

8671b

**APPELLANT's MOTION FOR THE COURT TO ACCEPT  
MY AMENDED NOTICE OF APPEAL**

\_\_\_\_\_  
THE STATE OF SOUTH CAROLINA

In the Court of Appeals

\_\_\_\_\_  
Appeal from Anderson County

Court of General Sessions

R. Lawton McIntosh, Circuit Court Judge

**RECEIVED**

MAY 11 2018

SC Court of Appeals

\_\_\_\_\_  
Case No. 2012-GS-23-07504

**Appellate Case No. 2018-000564**

\_\_\_\_\_  
George Cleveland, III, .....APPELLANT

v.

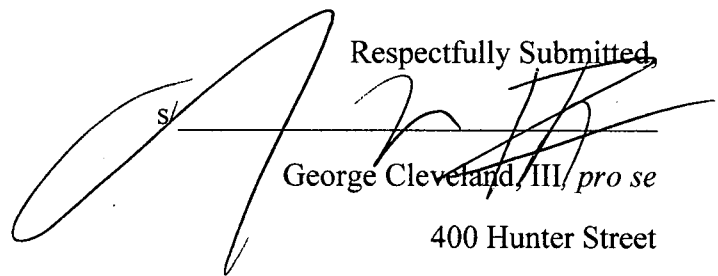
The State, .....RESPONDENT

**MAY IT PLEASE THE COURT:** George Cleveland, III, proceeding *pro se*, respectfully submits this Motion for this Court to accept my *amended Notice of Appeal* because I inadvertently put the wrong case numbers on my initial Notice of Appeal filed in this Court.<sup>1</sup> R. p. 1, and my amended Notice of Appeal I again inadvertently put the wrong case numbers<sup>2</sup>. R. p. 2. The correct case number is: 2012-GS-07504; accordingly, I respectfully request that this Court

\_\_\_\_\_  
<sup>1</sup> The incorrect case numbers are: 2012A2330200168; N201731.

<sup>2</sup> The incorrect case numbers are: 2012A2330200168; 2012GS2307505; N201731.

**Grant** this instant Motion and file the attached Amended Notice of Appeal in the General Sessions Court. R. p. 3<sup>3</sup>.

Respectfully Submitted,  
  
s/ \_\_\_\_\_  
George Cleveland, III, *pro se*

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

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

**Dated: May 08, 2018**

---

<sup>3</sup> This case number, *id* is correlated to case numbers: 2012GS2307503,05-07 which were conviction from the Greenville county General Sessions Court. R.pp.4-7. My probation is assigned to the Oconee County Probation Office. R.pp.8-9. This appeal arises from a 90 day jail sentence for violating the restitution and fine order whereas, that hearing took place in the Anderson County General Sessions Court. R.pp.8-9.

**APPELLANT's APPENDIX IN SUPPORT OF MOTION FOR THE COURT TO  
ACCEPT MY AMENDED NOTICE OF APPEAL**

\_\_\_\_\_  
THE STATE OF SOUTH CAROLINA

In the Court of Appeals

\_\_\_\_\_  
Appeal from Anderson County

Court of General Sessions

R. Lawton McIntosh, Circuit Court Judge

**RECEIVED**

MAY 11 2018

SC Court of Appeals

\_\_\_\_\_  
Case No. 2012-GS-23-07504

**Appellate Case No. 2018-000564**

\_\_\_\_\_  
George Cleveland, III, .....APPELLANT

v.

The State, .....RESPONDENT

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MAR 30 2018

SC Court of Appeals

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NOTICE OF APPEAL IN GENERAL  
SESSIONS COURT

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY  
COURT OF GENERAL SESSIONS

R. LAWTON MCINTOSH, CIRCUIT COURT JUDGE  
PROBATION CITATION NO. C-37-17-0059  
A/W No. (S) 2012A2330200168; N201731

ORIGINAL SENTENCE ~~IN~~ GREENVILLE COUNTY  
COURT OF GENERAL SESSIONS

GEORGE CLEVELAND III . . . . . APPELLANT,  
vs.

SOUTH CAROLINA DEPARTMENT OF  
PROBATION, PAROLE, AND PARDON  
SERVICES, (S.C.D.P.P.S.); AND  
SOUTH CAROLINA, . . . . . RESPONDENTS.

APPELLANT'S AMENDED NOTICE  
OF APPEAL FROM GENERAL SESSIONS

---

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM ANDERSON COUNTY  
COURT OF GENERAL SESSIONS

---

R. LAWTON MCINTOSH, CIRCUIT COURT JUDGE

PROBATION CITATION NO. C-37-17-0059  
A/W No(s) 2012A2330200168; 2012G52307505;  
N201731

---

ORIGINAL SENTENCE IN GREENVILLE COUNTY  
COURT OF GENERAL SESSIONS

---

GEORGE CLEVELAND, III

RECEIVED Appellant,

APR 06 2018

SC Court of Appeals

VS.  
SOUTH CAROLINA DEPARTMENT  
OF PROBATION, PAROLE, AND PARDON  
SERVICES (S.C. D. PRPS) AND SOUTH CAROLINA,

RESPONDENTS

P. 3

STATE OF SOUTH CAROLINA )  
)  
)  
State of South Carolina )  
)  
)  
Plaintiff )  
)  
Vs. )  
)  
)  
George Cleveland III )  
)  
)  
Defendant )  
)  
\_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS  
FOR THE TENTH JUDICIAL CIRCUIT

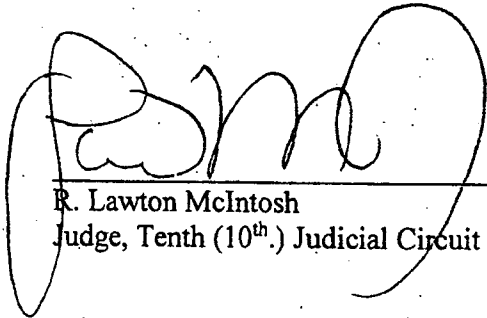
ORDER DENYING MOTION TO RECONSIDER  
SENTENCE

WARRANT NO.: 2012-GS-23-07504

**RECEIVED**  
APR 06 2018  
SC Court of Appeals

The Motion to Reconsider Sentence on case number 2012-GS-23-07504 is DENIED without the necessity of a hearing.

Anderson, SC  
March 22, 2018

  
\_\_\_\_\_  
R. Lawton McIntosh  
Judge, Tenth (10<sup>th</sup>) Judicial Circuit

**A TRUE COPY**  
MAR 26 2018  
*Charm Bailey*  
ANDERSON CLERK OF COURT

FILED-CLERK'S OFFICE  
ANDERSON SC  
2018 MAR 23 AM 8:37  
COMMON PLEAS AND  
GENERAL SESSIONS



**Greenville County  
13th Judicial Circuit  
Public Index**

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[Greenville County Home Page](#) [South Carolina Judicial Department Home Page](#)

Switch View

State of South Carolina vs George Cleveland III					
Case Number:	2012A2330200170	Court Agency:	Greenville General Sessions	Filed Date:	07/18/2012
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pled Guilty	Assigned Judge:	Garrett, Charles R.	Disposition Judge:	Miller, Edward W.
Disposition:	Pled Guilty				
Disposition Date:	11/05/2013	Date Received:	07/16/2012	Arrest Date:	07/12/2012
Law Enf. Case:	12-96583	True Bill Date:	09/24/2013	No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS2307503	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

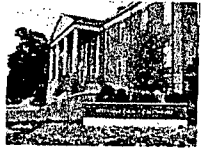
Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Brown, Barry	4 Mcgee Street Greenville SC 29601				Officer		07/18/2012
<input checked="" type="checkbox"/> Cleveland, George III	400 Hunter Street Seneca SC 29678	Black	M	1978	Defendant		05/02/2017
Manley, Mona L	P O Box 557 Mt. Pleasant SC 29645				Court Reporter		11/05/2013
Nicholson, Robert E - Roche Surety	P O Box 2834 A D Bail Bonding Easley SC 29641				Bond Entity		08/15/2012
<input checked="" type="checkbox"/> Sarratt, Michael James	1500 E. Rutherford St. Landrum SC 29356				Defendant Attorney		04/11/2013
Watts, Austin Fletcher	305 East North Street Suite 325, 13Th Cir. Sol. Office Greenville SC 296012185				Solicitor		11/05/2013



**Greenville County  
13th Judicial Circuit  
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Switch View

<b>State of South Carolina vs George Cleveland III</b>					
<b>Case Number:</b>	2012A2330200169	<b>Court Agency:</b>	Greenville General Sessions	<b>Filed Date:</b>	07/18/2012
<b>Case Type:</b>	Criminal-Clerk	<b>Case Sub Type:</b>			
<b>Status:</b>	Pled Guilty	<b>Assigned Judge:</b>	Garrett, Charles R.	<b>Disposition Judge:</b>	Miller, Edward W.
<b>Disposition:</b>	Pled Guilty				
<b>Disposition Date:</b>	11/05/2013	<b>Date Received:</b>	07/16/2012	<b>Arrest Date:</b>	07/12/2012
<b>Law Enf. Case:</b>	12-96583	<b>True Bill Date:</b>	09/24/2013	<b>No Bill Date:</b>	
<b>Prosecutor Case:</b>		<b>Indictment Number:</b>	2012GS2307505	<b>Waiver Date:</b>	
<b>Probation Case:</b>					

**Case Parties**   **Charges**   **Sentencing**   **Associated Cases**   **Actions**   **Financials**   **Bonds**

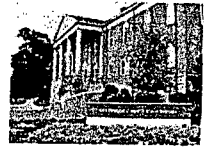
Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Brown, Barry	4 Mcgee Street Greenville SC 29601				Officer		07/18/2012
<input checked="" type="checkbox"/> Cleveland, George III	400 Hunter Street Seneca SC 29678	Black	M	1978	Defendant		05/02/2017
Manley, Mona L	P O Box 557 Mt. Pleasant SC 29645				Court Reporter		11/05/2013
Nicholson, Robert E - Roche Surety	P O Box 2834 A D Bail Bonding Easley SC 29641				Bond Entity		07/18/2012
<input checked="" type="checkbox"/> Sarratt, Michael James	1500 E. Rutherford St. Landrum SC 29356				Defendant Attorney		04/11/2013
Watts, Austin Fletcher	305 East North Street Suite 325, 13Th Cir. Sol. Office Greenville SC 296012185				Solicitor		11/05/2013



Greenville County  
13th Judicial Circuit  
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Switch View

### State of South Carolina vs George Cleveland III

<b>Case Number:</b>	N201732	<b>Court Agency:</b>	Greenville General Sessions	<b>Filed Date:</b>	06/27/2012
<b>Case Type:</b>	Criminal-Clerk	<b>Case Sub Type:</b>			
<b>Status:</b>	Pled Guilty	<b>Assigned Judge:</b>	Garrett, Charles R.	<b>Disposition Judge:</b>	Miller, Edward W.
<b>Disposition:</b>	Pled Guilty				
<b>Disposition Date:</b>	11/05/2013	<b>Date Received:</b>	06/25/2012	<b>Arrest Date:</b>	06/21/2012
<b>Law Enf. Case:</b>	12-90329	<b>True Bill Date:</b>	09/24/2013	<b>No Bill Date:</b>	
<b>Prosecutor Case:</b>		<b>Indictment Number:</b>	2012GS2307506	<b>Waiver Date:</b>	
<b>Probation Case:</b>					

#### Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

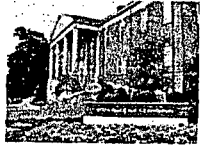
Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Blakely, Kyle - Palmetto Surety	803 E North St Catch 22 Bail Bond Agency Greenville SC 29601				Bond Entity		06/27/2012
Brown, Barry	4 Mcgee Street Greenville SC 29601				Officer		06/27/2012
<input checked="" type="checkbox"/> Cleveland, George III	400 Hunter Street Seneca SC 29678	Black	M	1978	Defendant		05/02/2017
Manley, Mona L	P O Box 557 Mt. Pleasant SC 29645				Court Reporter		11/05/2013
<input checked="" type="checkbox"/> Sarratt, Michael James	1500 E. Rutherford St. Landrum SC 29356				Defendant Attorney		04/11/2013
Watts, Austin Fletcher	305 East North Street Suite 325, 13Th Cir. Sol. Office Greenville SC 296012185				Solicitor		11/05/2013



**Greenville County  
13th Judicial Circuit  
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Switch View

**State of South Carolina vs George Cleveland III**

<b>Case Number:</b>	N201731	<b>Court Agency:</b>	Greenville General Sessions	<b>Filed Date:</b>	06/27/2012
<b>Case Type:</b>	Criminal-Clerk	<b>Case Sub Type:</b>			
<b>Status:</b>	Pled Guilty	<b>Assigned Judge:</b>	Garrett, Charles R.	<b>Disposition Judge:</b>	Miller, Edward W.
<b>Disposition:</b>	Pled Guilty				
<b>Disposition Date:</b>	11/05/2013	<b>Date Received:</b>	06/25/2012	<b>Arrest Date:</b>	06/21/2012
<b>Law Enf. Case:</b>	12-90329	<b>True Bill Date:</b>	09/24/2013	<b>No Bill Date:</b>	
<b>Prosecutor Case:</b>		<b>Indictment Number:</b>	2012GS2307507	<b>Waiver Date:</b>	
<b>Probation Case:</b>					

**Case Parties Charges Sentencing Associated Cases Actions Financials Bonds**

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Blakely, Kyle - Palmetto Surety	803 E North St Catch 22 Bail Bond Agency Greenville SC 29601				Bond Entity		07/12/2012
Brown, Barry	4 Mcgee Street Greenville SC 29601				Officer		06/27/2012
<input checked="" type="checkbox"/> Cleveland, George III	219 Savannah Dr Seneca South Carolina SC 29678	Black	M	1978	Defendant		11/11/2013
Manley, Mona L	P O Box 557 Mt. Pleasant SC 29645				Court Reporter		11/05/2013
<input checked="" type="checkbox"/> Sarratt, Michael James	1500 E. Rutherford St. Landrum SC 29356				Defendant Attorney		04/11/2013
Watts, Austin Fletcher	305 East North Street Sulte 325, 13Th Cir. Sol. Office Greenville SC 296012185				Solicitor		11/05/2013

County of OCONEE  
 STATE SC VS.  
GEORGE CLEVELAND III  
 AKA \_\_\_\_\_  
 Race Black Sex: Male  
 DOB: 11/03/1978  
 SSN: 251397475  
 SID#: 01066002

2012 - GS - 73 - 07504  
 Probation C/W#s C-37-17-0059  
 Name of Original Offense: POSS OF STOLEN VEH  
 Original A/W#: 2012A2330200168  
 Date of Original Offense: 05/07/2012  
 Conviction S C Code §: 16-21-0090  
 Conviction CDR Code #: 3 4 5 6 7 8  
 Original Sentence: 10 YRS. SUSP. 6YRS+5YRS PROP

*P.8*

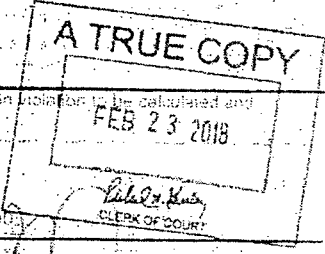
**ORDER**

The above named defendant has been charged with violating the conditions of probation imposed on 11/05/2017 in the Court of General Sessions of GREENVILLE County, under the additional conditions stipulated by the Court in probation condition order(s) issued on \_\_\_\_\_ as set forth in the attached probation condition(s) dated 10/05/2017. After hearing the evidence and being duly advised in the presence/absence of the defendant, I find that the above named defendant has violated the following condition(s) of probation: 7, 9, 10 AND 11

**Therefore, IT IS ORDERED that:**

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve 90 days months/years of the original sentence and/or pay \$ \_\_\_\_\_ thereupon to be reinstated on probation, subject to the court order set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the probation set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-5-549 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
  - Department fees insurance
  - Fines and other fees insurance
  - Restitution (and 20%) insurance
  - Civil judgment
  - Department fees
  - Fines and other fees
  - Restitution (and 20%)
- Additional Conditions ordered by the Court:
  - Toll while incarcerated
  - Restrictive monitoring

- The defendant is given credit for pre-revocation hearing detention time on current probation (to be calculated and applied by the SC Department of Corrections).
- The defendant has previously served 6 months/years on this sentence (with sentence time and/or prior partial revocation credit).
- The defendant was previously placed on active electronic monitoring pursuant to §23-5-549.



This 23 day of Feb 2018  
WALHALLA SC  
 Presiding Justice  
 10TH Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of the probation, impose additional conditions, or deem a breach of the Court's order of probation to be a violation. At any time while the course of your probation, the Court may require you to serve any part of the original sentence imposed. This is to certify that I have read and now hold said to use the order and the conditions set forth herein. I agree to comply with the conditions and the terms of the attached probation order during the period of my probation. I have received a copy of the Court's order and of which terms.

Offender's Signature: [Signature]  
 Signed this 23 day of Feb 18 at WALHALLA SC  
 Witnessed by: [Signature]

County of OCONEE  
STATE VS

2012 - GS 23 - 07507

Probation C/W#s. C-37-17-0059

*pg 9*

GEORGE CLEVELAND III  
AKA. \_\_\_\_\_  
Race Black Sex: Male  
DOB 11/03/1978  
SSN: 251397475  
SID# 01068002

Name of Original Offense: FALSIFYING VIN NUMBER  
Original A/W#: N201731  
Date of Original Offense: 06/21/2012  
Conviction S.C. Code § 18-21-0040(A)(2)  
Conviction CDR Code # 0 / 5 / 3 / 5  
Original Sentence: 5 YRS. SDP

**ORDER**

The above named defendant has been charged with violating the conditions of probation ordered on 11/05/2013 in the Court of General Sessions of GREENVILLE County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on \_\_\_\_\_ as set forth in the attached warrants, or court orders dated 10/05/2017. After hearing the evidence and being duly advised in the presence and absence of the defendant, I find that the above named defendant has violated the following condition(s) of probation: 1. Failure to file and pay delinquent taxes, provided in the order 7, 9, 10, AND 11

**Therefore, IT IS ORDERED that:**

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ month(s)/year(s), the remainder of the original sentence and/or pay \$ \_\_\_\_\_.
- the suspended sentence be 90 days and the above named defendant be required to serve \_\_\_\_\_ month(s) of the original sentence and/or pay \$ 0 thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided in the original order, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §2315-040 (mandatory if convicted of first degree criminal sexual conduct with a minor or leve act discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations. Order satisfies:
  - Department fees 100.00
  - Fines and other fees 0.00
  - Restitution (and 20% 0.00)
  - Civil judgment
  - Department fees
  - Fines and other fees
  - Restitution (and 20%)
- Additional Conditions ordered by the Court:
  - Toll White License
  - Restoration Monies
- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 13 DAYS month(s) of this sentence.
- The defendant was previously placed on active electronic monitoring pursuant to §2315-040.

**A TRUE COPY**  
FEB 23 2018  
*Col. O. H. ...*  
CLERK OF COURT

This 23 day of Feb 2018 at WALHALLA SC  
Presiding Judge: \_\_\_\_\_  
10TH  
Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation, impose any lawful conditions it deems proper, or extend your period of probation up to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve the balance of the original sentence imposed. This is to certify that I have read or made reference to the order and the conditions set out therein, I agree to comply with such conditions and the conditions of my assigned probation provided in the terms of the probation. I have received a copy of the Court's order and all attachments.

Offender's Signature: Refused  
Signed this 23 day of Feb 18 at WALHALLA SC

Witnessed by: [Signature]  
Signed this \_\_\_\_\_ day of \_\_\_\_\_ 18 at WALHALLA SC

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

\_\_\_\_\_  
Appeal from Anderson County

Court of General Sessions

R. Lawton McIntosh, Circuit Court Judge

**RECEIVED**

MAY 11 2018

\_\_\_\_\_  
Case No. 2012-GS-23-07504

SC Court of Appeals

Appellate Case No. 2018-000564

\_\_\_\_\_  
George Cleveland, III , .....APPELLANT

v.

The State, .....RESPONDENT

I, George Cleveland, III, proceeding *pro se* certifies that on the date below, with proper prepaid postage, and properly addressed, my Motion for the Court to accept my Amended Notice of Appeal, supporting appendix, and Amended Notice of Appeal to the following:

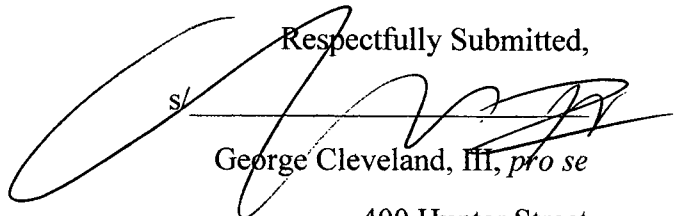
**South Carolina Department of Probation, Parole, and Pardon Services**

**c/o Matthew C. Buchanan, General Counsel**

**Post Office Box 50666**

**Columbia, S.C. 29250**

Respectfully Submitted,

s/ 

George Cleveland, III, *pro se*

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: [gcleveland78475@gmail.com](mailto:gcleveland78475@gmail.com)

**Dated: May 08, 2018**

May 08, 2018

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

Re: George Cleveland, III v. State; **Appellate Case No. 2018-000564**

Dear Ms. Kitchings,

Can you please file the attached Motion to this Court to accept my Amended Notice of Appeal, the \$25.00 Motion fee, the supporting Appendix, and the Amended Notice of Appeal, and decide my Motion? *IBID*.

**RECEIVED**

MAY 11 2018

SC Court of Appeals

Respectfully Requested,

s/

George Cleveland, III, *pro se*

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

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

cc: file

Matthew C. Buchanan, *Esquire*

1

\$1.42 US POSTAGE  
3 OZ FIRST-CLASS MAIL FLATS RATE

062S0011414673  
FROM 29678

RETAIL



stamps  
and  
clia  
05/08/2018

**USPS FIRST CLASS MAIL®**

George Cleveland III  
Cleveland Three Justice  
400 Hunter Street  
Seneca SC 29678

B012

**SHIP TO:** The South Carolina C of Appeals  
Jenny Abbott Kitchings Clerk of Cou  
PO Box 11629  
Columbia SC 29211-1629



**RECEIVED**

MAY 11 2018

SC Court of Appeals