

NOTICE OF INTERLOUTORY APPEAL

IN A CIVIL CASE

THE STATE OF SOUTH CAORLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

COURT OF COMMON PLEAS

Robin B. Stilwell; Circuit Court Judge

RECEIVED

DEC 06 2017

SC Court of Appeals

Case No. 2017-CP-23-05356

George Cleveland, III,Appellant

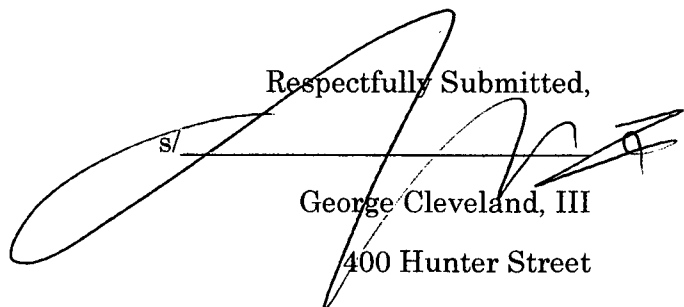
v.

Attorney Michael J. Sarratt.....Respondent.

NOTICE OF INTERLOUCTORY APPEAL

George Cleveland, III, proceeding pro se, respectfully appeals the November 01, 2017 Filed Judgment of the Honorable Robin *Stilwell pursuant to the S.C. Code § 14-3-330 (2), and (3) (Interlocutory Act)*, see attached Exhibit 1-3 (copy of the specific law) *on the grounds that my substantial rights under the first, and fourteenth Amendments of the U.S. Const. and Rule 3 (b) S.C.R.C.P.* to have my case heard in the Greenville County Court of Common Pleas Court without prepayment of the filing fee since I am unable to pay the filling fee to proceed in *forma pauperis*.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read 'George Cleveland, III'. A small 's/' is written to the left of the horizontal line.

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

DATED: December 01, 2017

APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAORLINA

In The Court of Appeals

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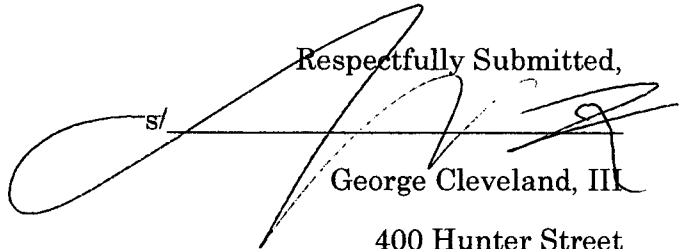
George Cleveland, III,Appellant

v.

Attorney Michael J. Sarratt.....Respondent.

I certify that I have served the Notice of Interlocutory Appeal on Attorney Michael J. Sarratt by depositing of it in the United States Mail, postage prepaid on December 01, 2017 at his last know business address at: *1500 Rutherford Street, Landrum, S.C. 29356.*

Respectfully Submitted,

sl _____


George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

DATED: December 01, 2017

December 01, 2017

The South Carolina Court of Appels
Jenny Abbott Kitchings, Clerk of Court
Post Office Box 11629
Columbia, SC 29211

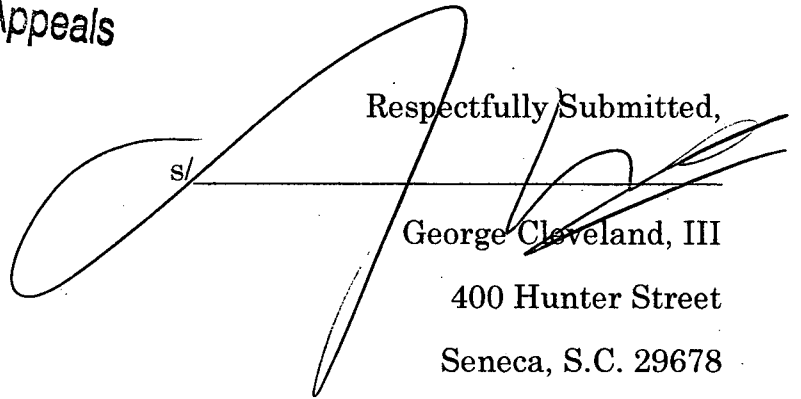
**Re: Notice of Interlocutory Appeal in George Cleveland, III, v. Attorney
Michael J. Sarratt**

Dear Ms. Kitchings,

Can you please file my attached Notice of Interlocutory Appeal, and the relevant supporting documents attached hereto *pursuant to S.C. Code § 14-3-330 (2) and (3)*, see attached copy of Law.

RECEIVED
DEC 06 2017
SC Court of Appeals

Respectfully Submitted,

s/ 

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

cc: file

Michael J. Sarratt, *Esquire*

Greenville County Common Pleas Division of the Clerk's Office

SECTION 14-3-90. Attendance; quorum.

It shall be the duty of all the justices to be present. Any three of the justices shall constitute a quorum.

HISTORY: 1962 Code Section 15-109; 1952 Code Section 15-109; 1942 Code Section 12; 1932 Code Section 11; Civ. P. '22 Section 11; Civ. C. '12 Section 3815; Civ. C. '02 Section 2721; 1896 (22) 3; 1941 (42) 120; Const. Art. 5 Section 2.

SECTION 14-3-100. Effect of lack of quorum.

If at any stated term of the court a quorum thereof shall not attend on the first day of the term, the justice or justices attending may adjourn the court from day to day for ten days after the time appointed for the commencement of the term, unless a quorum shall sooner attend or unless a sufficient number of men learned in the law, commissioned by the Governor as provided in Section 14-3-60, to make a quorum, shall sooner attend, and the business of the court shall not in such case be continued over to the next stated term thereof until the expiration of such ten days.

HISTORY: 1962 Code Section 15-110; 1952 Code Section 15-110; 1942 Code Section 11; 1941 (42) 120.

SECTION 14-3-110. Messenger and attendant.

The Supreme Court shall appoint a messenger of the court and an attendant to hold for the term of four years, subject to removal by the court, and shall prescribe the duties of the officers so appointed.

HISTORY: 1962 Code Section 15-111; 1952 Code Section 15-111; 1942 Code Section 16; 1932 Code Section 16; Civ. P. '22 Section 16; Civ. C. '12 Section 3820; Civ. C. '02 Section 2724; G. S. 2094; R. S. 2226; 1896 (22) 3; 1918 (30) 788.

SECTION 14-3-120. Reporter.

The Supreme Court shall appoint a reporter for a term of four years, who shall take the constitutional oath before any one of the justices or the clerk of the Supreme Court.

HISTORY: 1962 Code Section 15-112; 1952 Code Section 15-112; 1942 Code Section 18; 1932 Code Section 18; Civ. P. '22 Section 18; Civ. C. '12 Section 3822; Civ. C. '02 Section 2726; G. S. 2102 to 2108; R. S. 2237 to 2241; 1896 (22) 3; 1901 (23) 622; 1920 (31) 1049; 1929 (36) 52.

SECTION 14-3-130. Clerk.

The Supreme Court shall also appoint a clerk, who shall hold his office for four years and who shall have the custody and keeping of its records and shall furnish certified copies thereof to persons desiring the same upon the payment of the fees prescribed by law. He shall receive a fee of fifty cents for each certificate.

HISTORY: 1962 Code Section 15-113; 1952 Code Section 15-113; 1942 Code Section 17; 1932 Code Section 17; Civ. P. '22 Section 17; Civ. C. '12 Section 3821; Civ. C. '02 Section 2725; R. S. 2234 to 2236; G. S. 2109 to 2111; 1896 (22) 3.

SECTION 14-3-140. Expenses of court; payment upon approval and order.

The amounts specified for expenses connected with the Supreme Court shall be paid upon the approval and order of the Chief Justice.

HISTORY: 1962 Code Section 15-114; 1952 Code Section 15-114; 1942 Code Section 3202; 1932 Code Section 3202; Civ. C. '22 Section 899; Civ. C. '12 Section 819; 1909 (26) 283.

SECTION 14-3-150. Duties of county sheriffs and clerks; enforcement of service and execution.

The Supreme Court may require the sheriff of each and every county to whom any order or process issuing from said court may be directed to serve and execute the same and shall have the same power to enforce such service and execution and to punish default thereon as is vested in circuit courts on processes issuing therefrom. The sheriff and clerk of each and every county, whenever required, shall attend any hearing in any case by any of the justices at the courthouse in any of the counties.

HISTORY: 1962 Code Section 15-115; 1952 Code Section 15-115; 1942 Code Section 23; 1932 Code Section 23; Civ. P. '22 Section 23; Civ. C. '12 Section 3827; Civ. C. '02 Section 2731; 1896 (22) 3.

ARTICLE 3

Jurisdiction, Duties and Procedure

SECTION 14-3-310. Original jurisdiction of Supreme Court.

The Supreme Court shall have power to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus and other remedial and original writs.

HISTORY: 1962 Code Section 15-121; 1952 Code Section 15-121; 1942 Code Section 26; 1932 Code Section 26; Civ. P. '22 Section 26; Civ. P. '12 Section 11; Civ. P. '02 Section 11; 1896 (22) Section 1; 1901 (23) 623.

SECTION 14-3-320. Appellate jurisdiction in chancery; review of findings of fact of Family Court.

The Supreme Court shall have appellate jurisdiction only in cases of chancery, and in such appeals they shall review the findings of fact as well as the law, except in chancery cases when the facts are settled by a jury and the verdict not set aside; provided, that in cases which arise out of the Family Court, except those cases dealing with juvenile misconduct, review by the Supreme Court of the findings of fact of the Family Court shall be limited to a determination of whether or not there is substantial evidence to sustain such facts.

HISTORY: 1962 Code Section 15-122; 1952 Code Section 15-122; 1942 Code Section 26; 1932 Code Section 26; Civ. P. '22 Section 26; Civ. P. '12 Section 11; Civ. P. '02 Section 11; 1896 (22) Section 1; 1901 (23) 623; 1983 Act No. 89 Section 2, eff June 2, 1983.

Editor's Note

The Supreme Court of South Carolina declared Section 14-3-320 unconstitutional to the extent this section purported to limit the scope of appellate review in domestic cases, in *Rutherford v Rutherford* (1992, SC) 414 SE2d 157.

SECTION 14-3-330. Appellate jurisdiction in law cases.

The Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

(1) Any intermediate judgment, order or decree in a law case involving the merits in actions commenced in the court of common pleas and general sessions, brought there by original process or removed there from any inferior court or jurisdiction, and final judgments in such actions, provided, that if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not before appealed from;

(2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be

taken or discontinued the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action;

(3) A final order affecting a substantial right made in any special proceeding or upon a summary application in any action after judgment; and

(4) An interlocutory order or decree in a court of common pleas granting, continuing, modifying, or refusing an injunction or granting, continuing, modifying, or refusing the appointment of a receiver.

HISTORY: 1962 Code Section 15-123; 1952 Code Section 15-123; 1942 Code Section 26; 1932 Code Section 26; Civ. P. '22 Section 26; Civ. P. '12 Section 11; Civ. P. '02 Section 11; 1896 (22) Section 1; 1901 (23) 623; 1991 Act No. 115, Section 2, eff June 5, 1991.

SECTION 14-3-340. Reference of issues of fact to jury or referee; appointment of referees.

Whenever in the course of any action or proceeding in the Supreme Court arising in the exercise of the original jurisdiction conferred upon the court by the Constitution and laws of the State an issue of fact shall arise upon the pleadings or when an issue of fact shall arise upon a traverse to return in mandamus, prohibition or certiorari, or whenever the determination of any question of fact shall be necessary to the exercise of the jurisdiction conferred upon the Supreme Court, the court may frame an issue therein and certify the same to the circuit court for the county wherein the cause shall have originated or in case of original jurisdiction to the circuit court of the county in which the cause of action shall have arisen. The Supreme Court shall also have the same powers as are now possessed by the circuit courts of the State for the appointment of referees to take testimony and report thereon, under such instructions as may be prescribed by the court, in any cases arising in the Supreme Court wherein issues of fact shall arise.

HISTORY: 1962 Code Section 15-124; 1952 Code Section 15-124; 1942 Code Section 26; 1932 Code Section 26; Civ. P. '22 Section 26; Civ. P. '12 Section 11; Civ. P. '02 Section 11; 1896 (22) Section 1; 1901 (23) 623.

SECTION 14-3-350. Power of individual justices at chambers; appeal.

Each of the justices of the Supreme Court shall have the same power at chambers to administer oaths, issue writs of habeas corpus, mandamus, quo warranto, certiorari and prohibition and interlocutory writs or orders of injunction as when in open court. But an appeal shall be allowed from the decision of any such justice to the Supreme Court.

HISTORY: 1962 Code Section 15-125; 1952 Code Section 15-125; 1942 Code Section 26; 1932 Code Section 26; Civ. P. '22 Section 26; Civ. P. '12 Section 11; Civ. P. '02 Section 11; 1896 (22) Section 1; 1901 (23) 623.

SECTION 14-3-360. Three justices must concur to reverse a judgment.

In all cases decided by the Supreme Court the concurrence of three of the justices shall be necessary for a reversal of the judgment below, subject to the provisions of Sections 14-3-370 and 14-3-380.

HISTORY: 1962 Code Section 15-126; 1952 Code Section 15-126; 1942 Code Section 30; 1932 Code Section 30; Civ. P. '22 Section 29; Civ. P. '12 Section 14; Civ. P. '02 Section 14; 1870 (14) 314.

SECTION 14-3-370. Times when circuit judges shall sit with Supreme Court.

Whenever, upon the hearing of any cause or question before the Supreme Court in the exercise of its original or appellate jurisdiction, (a) it shall appear to the justices thereof or any three of them that there is involved a question of constitutional law or of conflict between the Constitution and laws of this State and of the United States or between the duties and obligations of her citizens under the same, upon the determination of which the entire court is not agreed or (b) the justices of said court, or any two of them, desire it, the Chief Justice, or in his absence the presiding associate justice, shall call to the assistance of the Supreme Court all the judges of the circuit courts, except that when the matter to be submitted is involved in an appeal from a circuit court the circuit judge who tried the case shall not sit.

HISTORY: 1962 Code Section 15-127; 1952 Code Section 15-127; 1942 Code Section 30; 1932 Code Section 30; Civ. P. '22 Section 29; Civ. P. '12 Section 14; Civ. P. '02 Section 14; 1870 (14) 314.

SECTION 14-3-380. Proceedings when Supreme Court justices and circuit judges sit together; expenses.

A majority of the justices of the Supreme Court and circuit judges shall constitute a quorum. The decision of the court so constituted, or a majority of the justices and judges sitting, shall be final and conclusive. In such case the Chief Justice or in his absence the presiding associate justice shall preside. Whenever the justices of the Supreme Court and the judges of the circuit court meet together for the purposes aforesaid, if the number thereof qualified to sit constitute an even number one of the circuit judges must retire, and the circuit judges present shall determine by lot which of their number shall retire. Whenever the circuit judges are called to sit with the justices of the Supreme Court for the determination of any cause or causes the actual travelling and other expenses of each judge so attending shall be paid by the Governor out of his civil contingent fund upon an itemized statement made out and certified to by each judge.

HISTORY: 1962 Code Section 15-128; 1952 Code Section 15-128; 1942 Code Section 30; 1932 Code Section 30; Civ. P. '22 Section 29; Civ. P. '12 Section 14; Civ. P. '02 Section 14; 1870 (14) 314.

SECTION 14-3-390. Assignment of circuit judges by roster; interchange of circuits among judges.

Between the first and fifteenth days of December in each year the Chief Justice or, in his absence or inability to attend, the senior associate justice shall form a roster of the circuit judges of the several circuits in order to arrange a regular and continuous assignment and interchange of circuits among such judges and make an order assigning the several circuit judges to hold the several circuit courts in all of the circuits of the State for the whole of the succeeding year in such order as will effect a continuous interchange of circuits according to such numerical series.

HISTORY: 1962 Code Section 15-129; 1952 Code Section 15-129; 1942 Code Section 22; 1932 Code Section 22; Civ. P. '22 Section 22; Civ. C. '12 Section 3826; Civ. C. '02 Section 2730; 1896 (22) 3.

SECTION 14-3-400. Notice to circuit judges of assignments.

Immediately thereupon the Chief Justice or, in his absence or inability to act, the senior associate justice shall direct the clerk of the Supreme Court to furnish each of the circuit judges, as well as the Chief Justice and senior associate justice, with a certified copy of such order which shall be sufficient notice to the circuit judges of their assignments aforesaid, and they shall proceed to hold the courts in the circuits to which they are respectively assigned at the time appointed by law for the several circuit courts to be held. The clerk of the Supreme Court shall also forthwith transmit a certified copy of said order to the clerk of every circuit court of the State.

HISTORY: 1962 Code Section 15-130; 1952 Code Section 15-130; 1942 Code Section 22; 1932 Code Section 22; Civ. P. '22 Section 22; Civ. C. '12 Section 3826; Civ. C. '02 Section 2730; 1896 (22) 3.

SECTION 14-3-410. Court of record; public inspection of records.

The Supreme Court shall be a court of record, and the records thereof shall at all times be subject to the inspection of the citizens of the State or other persons interested. The records shall be kept in a manner prescribed by the justices of the court.

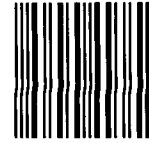
HISTORY: 1962 Code Section 15-131; 1952 Code Section 15-131; 1942 Code Section 15; 1932 Code Section 15; Civ. C. '22 Section 15; Civ. C. '12 Section 3819; Civ. C. '02 Section 2723; G. S. 2091; R. S. 2223; 1896 (22) 3.

SECTION 14-3-420. Costs and disbursements in actions and proceedings brought in original jurisdiction.

George Cleveland III
400 Hunter Street
Seneca SC 29678



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The South Carolina Court of Appeals
Jenny Abbott Kitchings clerk of court
Post office box 11629
Columbia SC 29211

