

APPELLANT'S MOTION FOR LEAVE TO
APPLY FOR THE TRANSCRIPT UNDER:
M.L.B. v. S.L.J. 519 U.S. 102, 17 S.Ct. 551, 136 (99C)

THE STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF APPEALS

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-CP-4005732

APPELLATE CASE NO. 2016-002453

GEORGE CLEVELAND, III, APPELLANT,

v.

BRYAN P. STIRLING, et al., RESPONDENT.

AIKEN BRIDGES ATTORNEYS AT LAW

J. RUFUS BRATTON, III, ESQUIRE

POST OFFICE DRAWER 1931

FLORENCE, S.C. 29503

ATTORNEY FOR THE RESPONDENTS

George Cleveland, III

TYGER RIVER CORRECTIONAL

200 PRISON ROAD

ENOREE, S.C. 29335

PROSE APPELLANT

1.
MOTION FOR LEAVE TO APPLY
FOR THE TRANSCRIPT:

MAY IT PLEASE THE COURT: George Cleveland,
~~III~~ proceeding pro se as the Appellant,
respectfully apply for this court to provide
me with a copy of the TRANSCRIPT in the
Richland County Court of Common Pleas
under the requirements of the Supreme
Court of the United States case-LAW:
M.L.B. v. S.L.J. 519 U.S. 102, 117. S.Ct.
555, 136 (1996), and on the grounds that
Rule 607(h)(2)(A) S.C.A.C.R. conflicts with
M.L.B. v. S.L.J. 519 U.S. 102, 117 S.Ct. 555,
136 (1996)

22
ARGUMENT
M.L.B. v. S.L.J. REQUIRES AN
INDIGENT WITH A COPY OF TRANSCRIPT

ON OR AROUND FEBRUARY 03, 2017, I RECEIVED
AN RESPONSE FROM THE CIRCUIT COURT REPORTER.

Assigned to my case: CRYSTAL M. HOLMES
who wrote the following relevant part:

"The cost of a transcript is \$3.25
per page plus shipping and handling.
After reviewing my notes in this case,

I would estimate this transcript to be
approximately 25 pages in length total.
I will need a check in the amount of
\$87.70. . . ." Rp. 1,

I lack any funds to pay \$87.70 for the
transcript, as I have no job that pays
a wage. Rp. 2,

The Supreme Court of the United States held
under *M.L.B. v. S.L.J.*, 519 U.S. 102, 117
S.Ct. 555, 136 (1996) the following relevant
part:

"Guided by this court's precedent on an
indigent's access to judicial processes in . . .
2

civil cases." *id.*, At 119-20 At 565-66.
More specifically, *M.L.B. v. S.L.J.* Reasoned:
"only a transcript can reveal the judicial
minds other than the chancellor's. The
sufficiency or insufficiency of the evidence
to support his (Judge ALFORD) STERN judgment,"
id., At 121-22, At 566.

M.L.B. v. S.L.J. understands the errors, I'll
submit to this court requires the state of
SOUTH CAROLINA (bravely arguing) to pay the \$87.70
fee to circuit court reporter: CRYSTAL M. HOLMES
so that this court can "reveal the judicial
mind []" of Judge ALFORD *id.*, At 121-22,
566.

Briefs, pleadings, nor the exhibits are enough;
only when the transcript is included that all facts
below can be known without the transcript from
lower court I will be: "entirely cut-off
from any appellate review [] at all by virtue of
my indigency," see *Ross v. Moffitt* 417 U.S.
3.

LEGAL MAIL

600, 94 S.Ct., 2432 (1974), id., AT 611-12, AT 2444-45. The only way for me to REVEAL ALL ERRORS, the testimony, the legal conclusions, AND IN COURT ANALYSIS is with the TRANSCRIPT FROM the Oconee County Family Court that M.L.B. v. S.L.T., 519 U.S. 102, 117 S.Ct. 555, 136 (1996) requires I received A copy, even though I cannot afford to pay the fee; therefore, the state of South Carolina must ^{pay} \$87.70 to circuit court reporter & CRYSTAL M. HOLMES for my transcript and be prepared respectively.

3.
RULE 607(A)(1)(A) IS
IN CONFLICT WITH
M.L.B. v. S.L.T.:

Rule 607(h)(1)(A) "S.C.A.C.R. states the following relevant part: "BY JUDICIAL DEPARTMENT COURT REPORTER SHALL RECEIVE THE FOLLOWING FEES:
1. COURT REPORTER TRANSCRIPTS AND TAPES.

(A) A fee of three DOLLARS AND TWENTY-FIVE CENTS (\$3.25) PER PAGE FOR PRODUCING AN ORIGINAL TRANSCRIPT.

Rule 607 (h) (2) (A) S.C.A.C.R. (HEREINAFTER RULE 607) IS IN CONFLICT WITH *M.L.B. V. S.L.J.*, 519 U.S. 102, 117 S.Ct. 555, 136 (1996) WHEREAS THE SUPREME COURT OF THE UNITED STATES HELD: STATES CANNOT IMPOSE A FEE IN ORDER FOR AN INDIGENT PLAINTIFF TO RECEIVE AN TRANSCRIPT FROM THE PROCEEDINGS IN THE LOWER COURTS BECAUSE AS THE COURT WROTE: "ONLY A TRANSCRIPT CAN REVEAL THE JUDICIAL MINDS" ... OF THE ENTIRE PROCEEDINGS IN THE ~~COURT~~ ^{PLEAS} COURT OF ~~DELAWARE~~ COUNTY, *id.* AT 121-22, AT 566; ACCORDINGLY, RULE 607 (h) (2) (A) S.C.A.C.R. THAT EMPOWERED CIRCUIT COURT REPORTER: CRYSTAL M. HOLMES TO CHARGE ME AN INDIGENT PLAINTIFF \$87.20 FOR THE COST OF THE TRANSCRIPT IS WITHOUT AUTHORITY AS IT CONFLICTS WITH *M.L.B. V. S.L.J.*, 519 U.S. 102, 117 S.Ct. 555, 136 (1996), *id.* AT 121-22, 566. Rpp 12.

5
LEGAL MAIL

4.
CONCLUSION:

Based on the foregoing facts, exhibits, and legal authorities, I pray for the following relief:

41. WHEREFORE; GRANT MY MOTION FOR LEAVE so that the ~~state~~ pays for the transcript in the RICHLAND COUNTY COMMON PLEAS COURT UNDER M.L.J. V. S.L.J. 519 U.S. 102, 117 S.Ct. 555/36 (1996) by ordering circuit court reporter CRYSTAL M. HOLMES to transcribe the proceedings below, and mail me a copy by United States MAIL pursuant to Rule 607 (d) S.C.A.C.R. Rep. L

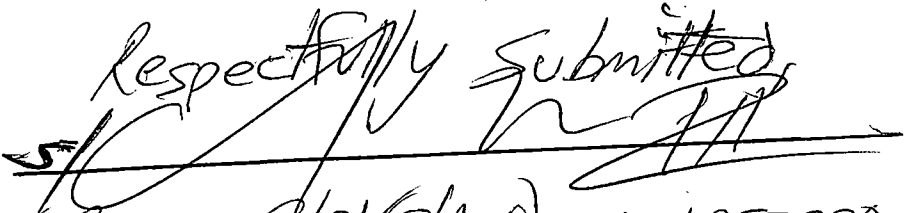
42. communicate with South CAROLINA court Administration, and/or chief justice Beatty under S.C. Code Ann. § 14-7-90C "the chief justice of the supreme court shall be the administrative head of all courts in this state. He shall examine the administrative.

6,

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"method . . ." in order to Amend the
LANGUAGE in Rule 607 (D) S.C.A.C. to
CORRELATE with the holding under M.L.J.
W. S.L.J. 519 U.S. 102, 117 S. Ct. 555, 136
(1996)

4-3. ANY other relief this court deems JUST,
PROPER, AND/OR IMPARTIAL.

Respectfully Submitted,

George CLEVELAND III #357770
TYGER RIVER CORRECTIONAL INST.
200 PRISON ROAD
ENDORSE, S.C. 29335

DATED: FEBRUARY 13, 2017

7.

LEGAL MAIL

Pg. 1

DECLARATION BY GEORGE CLEVELAND III
IN SUPPORT OF TIMELY FILING MOTION
APPELLATE CASE NO. 2016-002453

1. I, George Cleveland III, declare, and swears under the penalty of perjury, the following statements are true to the best of my knowledge:

2. I did not receive circuit court Reporter; CRYSTAL M. HOLMES December 23, 2016 dated letter regarding my request for the price of the transcript.

3. I received Ms. HOLMES' (circuit court Reporter) transcript pricing letter on Feb. 03, 2017 by my dorm officer in the afternoon in unit 8-B-side AT TYGER RIVER CORRECTIONAL INST.

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SC Court of Appeals

DECLARANT'S SIGNATURE

PRINTED: GEORGE CLEVELAND III

LOCATION: TYGER RIVER CORRECTIONAL

DATED: FEBRUARY 13, 2017 ENOREE, SC.

LEGAL MAIL

LETTER FROM CIRCUIT COURT REPORTER: CRYSTAL
M. HOLMES
PERSON TRUST FUND STATEMENT
Page 3 of 3
INDEX TO THE RECORDS

APPELLANT: GEORGE CLEVELAND
v. RESPONDENTS: BRYAN P. STRIKLING et al.

LOWER COURT CASE NO. 2015-CP400-5732
APPELLATE CASE NO. 2016-002453

LEE S. ALFORD, CIRCUIT COURT JUDGE

COURT OF COMMON PLEAS
FEB 21 2017
SC Court of Appeals

RECEIVED APPEAL FROM RICHLAND COUNTY

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPELLANT'S APPENDIX IN SUPPORT OF
TRANSCRIPT PROVIDED UNDER M.L.B. V. S.L.J.

~~CLEVELAND'S EMBROIDERY~~ R. J. 1

CRYSTAL M. HOLMES
P.O. BOX 611 COLUMBIA,
SOUTH CAROLINA 29202-0611

January 31, 2017

George Cleveland, III 357770
Tyger River Correctional Institution
Enoree, South Carolina 29335

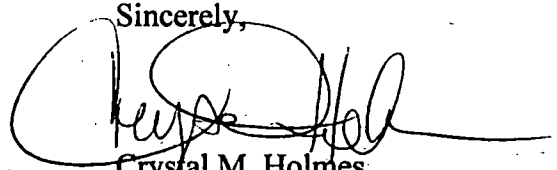
In Re: George Cleveland Vs. Bryan P. Stirlings
2015-CP-40-05732

Dear Mr. Cleveland,

I have received a letter from court administration that you have not received a copy of my response to your transcript request. I have included a copy of the letter I sent back in December 2016.

If you have any further questions, please contact me at the above address. Thank you.

Sincerely,



Crystal M. Holmes

cc: Desiree Allen

Rep 2 ~~PTD~~

FINANCIAL CERTIFICATE FOR THE DISTRICT OF SOUTH CAROLINA

(for use in § 1983, Bivens, and non-habeas civil actions filed by prisoners)

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
Authorized Officer's Signature

8/25/14
Date

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

SBDC FINANCIAL ACCTG
2016 AUG 23 PM 2:16

CLEVELAND'S EXHIBIT-2

CRYSTAL M. HOLMES
P.O. BOX 611 COLUMBIA,
SOUTH CAROLINA 29202-0611

December 23, 2016

George Cleveland, III 357770
Tyger River Correctional Institution
Enoree, South Carolina 29335

In Re: George Cleveland Vs. Bryan P. Stirlings
2015-CP-40-05732

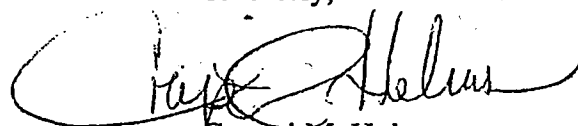
Dear Mr. Cleveland,

I have received your request for a transcript in the above-referenced matter from Court Administration on December 13, 2016. The cost of a transcript is \$3.25 per page plus shipping and handling. After reviewing my notes in this case, I would estimate this transcript to be approximately 25 pages in length total. I will need a check in the amount of \$87.70 via certified check or postal money order. If the transcript is shorter in length than I estimated I will refund you the difference. If it is longer, I will bill you for the difference.

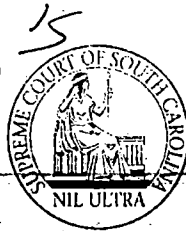
I will begin to work on this transcript for you upon receipt of the deposit. Please understand that your request is one of many that I am working on.

If you have any further questions, please contact me at the above address. Thank you.

Sincerely,


Crystal M. Holmes

CLEVELAND ¹⁵ EXHIBIT 3



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

January 30, 2017

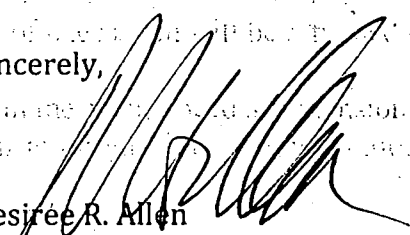
George Cleveland, III #357770
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29355

Dear Mr. Cleveland:

This is in response to your letter dated January 13, 2017. Our records reflect that Ms. Holmes responded to your transcript request in a letter to you dated December 23, 2016. I have enclosed a copy for you to review. If you decide that you would like to order and pay for the preparation of the transcript, please follow the instructions outlined in Ms. Holmes' letter.

If you have further questions regarding court reporters and/or *other* transcripts, please do not hesitate to contact this office again.

Sincerely,


Desiree R. Allen
Court Reporter Manager

CC: Crystal M. Holmes, Court Reporter

CLEVELAND'S EXHIBIT - 4

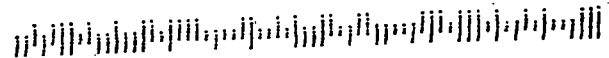
Crystal Holmes
P.O. Box 611
Columbia, SC 29202

COLUMBIA SC 290
01 FEB 2017 PM 4 L



George Cleveland, III #357770
Tiger River Correctional Institution
Enoree, SC 29335

2903589999



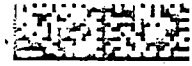
CLEVELAND'S MIBIT-5

South Carolina Court Administration
1015 Sumter Street, Suite 200
Columbia, South Carolina 29201-3739

COLUMBIA
SC 280
02 FEB 17
PM 2 L

Hasler
02/02/2017
PSI POSTAGE

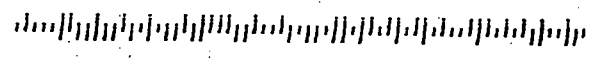
FIRST-CLASS
\$00.40



ZIP 29201
011D12601

George Cleveland, III #357770
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29355

29335-279899



CLEVELAND⁵



EXHIBIT-6

South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

January 30, 2017

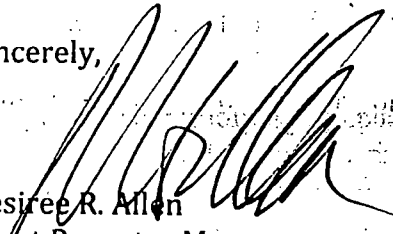
George Cleveland, III #357770
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29355

Dear Mr. Cleveland:

This is in response to your letter dated January 13, 2017. Our records reflect that Ms. Holmes responded to your transcript request in a letter to you dated December 23, 2016. I have enclosed a copy for you to review. If you decide that you would like to order and pay for the preparation of the transcript, please follow the instructions outlined in Ms. Holmes' letter.

If you have further questions regarding court reporters and/or *other* transcripts, please do not hesitate to contact this office again.

Sincerely,


Desiree R. Allen
Court Reporter Manager

CC: Crystal M. Holmes, Court Reporter

APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

LEE S. ALFORD; CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2015-CF-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 transcripts, and supporting Appendices to the following:

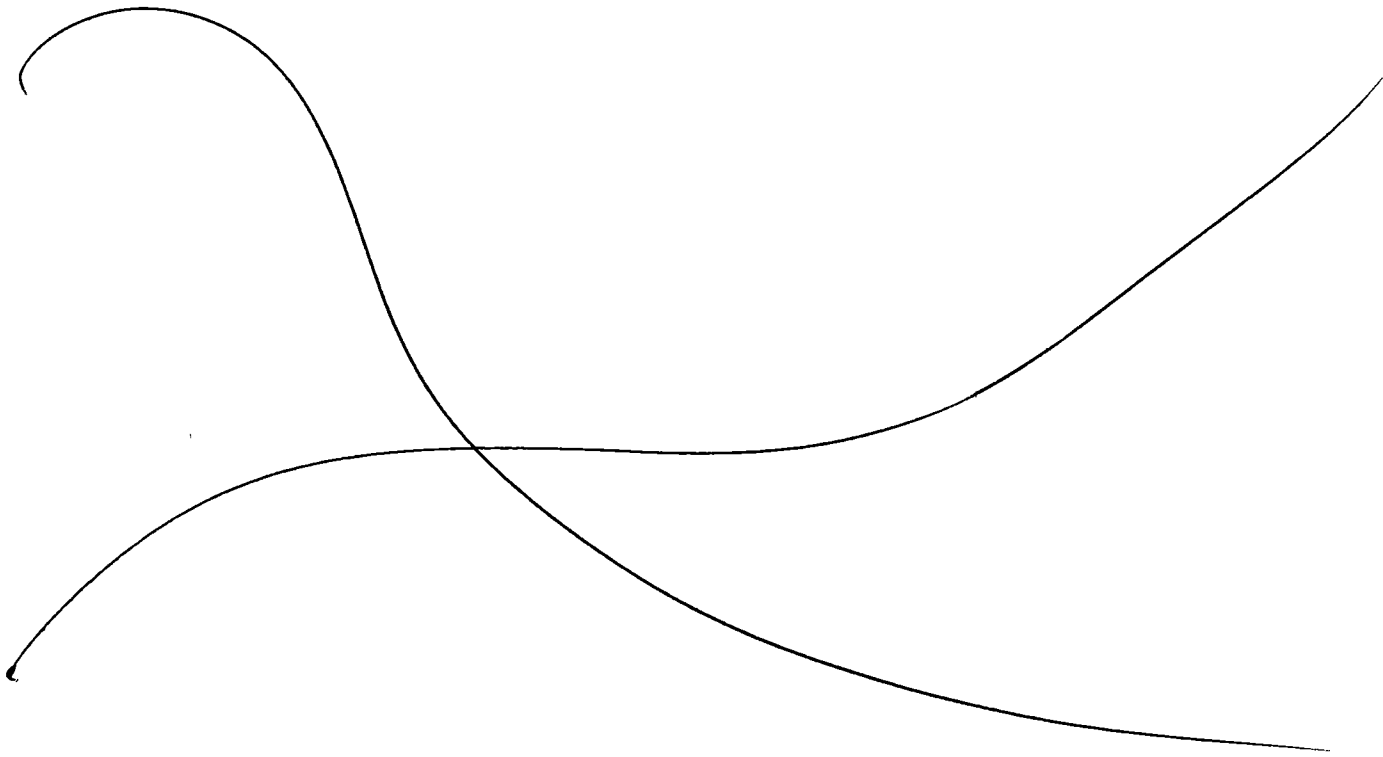
AIKEN BRIDGES ATTORNEYS AT LAW
J. RUFUS BRATTON, III
POST OFFICE DRAWER

RECEIVED

FEB 21 2017

SC Court of Appeals

Florence S.C. 29503
Attorney For the Respondents



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

DATED: FEBRUARY 14, 2017

PAGE 2 OF 2

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

1. DEAR Ms Kitchings,

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

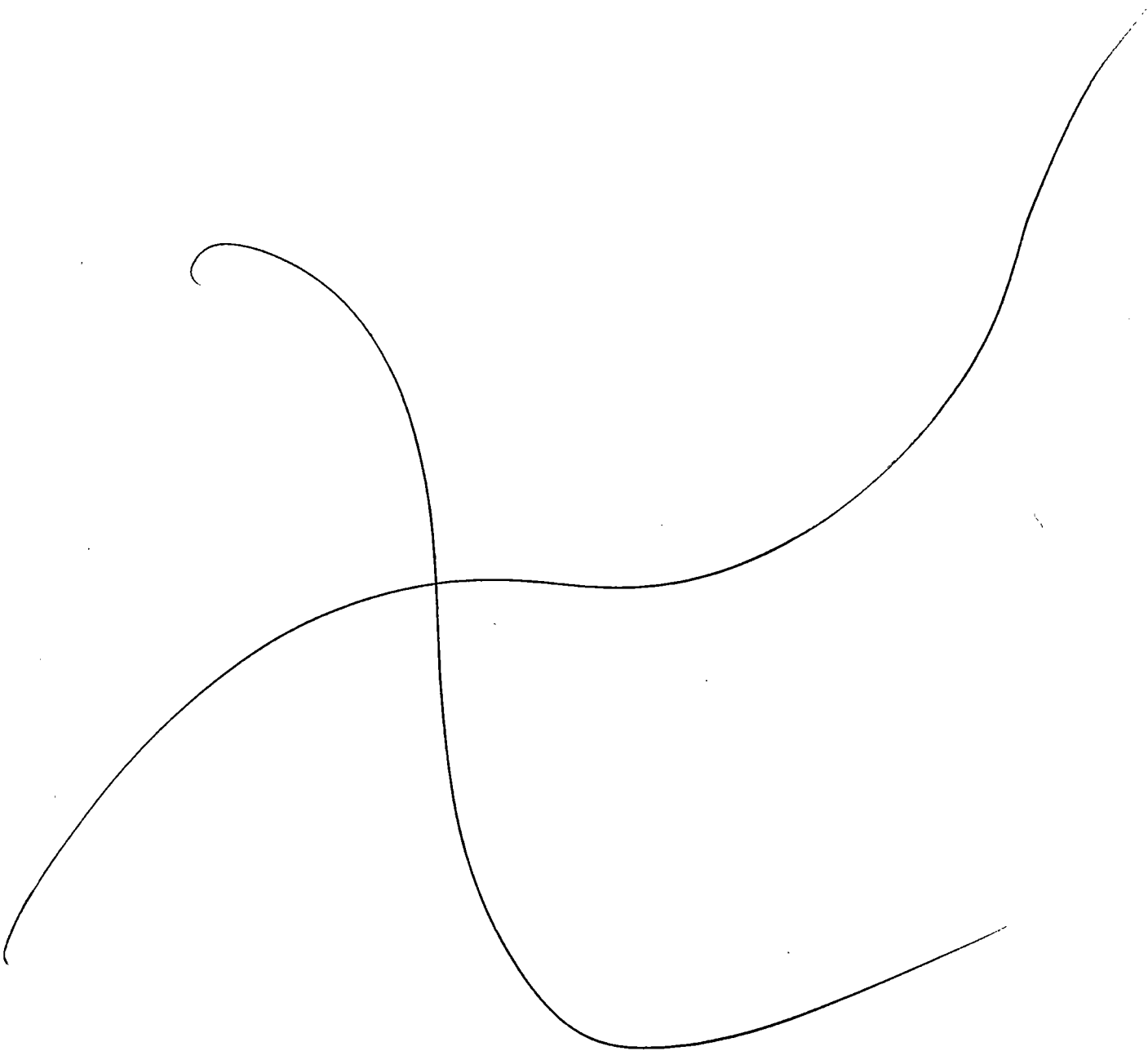
2. CAN you Also file the other two (2) motions

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~~

~~George Cleveland III #357770~~

IVER RIVER CORRECTIONAL INST

200 PRISON ROAD

ENOKEE, S.C. 29335

CC: FILE

J-RUFUS BRATTON III; ESQUIRE

PAGE 2 OF 2

George Cleveland III #359778, 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

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FEB 21 2017
SC Court of Appeals

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FEB 17 2017
TRC MAIL ROOM