

APPELLANT'S PETITION TO REHEAR SEPTEMBER 14, 2017

ORDER DENEYING MY TO PROCEED *in forma pauperis*

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS  
JEAN H. TOAL, CIRCUIT COURT JUDGE

RECEIVED  
OCT 10 2017  
SC Court of Appeals

Case No. 2014-CP-40-08059

Appellate Case No. 2017-001788

George Cleveland, III.....Appellant

vs.

Rebecca Schimsa, and Gov. Henry McMaster.....Respondents

**PETITION FOR REHEARING**

Office of the Attorney General  
Kevin Desmond Maroney, Asst. Atty. Gen.  
Post Office Box 11549  
Columbia, S.C. 29211-1549  
Counsel of Record

George Cleveland, III, *pro se*  
400 Hunter Street  
Seneca, S.C. 29678  
Cell no. 864-784-7223  
Email: gcleveland7475@gmail.com

1.

**PETITION TO REHEAR SEPTEMBER 14, 2017 ORDER**

**MAY IT PLEASE THE COURT:** George Cleveland, III, proceeding *pro se*, respectfully submits this Petition to Rehear this Court's Order of **September 14, 2017** which denied my Motion to Proceed *in forma pauperis* on the following grounds:

The Court cited *Ex Parte Martin* 321 S.C. 533, 471 2d. 134 (1995) is in conflict with *Bounds v. Smith* 430 U.S. 819, 97 S.ct. 1491 N.C. (1977)

2.

**ARGUMENT**

**This Court Overlooked the *Bounds* Court Principle to Allow me  
Meaningful Access to the Courts without paying the filing fee:**

This Court denied my Motion to proceed *in forma pauperis* by Order of September 14, 2017, app 1, under *Ex Parte Martin* 321 S.C. 533, 471 S.E. 2d 134 (1995) (hereinafter *Ex Parte Martin*)

The *Ex Parte Martin* court held that "motion to proceed *in forma pauperis* may only be granted... by constitutional provisions," *id at 535 at 134-35*, on the other hand, the Supreme Court of the United States held under *Bounds V. Smith* 430 U.S. 817, 97 S.ct. 1491 (1977) (hereinafter *Bounds*) "in order to prevent

'effective foreclosed access' indigent [Appellant] must be allowed to file Appeals... without payment of docket fees..." *id* at 822 at 1495.

In my Motion to proceed *in forma pauperis*, I expressly cited the *Bounds* court, app 2, but this Court overlooked this controlling case, *id*; therefore, this Court must Grant this instant Petition to Rehear whether the *Ex Parte Martin* court is in conflict with the *Bounds* Court respectively.

3

### CONCLUSION

3-1. **WHEREFORE: GRANT** my Petition to Rehear the **September 14, 2017** order which denied my Motion to Proceed *in forma pauperis*.

3-2. **Order** additional Briefing if it pleases the Court.

3-3. **Order** any additional relied this Court deems just, proper, and/ or impartial.

Respectfully Submitted,

s/

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: [gcleland7475@gmail.com](mailto:gcleland7475@gmail.com)

**Dated: October 09, 2017**

APPELLANT'S APPENDIX IN SUPPORT OF PETITION  
TO REHEAR SEPTEMBER 14, 2017 ORDER  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM RICHLAND COUNTY  
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App. 1

# The South Carolina Court of Appeals

George Cleveland, III, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001788

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## ORDER

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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 C Cleveland, III  
Kevin Desmond Maroney, Esquire

**FILED**

September 14, 2017

App 2

1

**APPELLANT'S BOUNDS v. SMITH:**

**MAY IT PLEASE THE COURT:** George Cleveland, III, proceeding prose, respectfully request this Court to Grant my Motion to Motion to Proceed *nforma pauperis* under *Bounds v. Smith* 430 U.S. 819, 97 S.ct. 1491 N.C. (1977), on the following grounds:

I lack the funds to pay the \$100 filing fee, see attached supporting ~~Affidavit~~ *DECLARATION*.

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 {Appellant} access to the Court is Adequate effective, and meaningful, thus in order to prevent 'effective foreclosed access' indigent {Appellant} must be allowed to file Appeals...without payment of docket fees"..., id., at 822 at 1495.

Bounds understands Appellant (s) without the means to pay the filing fee must have adequate, effective, and meaningful access to the Courts to file an Appeal so that the final Judgement of Circuit Court Judge Toal is checked for errors of law, and novel legal principals; therefore, *Bounds v. Smith* requires this Court to waive the \$100 filing fee so that my case can be reviewed by this Court respectively.

**APPELLANT'S PROOF OF SERVICE**

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

JEAN H. TOAL, CIRCUIT COURT JUDGE

Case No. 2014-CP-40-08059

Appellate Case No. 2017-001788

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SC Court of Appeals

George Cleveland, III.....Appellant

vs.

Rebecca Schimsa, and Gov. Henry McMaster.....Respondent

**PROOF OF SERVICE**

I, George Cleveland, III, certifies that on the date below, I served the Respondent's Counsel of Record, my Petition for a Rehearing, Motion to file Rehearing Petition out-of-time, and supporting Appendix by United States Mail properly addressed, proper pre-paid postage, to the following:

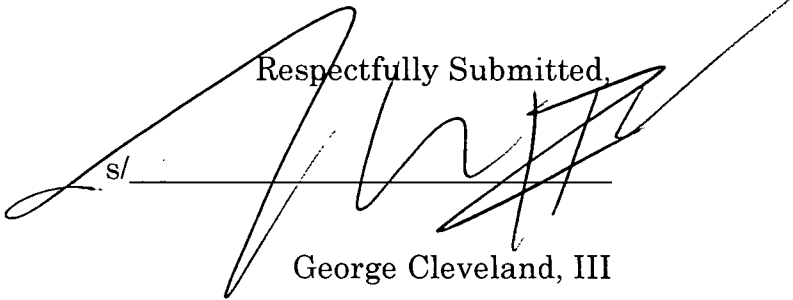
**Office of the Attorney General**

**Kevin Desmond Moroney, Asst. Atty. Gen.**

**Post Office Box 11549**

**Columbia, S.C. 29211-1549**

Respectfully Submitted,

s/ 

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: [gcleland7475@gmail.com](mailto:gcleland7475@gmail.com)

Dated: October 09, 2017

**APPELLANT'S PETITION TO REHEAR SEPTEMBER 14, 2017**

**ORDER DENEYING MY TO PROCEED *in forma pauperis***

THE STATE OF SOUTH CAROLINA

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**PETITION FOR REHEARING**

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Post Office Box 11549

Columbia, S.C. 29211-1549

Counsel of Record

George Cleveland, III, *pro se*

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In my Motion to proceed *in forma pauperis*, I expressly cited the *Bounds* court, app 2, but this Court overlooked this controlling case, *id*; therefore, this Court must Grant this instant Petition to Rehear whether the *Ex Parte Martin* court is in conflict with the *Bounds* Court respectively.

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### CONCLUSION

3-1. **WHEREFORE: GRANT** my Petition to Rehear the **September 14, 2017**

order which denied my Motion to Proceed *in forma pauperis*.

3-2. **Order** additional Briefing if it pleases the Court.

3-3. **Order** any additional relied this Court deems just, proper, and/ or impartial.

Respectfully Submitted,

s/

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: [gcleveland7475@gmail.com](mailto:gcleveland7475@gmail.com)

**Dated: October 09, 2017**

**APPELLANT'S MOTION TO FILE MY ATTACHED  
PETITION FOR REHARING OUT OF TIME**

---

APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS  
JEAN H. TOAL, CIRCUIT COURT JUDGE

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SC Court of Appeals

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Case No. 2014-CP-40-08059  
Appellate Case No. 2017-001788

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George Cleveland, III.....Appellant

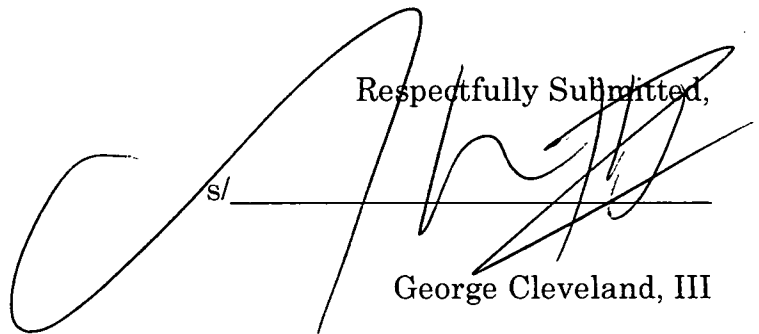
vs.

Rebecca Schimsa, and Gov. Henry McMaster.....Respondent

Petitioner George Cleveland, III, proceeding *pro se*, respectfully submits this instant motion to file my attached Petition to Rehear the **September 14, 2017 out-of-time**; whereas this Court Granted my Motion to extend the time to **October 04, 2017** on the following grounds:

On October 04, 2017, my Doctor's Appointment took longer than expected, October 05-06 2017, my job (I'm a Cab-driver) kept me on the road all-day, and October 07, 2017 was homecoming for Clemson football with a multitude of passengers that were in and out my vehicle all day before, during, and after the football game. These were all extraordinary events that I had no control over; consequently, I respectfully

request that this Court **Grant** this Motion to file my attached Petition to Rehear  
the September 14, 2017 order out-of-time.

Respectfully Submitted,  
s/ 

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: [gcleveland7475@gmail.com](mailto:gcleveland7475@gmail.com)

Dated: October 09, 2017

October 09, 2017

The South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk of Court  
Post Office Box 11629  
Columbia, S.C. 29211

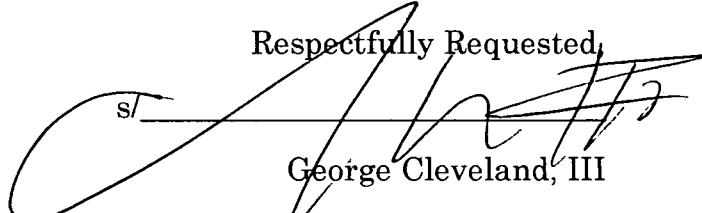
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OCT 10 2017  
SC Court of Appeals

**Re: George Cleveland, III v. State of South Carolina, Appellate Case No. 2017-001788, Motion to file Attached Petition for Rehearing Out-of-Time,**

Dear Ms. Kitchings,

Can you please file my Motion to file attached Petition for Rehearing Out-of-Time, and decide the Motion? Can you also please file Petition to Rehear the September 14, 2017 decision by the Court?

Respectfully Requested,

A large, stylized handwritten signature in black ink, appearing to read 'George Cleveland, III'. The signature is written over a horizontal line that has a small 's/' written on it to the left.

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: [gcleland7475@gmail.com](mailto:gcleland7475@gmail.com)

cc: file

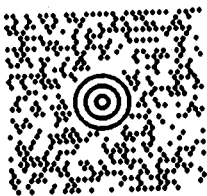
Kevin Desmond Maroney, *Esquire*

GEORGE CLEVELAND, III  
(864) 784-7223  
THE UPS STORE #3128  
273 APPLEWOOD CENTER PL  
SENECA SC 29678-0918

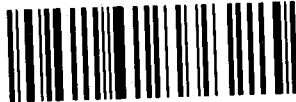
1 LBS 1 OF 1  
SHP WT: 1 LBS  
DATE: 09 OCT 2017

SHIP JENNY ABBOTT KITCHINGS  
TO: SOUTH CAROLINA COURT OF APPEALS  
1220 SENATE ST

COLUMBIA SC 29201-3769

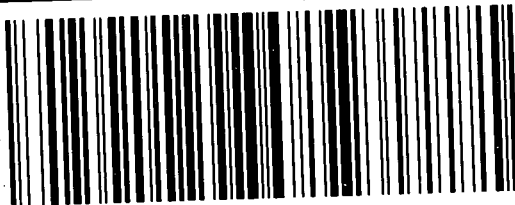


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