

PETITIONER'S RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jean H. Toal, Circuit Court Judge

Lower Court Case No. 2014-CP-40-08059

Court of Appels Appellate Case No. 2017-001788

S.C. Supreme Court Appellate Case No. 2018-000487

State of South Carolina,

Respondent,

v.

George Cleveland, III,

Petitioner.

PETITIONER'S RECORD ON APPEAL

George Cleveland, III
400 Hunter Street
Seneca, S.C. 29678
(864)-784-7223
Pro se Petitioner

Other Counsel of Record:
Kevin Desmond Maroney, Asst. Atty. Gen.
Office of the Attorney General for South Carolina
Post Office Box 11549
Columbia, S.C. 29211-1548
Attorney for Respondent

INDEX

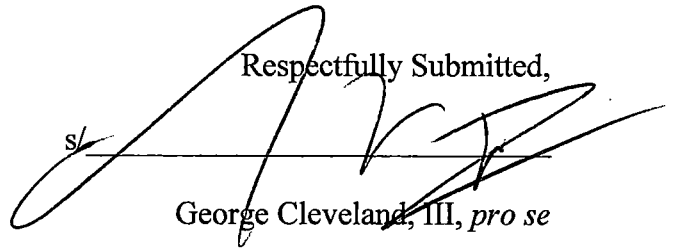
S.C. Supreme Court Appellate Case No. 2018-000487

	Page (s)
December 30, 2014 Complaint Filed in the Richland County Court of Common Pleas.....	1-10
State’s Motion to Dismiss Filed on July 13, 2016.....	11-13
State’s Motion to Dismiss Filed on July 15, 2016.....	14-18
Plaintiff’s Memorandum of Law In Opposition to the State’s Motion to Dismiss Filed March 22, 2017....	19-24
Judge Toal’s Order In Favor of the State Filed April 04, 2017.....	25=27
Judge Toal’s Form-4 Judge Denying my Rule 59 (e) Motion Filed May 05, 2017.....	28
Petitioner’s Notice of Appeal, and Motion for leave to proceed <i>in forma pauperis</i> Filed on August 28, 2017	29-35
Court of Appeals Order denying <i>in forma pauperis</i> Motion Filed September 14, 2017.....	36
Petition to Rehear September 14, 2017 Order denying <i>in forma pauperis</i> Motion.....	.42
Court of Appeals Order Dismissing my Appeal Filed October 09, 2017.....	43
Court of Appeals Letter in re to Returning my Rehearing Petition.....	44
Court of Appeals Remittitur Dated October 25, 2017.....	45
Petitioner’s Motion to Recall the October 25, 2017 Remittitur Filed November 20, 2017.....	46-55
Court of Appeals Order Granting my Motion to Recall the Remittitur Filed December 28, 2017.....	56
Petition for Rehearing of September 14, 2017 of Order denying my <i>in forma pauperis</i> Motion Filed January 12, 2018.....	57-62
Court of Appeals Order denying my Petition to Rehear September 14, 2017 Order filed February 20, 2018	63
Supreme Court order Granting my Motion for an extension Filed March 21, 2018.....	64

Certificate of *Pro se* Petitioner

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'George Cleveland, III', is written over a horizontal line. The signature is stylized and cursive.

George Cleveland, III, *pro se*

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

Dated: April 25, 2018

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND R.P. 1
 George Cleveland, III, } COURT OF
 Plaintiff, } COMMON PLEAS
 v. }
 STATE OF SOUTH }
 CAROLINA, }
 Defendants. }
 CL# no:
 Complaint
 non-jury

1. Now comes George Cleveland, III proceeding pro se respectfully moves this court for an preliminary, and permanent injunction under S.C. Code Ann. § 30-4-100 (A) against Deputy Legal Counsel Mrs. Rebecca Schimsa and Governor Nikki K. Haley for the deliberate violation of the South Carolina Freedom of Information Act (Fo.i.a.).

PLAINTIFF:

2. George Cleveland, III is an inmate in the custody of the South Carolina Department of Corrections at Evans Correctional Institution, 610 Hwy 9

RICHLAND COUNTY
 FILED
 2014 DEC 30 PM 2:49
 JENNIFER W. BEEZLEY
 C.C.P. & S.S.

West, Bennettsville, S.C. 29512, And
A citizen of South CAROLINA
since birth.

R, p. 2

DEFENDANTS:

3. Nikki R. Haley is the GOVERNOR of South CAROLINA. Her office is located at 1205 Pendleton Street, Columbia, S.C. 29201.
4. Rebecca Schimsa is an employee of the GOVERNOR'S office as a Deputy Legal Counsel. Her office is located at 1205 Pendleton Street, Columbia, S.C. 29201.

JURISDICTION AND VENUE:

5. Richland County Common Pleas Court has Jurisdiction over this legal matter because it's where the alleged violations of S.C. F.O.I.A.

CASE BACKGROUND:

6. On ~~OR~~ Around May 14, 2014, I mailed a request for information under S.C. F.O.I.A. to the GOVERNOR'S office

2.

G.C.

R.P. 3

located at 1205 Pendleton Street, Columbia, S.C. 29201 requesting the following public information: "A copy of All the new laws that were signed by Gov. Haley, bills that became law by Gov. Haley's refusal to sign the bills, and All bills that became law due to the General Assembly over-riding her veto in the 2014 legislative session."

7. On June 11, 2014, I signed for, and received at my prison mail room, a ~~copy~~ letter dated June 06, 2014 postmarked on June 9, 2014 from Mrs. Rebecca Schimsa who is the Deputy Legal Counsel of the Governor's office. She stated: the "information you requested is available to the public on the South Carolina Statehouse website at www.s.c.-statehouse.gov."

8. On June 12, 2014, I wrote Mrs. Schimsa a letter addressing her by name instead of "S.C. Governor's

R.P. 4

Attention F.O.I.A. office; 1205
Pendleton streets, Columbia, S.C. 29201
since I now knew her name.

9. In the letter, I advised Mrs. Schimsa that my prison did not allow me to use the world-wide-web, thus I could not retrieve the information without receiving paper copies; Accordingly, I requested paper copies from the Governor's office.

10. After over sixty (60) days of waiting, with no reply on this particular issue stated above, I mailed Mrs Schimsa another letter requesting the same public information as stated above with an advisement of my intentions of filing an injunction compelling the information under § 30-4-100 (A) SUPRA, and notifying S.L.E.D. for legal penalties under S.C. Code Ann. § 30-4-110. Mrs. Schimsa again ignored my F.O.I.A. request

B.C.

4.

R, p. 5

And out-right broke the LAW
by not providing the public information
I requested OR A letter informing
me of anything she needed before
proceeding with my F.O.I.A. request.

11. Mrs. Schimsa did, however, respond
to an unrelated F.O.I.A. on July 2, 2014
where she candidly wrote: "thank
you for contacting the Governor's
office. If there is anything else
we can do for you, please let me
know."

12. My F.O.I.A. request regarding new
2014 laws that were passed never
was processed by Mrs. Schimsa OR
Governor Haley.

CAUSE OF ACTION: FREEDOM OF
INFORMATION ACT VIOLATION

13. Mrs. Schimsa violated the S.C.
Freedom of Information Act by
ignoring repeated requests for all
the new laws that were passed

R.P.G

during the 2014 Legislative Session which became law by Governor Haley signing the bill, refusing to sign the bill, vetoing the bill, and the General Assembly over-riding her veto.

14. Mrs. Schimsa also is so ignorant of the S.C.D.C. policies prohibiting inmates from using the internet ~~to~~ to log-on to the S.C. State House website.
 15. Mrs. Schimsa as a lawyer for our state knows the purpose and penalties of the Act, but purposely ignored my request to her; as the Governor's office ignores repeated pleas by other S.C.D.C. inmates for help with improper treatment alleged at the hands of many S.C.D.C. employees. Governor Haley's policies regarding public information in our state are bare.
 16. Governor Haley has failed to provide
- G.C. 6.

R, p. 7

Adequate policies and oversight
of her employees which have
resulted in intentional F.O.I.A.
violations in my case and, thus
have deprived me of public information
I'm seeking to stay informed
of the ever-changing state-laws
in our state.

17. Governor Haley has no system
in place to detect or track
complete compliance by her staff
of the S.C. Freedom of Information
Act. Instead her staff member
Mrs. Schimsa snub and disregard
of my F.O.I.A. request is unconscionable;
therefore, injunctive relief is
appropriate to enforce the provisions
of Chapter Four (4) of the Act;
see § 30-4-100 (A) supra.

CONCLUSION:

18. Governor Haley has no system
in place to detect or track compliance
by her staff of the S.C. F.O.I.A. Her
short-comings has caused her employees

7.

G.C.

P. 8

Mrs. Rebecca Schimsa to cherry-pick what F.O.I.A. request she will answer in violation of STATE LAW.

19. Even though I'm in prison does not negate the fact that I'm entitled to public information too. I'm still a citizen of South CAROLINA and have every-right under state LAW to educate myself on new LAWS ~~that~~ that ARE taking OR have already taken effect in our state. GOVERNOR HALEY should take A MORE direct role in how her STAFF handles F.O.I.A. request so this clear violation of state LAW by Mrs. Schimsa will not happen in the future.

20. I pray for the following relief:

PRAYER FOR PRAYER:

21. Wherefore; A preliminary and permanent injunction ordering defendants Schimsa and HALEY to provide me with All the state

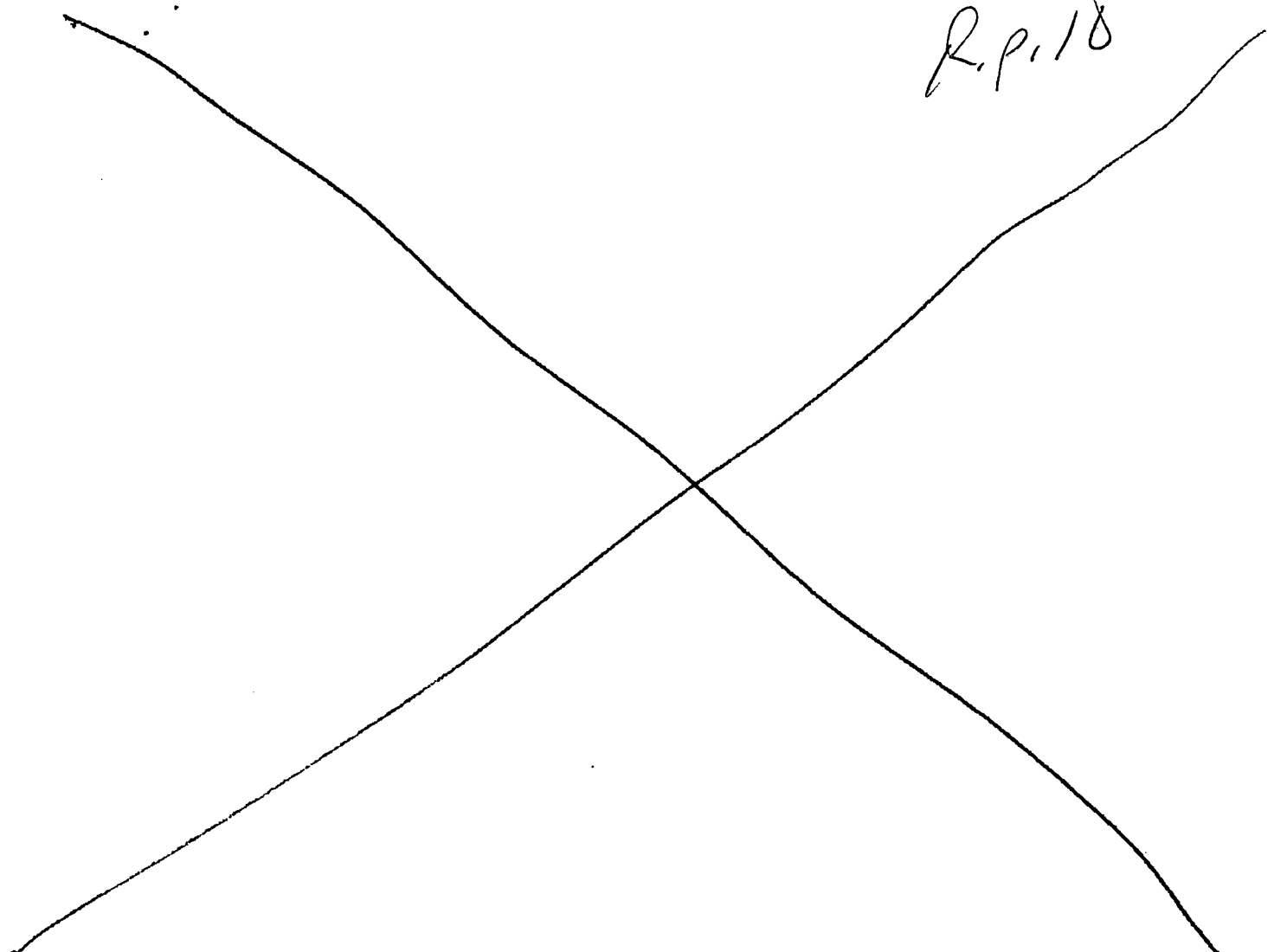
G.C.

8.

LAW that were passed during the 2014 Legislative session which became LAW, by the SIGNATURE of Gov. Haley, veto overriding. AND/OR bills that became LAW because of the refusal of Gov. Haley's SIGNATURE.

22. Order Defendants Schimsa And Haley to provide the public information requested in paragraph (21) for no charge to me.
23. Order documents to be mailed to me AT: EVANS CORRECTIONAL INSTITUTION, 610 Hwy 9 West; Bennettsville, S.C. 29512; Attention George Cleveland, III, 35 7779 F4A258.
24. Order \$1,000.00 in punitive damages
25. Any other relief this court deems just, proper, and equitable.

R.P. 10



Respectfully Submitted,

~~5/1~~ ~~WU~~ ~~III~~

George Cleveland, III 357770

F4A258

EVANS CORRECTIONAL INSTITUTION

610 Hwy 9 West

Bennettsville, S.C. - 29512

GC.

Dated: December 22, 2014

R.p. 11

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
George Cleveland,)
)
)
Plaintiff,)
)
)
vs.)
)
State of South Carolina et alia,)
)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

Civil Action No. 2014-CP-40-08059

MOTION TO DISMISS

2016 JUL 13 AM 8:55
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

The Defendant files this Motion to Dismiss without waiving any other form of defense available. The Defendant asks this court to dismiss the above action with prejudice pursuant to Rule 12(b) (5) and (6), SCRC.P.

I. RULE 12(b) (5)

Rule 4(d) (4) describes the method of service that a Plaintiff must follow when he is seeking to commence an action against the State of South Carolina: if the State is a party, service is complete by delivering a copy of the summons and complaint to the Attorney General.¹ Notwithstanding, Rule 4(d) (8) lists what types of defendants may be served a summons and complaint by registered or certified mail.² While that section of Rule 4 specifies that Plaintiffs may serve individual and corporate defendants in such a manner, the State is not listed alongside those defendants.³ Thus, service upon the State cannot be

¹ Justin S. Kahn, *South Carolina Rules Annotated*, Rule 4(d)(4), p. 9 (2015) (South Carolina Bar—C.L.E. Division).
² Justin S. Kahn, *South Carolina Rules Annotated*, Rule 4(d)(8), p. 9 (2015) (South Carolina Bar—C.L.E. Division).
³ Justin S. Kahn, *South Carolina Rules Annotated*, Rule 4(d)(8), p. 9 (2015) (South Carolina Bar—C.L.E. Division).

R p 12

properly completed by certified mail.

In this case, the Plaintiff attempted to initiate his action against the State of South Carolina by sending the summons and complaint via certified mail. As the Plaintiff utilized an improper form of service upon the State of South Carolina, the court should dismiss the Plaintiff's complaint against the State for insufficiency of process pursuant to Rule 12(b) (5), SCRPC.

II. RULE 12(b) (6)

The Plaintiff alleges he made a Freedom of Information Act (FOIA) request of the Governor's Office. Regardless of the status of that allegation, the State of South Carolina was not asked to retrieve any documents. Thus, there is no controversy between the Plaintiff and the State of South Carolina under FOIA, and the Plaintiff has failed to state facts sufficient to constitute a cause of action; the court should dismiss the Plaintiff's complaint against the State with prejudice pursuant to Rule 12(b) (6), SCRPC.

III. CONCLUSION

For the foregoing reasons, the Defendant respectfully requests that the Plaintiff's complaint against the State of South Carolina be dismissed with prejudice.

[The signature block is on the next page]

R.P. 13

Respectfully Submitted,

ALAN WILSON
Attorney General

EMORY SMITH
Deputy Solicitor General

HARLEY KIRKLAND
Assistant Attorney General

KEVIN MARONEY
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211
803.734.3680
kmaroney@scag.gov
S.C. Bar No. 102545

BY: Kevin Desmond Maroney
Attorney for the State

July 11, 2016

R.P. 14

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
George Cleveland,)
)
Plaintiff,)
)
vs.)
)
State of South Carolina et alia,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

Civil Action No. 2014-CP-40-08059

MOTION TO DISMISS

RICHLAND COUNTY
FILED
2016 JUL 15 AM 10:14
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

The Honorable Governor Nikki Haley and Deputy Legal Counsel Rebecca Schimsa file this Motion to Dismiss without waiving any other form of defense available. The Defendants ask this court to dismiss the above action with prejudice pursuant to Rule 12(b) (5) and (6) SCRPC.

I. RULE 12(b) (6)

i. Failure To Name A Public Body

The Plaintiff bases his complaint upon the Freedom of Information Act (FOIA).¹ FOIA enables any person² the right to inspect or copy any public record of a public body, except as otherwise provided in Section 30-4-40.³ After a written request for records, a public body must respond in accordance with the statute.⁴ FOIA defines a "public body," as "any organization, corporation, or agency supported in whole or in part by public funds or expending public

¹ S.C. Code Ann. §§30-4-20 et sequentes available at <http://www.scstatehouse.gov/code/t30c004.php>.
² FOIA defines a "person" to include any individual, corporation, partnership, firm, organization, or association. See S.C. Code Ann. §30-4-20(b) available at <http://www.scstatehouse.gov/code/t30c004.php>.
³ S.C. Code Ann. §30-4-30(a) available at <http://www.scstatehouse.gov/code/t30c004.php>.
⁴ S.C. Code Ann. §30-4-30(c) available at <http://www.scstatehouse.gov/code/t30c004.php>

R, R 15

funds.”⁵ Thus, a “public body” is a non-corporeal entity—and only a public body is subject to FOIA, as opposed to individual persons.

The Plaintiff did not file suit against the Governor’s Office, which is a “public body” for purposes of FOIA. The Plaintiff names the Governor and her Deputy Legal counsel. These two persons are not subject to the provisions of FOIA as individuals. Thus, they cannot be individually responsible for alleged violations of FOIA. As the Plaintiff has not sued an entity that is subject to FOIA, the Plaintiff has failed to state facts sufficient to constitute a cause of action under that statute; the court should dismiss this complaint with prejudice pursuant to Rule 12(b) (6), SCRPC.

ii. *Failure To Name Governor Haley And Deputy Legal Counsel Rebecca Schimsa In The Title Of The Complaint*

“In the summons and complaint [,] the title of the action shall include the names of all parties.”⁶ The Plaintiff’s complaint only lists the State of South Carolina as a Defendant, as opposed to listing the State of South Carolina, the Honorable Governor Nikki Haley, and Deputy Legal Counsel Rebecca Schimsa. The failure to list the names of all the parties means that the Plaintiff has failed to state facts sufficient to constitute a cause of action; the court should dismiss this complaint pursuant to Rule 12(b) (6), SCRPC.

iii. *FOIA Does Not Authorize Punitive Damages*

The Plaintiff asks this court to award punitive damages. While Section 30-4-

⁵ S.C. Code Ann. §30-4-20(a) available at <http://www.scstatehouse.gov/code/t30c004.php>.

⁶ Justin S. Kahn, *South Carolina Rules Annotated*, Rule 10(a), p. 51 (2015) (South Carolina Bar—C.L.E. Division).

Rp 16

100(a) allows a court to order equitable relief,⁷ punitive damages is not an equitable remedy.⁸ Moreover, Section 30-4-100(b) only mentions the award of reasonable attorney fees and other costs of litigation.⁹ As the Plaintiff has failed to state facts sufficient to constitute a cause of action for punitive damages, the court should dismiss this complaint pursuant to Rule 12(b) (6), SCRPC.

II. RULE 12(b) (5)

Notwithstanding the above, if the court decides that the Plaintiff intended to sue the Governor's Office, the complaint should be dismissed for insufficiency of process pursuant to Rule 12(b) (5), SCRPC. Rule 4(d) (5) describes the method of service that a Plaintiff must follow when he is seeking to commence an action against an officer or agency of the State of South Carolina. If a State officer or agency is a party, service is complete by delivering a copy of the summons and complaint to the officer or agency, as well as sending a copy of that summons and complaint to the Attorney General via registered or certified mail.¹⁰ Notwithstanding, Rule 4(d) (8) lists what types of defendants may be served a summons and complaint by registered or certified mail.¹¹ While that section of Rule 4 specifies that Plaintiffs may serve individual and corporate defendants in such a manner, an officer or agency of the State is not listed

⁷ S.C. Code Ann. §30-4-100(a) available at <http://www.scstatehouse.gov/code/t30c004.php>.

⁸ *Kiriakides v. Atlas Food Systems & Services, Inc.*, 338 S.C. 572, 580, 527 S.E.2d 371, 375 (Ct. App. 2000) (citing *Perry v. Heirs at Law and Distributees of Charles Gadsden*, 313 S.C. 296, 301, 437 S.E.2d 174, 178 (Ct.App.1993)).

⁹ S.C. Code Ann. §30-4-100(b) available at <http://www.scstatehouse.gov/code/t30c004.php>.

¹⁰ Justin S. Kahn, *South Carolina Rules Annotated*, Rule 4(d)(5), p. 9 (2015) (South Carolina Bar—C.L.E. Division).

¹¹ Justin S. Kahn, *South Carolina Rules Annotated*, Rule 4(d)(8), p. 9 (2015) (South Carolina Bar—C.L.E. Division).

Ryp. 17

alongside those defendants.¹² Thus, service upon an officer or agency of the State cannot be properly completed by certified mail.

In this case, the Plaintiff attempted to initiate his action against the Governor's Office by sending the summons and complaint via the mail. As the Plaintiff utilized an improper form of service upon the Governor's Office, the court should dismiss this case for insufficiency of process pursuant to Rule 12(b) (5), SCRCP.

III. CONCLUSION

For the foregoing reasons, the Defendants respectfully request that the court dismiss the Plaintiff's complaint with prejudice.

[The signature block is on the next page]

¹² Justin S. Kahn, *South Carolina Rules Annotated*, Rule 4(d)(8), p. 9 (2015) (South Carolina Bar—C.L.E. Division).

R. P. 18

Respectfully Submitted,

ALAN WILSON
Attorney General

EMORY SMITH
Deputy Solicitor General

HARLEY KIRKLAND
Assistant Attorney General

KEVIN MARONEY
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211
803.734.3177
kmaroney@scag.gov
S.C. Bar No. 102545

BY: Kevin Desmond Maroney

Attorneys for the Honorable
Governor Nikki Haley and Deputy
Legal Counsel Rebecca Schimsa

July 13, 2016

Rp. 19

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

GEORGE CLEVELAND, III

PLAINTIFF,

v.

GOVERNOR HENRY D.
MCMASTER, REBECCA
SCHALMSA, et al.,

IN THE COURT OF COMMON PLEAS

Case No. 2014 ep-40-8859

PLAINTIFF'S MEMORANDUM
OF LAW IN OPPOSITION
TO MOTION TO DISMISS

TO: THE HONORABLE JEAN H. TOAL, ACTING CIRCUIT
COURT JUDGE.

1. MAY IT PLEASE THE COURT, George Cleveland, III, proceeding pro se respectfully submits this MEMORANDUM OF LAW in opposition to the STATE'S RELATED MOTION TO DISMISS on the following grounds:
THE RELATED MOTION TO DISMISS IS BARRED BY LAWS

RICHLAND COUNTY
FILED
2017 MAR 22 PM 3:55
JEANNETTE WILCOBRIDE
C.O.P. & C.



ARGUMENT

THE STATE'S RELATED MOTION
TO DISMISS IS BARRED UNDER
THE DOCTRINE OF LACHES:

2. "Laches is neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done. MID-STATE TRUST v. WRIGHT, 323 S.C. 303, 474 S.E. 2d 421 (1996); HALLUMS v. HALLUMS 296 S.C. 195, 371 S.E. 2d 528 (1988)" id, at 215, at 602 (hereinafter HALLUMS).

3. ON MAY 11, 2015, MY MOTION FOR INJUNCTIVE RELIEF WAS FILED. PLAINTIFF'S EXHIBIT 1 (HEREIN-AFTER P.E.) ON THE GROUNDS THAT DEPUTY LEGAL COUNSEL REBECCA SCHIMSM OF THE

Governor's office failed to respond to my South Carolina Freedom of Information Act (FOIA) request.

4. ON JUNE 11, 2015, A copy of the motion was mailed to the Governor's office and to the office of the Attorney General. P.E. 2-3.

5. ON OR AROUND JULY 19, 2015, I mailed notice of the July 30, 2015 scheduled hearing with the Honorable L. Casey Manning Presiding. P.E. 4 AT PAR 2 See Also P.E. 5.

1. I served the Attorney General by certified mail. Tracking number 7002-2410-0006 8105-2613 (JUNE 06, 2015) WAS the date of mailing. The official filing was on 3 JUNE 11, 2015. P.E. 2-3.

P. 22

6. A Full hearing was held, neither the Governor's office, nor has the Attorney General's showed up at the hearing; however, Judge MANNING did read an email from the Governor's office into the record, and Judge MANNING's own words stated that he will make an decision. P.E. 4 AT PAR 3.
7. Then on JULY 14, 2016, almost one (1) year to the day, the STATE filed its motion to dismiss for the first time. P.E. 6.
8. IN the state's Motion to dismiss, there is no mention of an reasonable and explanation into why the STATE never showed up at the JULY 30, 2015 hearing which is an prerequisite of
4.

PP 23

HALLUMS, id., AT 215, AT 602. I suffered
prejudice under S.C. CONST. ART. ~~II~~

§ 9 ("All courts shall be public,
And every person shall have speedy
remedy therein for wrongs sustained")
because there is no familiarity to this case
despite the JULY 30, 2015 HEARINGS, see P.E.
5,

9. UNDER HULLUMS, there are three (3) elements
to establish laches "delay," the state did not
file its' motion to dismiss invoking Affirmative
Defenses until over 345-days later, see P.E.
6, "UNREASONABLE DELAY!" The state failed
to explain why they failed to explain why
they failed to file ANY defense until
July 2016, see P.E. 7-9 And ~~~~~

"prejudice". HALLUMS, AT 197, 371 S.E. 2d. 525, 371 S.E. 2d. AT 528. The prejudice element is under ART 159 S.C. CONST in which the "speedy Remedy" clause CAUSED NO-FINALITY in my case in AN REASONABLE AMOUNT OF TIME by the STATE SITTING ON ITS AFFIRMATIVE DEFENSES WAY AFTER AN HEARING ON THE MERITS. SEE P.E. — Accordingly, the state's AFFIRMATIVE DEFENSES; Rule 12(b) 5 AND 6 S.C.R.P. AND F.O.I.A. DOES NOT AUTHORIZE PUNITIVE (P.E. 7-8) ARE BARRED UNDER THE DOCTRINE OF LACHES.

STATE'S AFFIRMATIVE DEFENSES ARE WITHOUT MERIT:

10. The state's AFFIRMATIVE DEFENSES OF:
FAILURE TO NAME A PUBLIC BODY;
FAILURE TO NAME WALEY IN THE TITLE
C.

R.P. 25

PLAINTIFF'S EXHIBIT-B

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
George Cleveland,
Plaintiff,
vs.
State of South Carolina,
Defendant.

) IN THE COURT OF COMMON PLEAS
) IN THE FIFTH JUDICIAL CIRCUIT

Civil Action No. 2014-CP-40-08059

ORDER
RECEIVED

AUG 28 2017

SC Court of Appeals

JEANETTE
C.C.P.
2017 APR -14 PM 05
RICHLAND COUNTY
FILED

#1
[Handwritten initials]

This court convened a hearing concerning the State of South Carolina's Motion to Dismiss in the above captioned case on March 23, 2017. In that same hearing, the court heard a Motion to Dismiss filed on behalf of former Governor Nikki Haley and former Deputy Legal Counsel Rebecca Schimsa. Finally, the court heard a Motion for Sanctions against the Office of the Attorney General, filed by the Plaintiff in this action. Kevin Maroney appeared and presented arguments on behalf of the State and the former Governor and former Deputy Legal Counsel. Mr. Cleveland, a *pro se* litigant, was present at the hearing and presented arguments. For reasons that will be explained below, the court granted dismissal from the bench after hearing from both parties in this action. After the ruling from the bench, Mr. Cleveland withdrew his Motion for Sanctions.

I. Rule 12(b)(6)

The South Carolina Supreme Court has stated that the purpose of FOIA is "to protect the public from secret government activity."¹ FOIA fulfills its purpose by providing for the disclosure of information by public bodies. "FOIA creates an affirmative duty on the part of public bodies to produce information."² Notwithstanding, FOIA creates a public duty, which is owed to the public

¹ *Bellamy v. Brown*, 305 S.C. 291, 295, 408 S.E.2d 219, 221 (1991).

² *Id.*

R.P. 26

PLAINTIFFS EXHIBIT 16

at large rather than to anyone individually.³ To satisfy its public duty, a public body must either furnish requested records, or make them available for inspection or copying; FOIA only requires a public body to do one or the other.⁴ Once a public body discloses the information in either of those two ways, there is no violation of FOIA upon which to premise a cause of action.⁵

2
107
In this case, Mr. Cleveland requested "a copy of all the new laws that were signed by Gov. Haley, bills that became law by Gov. Haley's refusal to sign the bills, and all bills that became law due to the General Assembly over-riding her veto in the 2014 legislative session." The Governor's Office wrote Mr. Cleveland to tell him that the information he requested is available on the legislative website, www.scstatehouse.gov. When a public body publishes documents on the internet, it is not possible to characterize them as "secret." Moreover, documents online are available for the public to inspect and copy, so a public body satisfies its duty under FOIA by publishing them.

Mr. Cleveland argued that prisoners housed within correctional facilities, prisoners like him, are not able to access the internet, except to perform legal research. Although the Court is sympathetic, whether some individuals are unable to access documents online, or have difficulty in accessing documents online does not mean the public body has failed to satisfy its duty to the public under FOIA. Again, public bodies have an affirmative duty to provide information, but they owe that duty to the public at large rather than anyone individually.⁶ The public is protected from

³ *Bellamy v. Brown*, 305 S.C. 291, 294, 408 S.E.2d 219, 220-21 (1991)

⁴ *S.C. Code Ann.* §30-4-30(c) ("[I]f the [FOIA] request is granted, the record must be furnished or made available for inspection or copying.")

⁵ *Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 26, 630 S.E.2d 474, 478 (2006).

⁶ *Cf. Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 28-9, 630 S.E.2d 474, 479 (2006) (citing *Fowler v. Beasley*, 322 S.C. 463, 466, 472 S.E.2d 630, 632 (1996) (FOIA does not require the information seeker to have a "personal stake in the outcome" because any citizen is statutorily granted standing to enforce the public right to disclosure of information)).

PLAINTIFFS EXHIBIT 17
P.P. 27

secret government activity once records are published online because they are available for inspection or copying. Because records that are published online have already been disclosed to the public, a public body does not violate FOIA by declining to produce the records for a particular individual.

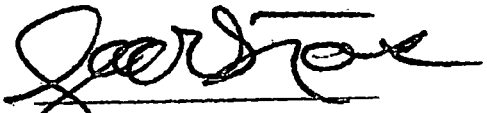
II. Conclusion

Because Mr. Cleveland requested documents that are already available to the public for inspection and copying, a public body has no affirmative duty to produce them for him. Thus, he has failed to state facts sufficient to constitute a cause of action under FOIA.

49

THEREFORE, THE COURT ORDERS THE FOLLOWING:

The above captioned action is **DISMISSED** in its entirety under Rule 12(b) (6).


Jean H. Toal
Presiding Judge
Fifth Judicial Circuit

Apr. 4, 2017

Sp. 28

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2014CP4008059

George #357770 Cleveland

State of South Carolina

PLAINTIFF(S)

Rebecca Schimsa

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case. Additional Information for the Clerk: Plaintiff's Rule 59(c) Motion is Denied

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

[Signature]

Judge Code 2758 Date 5-2-17

For Clerk of Court Office Use Only

This judgment was entered on the 5 day of May, 2017 and a copy mailed first class or placed in the appropriate attorney's box on this 5 day of May, 2017 to attorneys of record or to parties (when appearing pro se) as follows:

George Cleveland #357770 III

Kevin Desmond Maroney

George Cleveland #357770 III

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Clerk of Court

[Signature]

PA 29

NOTICE OF APPEAL IN A CIVIL CASE

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

AUG 28 2017

SC Court of Appeals

CASE NO. 2014-CP-40-08059

GEORGE CLEVELAND, III.....APPELLANT,

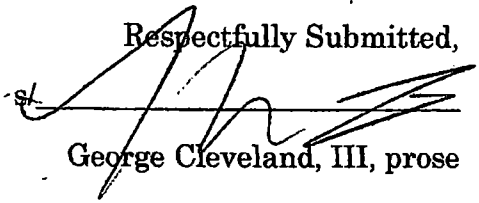
v.

REBECCA SCHIMSA, AND GOV. HENRY MCMASTER.....RESPONDENTS.

NOTICE OF APPEAL

George Cleveland, III, appeals the judgment of the Honorable Jean H. Toal dated May 05, 2017, Appellant received written notice of entry of this order on July 18, 2017.

Respectfully Submitted,



George Cleveland, III, prose

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleland7475@gmail.com

Dated: August 15, 2017

R.P. 2130

APPELLANT'S PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

JEAN H. TOAL, CIRCUIT COURT JUDGE

CASE NO. 2014-CP-40-08059

RECEIVED
AUG 28 2017
SC Court of Appeals

GEORGE CLEVELAND, III.....APPELLANT,

v.

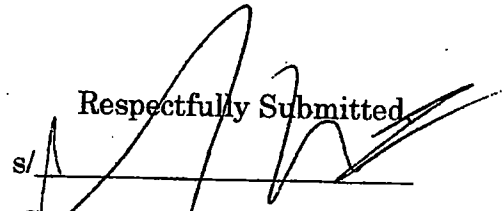
REBECCA SCHIMSA, AND GOV. HENRY MCMASTER.....RESPONDENTS.

APPELLANT'S PROOF OF SERVICE

I, George Cleveland, III, proceeding prose, certifies that on the date below, properly addressed envelope, with prepaid United States Postage, served on the Counsel of Record for the Respondents my Notice of Appeal of the May 05, 2017 judgment, and my Motion for Leave to proceed in *forma pauperis* to the following:

LP 31

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

Respectfully Submitted
s/ 
George Cleveland, III, prose
400 Hunter Street
Seneca, S.C. 29678
Cell no. 864-784-7223

16
DATED: AUGUST 15, 2017

Ap. 27 32

**APPELLANT'S MOTION FOR LEAVE TO PROCEED IN FORMA
PAUPERIS UNDER BOUNDS v. SMITH**

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

JEAN H. TOAL, CIRCUIT COURT JUDGE

CASE NO. 2014-CP-40-08059

RECEIVED

AUG 28 2017

SC Court of Appeals

GEORGE CLEVELAND, III.....APPELLANT,

v.

REBECCA SCHIMSA, AND GOV. HENRY MCMASTER.....RESPONDENTS.

MOTION TO PROCEED IN FORMA PAUPERIS

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, prose
400 Hunter Street
Seneca, S.C. 29678
Cell no. 864-784-7223

Rp 33

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:

DECLARATION

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

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.

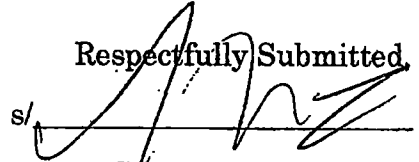
RP 34

CONCLUSION

3-1. **WHEREFORE; GRANT** my Motion to Proceed *Informa Pauperis*, and order the Clerk to Place this Appeal on the Court's docket for Adjudication.

3-2. **Order** any additional relief this Court deems proper, just, and/ impartial.

Respectfully Submitted,

s/ 

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

DATED : August 15, 2017

R.P. 35

DECLARATION IN SUPPORT OF GRANTING MOTION TO PROCEED IN *FORMA PAUPERIS*

I, George Cleveland, III, declares under the penalty of perjury, the following statement is true to the best of my knowledge:

I do not have any available funds to pay the \$100 filing fee to Appeal the attached of Final Judgement of May 05, 2017.

RECEIVED

AUG 28 2017

SC Court of Appeals

Declarant's Signature,

s/ 

George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Dated: August 15, 2017

Rpr 36

The South Carolina Court of Appeals

George Cleveland, III, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001788

ORDER

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

RFB7

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

Case No. 2014-CP-40-08059

OCT 09 2017

Appellate Case No. 2017-001788

SC Court of Appeals

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: gcleland7475@gmail.com

RP 38

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

1

Rp-39

'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

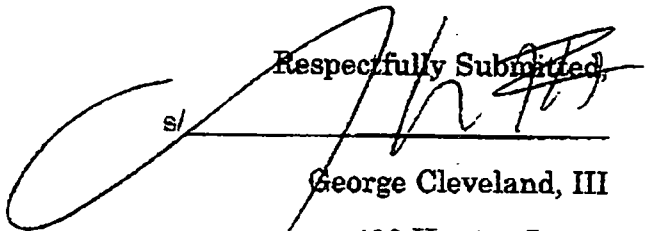
CONCLUSION

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: gcleveland7475@gmail.com

Dated: October 09, 2017

2

R.P. 90

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

**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

RECEIVED
OCT 09 2017
SC Court of Appeals

George Cleveland, III.....Appellant
vs.
Rebecca Schimsa, and Gov. Henry McMaster.....Respondent

INDEX

	Page no (s)
September 14, 2017 Order denying my Motion to Proceed in <i>forma pauperis</i>	1
My Motion (page-2) to Proceed in <i>forma pauperis</i>	2

APD RP 4/1

The South Carolina Court of Appeals

George Cleveland, III, Appellant,

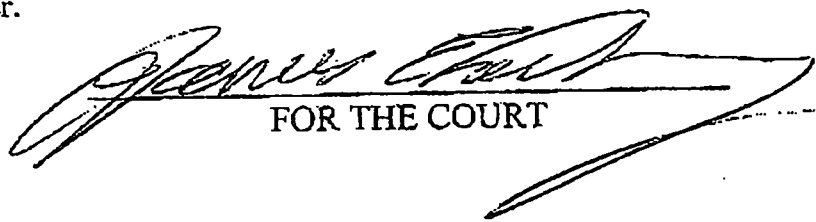
v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001788

ORDER

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

[Handwritten signature]
R.P. 42

APPELLANTS 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:

[Handwritten signature]

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

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.

RP. 4/3

The South Carolina Court of Appeals

George Cleveland, III, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001788

The Honorable Jean Hoefer Toal
Richland County
Trial Court Case No. 2014CP4008059

ORDER

Appellant has failed to submit the notice of appeal filing fee, as required by Rule 203 of the South Carolina Appellate Court Rules, and orders of this Court dated September 14 and October 2, 2017. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

FILED

October 9, 2017

cc:
George C Cleveland, III
Kevin Desmond Maroney, Esquire



RPB
RP 42

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

October 11, 2017

George C Cleveland, III
400 Hunter Street
Seneca SC 29678

Re: George Cleveland, III v. State of South Carolina
Appellate Case No. 2017-001788

Dear Mr. Cleveland:

The Court is in receipt of your material filed October 10, 2017, entitled "petition to rehear the September 14, 2017, order denying motion to proceed in forma pauperis". Please be advised that pursuant to Rule 221(c), SCACR, the Court will not entertain petitions for rehearing unless the action of the Court on the motion or petition has the effect of dismissing or finally deciding a party's appeal. Therefore, no action will be taken on your petition for rehearing. We are returning your materials, along with your two (2) money orders, numbered 20765464507, in the amount of \$25.00, and 20765454508, in the amount of \$243.00.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: Kevin Desmond Maroney, Esquire



RP 45

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

October 25, 2017

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: George Cleveland, III v. State of South Carolina
Lower Court Case No. 2014CP4008059
Appellate Case No. 2017-001788

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,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: George C Cleveland, III
Kevin Desmond Maroney, Esquire

①

85172
p. 4/6

**APPELLANT'S MOTION TO RECALL THE
OCTOBER 25, 2017 REMITTITUR**

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
NOV 20 2017
SC Court of Appeals

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

George Cleveland, IIIAppellant
vs.

Rebecca Schimsa, and Gov. Henry McMasterRespondent^s

MOTION TO RECALL THE REMITTITUR

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

George Cleveland, III
400 Hunter Street
Seneca, S.C. 29678
Cell no.864-784-7223
Email: gcleland7475@gmail.com

Rp 47

Motion to Recall the October 25, 2017 Remittitur

George Cleveland, III, proceeding pro se, files this *Motion to Recall the October 25, 2017¹ Remittitur on the following grounds:*

Deputy Clerk V. Claire Allen of this Court erroneously sent the Remittitur to the lower Court under Rule 221 (b) S.C.R.A.P. prior to the Court dismissing my Appeal, and awaiting the 15-day deadline.

ARGUMENT

The Remittitur was Sent Prematurely

Rule 221 (b) S.C.R.A.P. states the following:

“ the Court shall not [] sen[d] [the Remittitur].... Until fifteen (15) days have elapsed... since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal.” R..2 (Copy of Rule 221).

The docket report shows this Court denied my Motion to proceed *in forma pauperis* on October 09, 2017, see R.3, giving me 15 days to pay the filing fee or my “case will be dismissed.”

Rule 221 (b) required Ms. Allen to first wait for her or Ms. Kitchings to formally dismiss my Appeal after 15 days, and wait another 15 days before issuing the Remittitur in which in that time-frame, I could have filed my Petition for a Rehearing under Rule 221 (c).

¹ See R 1.

Rp, 48

Even the Clerk of this Court Ms. Jenny Abbott Kitchings stated the same in her October 11, 2017 letter² to me:

“the Court will not entertain petitions for rehearing unless the action of the Court on the motion or petition has the effect of dismissing or finally deciding a party’s appeal.” R. ~~6~~ The *Remittitur* was NOT supposed to be sent because the Clerk’s Office never issued an order formally dismissing my case which Ms. Kitchings own words confirmed; accordingly, Ms. Allen prematurely sent the *Remittitur* which was barred under Rule 221 (b). *IBID*.

Conclusion

Based on the forgoing facts, and legal authorities, I respectfully request this Court GRANT my Motion, and Recall the October 25, 2017 *Remittitur* sent to the Richland County Clerk of the Court of Common Pleas, see R. 1.

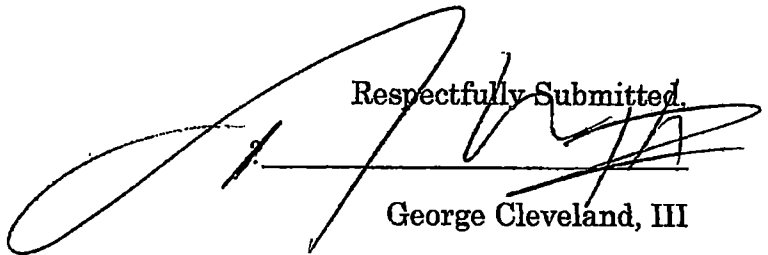
² Ms. Allen has invoked the Literacy test on me which gave her unfettered power to fraudulently end this case because she controlled the understanding of my court filings which has plagued our State for over a Century: The understanding clause under Art. 2 § 6 of the S.C. Const. “The General Assembly may require each person to demonstrate a reasonably ability...to read and write...” “these provisions allowed.... Officials to openly discriminate by providing difficult and complex sections to [some] and then be hypercritical...” See R.4. Ms.. Allen is doing the same by ignoring the rules of this Court, and taking the law in her own hands which Rule 221 (b) rejects. Even S.C. Code of Law §14-8-110 rejects Ms. Allen from taking the law in her own hands (The clerk of the S.C. Court of Appeals “shall be responsible for the custody and keeping of the record of the Court”), not deciding the record of the Court or throwing up procedural hurdles blocking me from proper adjudication by the Judges of this court. R.5.

RP-49

Issue an **ORDER** *formally dismissing* this Case for failing to pay the filing fee, and **Order** the *15 day deadline to file the Rehearing Petition in this Court* respectively.

ORDER any other relief this Court deems just, proper, and/ or impartial.

Respectfully Submitted,



George Cleveland, III

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

Dated: November 16, 2017

pp. 50

**APPELLANT'S RECORD IN SUPPORT OF MOTION TO
RECALL THE OCTOBER 25, 2017 REMITTITUR**

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
NOV 20 2017
SC Court of Appeals

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

George Cleveland, IIIAppellant
vs.
Rebecca Schimsa, and Gov. Henry McMasterRespondent

INDEX

	page (s)
October 25, 2017 Remittitur.....	1
Rule 221 S.C.R.A.P.....	2
Docket Report for this Case.....	3
Literacy Tests Analysis.....	4
S.C. Code of Law Section 14-8-110.....	5
October 20, 2017 letter from MS. Kitchings	6



Rp. 51
Rpd

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

October 25, 2017

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: George Cleveland, III v. State of South Carolina
Lower Court Case No. 2014CP4008059
Appellate Case No. 2017-001788

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,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: George C Cleveland, III
Kevin Desmond Maroney, Esquire

**RULE 221
REHEARING AND REMITTITUR**

RP 52


(a) Rehearing. Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court. A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court. No petition for rehearing shall be allowed from an order denying a petition for a writ of certiorari under Rule 242, SCACR.

(b) Remittitur. The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal. If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court. Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur.

(c) Rehearing of Motions. The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.

[Handwritten Signature]
 Appellate Case No. ...
Rp-53

South Carolina Appellate Case Management System

CLERK'S OFFICE
 SUPREME COURT
 COURT OF APPEALS

C-Track, the browser based CMS for Appellate Courts

Cases

Case Search

Participant Search

Disclaimer: The information and documents available here should not be relied upon as an official record of action. Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing.

Case Information: 2017-001788

Court:	Court of Appeals	Classification:	Appeal - Common Pleas - Other
Short Title:	George Cleveland, III v. State of South Carolina View Full Title	Case Status:	Remittitur
Consolidated:			
Filed Date:	08/28/2017	Oral Argument Date:	
Disposition Date:	10/09/2017	Disposition Type:	Order
Remittitur Date:	10/25/2017		
Lower Court or Tribunal:	Richland (2014CP4008059)		

- Party Information

Appellate Role	Party Name	Former	Attorney(s)
Appellant	George C Cleveland, III	N	Self Represented
Respondent	The State of South Carolina	N	Kevin Desmond Maroney

Views

Display:

Event Information

Filed Date	Event Information	Doc
10/25/2017	Remittitur - Remittitur Sent (17-OR-573)	
10/11/2017	Correspondence - Outgoing (Returning materials and money orders to appellant - no action taken on petition for rehearing of September 14, 2017 order denying in forma pauperis)	
10/09/2017	Dispositional Decision - Order	
10/09/2017	Motion - Other Motion (Petition for Rehearing of the September 14, 2017 order denying in forma pauperis)	
10/02/2017	Non-Dispositional Decision - Extension Granted	
10/02/2017	Motion - Extension of Time (1st - to comply with the Court's notice of appeal filing fee requirement)	
09/20/2017	Correspondence - Outgoing (Letter to appellant that no action will be taken on motion for extension until notice of appeal filing fee is paid)	
09/18/2017	Transcript Documents - Transcript Ordered	
09/18/2017	Motion - Extension of Time (1st - to order the transcript)	
09/14/2017	Non-Dispositional Decision - Order	
09/05/2017	Correspondence - Outgoing (Transcript warning letter)	
09/01/2017	Correspondence - Outgoing (Notice of Appeal initial letter)	
08/28/2017	Motion - Proceed In Forma Pauperis or Waive Costs	
08/28/2017	Notice of Appeal (Civil) - Initial	

SCIWAY



500 BUSINESS CARDS FOR \$8

RP 54

SC JOBS SC BUSINESSES SC CITIES SC ENTERTAINMENT SC EVENTS SC HOTELS SC PHOTOS SC REAL ESTATE

SOUTH CAROLINA AFRICAN AMERICANS LITERACY TESTS TO ELIMINATE BLACK VOTERS

South Carolina SC African-American History Reconstruction, 1865-1900 Literacy Tests to Eliminate Black Voters

Literacy Tests to Eliminate Black Voters

Written by Michael Trinkley of the Chicora Foundation

Article 2, Section 6 of South Carolina's constitution of 1895 specified that, "The General Assembly may require each person to demonstrate a reasonably ability, except for physical disability, to read and write the English language as a condition to becoming entitled to vote."

The legislature established provisions that seemed neutral on their face:

- Those registered prior to January 1, 1898 had to be able to read any section of the Constitution submitted to them by the registration officer or understand and explain the provision when it was read to them by the official.
- Those registering after January 1, 1898 had to be able to read and write any section of the constitution submitted to them or show that he owned and had paid taxes during the previous year on property in the state valued at \$300 or more.

But these provisions allowed registration officials to openly discriminate by providing difficult and complex sections to blacks and then be hypercritical of the registrants' explanations. Whites could be provided with easier sections, with the explanations graded more indulgently. In defending this approach, Senator Ben Tillman remarked,

Some have said there is fraud in this understanding clause. Some poisons in small doses are very salutary and valuable medicines. If you put it in here that a man must understand, and you vest the right to judge whether he understands in an officer, it is a constitutional act. That officer is responsible to his conscience and his God, he is responsible to nobody else. There is no particle of fraud or illegality in it. It is just simply showing partiality, perhaps, discriminating.

And discriminate it did - virtually eliminating the black electorate.



SEARCH



All SC Categories

- > SC African-Americans > SC Jobs
- > SC Entertainment > SC Libraries
- > SC Bed & Breakfasts > SC Maps
- > SC Businesses > SC Movies
- > SC Events > SC News
- > SC Churches > SC Organizations
- > SC Cities > SC Photo Gallery
- > SC Colleges > SC Plantations
- > SC Consumer Rights > SC Pronunciations
- > SC Counties > SC Real Estate
- > SC Elections > SC Restaurants
- > SC Facts & Firsts > SC Schools
- > SC Genealogy > SC Sports
- > SC Gifts > SC Tax Guide
- > SC Government > SC Tides
- > SC Health > SC Vacation Homes
- > SC History > SC Webcams
- > SC Hotels > SC Weddings

service shall be based on their order of election, with the associate judge who is elected first being the associate judge senior in service; provided, however, that seniority among the judges on an interim Court of Appeals shall continue on the permanent Court of Appeals established by the provisions of this chapter and service on that Court shall be included in determining the length of service on the Court herein established.

(c) Cases must be distributed between the three panels by the Chief Judge in accordance with rules promulgated by the Supreme Court; however, the Chief Judge may transfer cases from one panel to the other in order to maintain approximately equal caseloads for the three panels.

(d) On a panel, three judges shall constitute a quorum, and the concurrence of a majority of the judges is necessary for the reversal of the judgment below.

HISTORY: 1979 Act No. 164 Part IV-A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985; 1995 Act No. 145, Part II, Section 85C, eff June 29, 1995.

SECTION 14-8-90. When the Court may sit en banc.

(a) The Court may sit en banc to hear cases upon:

(1) petition by a party filed in accordance with rules promulgated by the Supreme Court if the petition is granted by six judges of the Court; or

(2) its own motion agreed to by six judges of the Court.

(b) When the Court sits en banc, six of the judges constitute a quorum and a concurrence of six of the judges is necessary for a reversal of the judgment below. The Chief Judge shall preside, and in his absence the judge senior in service and present shall preside.

HISTORY: 1979 Act No. 164 Part IV-A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1985 Act No. 105, Section 1, approved by the Governor on May 21, 1985, and eff after July 1, 1985; 1995 Act No. 145, Part II, Section 85D, eff June 29, 1995.

Editor's Note

1985 Act No. 105, Section 3, provides as follows:

"Notwithstanding the provisions of Act 90 of 1983 which provide for the manner in which Sections 14-8-90 and 14-8-250 of the 1976 Code shall read effective July 1, 1985, these sections, as amended by the provisions of Sections 1 and 2 of this act respectively, shall continue to read in the manner provided herein after July 1, 1985."

SECTION 14-8-100. Reporting of opinions and decisions by Supreme Court reporter; appointment of assistant reporter.

The Supreme Court reporter shall report the opinions and decisions of the Court of Appeals in all respects as he is now or hereafter may be required by law to report the decisions and opinions of the Supreme Court. An assistant reporter for the Court of Appeals may be appointed by the judges of such Court to aid the reporter in his duties.

HISTORY: 1979 Act No. 164 Part IV-A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

Editor's Note

Provisions of this section concerning the reporting of opinions were formerly contained in Section 14-8-130.

SECTION 14-8-110. Duties of Clerk of Supreme Court; appointment of clerk of Court of Appeals to aid clerk of Supreme Court.

The Clerk of the Supreme Court, in a manner prescribed by the Supreme Court, shall be responsible for the custody and keeping of the record of the Court. A clerk of the Court of Appeals shall be appointed by the judges of the Court to aid the Clerk of the Supreme Court in the performance of these duties.

HISTORY: 1979 Act No. 164 Part IV-A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

Editor's Note

Provisions of this section concerning the appointment of the Clerk of the Court were formerly contained in Section 14-8-140.

SECTION 14-8-120. Editing, publishing, and distributing of opinions and decisions.

Editing, publishing, and distributing of the opinions and decisions of the Court shall be done in accordance with the procedures followed by the Supreme Court with respect to the editing, publishing, and distributing of its opinions and decisions.

HISTORY: 1979 Act No. 164 Part IV-A Section 1, eff July 1, 1979; 1979 Act No. 194 Part III Section 5, apparently effective Aug. 8, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act 90 Section 2, eff July 1, 1985.

SECTION 14-8-130. Sheriff to serve and execute order or process.

The Court of Appeals may require the sheriff of each county to whom any order or process issuing from such court may be directed to serve and execute such order or process and shall have the same power to enforce such service and execution and punish default thereon as is vested in circuit courts on processes issuing therefrom.

HISTORY: 1979 Act No. 164 Part IV-A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

Editor's Note

Provisions concerning the reporting of opinions formerly contained in Section 14-8-130, see Section 14-8-100.

ARTICLE III

Jurisdiction, Duties and Procedure

SECTION 14-8-200. Jurisdiction of Court; limitations.

(a) Except as limited by subsection (b) and Section 14-8-260, the court has jurisdiction over any case in which an appeal is taken from an order, judgment, or decree of the circuit court, family court, a final decision of an agency, a final decision of an administrative law judge, or the final decision of the Workers' Compensation Commission. This jurisdiction is appellate only, and the court shall apply the same scope of review that the Supreme Court would apply in a similar case. The court has the same authority to issue writs of supersedeas, grant stays, and grant petitions for bail as the Supreme Court would have in a similar case. The court, to the extent the Supreme Court may by rule provide for it to do so, has jurisdiction to entertain petitions for writs of certiorari in post-conviction relief matters pursuant to Section 17-27-100.

(b) Jurisdiction of the court does not extend to appeals of the following, the appeal from which lies of right directly to the Supreme Court:

(1) a final judgment from the circuit court which includes a sentence of death;

(2) a final decision of the Public Service Commission setting public utility rates pursuant to Title 58;

pp. 56

The South Carolina Court of Appeals

George Cleveland, III, Appellant,

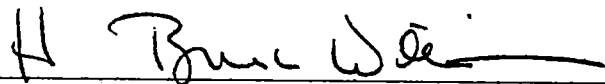
v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001788

ORDER

The motion to recall the remittitur is granted. This court's order of dismissal filed October 9, 2017, is attached. Unless a petition for rehearing is received within fifteen days of this order, the remittitur will be sent as required by Rule 221, SCACR.



FOR THE COURT

Columbia, South Carolina

cc:
George C Cleveland, III
Kevin Desmond Maroney, Esquire
Jeanette W. McBride

FILED

Dec. 28, 2017

pp 57

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
~~FOR FILE~~
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

RECEIVED
JAN 12 2018
SC Court of Appeals

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

Rp 58

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

1

Rp. 59

'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

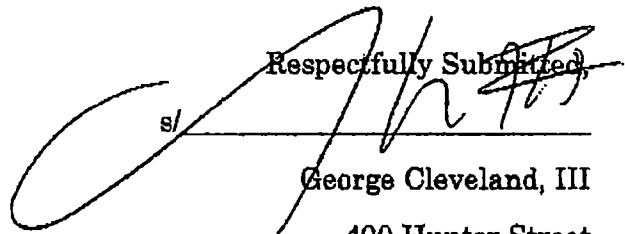
3-1. WHEREFORE: GRANT my Petition to Rehear the September 14, 2017 order which denied my Motion to Proceed *in forma pauperis*.

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: gcleveland7475@gmail.com

Dated: October 09, 2017

2

Rp. 60

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

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

RECEIVED
DEC 14 2017
SC Court of Appeals

George Cleveland, III.....Appellant
vs.
Rebecca Schimsa, and Gov. Henry McMaster.....Respondent

INDEX

	Page no (s)
September 14, 2017 Order denying my Motion to Proceed in <i>forma pauperis</i>	1
My Motion (page-2) to Proceed in <i>forma pauperis</i>	2

AB1 Rf. 6L

The South Carolina Court of Appeals

George Cleveland, III, Appellant,

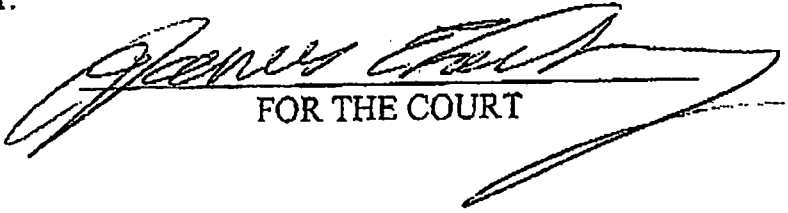
v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001788

ORDER

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

APPELANT'S BOUNDS v. SMITH
Pg 2

APPELLANT'S BOUNDS v. SMITH:

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

DECLARATION

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

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.

Sp. 63

The South Carolina Court of Appeals

George Cleveland, III, Appellant,


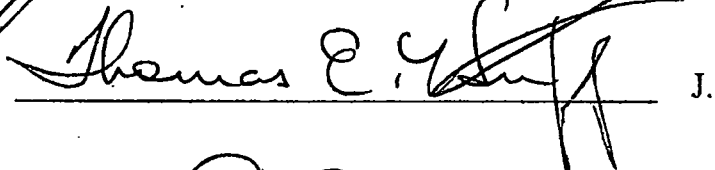
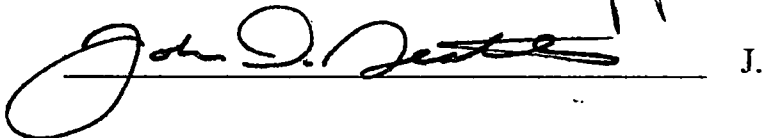
v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001788

ORDER

Appellant's motion to rehear the dismissal of this appeal is denied.

 J.
 J.
 J.

Columbia, South Carolina

cc:
George C Cleveland, III
Kevin Desmond Maroney, Esquire
Jeanette W. McBride

FILED
Feb. 20, 2018

Rp. 64

The Supreme Court of South Carolina

George Cleveland, III, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2018-000487

RECEIVED

MAR 20 2018

SC Court of Appeals

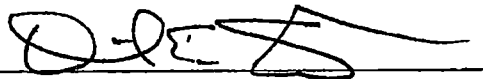
ORDER

Petitioner moves for an extension of time until April 25, 2018, to serve and file a petition for a writ of certiorari and appendix to review the decision of the South Carolina Court of Appeals in this case.¹ The motion is granted.

Petitioner's attention is directed to this Court's order dated July 16, 2015 (available at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-07-16-01) regarding any further extensions in this case.

FOR THE COURT

BY



CLERK



Columbia, South Carolina
March 21, 2018

cc: Kevin Desmond Maroney, Esquire
Mr. George C Cleveland, III
~~The Honorable Jenny Abbott Kitchings~~

¹ Before the Court of Appeals, the Appellate Case Number was 2017-001788.