(e) S.C.R.P.; R.P. 9, July 22, 2016 order.

On July 23, 2016, I inserted into the prison's mail box, my Notice of Interlocutory Appeal of the June 13, 2016 Judgment After my second request to file my Notice of Appeal; mailing around August 15, 2016.

On August 26, 2016, the forged order was mailed to me that dismissed my Appeal without prejudice, R.P. 3.

On September 09, 2016, I inserted in the prison's mail box, my Rehearing petition of the August 26, 2016 order. ~~IBID.~~

On September 13, 2016, Mr. Shearouse sent the remittitur to the Greenville County Court of Common Pleas, R.P. 1.

On September 13, 2016, I inserted in the.

PRISON'S MAIL-BOX MY MOTION TO STAY THE  
OCONEE COUNTY EVIDENTIARY HEARING AND  
INJUNCTIVE RELIEF. R.P. 11.

ON SEPTEMBER 15, 2016, MR. SHEAROUSE  
MAILED ME A LETTER THAT STATED MY REHEARING  
PETITION WAS RECEIVED ON SEPTEMBER 15,  
2016, AND REMITTUR WAS SENT ON SEPTEMBER  
13, 2016. R.P. 12.

ON SEPTEMBER 16, 2016, MR. SHEAROUSE  
MAILED ME ANOTHER LETTER, THIS LETTER  
STATED NO ACTION WOULD BE TAKEN ON MY  
MOTION TO STAY OCONEE COUNTY EVIDENTIARY  
HEARING. R.P. 13.

ON SEPTEMBER 11, 2016, I INSERTED IN THE  
PRISON'S MAIL-BOX A MOTION FOR AN EXTENSION  
TO FILE PETITION FOR A WRIT OF CERTIORARI IN  
GEORGE DEVELAND, JR. v. S.C.D.C.; APPELLATE CASE NO.  
2016-001633 IN THE S.C. COURT OF APPEALS  
R.P. 14.

6.

**LEGAL MAIL**

ON September 19, 2016, Deputy clerk V. Claire Allen of the S.C. Court of Appeals, mailed me a letter and my motion, id., and stated it was filed in the wrong court. R.p. 14.

ON October 10, 2016, I inserted in the prison's mail-box my motion to Recall Remittitur (Appellate case No. 2016-001033) on the following grounds:

Rule 82(b) S.C.R.C.P.; Rule 204(A) S.C.A.C.R. foreclosed the Remittitur being sent, and my First, and Fourteenth Amendments under the U.S. Const. were violated. R.p. 15, Page 1 of the motion.

ON November 04, 2016, the S.C. Court of Appeals ordered the Remittitur recalled from the S.C. Administrative Law Court. R.p. 2.

ON November 10, 2016, the Honorable JANA E. Cox Shealy of the S.C. Administrative Law Court. R.p. 16.

LEGAL MAIL

STANDING:

The clerk of the S.C. Supreme Court MR. DANIEL E. SHEAROUSE sending of the Remittitur on September 13, 2016, Forging the order. Dismissing my interlocutory Appeal by failing to await for INITIAL BRIEFS to be filed by me. And the state under Rule 208(A)(1), (2), (3), S.C.A.C.R.; Designation of Matters to be part of the Record on Appeal under Rule 209(A) S.C.A.C.R., AND FINAL BRIEFS under Rule 211(A) S.C.A.C.R., AND failing to submit to the justices of the court under Rule 215 S.C.A.C.R. caused me A TOTAL DENIAL OF ACCESS TO THE JUSTICES, AND THEIR RESPECTIVE LAW CLERK by MR. SHEAROUSE. AND/OR other employees of the S.C. Supreme Court in violation of Lewis v. Casey 518 U.S. 343, 116

S.Ct. 2174, 2178-81 ARIZ (1996) id. At 2178-81; whereas, the U.S. Supreme Court reasoned that in order to have standing for a claim of a denial of access to the courts, prisoners must suffer "ACTUAL INJURY,"<sup>3.</sup> Accordingly, I have standing to request subsequent relief from this court under Rule 266 S.C.A.C.R.

4.  
ARGUMENT  
MR. DANIEL E. SHEAROUSE'S FAILING TO FOLLOW THE S.C.A.C.R. HAVE SIMILAR ELEMENTS TO THAT OF MS. V. CLARE ALLEN:

Rule 266 S.C.A.C.R. states the following relevant part:  
"When any justice or judge of any of the courts of this state has decline to grant any

3. My actual injuries were Mr. Shearouse's office failure follow the S.C.A.C.R. i.e., INITIAL BRIEFING MATTERS to be in the record, FINAL BRIEFS, AND NOT submitting the case file to the justices AND their law clerks.

9.

LEGAL MAIL

order or writ in any case, and thereafter application for the same order ... or. An order ... of a similar character, is made to an appellate court or any member thereof, it shall be incumbent upon the party ... to show in the application the former refusal and the judge or justice who refused the same. ...

S.C. COURT OF APPEALS Deputy Clerk V. DMIKE Allen's September 19, 2016 letter stated:

"We are returning your 'motion for an extension to file certiorari petition' pursuant to Rule 242 of the South Carolina Appellate Court Rules, S.C.A.C.R., your documents must be filed with the South Carolina Supreme Court." R.p. 14.

Ms. Allen violated the rules of the court because instead of forwarding my extension

motion which was required by Ms. Allen  
under Rule 204(A) S.C.A.C.R.

66 IN the event that the [Motion] is filed  
in the wrong Appellate court, the Appellate  
court in which the matter is filed shall  
issue AN ORDER transferring the case  
to the appropriate court.

Under Rule 82(b) S.C.A.C.R. "when an action  
is brought in the wrong . . . court, the  
court shall not dismiss the action but  
shall transfer it to any proper . . . court."  
See also Rep. p. 1821, pages 3-6 motion  
to Recall Remittitur.

On the other hand, S.C. Supreme Court clerk of  
the court Mr. Daniel E. Shearouse's office action  
of violating the court rules have similar elements  
because he too failed to follow the rules of  
the court.

MORE SPECIFICALLY, MR. SHEAROUSE FAILED TO WAIT ON INITIAL BRIEFING FROM ME (THE APPELLANT) "WITHIN THIRTY (30) DAYS AFTER SERVING THE NOTICE OF APPEAL, APPELLANT SHALL . . . FILE WITH THE CLERK . . . ONE COPY OF THE BRIEF . . ." Rule 208(A)(1) S.C.A.C.R.

FAILED TO WAIT ON THE BRIEFING FROM THE STATE: "WITHIN THIRTY (30) DAYS AFTER SERVICE OF APPELLANT'S BRIEF, RESPONDENT (THE STATE) SHALL SERVE ONE COPY OF [HER] BRIEF . . . WITH THE CLERK . . ." Rule 208(A)(2) S.C.A.C.R.

FAILED TO WAIT ON MY REPLY BRIEF:

"WITHIN TEN (10) DAYS AFTER SERVICE OF RESPONDENT'S BRIEF, SERVE ONE COPY OF THE REPLY BRIEF . . . WITH THE CLERK OF THE [SUPREME] COURT . . ." Rule 208(A)(3) S.C.A.C.R.

FAILED TO WAIT ON MATTERS TO BE INCLUDED IN

The Record on Appeal that must be filed  
At the same time as the initial briefs,  
under Rule 209(A) S.C.A.C.R.

Failed to wait on the filing of the record  
"within thirty (30) days after service of the last  
brief." Rule 210(A) S.C.A.C.R.

Failed to wait on the filings of the final briefs  
under Rule 211(A) S.C.A.C.R.: "within twenty (20) days  
after the service of the record on appeal."

Failed to submit to the court under Rule 215  
S.C.A.C.R.: "All cases where there has been no  
final judgment shall be submitted to the [Supreme]  
Court without oral argument." In order for my  
interlocutory appeal to be submitted to the  
Supreme Court by Mr. Shearouse's office, he was  
required to wait not more than 120 days from

The date I filed my notice of Interlocutory Appeal (July 27, 2016) R.P. 10, the week of November 14, 2016, my case was required to be submitted by MR. Shearouse under Rule 215 S.C.A.C.R. J.F. me (the Appellant), and the state filed all legal documents on the exact date of the deadline(s), e.g.: Rule 208(A)(1) 30-days; Rule 208(A)(2) 30-days; Rule 208(A)(3) 10-days; Rule 210(A) 30-days, and Rule 211(A) 20-days; all under S.C.A.C.R. MR. Shearouse, and/or his confederates took orders directly from Attorney General ALAN M. Wilson; and at least senior Deputy Assistant Attorney General JOHANNA CATALINA VALENZUELA because neither has filed a single document in this court to inquire why my case was dismissed less than a month after I filed my notice of Interlocutory Appeal, e.g.: Notice of Interlocutory Appeal filed on July 27, 2016,

And the fraudulent order was forged  
by MR. SHEAROUSE, AND/OR his confederates  
ON August 26, 2016, MR. SHEAROUSE UNDER  
the pointed blessing of At least MR.  
Wilson AND Ms. Valenzuela. never put  
my case - on the Supreme court's Docket.  
because no cases were submitted to the  
Supreme Court from MR. SHEAROUSE'S office  
~~on~~ 1-DAY in August of 2016. R. pp. 4 - Supreme  
Court Docket Report, NOR WAS the order of  
September 02, 2016 submitted to the Supreme  
Court. R. pp. 22; September of 2016 Docket Report  
shows just 3-cases submitted without  
ORAL ARGUMENT, e.g.:

WILLIE J. ADAMS V. STATE;  
MICHAEL MILLEDGE V. STATE;  
NEARIN BLACKWELL-SELIM V. STATE, R. pp. ~~22~~ 22.

The U.S. Supreme Court in *Arundale Lockhart v. United States*, No. 14-8358 filed with that court's Docket Report explicitly shows how my case was required to look like:

JAN 14, 2015 Petition for a writ of Certiorari filed;

APRIL 10, 2015 Brief of the United States filed;

APRIL 29, 2015 DISTRIBUTED FOR CONFERENCE OF MAY 14, 2015 ... R.p.p. 28.

The Docket Report in the ~~oconee~~ county court of common Pleas details all my filings, and the filings of the state, along with the actions by the court. R.p.p. 2324. Also, this Docket Report, ~~id~~, shows my case was filed in the Greenville County as this court sent the remittitur to that court:

cc The Honorable PAUL B. WICKENSIMER, ...

305 E. North Street  
Greenville, S.C. 29601 - 2121, "R.p.p. 1 September

13, 2016 DATED Remittitur.

THIS COURT IN *Wise v. S.C.D.C. 372 S.C. 173, 642 S.E. 2d. 551 S.C. (2007)* held the remittitur must be recalled if it was sent in error, or to the wrong court. *Wise, id.*, required MR. SHEAROUSE to signed AN ORDER RECALLING THE REMITTITUR ERRONEOUSLY SENT TO THE WRONG COURT AS THE S.C. COURT OF APPEALS DID ON NOVEMBER. 04, 2016. R.p. 2.

INSTEAD MR. SHEAROUSE MANIPULATED THE DATES THAT MY REHEARING PETITION WAS FILED BY STATING ON A LETTER DATED SEPTEMBER. 15, 2016:

"PLEASE BE ADVISED THAT THIS REHEARING IS UNTIMELY SINCE IT WAS NOT ACTUALLY RECEIVED BY SEPTEMBER 12, 2016." R.p. 12.

THE SPECIFIC MANIPULATION WAS DESPITE MY REHEARING PETITION MAILED OUT ON SEPTEMBER 09, 2016. R.p. 20. IT ALLEGEDLY TOOK TOOK 4-DAYS FOR MY PETITION, *id.* TO REACH

COLUMBIA S.C. (RICHLAND COUNTY) FROM ENOREE S.C. (SPARTANBURG COUNTY) WHICH IS LESS THAN 2-HOURS APART.

THE REHEARING PETITION ACTUALLY ONLY TOOK 1-DAY TO ARRIVE BY THE U.S. POSTAL SERVICE WHICH PUTS MY PETITION IN THE CLERK'S (S.C. SUPREME COURT) POST OFFICE BOX (11330) IN COLUMBIA S.C. ON SEPTEMBER 10, 2016 (SATURDAY) AND PICKED UP BY AUTHORIZED COURT PERSONEL OF THE SUPREME COURT ON THE NEXT BUSINESS DAYS WHICH IS MONDAY SEPTEMBER 12, 2016, THE EXACT DATE, MR. SHEAROUSE ALLEGED THAT HIS OFFICE DID NOT RECEIVE MY PETITION.

FOR PROBATIVE EVIDENCE IN SUPPORT OF 1-DAY MAIL SERVICE FROM ENOREE S.C. TO COLUMBIA S.C. BY THE U.S. POSTAL SERVICE:

COUNTY ATTORNEY OF GREENVILLE COUNTY  
POST DATED ON "JULY 26, 2016"  
RECEIVED AT TYGER RIVER THE VERY NEXT  
DAY "JULY 27, 2016." P. 25.  
18.

S.C. COURT OF APPEALS

POST DATED OF "JULY 13, 2016"

RECEIVED AT TURBEVILLE THE VERY NEXT DAY

"JULY 14, 2016" R.P. 26.

S.C. COURT OF APPEALS

POST DATED "SEPTEMBER 19, 2016"

RECEIVED AT TURBEVILLE THE VERY NEXT DAY

"SEPTEMBER 20, 2016" R.P. 27

Lewis v. Casey 518 U.S. 346, 116 S.Ct. 2174, 2178-81  
At 12. (1996), id., at 2178-80, the First, and Fourteenth  
Amendment of the U.S. Const. VETEMENTLY  
REJECTS MR. SHEAROUSE'S STRATEGY ALONG WITH  
MR. WILSON, AND AT LEAST MS. VALENZUELA. THE  
SCHEME USED BY AT LEAST THESE - 3 ARE SIMILAR  
IN ELEMENTS WITH THE LITERACY TEST BECAUSE  
THIS TEST WAS DECIDED BY ELECTION OFFICIALS  
WHETHER A PERSON WHO READ SECTIONS OF THE  
U.S. CONST. "UNDERSTOOD AND EXPLAINED IT WHEN  
IT WAS READ TO HIM." THIS MADE IT IMPOSSIBLE  
FOR ILLITERATE FOLKS TO VOTE IN THE LATE 1800'S.

SOUTH CAROLINA ONE OF THE FIFTY STATES;  
COPYRIGHT (C) 1985 by Lewis P. Jones. KERN  
PROFESSOR. OF HISTORY AT WOFFORD COLLEGE.  
SAND LAPPER. PUBLISHING, INC. ORANGETHURB, S.C.  
AT pp. 575-76.

My Interlocutory Appeal was decided not by  
the justices of the supreme court but by 3-  
people, id., that lacked authority to do so, but my  
Access to the outside of the tyger River  
CORRECTIONAL INSTITUTION'S RAZOR-WIRE FENCE  
RESTRICTS my Access to the telephone, internet,  
FAX MACHINES, AND the media on the other  
hand, SHEAROUSE, WILSON, AND the media on  
the other hand, SHEAROUSE, WILSON, AND  
VALENZUELA HAVE simply picked-up their  
office phone, FAX MACHINE, OR STATE ISSUED  
Laptop ORCHESTRATED A NUCLEAR BOMB OF THE  
DESTRUCTION my civil rights by interfering  
with the Administration of Justice by throwing  
PROCEDURAL-HURDLES ON TOP OF MY HEAD TRYING  
20.

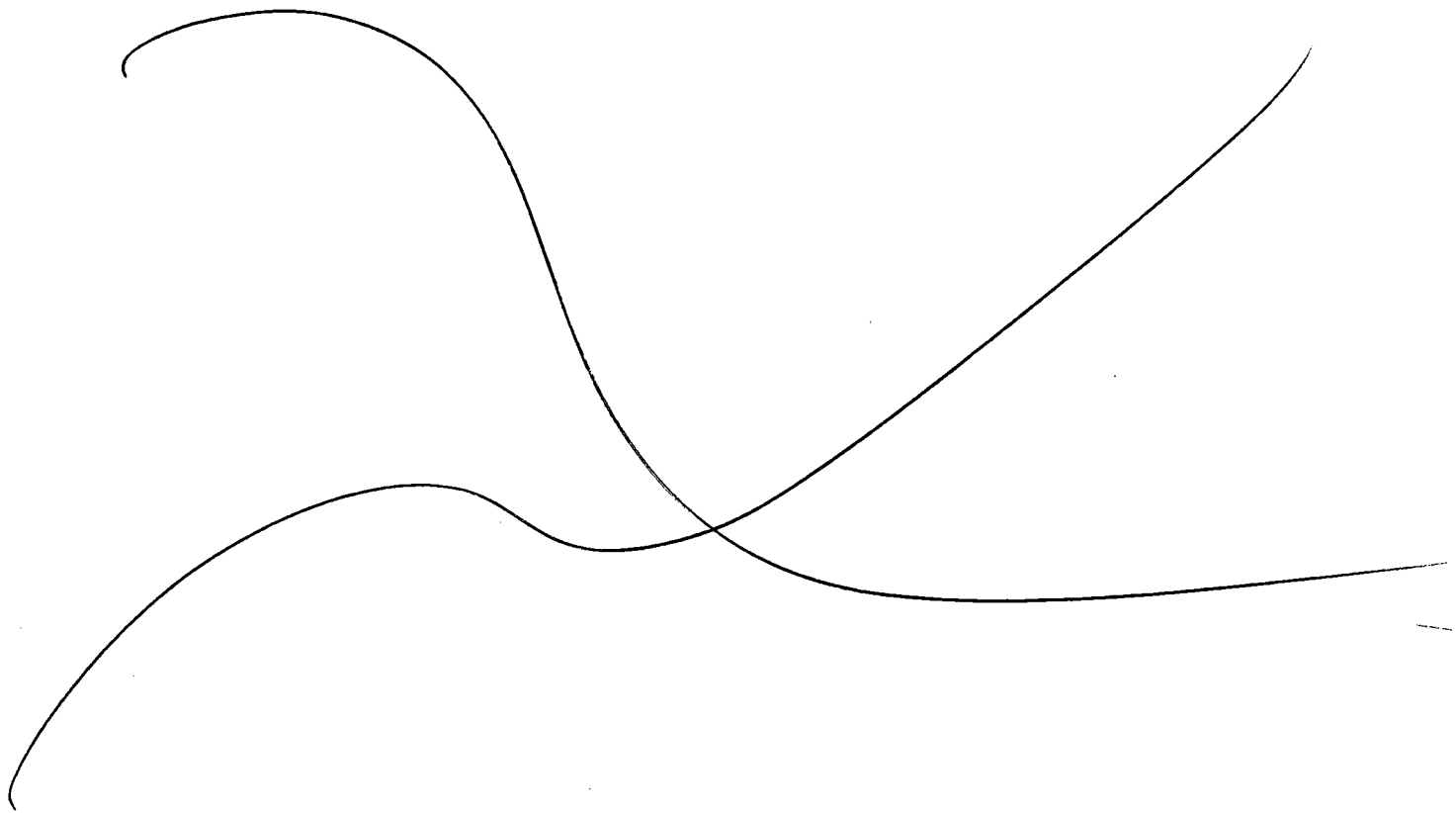
to DROWN my case. The same rules they  
id. were required to follow in my case,  
The broke. And got caught; Accordingly, Rule  
266 S.C.A.C.R. Requires the Remittitur sent to  
the wrong court be RECALLED, And my  
INTERLOCUTORY APPEAL PLACED ON THE DOCKET  
FOR BRIEFING AND FILING OF THE RECORD RESPECTIVELY  
AS THE ERRORS IN THIS CASE ARE SIMILAR IN  
CHARACTER(S) WITH George develand ~~vs~~  
SCDC No. 35770 v. S.C.D.C.; Appellate Case No.  
2016-001033, R.P. 2: ORDER RECALLING REMITTITUR.

5.  
CONCLUSION:

Based on the foregoing facts, supporting legal authorities,  
and documents in the attached records, pray for  
the following relief:

- 5-1. WHEREFORE; GRANT MY RULE 266 S.C.A.C.R. subsequent  
Application;
- 5-2. ORDER BRIEFING by the Appellant, and Respondent;  
ORDER the filing of the records in support  
of briefing;

5-3. Any other RELIEF this court seems just,  
proper and/or ~~im~~ PARTIAL.



~~5~~ Respectfully submitted,  
~~George Develant~~  
George Develant #35776  
Tiger River Correctional Inst.  
200 Prison Road  
Endree, SC. 29335

DATED: JANUARY 02 2017

22.

**LEGAL MAIL**

APPELLANT'S APPENDIX IN SUPPORT  
OF RULE 266 S.C.A.C.R. SUBSEQUENT  
APPLICATION FOR RELIEF

---

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

INTERLOUCTORY APPEAL FROM OCOREE 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 . . . . . APPELLANT,

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

v.  
STATE OF SOUTH CAROLINA . . . . . RESPONDENT.

INDEX TO APPENDICES

REMITTAR SENT TO GREENVILLE COMMON PLEAS COURT DATED: SEPT. 13, 2016 . . . . . 1  
ORDER RECALLING REMITTAR. DATED: NOVEMBER 04, 2016 . . . . . 2  
ORDER DISMISSING INTERLOUCTORY APPEAL; DATED AUG. 26, 2016 . . . . . 3

**LÉGAL MAIL**

APPELLANT'S APPENDIX ~~IN~~ SUPPORT. . .

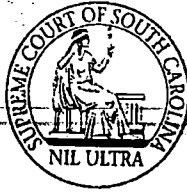
CONTINUED

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page 1

# 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

September 13, 2016

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

## REMITTITUR

Re: George Cleveland III v. State  
Lower Court Case No. 2014CP3700718  
Appellate Case No. 2016-001749

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,

*Daniel E. Shearouse*  
DS

CLERK

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

# The South Carolina Court of Appeals

George Cleveland #357770, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2016-001033

---

## ORDER RECALLING REMITTITUR

---

This Court's remittitur was sent to the Clerk of the Administrative Law Court on October 18, 2016. It is now necessary for this Court to recall the remittitur. The Clerk of the Administrative Law Court is, directed to return the remittitur to the Clerk of the South Carolina Court of Appeals within ten (10) days from the date of this order.

 J.  
FOR THE COURT

Columbia, South Carolina

cc:  
George Cleveland #357770  
Christina Catoe Bigelow, Esquire

**FILED**

November 4, 2016

# The Supreme Court of South Carolina

George Cleveland III, Petitioner,

v.

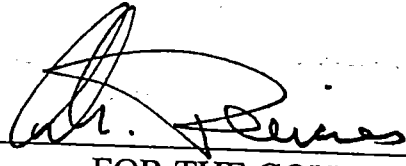
State of South Carolina, Respondent.

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

August 2016

 PREV	August 2016	NEXT 
--	-------------	--

**A Roster is not available for this month.**



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

NOTICE OF MOTION SCHEDULING

May 12, 2016

JUN 02 2016

Page 6



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 ) IN THE COURT OF COMMON PLEAS  
COUNTY OF OCONEE ) FILED OCONEE COUNTY, SC  
BEVERLY H. WHITFIELD ) CLERK OF COURT  
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.

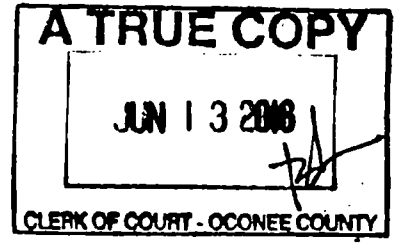
IT IS SO ORDERED this 10 day of June, 2016.

*[Handwritten Signature]*

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



~~Page 9~~  
PAGE-9

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

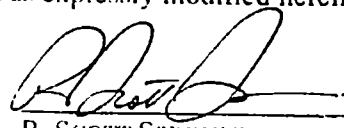
FILED OCONEE COUNTY SC  
BEVERLY H. WHITEFIELD  
CLERK OF COURT  
2016 JUL 22 8:13

After careful consideration of filings from the Applicant and review of the Court's Order Granting Motion to Continue Hearing, filed June 13, 2016, 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, SCRCP, <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

Walhalla, South Carolina  
7-21, 2016

<sup>1</sup> The Court, in its discretion, has determined this Motion on the filings, without oral argument, pursuant to Rule 59(d), SCRCP.

APPELLANT'S PROOF OF SERVICE

~~APP 15~~  
page 18

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

INTERLUUCTORY 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. 35770,

APPLICANT,

v.


STATE OF SOUTH CAROLINA,

RESPONDENT.

I, George Cleveland, III, certifies that on the date below, by and through the Turbeville Correctional's Mail Room - staff properly addressed, and with proper United States postage, served the notice of InterLUuctory Appeal, copy of judgment to the Attorney for the Respondent:

OFFICE OF THE ATTORNEY GENERAL  
P.C.R. DIVISION

Johanna C. Valenzuela, ESQUIRE  
P.O. Box 11549  
Columbia, S.C. 29211-1549

Respectfully Submitted,  


George Cleveland, III #35770  
Turbeville Correctional Inst  
1578 Clarence Coker Hwy  
Turbeville, SC 29629

**LEGAL MAIL**

Dated: July 27, 2016

PETITIONER'S PROOF OF SERVICE

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-CF-37-0718

APPELLATE CASE NO. 2016-001749.

GEORGE CLEVELAND III,  
S.C.D.C. NO. 35770

PETITIONER

STATE OF SOUTH CAROLINA,

RESPONDENT.

I, George Cleveland III, certifies that on the date below by and through the Tyger River Correctional's mail room, properly addressed, and with proper United States postage, served on the:

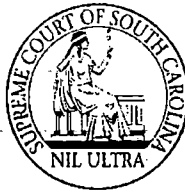
RESPONDENT COUNSEL OF RECORD;

MOTION TO STAY OCONEE COUNTY EVIDENTIARY HEARING  
SUPPORTING APPENDIX AND PROOF OF SERVICE;

OFFICE OF THE ATTORNEY GENERAL  
JOHANNA C. VALENZUELA-ESQUIRE  
P.O. Box 11549,  
Columbia SC 29211-1549

DATED: SEPTEMBER 13 2016  
LEGAL MAIL

Respectfully Submitted  
George Cleveland III  
Tyger River Correctional  
206 Prison Road  
Greenville SC 29335



Page 12

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

September 15, 2016

Mr. George Cleveland, III, #357770  
Tyger River Correctional Institution  
Upper Yard  
200 Prison Road  
Enoree SC 29335-9308

Re: George Cleveland III v. State  
Appellate Case No. 2016-001749

Dear Mr. Cleveland:

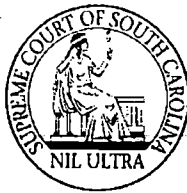
This Court has today received your petition for rehearing. Please be advised that this rehearing is untimely since it was not *actually received* by September 12, 2016. Rule 221(a) of the South Carolina Appellate Court Rules. Further, the remittitur was sent to the circuit court on September 13, 2016, ending appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Accordingly, no action will be taken on your petition for rehearing by this Court.

Very truly yours,

CLERK

cc: Johanna Catalina Valenzuela, Esquire



Page 13

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

September 16, 2016

Mr. George Cleveland, III, #357770  
Tyger River Correctional Institution  
Upper Yard  
200 Prison Road  
Enoree SC 29335-9308

Re: George Cleveland III v. State  
Appellate Case No. 2016-001749

Dear Mr. Cleveland:

This Court has today received your motion for a stay and an injunction. Since the remittitur has been sent in this case, no action will be taken on this motion by this Court. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Very truly yours,

CLERK

cc: Johanna Catalina Valenzuela, Esquire



~~Page 4~~

Page 14

# 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

September 19, 2016

George Cleveland #357770  
TCI  
1578 Clarence Coker Hwy.  
Turbeville SC 29162

Re: George Cleveland #357770 v. SCDC (5)  
Appellate Case No. 2016-001033

Dear Mr. Cleveland:

We are returning your "motion for an extension to file certiorari petition." Pursuant to Rule 242 of the South Carolina Appellate Court Rules, SCACR, your documents must be filed with the South Carolina Supreme Court.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Christina Catoe Bigelow, Esquire  
Enclosure

PETITIONER'S MOTION TO RECALL REMITTITUR:

COMES NOW, George Cleveland, III, proceeding prose respectfully moves this court to Recall the REMITTITUR sent to the Administrative Law court on September 19, 2016. R.p. 1. REMITTITUR sent. This Request is on the following grounds:

foreclosed by Rule 204 (A) S.C.A.C.R. And Rule 82(b) S.C.R.P., and violation of my first (Access to the courts; Fourteenth (due process Liberty/Property interest) Amendments under the constitution of the United States.

2

RELEVANT-BACKGROUND:

On September 11, 2016, I mailed to the South Carolina Court of Appeals my motion for an Extension case until Sept. 28, 2016. R.p. 2 At PAR. 2, supporting Affidavit.

LEGAL MAIL

On September 28, 2016, I signed for and received

STATE OF SOUTH CAROLINA  
**Administrative Law Court**

*Page 1a*

**Ralph K. Anderson, III**  
*Chief Judge*

**Jana E. Cox Shealy**  
*Clerk*



PHONE: (803) 734-0550  
FAX: (803) 734-6400  
WEB: WWW.SCALC.NET

November 10, 2016

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: George Cleveland #357770 v. SCDOC  
ALC Docket No. 16-ALJ-04-0030-AP  
Appellate Case No. 2016-001033

Dear Clerk Kitchings:

Pursuant to the Court's Order filed November 4, 2016, I am hereby returning the Remittitur in the above-captioned matter.

Please let me know if you have any questions.

With warm personal regards, I am,

Sincerely,

A handwritten signature in cursive script that reads "Jana E. Shealy".

Jana E. Shealy  
Clerk

Enclosure

cc: Christina Catoe Bigelow, Esquire  
George Cleveland, #357770



# 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

September 13, 2016

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

## REMITTITUR

Re: George Cleveland III v. State  
Lower Court Case No. 2014CP3700718  
Appellate Case No. 2016-001749

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,

*Daniel E. Shearouse*  
DS

CLERK

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

RULE 204(A) SCACR FORECLOSED  
REMITTITUR BEING SENT

DEPUTY CLERK ALLEN, SUPRT, AT PAR 2 FAILED to transfer this case to this court as required by Rule 204(A) SCACR.

"IN the event that the [motion] is filed in the wrong appellate court, the Appellate court in which the matter is filed shall issue an order transferring the case to the appropriate court."

Deputy clerk Allen was foreclosed under Rule 204(A) SCACR. From sending the remittitur to the Administrative Law court instead, she was required to: "issue an order transferring the case to the appropriate court." Therefore, the remittitur was sent in error and must be recalled, and required transfer to this court.

MOTION FOR AN EXTENSION  
WAS TIMELY FILED FORECLOSING  
REMITTITUR FROM BEING SENT  
UNDER RULE 233(A)(2) SCACR  
3

TELEMAIL

The Appellate court denied my petition for Rehearing which was filed on August 11, 2016. R.P. 7, order denying Rehearing. Rule 242 SCACR required my petition for a writ of CERTIORARI to be filed on or before September 11, 2016. My motion for EXTRA time to file my CERTIORARI petition on September 11, 2016 by mail:

“By depositing the documents in the U.S. MAIL properly addressed to the clerk... the date of filing shall be the ... date of mailing.” Rule 233(A) SCACR.

My motion was timely filed on September 11, 2016. R.P. 2, APPAR. 2, supporting Affidavit. As this was the date that I put the properly addressed envelope in the prison's mail-box this effectively foreclosed Deputy Clerk Allen from sending of the Remittitur was error under Rule 233(A) SCACR; consequently my motion for an extension of time to file petition for a writ of CERTIORARI was timely filed, and the Remittitur was sent by ERROR.

LEGAL MAIL

RULE 82(b) SCRCR FORECLOSED  
FROM  
REMITTITUR BEING SENT!

Deputy clerk Allen did not have the Authority to send the Remittitur to the Administrative Law Court by her own Admission in her September 19, 2016 letter:

"We are returning your motion for an extension to file certiorari petition. YOUR documents must be filed with the South Carolina Supreme Court." R.P. 4.

Rule 82(b) SCRCR Required Deputy Clerk Allen to not type-up a letter stating that: my documents must be filed with the South Carolina Supreme Court. IBID.

Instead Rule 82(b) SCRCR Required her to transfer my case to the South Carolina Supreme Court:

"When an action is brought in the wrong court, the court shall not dismiss the action but shall transfer it to any proper court."

Rule 82(b) S.C.R.C.P. Ms. Allen failed to transfer this case to this court; accordingly Deputy clerk Allen was foreclosed under Rule 82(b) S.C.R.C.P. from sending the remittitur to the Administrative Law court, but instead she was required to transfer my case to this court.

3-3.  
FIRST AND FOURTEENTH AMENDMENT  
UNDER THE U.S. CONST. REQUIRES  
ADEQUATE ACCESS TO  
THE COURT;

The first and fourteenth Amendments under the United States Constitution required Deputy Clerk to provide me Adequate Access to the courts which under *Bounds v. Smith* 430 U.S. 819, 97 S.Ct. 1491 U.S., N.C. (1977); where the Supreme Court of the United States to shoulder Affirmative obligations to assure all prisoners meaningful Access to the courts, 448 at 824-825. I submit this "required Access to the courts" doctrine is to be applied

09:30 a.m.

**2015-001350 Henton T. Clemmons, Jr., Employee, Petitioner, v. Lowe's Home Centers, Inc.-Harbison, Employer, and Sedgwick Claims Management Services, Inc., Carrier, Respondents.** (Time Limits: 10-10-5)

Preston F. McDaniel, of McDaniel Law Firm, of Columbia, for Petitioner. Kelly Fitzharris Morrow, of McAngus Goudelock & Courie, LLC, of Columbia and Helen Faith Hiser, of McAngus Goudelock & Courie, LLC, of Mount Pleasant, for Respondents.

The Court granted certiorari to review the court of appeals' decision in Clemmons v. Lowe's Home Centers, Inc., 412 S.C. 366, 772 S.E.2d 517 (Ct. App. 2015).

10:00 a.m.

**2015-001553 Michael Gonzales, Petitioner, v. State of South Carolina, Respondent.** (Time Limits: 10-10-5)

Appellate Defender Susan B. Hackett, of Columbia, for Petitioner. Attorney General Alan Wilson and Assistant Attorney General Alicia A. Olive, both of Columbia, for Respondent.

The Court granted certiorari to review the PCR judge's denial of petitioner's claim for relief.

10:30 a.m.

**2016-000917 In the Matter of Margaret D. Fabri, Respondent.** (Time Limits: 10-10-5)

Disciplinary Counsel Lesley M. Coggiola and Senior Assistant Disciplinary Counsel Charlie Tex Davis, Jr., both of Columbia, for the Office of Disciplinary Counsel. David Dusty Rhoades, of Charleston, for Respondent.

This is an attorney disciplinary matter.

**Cases to be Submitted Without Oral Argument**

**Willie J. Adams, Petitioner, v. State of South Carolina, Respondent.**

Appellate Defender Kathrine Haggard Hudgins, of Columbia, for Petitioner. Attorney General Alan Wilson and Senior Assistant Deputy Attorney General Johanna Catalina Valenzuela, both of Columbia, for Respondent.

**Michael Milledge, Respondent, v. State of South Carolina, Petitioner.**

Attorney General Alan Wilson and Senior Assistant Attorney General Karen Christine Ratigan, both of Columbia, for Petitioner. Appellate Defender Susan Barber Hackett, of Columbia, for Respondent.

**Nearim Blackwell-Selim, Petitioner, v. State of South Carolina, Respondent.**

Deputy Chief Appellate Defender Wanda H. Carter, of Columbia, for Petitioner. Attorney General

Common Pleas

CASE HISTORY FOR CASE 2014CP3700718

George Cleveland III VS South Carolina-State of

FILED DATE: 12/2/2014

CASE TYPE: CP/Post Convict Rel 500

STATUS: PCR

ASSIGNED JUDGE: Clerk Of Court C P, G S, And Family Court

CASE PARTIES:

Plaintiff Cleveland, George III

Turbeville Correctional Institution, P O Box 252, Turbeville, SC 29162

Defendant South Carolina-State of

Defendant Attorney Whitmire, John Walter

407 1/2 W. Main Street, Lexington, SC 290722643

Plaintiff Attorney Welborn, Hugh Wingo

PO Box 173, Anderson, SC 29622

Defendant Attorney Schmeckpeper, Patrick Lowell

PO Box 11549, Columbia, SC 29211

Plaintiff Pro Se Cleveland, George III

Turbeville Correctional Institution, P O Box 252, Turbeville, SC 29162

CASE HISTORY FOR CASE 2014CP3700718

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

Age: Unknown  
DL#:

DOB: Unknown  
SSN: 000-00-0000

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Action: Notice of Motion & Motion to be Relieved As Attorney Motion/Order Filing Fee \$25	\$0.00	\$0.00	\$0.00	999
Total:	\$0.00	\$0.00	\$0.00	

DATE	TIME	EVENT DESCRIPTION
12/2/2014	4:40 PM	Filing recorded: Post Conviction Relief
12/2/2014	4:40 PM	Filing recorded: Verification/Verified
12/2/2014	4:40 PM	Filing recorded: Application to Proceed without Payment

Print Date: 05/25/2016

Print Time: 9:24:18AM

Requested By: C37THIGH

CASE HISTORY FOR CASE 2014CP3700718

1/20/2015	2:15 PM	Order/Appointment of Counsel PCR
2/4/2015	11:36 AM	Filing recorded: Service/Affidavit Of Mailing
10/19/2015	9:31 AM	Filing recorded: PCR Hearing 11/13/15 @ 9:30a
11/9/2015	9:56 AM	Order/Continuance from 11/09/15 Term
1/11/2016	4:28 PM	Filing recorded: PCR Hearing 02/10/16 @ 9:30a Anderson Co Courthouse
1/14/2016	2:59 PM	Notice of Motion & Motion to be Relieved As Attorney
1/27/2016	11:16 AM	Filing recorded: Service/Affidavit Of Mailing x 2
2/2/2016	9:19 AM	Filing recorded: Motion & Affidavit to Proceed In Forma Pauperis
2/2/2016	9:19 AM	Filing recorded: Applicant's Motion to Proceed Pro Se
2/2/2016	9:19 AM	Filing recorded: Applicant's Affidavit in Support of Motion to Proceed Pro Se
3/14/2016	4:21 PM	Order Relieving Counsel & Granting Motion to Proceed Pro Se

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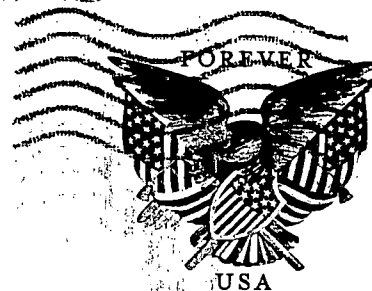
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page 2

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**South Carolina Court of Appeals**

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29162-941978



*Page 28*

No. 14-8358

Title: Avondale Lockhart, Petitioner

v.  
United States

Docketed: February 9, 2015  
Lower Ct: United States Court of Appeals for the Second Circuit  
Case Nos.: (13-602)  
Decision Date: May 15, 2014  
Rehearing Denied: October 16, 2014  
Questions Presented

- ~~~~Date~~~~ ~~~~~Proceedings and Orders~~~~~
- Jan 14 2015 Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due March 11, 2015)
  - Mar 3 2015 Order extending time to file response to petition to and including April 10, 2015.
  - Apr 10 2015 Brief of respondent United States in opposition filed.
  - Apr 28 2015 Reply of petitioner Avondale Lockhart filed. (Distributed)
  - Apr 29 2015 DISTRIBUTED for Conference of May 14, 2015.
  - May 18 2015 DISTRIBUTED for Conference of May 21, 2015.
  - May 26 2015 Motion to proceed in forma pauperis and petition for a writ of certiorari GRANTED.
  - Jun 23 2015 The time to file the joint appendix and petitioner's brief on the merits is extended to and including July 24, 2015.
  - Jun 23 2015 The time to file respondent's brief on the merits is extended to and including September 8, 2015.
  - Jul 24 2015 Joint appendix filed. (Statement of costs received.)
  - Jul 24 2015 Brief of petitioner Avondale Lockhart filed.
  - Sep 8 2015 Brief of respondent United States filed.
  - Sep 9 2015 SET FOR ARGUMENT on Tuesday, November 3, 2015
  - Sep 10 2015 Record requested from the U.S.C.A. 2nd Circuit.
  - Sep 11 2015 Record request received from the U.S.C.A. 2nd Circuit is electronic.
  - Sep 21 2015 CIRCULATED
  - Oct 8 2015 Reply of petitioner Avondale Lockhart filed. (Distributed)
  - Nov 3 2015 Argued. For petitioner: Edward S. Zas, Assistant Federal Defender, New York, N. Y. For respondent: Ann O'Connell, Assistant to the Solicitor General, Department of Justice, Washington, D. C.

Name	Address	Phone
<b>Attorneys for Petitioner:</b>		
Edward S. Zas Counsel of Record	Federal Defenders of New York, Inc. Appeals Bureau 52 Duane Street, 10th Fl. New York, NY 10007	(212) 417-8742

*Page 29*

Edward\_Zas@fd.org

Party name: Avondale Lockhart

**Attorneys for Respondent:**

Donald B. Verrilli Jr.

Counsel of Record

Solicitor General

(202) 514-2217

United States Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, DC 20530-0001

SupremeCtBriefs@USDOJ.gov

Party name: United States

PETITIONER'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

INTERLOCTORY APPEAL FROM OCONEE COUNTY

COURT OF COMMON PLEAS

Re SCOTT SPROUSE, CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2014-CP-370718

APPELLATE CASE NO. 2016-001749

George Cleveland, ~~III~~ PETITIONER  
S.C.D.C. No. 35770,

v.  
STATE OF SOUTH CAROLINA, RESPONDENT.

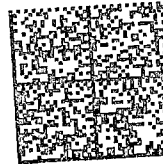
I, George Cleveland, ~~III~~, certify that on the date below by and through the Tyger River Correctional's Mail Room property addressed, and with proper United States postage, served the Respondent's Attorney of record, my petition for rehearing, supporting Appendix, and this proof of service to the following entity:

OFFICE OF THE ATTORNEY GENERAL  
JOHANNA C. VALENZUELLA, ESQUIRE  
P.O. Box 11549  
Columbia, SC 29211-1549.

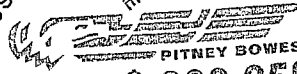
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Dated: Sept 09 2016.

Respectfully submitted  
George Cleveland, ~~III~~ #35770  
Tyger River Correctional Inst  
200 PRISON ROAD, ENOREE, SC 29335



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