

APPELLANT'S PETITION FOR REHEARING
OF FEBRUARY 09, 2017 ORDER

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

FEB 21 2017

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

LEE S. ALFORD, CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2015-CR-400-5732

APPELLATE CASE NO. 2016-002453

GEORGE CLEVELAND, III APPELLANT,

v. BRYAN P. STIRLING, et al., RESPONDENTS

AIKEN BRIDGES ATTORNEYS AT LAW

J. RUFUS BRATTON, III, ESQUIRE

POST OFFICE DRAWER 1931

Florence, S.C. 29503

ATTORNEY FOR THE RESPONDENT

GEORGE CLEVELAND, III

TYGER RIVER CORRECTIONAL INST.

200 PRISON ROAD

ENOREE, S.C. 29335

PRO SE APPELLANT

1.
PETITION FOR REHEARING:

MAY IT PLEASE THE COURT: George Cleveland III, proceeding pro se, respectfully submits to this court to rehear the Feb. 09, 2017 order, inasmuch as this court denied my motion to proceed IN FORMA PAUPERIS UNDER EX PARTE MARTIN, 321 S.C. 533, 471 S.E. 2d 134 (1995) AS THIS CASE CONFLICTS WITH THE SUPREME COURT OF THE UNITED STATES HOLDINGS UNDER BOUNDS V. SMITH 430 U.S. 819, 97 S.Ct. 1491, 45 S. W. 2d (1997) BECAUSE THE SUPREME COURT'S HOLDING REQUIRED THIS COURT TO ALLOW MY APPEAL IN THIS COURT TO PROCEED "WITHOUT PAYMENT OF DOCKET FEES", see BOUNDS V. SMITH 430 U.S. 819, at 822, at 1495.

This court wrote: "Appellant has filed a motion, which this court construes as a motion to proceed in forma pauperis. The motion to proceed in forma pauperis is denied pursuant to Ex Parte Martin,

321 S.C. 533, 471 S.E. 2d. 134 (1995). Rpt. L.
is without Authority because BOUNDS v. SMITH
430 U.S. 819, 97 S.Ct. 1491 U.S. v. C. (1997)
Reasoned:

"in order to prevent 'effectively foreclosed
Access,' indigent prisoners must be allowed
to file Appeals... without payment of
docket fees". . . id. At 822, At 1495. Rpt. 2-3. pages
1-2 of motion, Accordingly, this court must GRANT
the Petition for Rehearing As the case cited, id,
by this ~~COURT~~ is in conflict with Supreme
Court of the United States.

Finally, the February 09, 2017 order is forged
As my Motion to proceed in FORMA PAUPERIS
under BOUNDS v. SMITH, id, WAS never put on
the motion Docket As is AN Requirement under
TURNER v. Southern Ry. Co. 179 S.C. 38, 183 S.E.
579 (1936) AND BURNS v. STATE OF OHIO 360
U.S. 237, 79 S.Ct. 1164 (1959);

66 it is the duty of the clerk of the
[S.C.] court [of Appeals] in the absence
of instructions from the court to the
contrary to accept for filing any paper
presented to him *id.* At 256, At 1168,
See Also DANIELS v. MOSES 12 S.C. 130
1879 WL 4939 (1879) *id.* At 133-35. The legal
holdings precluded an employee of the S.C.
Court of Appeals' clerk of the court from intercepting
my motion that the court, i.e., a judge must decide.
My specific evidence is the Feb 08 2017 order
itself which failed to show the "J." for judge
on the signature line. *Re: 1.* on the other hand,
in another case (George Cleveland ~~III~~ # 357770 v.
S.C.S.C.; Appellate case No. 2016-001033) which is
1. TURNER v. Southern, AND DANIELS v. MOSES ARE CASE-LAW
from the S.C. Supreme court, AND BURNS v. STATE OF
OHIO IS CASE-LAW from the U.S. Supreme court.
3.

AN ORDER RECALLING REMITTOR DATED NOV. 04, 2016 FROM THIS COURT PROVIDES THE DISTINCTION THAT THIS ID'S ORDER SHOWS THE "J" FOR JUDGE, AND THIS JUDGE'S SIGNATURE DIFFER FROM THE FEB 09, 2017 ORDER. (Rep. L.) AS THE NOVEMBER 04, 2016 SHOWS A SMALLER LOOPED "J", SMALLER "E", AND THE ENDING OF THE LAST NAME SIGNATURE DIRECTION ARE COMPLETE OPPOSITES. R.P. 4.

THE S.C. SUPREME COURT HAS BEEN BUSTED WITH THE DOCKET MANIPULATION AS WELL. ON SEPT. 07, 2016, THE S.C. SUPREME COURT DENIED MY PETITION FOR REHEARING IN: GEORGE CLEVELAND, III v. GREENVILLE COUNTY SHERIFFS OFFICE; APPELLATE CASE NO. BUT OUT OF THE 9 CASES THAT WERE ON THAT COURT'S DOCKET, MY CASE NAME NUMBER, THIS OFFICE IS DOING IS CHERRY-PICKING WHAT CASES TO FORGE WHICH THE LEGAL HOLDINGS IN TURNER V. 2. see R.P. 6-8.

Southern, Daniels v. Mosses, All collectively
under Burns v. State of Ohio REJECTS.

2.

CONCLUSION:

2-1. The JUDICIAL BRANCH OF SOUTH CAROLINA
ORGANIZATIONAL CHART shows how our three
(3) BRANCHES OF GOVERNMENT ARE FORMED UNDER
THE S.C. CONST. REP. 9. NO WHERE IS THIS
CHART, it empowers AN CLERK OF COURT OR
DEPUTY CLERK OF THE S.C. COURT OF APPEALS to
FORGE THE JUDGES SIGNATURE AND DECIDE
WHAT MOTIONS GO ON THE S.C. COURT OF APPEALS
DOCKET FOR THE JUDGES TO DECIDE, BASED ON
THE FOREGOING FACTS, I PRAY FOR THE FOLLOWING
RELIEF:

2-2. WHEREFORE, GRANT MY MOTION FOR REHEARING;

2-3. ORDER FURTHER BRIEFING, if it pleases the court;

2-4. ORDER the clerk of this court to put

5.

This case on the docket After this court decides whether there are conflicts in case-law between the S.C. Supreme court, and the U.S. Supreme court respectively.

2-5. Decide All other pending motions awaiting Action by this court, in this case.

2-6. Any other relief this court deems just, proper, and/or impartial.

Respectfully Submitted,

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

DATED: FEBRUARY 14, 2017

APPELLANT'S APPENDIX IN SUPPORT OF
PETITION FOR RETHEARING OF FEBRUARY 09,
2017 ORDER

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY

RECEIVED

COURT OF COMMON PLEAS

FEB 21 2017

SC Court of Appeals

LEE S. ALFORD; CIRCUIT COURT JUDGE

LOWER COURT CASE No. 2015-CP-400-5732

APPELLATE CASE No. 2016-002453

GEORGE CLEVELAND, III APPELLANT.

v.
BRYAN P. STIRLING, et al. RESPONDENT.

INDEX TO THE RECORD

	Page(s)	No.
S.C. COURT OF APPEALS ORDER DATED Feb. 09, 2017	1	1
PAGES 1-2 OF MY MOTION TO PROCEED IN FORMA PAUPERIS UNDER BOUNDS v. SMITH	2-3	
S.C. COURT OF APPEALS ORDER DATED NOV. 04, 2016	4	
S.C. SUPREME COURT ORDER DATED SEPT. 07, 2016	5	
S.C. SUPREME COURT ROSTER OF CASES FOR SEPT. OF 2016	6-8	

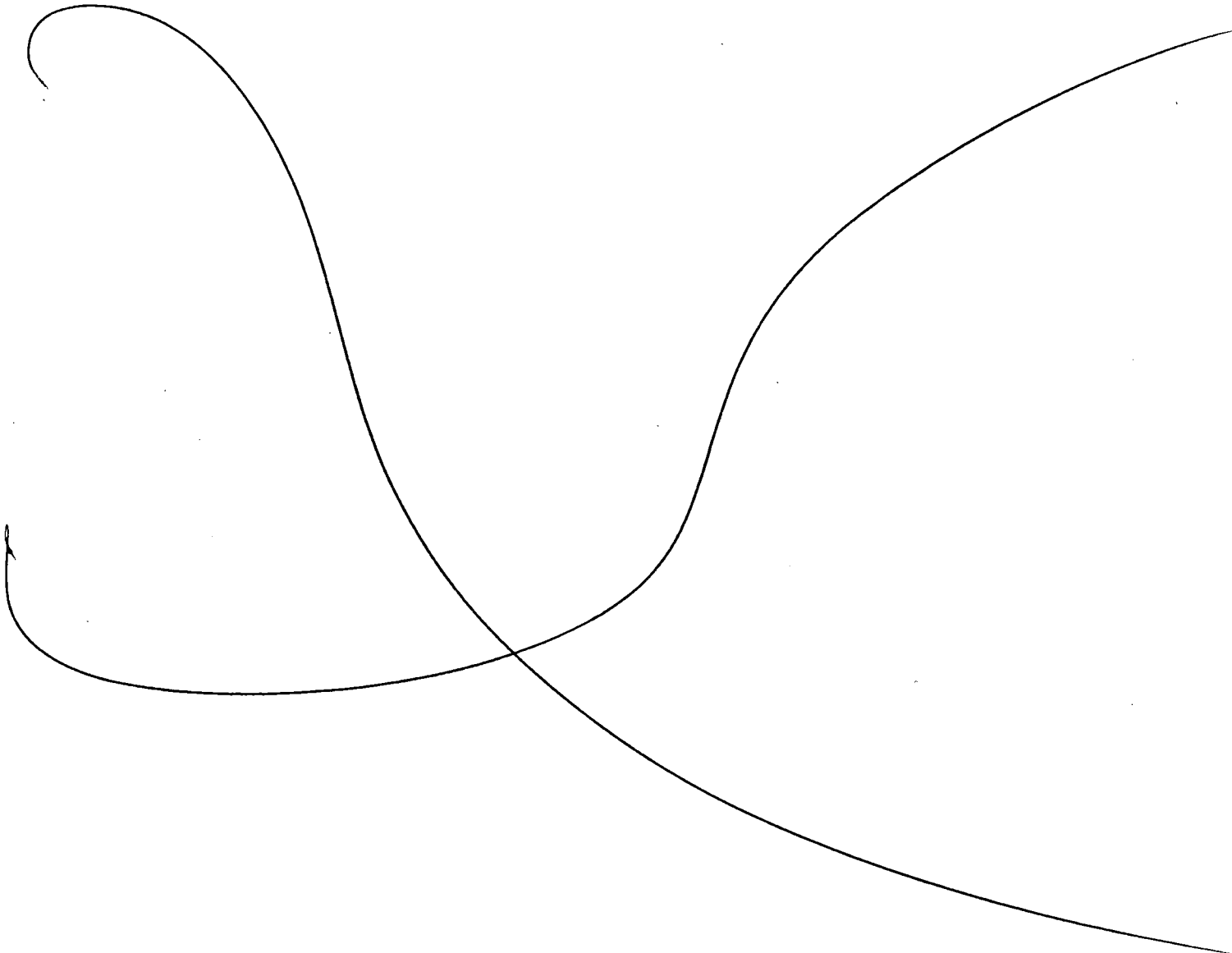
INDEX TO THE RECORD

CONTINUED

APPELLATE CASE No. 2016-002453

S.C. ORGANIZATIONAL GOVERNMENT CHART

4 2 2 1 0 1 4 1 9



R. P. L.

The South Carolina Court of Appeals

George Cleveland III #357770, Appellant,

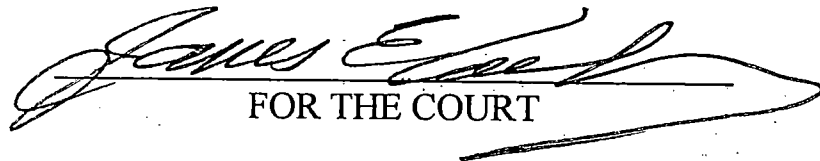
v.

Bryan P. Stirling and Willie Eagleton, Respondents.

Appellate Case No. 2016-002453

ORDER

Appellant has filed a motion, which this court construes as a motion to proceed *in forma pauperis*. The motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.


FOR THE COURT

Columbia, South Carolina

cc:

George Cleveland, III, #357770
James Rufus Bratton, III, Esquire

FILED

February 9, 2017

Appellate case No. 2016-092453 R.P. 2
APPELLANT'S BOUNDS V. SMITH MOTION:

MAY IT PLEASE THE COURT, George Cleveland, ~~III~~
Proceeding pro se, respectfully request this court
to GRANT MY MOTION TO PROCEED IN FORM PAPERLS
Under Bounds v. Smith 430 U.S. 819, 97 S. Ct. 1491, U.S.
P.C. (1977) on the following grounds:

I LACK THE FUNDS FOR THE \$100.00 Filing fee.

2.
ARGUMENT
BOUNDS V. SMITH REQUIRES
APPELLATE REVIEW WITHOUT PAYMENT
OF DOCKET FEES:

The supreme court of the United States held
under Bounds v. Smith 430 U.S. 817, 97 S. Ct. 1491 (1977)

"... Recent decisions have struck down restrictions
and required remedial measures to insure that
inmate access to the court is adequate effective,
and meaningful, thus in order to prevent effectively
foreclosed access, indigent prisoners must be

1.
LEGAL MAIL

Appellate case No. 2016-002453 R.p. 3
Allowed to file Appeals ... without payment
of docket fees ... id, at 822 At 1495.

Bonds understands inmates without the means
to earn money in prison, cannot have inadequate,
ineffective, and meaningless access to the courts
to file an appeal. There is not a penny in
my prison trust-fund-account. R.p. 1. There are
large numbers of folks in poverty in our
state, e.g.:

531,000 people on Medicaid in South Carolina
because these folks live at or below the
federal poverty limit. R.p.p. 2-3.

Over 80 papers held at the Sumter-Lee
county detention center for failing behind on child
support payments. R.p. 4. ACLU of S.C.; Fall of
2015 newsletter.

21% of Americans are eligible for legal aid
from the Legal Services Corporation. R.p. 5, 2013.

1. congress created Legal Services Corporation Act 4 to
provide equal access to the system of justice

2.

LEGAL MAIL

R.P. 4

The South Carolina Court of Appeals

George Cleveland #357770, Appellant,

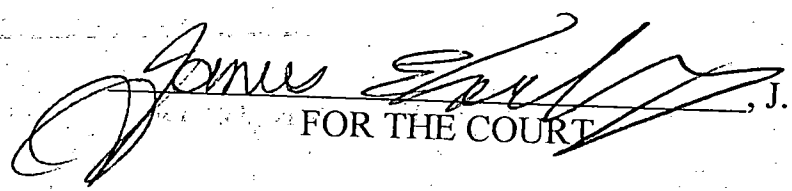
v.

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

cc:
George Cleveland #357770
Christina Catoe Bigelow, Esquire

FILED

November 4, 2016

R.P. 5

The Supreme Court of South Carolina

George Cleveland, III, Petitioner,


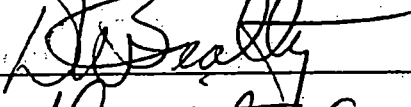
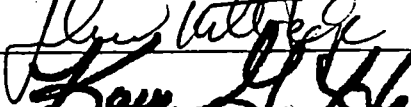
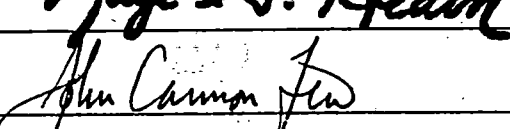
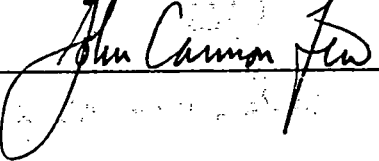
v.

Greenville County Sherriff's Office, Respondent.

Appellate Case No. 2016-000498

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

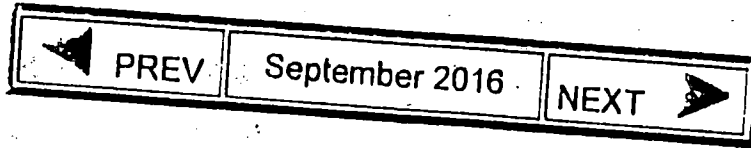
September 7, 2016

cc:
Charles Franklin Turner, Jr., Esquire
Anne Ross Culbreath, Esquire
The Honorable Paul B. Wickensimer
George Cleveland, III, #357770

Supreme Court - Roster of Cases for Hearing

RP 6

September 2016



The summary below each case is prepared to offer lawyers and the public a general overview of what issues are included in a case which will be argued. The summary is not a limit on what issues a party to a case may present at oral argument.

Wednesday, September 7, 2016
Supreme Court Courtroom

09:30 a.m.

2015-001278 The State, Petitioner/Respondent, v. Raheem D. King, Respondent/Petitioner.

(Time Limits: 15-15-5)

Attorney General Alan Wilson and Senior Assistant Deputy Attorney General Deborah R.J. Shupe, both of Columbia and Solicitor Scarlett A. Wilson, of Charleston, for Petitioner/Respondent. Chief Appellate Defender Robert M. Dudek, of Columbia, for Respondent/Petitioner.

The Court granted the parties' petitions for a writ of certiorari to review the Court of Appeals' decision in *State v. King*, 412 S.C. 403, 772 S.E.2d 189 (Ct. App. 2015), wherein the Court of Appeals reversed and remanded Raheem D. King's conviction for attempted murder but affirmed his convictions for armed robbery and possession of a firearm during the commission of a violent crime.

10:00 a.m.

2015-001368 James W. Trexler, Petitioner, v. The Associated Press, Barrington Broadcasting South Carolina Corp., Raycom TV Broadcasting, Inc., The Spartanburg Herald Journal, Inc. and the Pacific & Southern Co., Inc., Respondents.

(Time Limits: 10-10-5)

William H. Johnson, of Law Offices of William H. Johnson, LLC, of Manning, W. Westbrook Wills, III, of Folly Beach and Matthew D. Hamrick, of Charleston, for Petitioner. Jay Bender, of Baker, Ravenel & Bender, LLP, of Columbia, for Respondents.

The Court reviews the court of appeals' decision in *Trexler v. The Associated Press*, Op. No. 2015-UP-201 (S.C. Ct. App. filed Apr. 15, 2015).

10:30 a.m.

2015-001582 The State, Respondent, v. Walter M. Bash, Petitioner.

(Time Limits: 15-15-5)

Appellate Defender Susan Barber Hackett, of Columbia, for Petitioner Attorney General Alan McCrory Wilson and Assistant Attorney General Mark Reynolds Farthing, both of Columbia and Solicitor Scarlett A. Wilson, of Charleston, for Respondent

This Court granted Walter M. Bash's petition for a writ of certiorari to review the Court of Appeals' decision in *State v. Bash*, 412 S.C. 403, 772 S.E.2d 189 (Ct. App. 2015).

Wednesday, September 21, 2016

Supreme Court Courtroom

Ref 7

09:30 a.m.

2015-001350 ~~Henton F. 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.

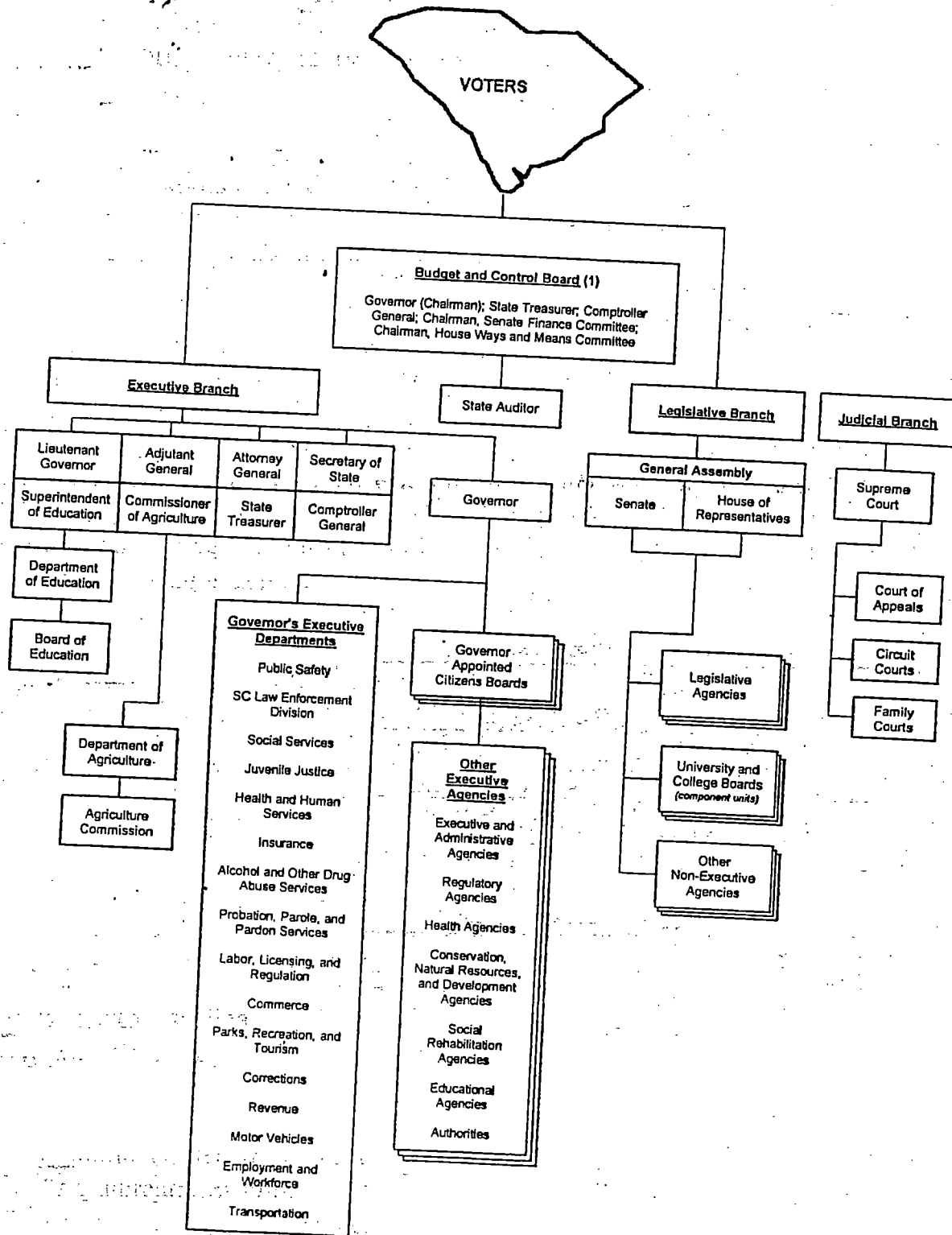
Bonine, all of Columbia, for Respondent.

R. P. J.

[Faint, mostly illegible text, possibly bleed-through from the reverse side of the page.]

[Faint, mostly illegible text, possibly bleed-through from the reverse side of the page.]

Organizational Chart



Effective July 1, 2015, the Budget and Control Board was restructured into 2 separate agencies: The Department of Administration and the State Fiscal Accountability Authority.

APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM RICHLANDS COUNTY

COURT OF COMMON PLEAS

LEE S. ALFORD; CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2015-C-400-5732

APPELLATE CASE NO. 2016-002453

GEORGE CLEVELAND, III APPELLANT.

v.

BRYAN P. STIRLING, et al. RESPONDENTS

I, George Cleveland, III, certifies that on the date below, I inserted in the prison's mailbox outside the Tiger River Correctional's Cafeteria the following: Petition for Rehearing; motion to timely file motion to apply for payment of transcript, and supporting Appendices to the following:

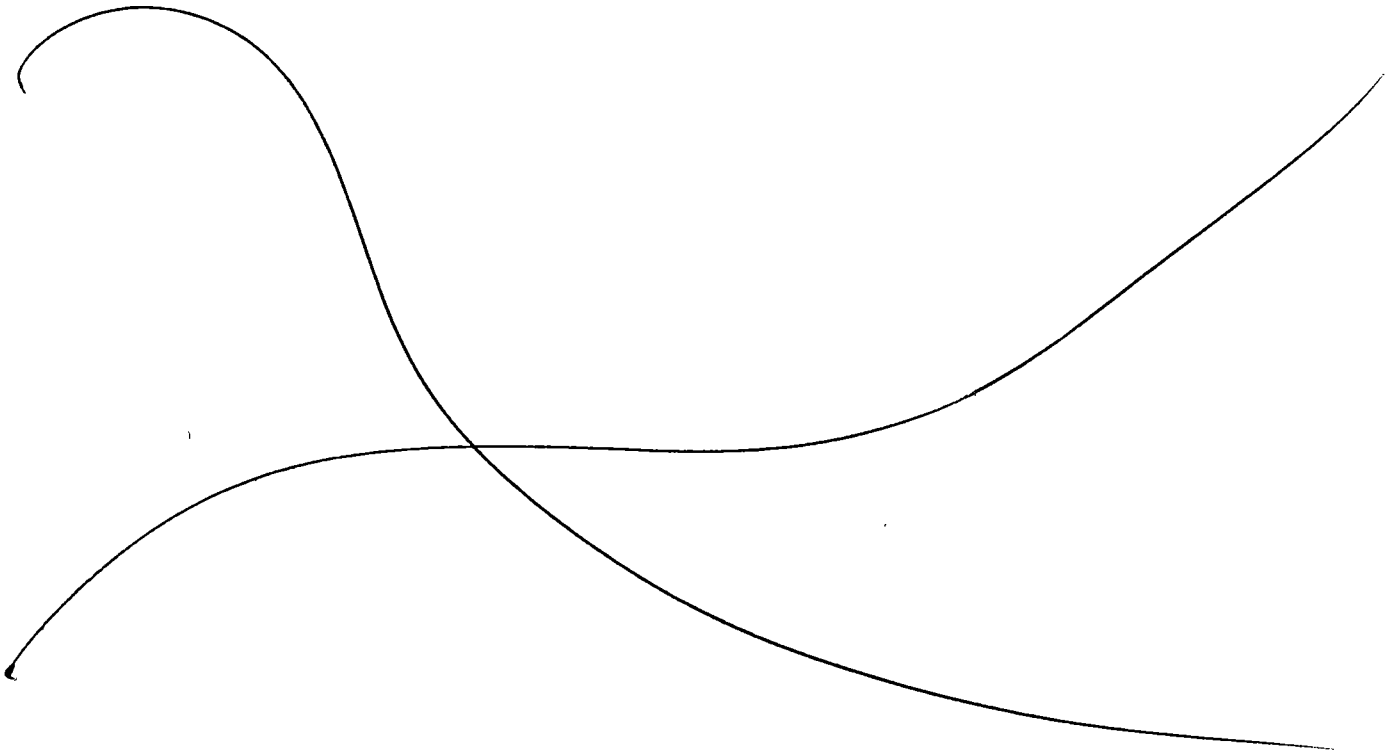
AIKEN BRIDGES ATTORNEYS AT LAW
J. RUFUS BRATTON, III
POST OFFICE DRAWER

RECEIVED

FEB 21 2017

SC Court of Appeals

Florence S.C. 29503
Attorney For the Respondents



Respectfully submitted,
~~George Cleveland~~
George Cleveland #35770
TIGER RIVER CORRECTIONAL INST
200 PRISON ROAD
ENOKEESVILLE S.C. 29335

DATED: FEBRUARY 14, 2017

PAGE 2082

February 14, 2017

THE SOUTH CAROLINA COURT OF APPEALS
JENNY ABBOTT KITCHINGS, CLERK OF COURT
Post Office Box 11629
COLUMBIA, SC 29211

RECEIVED

FEB 21 2017

Re: PETITION FOR REHEARING: *George Cleveland III v. Bryan P. Stirling, et al.*
Appellate case No. 2016-002453
SC Court of Appeals

1. DEAR Ms Kitchings,

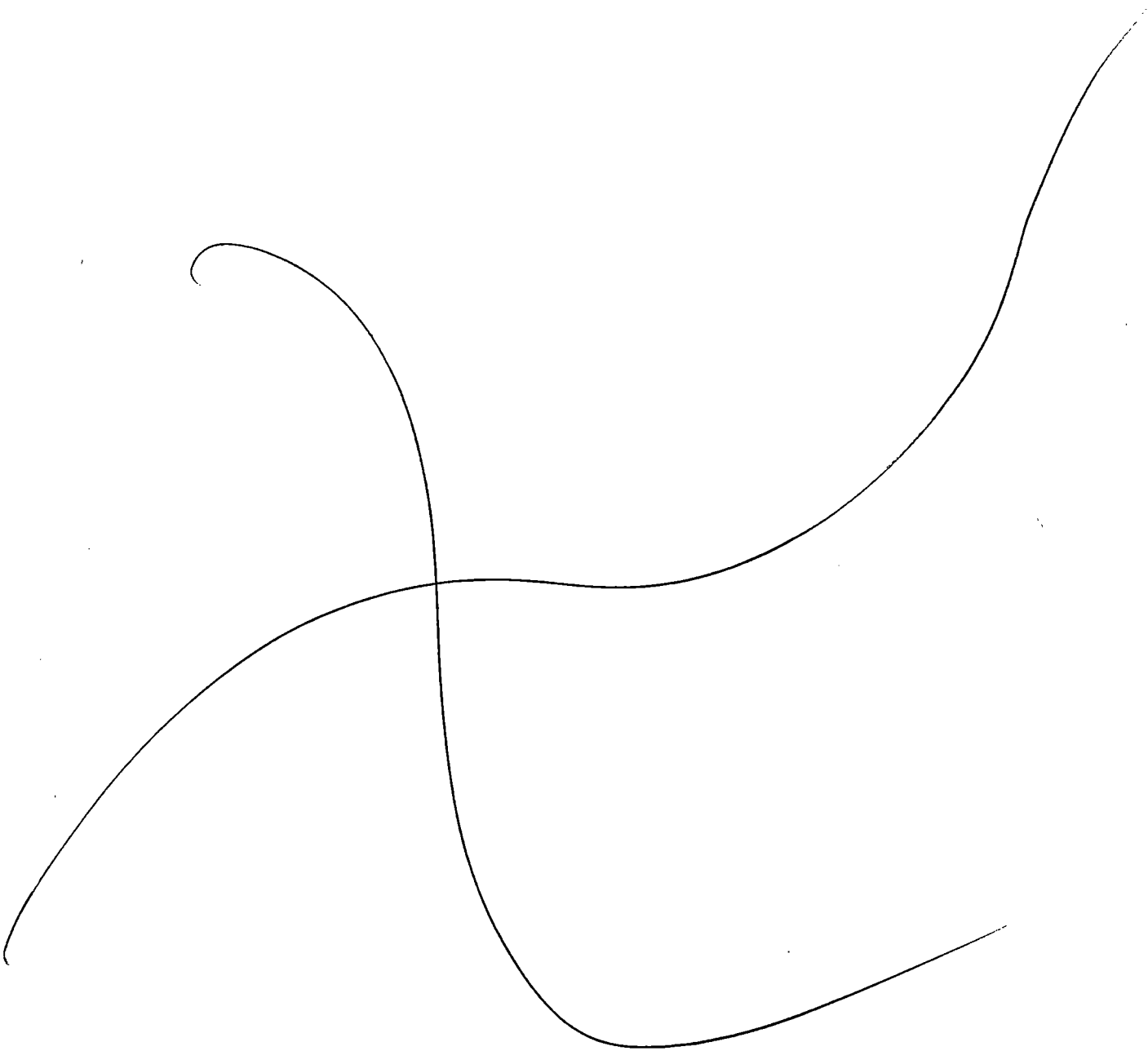
CAN you please file my Rehearing Petition,
AND FORWARD to the Court for their consideration

2. CAN you Also file the other two (2) motions
2-1. Motion for Leave to timely file motion
for the state to pay for transcript;

2-2. AND the Actual transcript request
motion

3. Finally, CAN you please Also kindly stamp
the extra copies AND MAIL back to me
in the S.A.S.E.?

Page 10 of 2



Respectfully Requested

~~George Cleveland~~

~~#35770~~

TYGER RIVER CORRECTIONAL INST

200 PRISON ROAD

ENOKEE, S.C. 29335

CC: FILE

J-RUFUS BRATTON III; ESQUIRE

PAGE 2 OF 2

George Cleveland, III # 359770, U# 219 B
TIGER RIVER CORRECTIONAL INST.
200 PRISON ROAD
ENOKE, S.C. 29335



THE SOUTH CAROLINA COURT OF APPEALS
JENNY ABBOTT KITCHINGS, CLERK OF COURT
Post Office Box 11629
COLUMBIA, S.C. 29211

RECEIVED
FEB 21 2017
SC Court of Appeals

RECEIVED
FEB 17 2017
MAIL ROOM