

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.

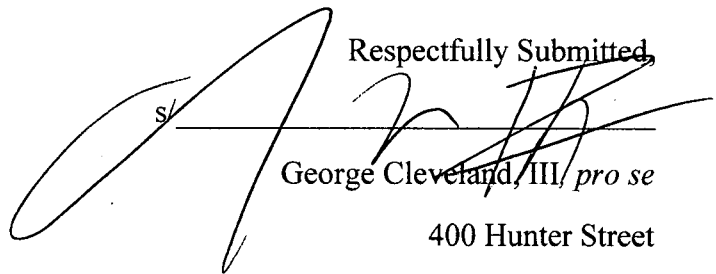
The State, ...RESPONDENT

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.¹ R. p. 1, and my amended Notice of Appeal I again inadvertently put the wrong case numbers². R. p. 2. The correct case number is: 2012-GS-07504; accordingly, I respectfully request that this Court

¹ The incorrect case numbers are: 2012A2330200168; N201731.

² 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. 3³.

Respectfully Submitted,

George Cleveland, III, *pro se*

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

Dated: May 08, 2018

³ 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

Case No. 2012-GS-23-07504

Appellate Case No. 2018-000564

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MAY 11 2018

SC Court of Appeals

George Cleveland, III, ...APPELLANT

v.

The State, ...RESPONDENT

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MAR 30 2018

SC Court of Appeals

p. 1

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.

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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

APR 06 2018

SC Court of Appeals

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

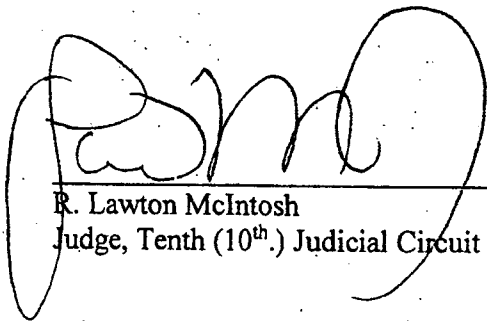
ORDER DENYING MOTION TO RECONSIDER
SENTENCE

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 (10th.) Judicial Circuit

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

ATRUE COPY
MAR 26 2018
Anderson, SC
ANDERSON CLERK OF COURT



Greenville County 13th Judicial Circuit Public Index

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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

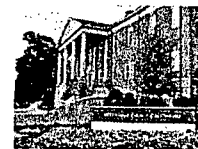
Click the ☒ icon to show associated parties.

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
☒ 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
☒ 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



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Switch View

State of South Carolina vs George Cleveland III

Case Number:	2012A2330200169	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:	2012GS2307505	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
☒ 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
☒ 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



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Switch View

State of South Carolina vs George Cleveland III

Case Number:	N201732	Court Agency:	Greenville General Sessions	Filed Date:	06/27/2012
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:	06/25/2012	Arrest Date:	06/21/2012
Law Enf. Case:	12-90329	True Bill Date:	09/24/2013	No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS2307506	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

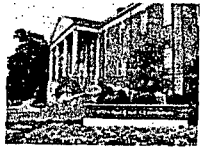
Click the ☒ icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
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
☒ 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
☒ 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



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13th Judicial Circuit
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State of South Carolina vs George Cleveland III

Case Number:	N201731	Court Agency:	Greenville General Sessions	Filed Date:	06/27/2012
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:	06/25/2012	Arrest Date:	06/21/2012
Law Enf. Case:	12-90329	True Bill Date:	09/24/2013	No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS2307507	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
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
☒ 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
☒ 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

County of OCONEE
STATE VS.
GEORGE CLEVELAND III
AKA. _____
Race Black Sex: Male
DOB: 11/03/1978
SSN: 251397475
SID#: 01068002

2012 - GS - 23 - 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
Original Sentence: 10 YRS. SUSP. 6YRS+5YRS PROP

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ORDER

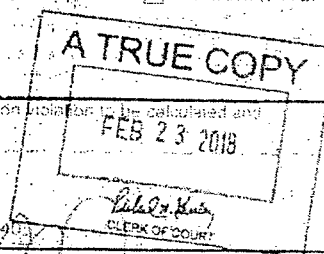
The above named defendant has been charged with violating the conditions of probation imposed on 11/05/2013 in the Court of General Sessions of GREENVILLE County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____ as set forth in the attached verbatim(s) of the original order(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(s) 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 §23-5-544 (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 ☐ Department fees
☒ Fines and other fees ☐ Fines and other fees
☒ Restitution (and 20%) ☐ 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 violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 6 months/years on this sentence (self sentence time and/or prior partial revocation credit).
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-5-544.



This 23 day of Feb 2018
at WALHALLA, SC

10TH Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of probation, impose any judicial conditions or order a period of incarceration for violation of probation. At any time during the period 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 be 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 this Court's order and of such terms.

Offender's Signature: [Signature]
Signed this 23 day of Feb 18

Witnessed by: [Signature]
at WALHALLA, SC

County of OCONEE
STATE VS
GEORGE CLEVELAND III
AKA.
Race Black Sex Male
DOB 11/03/1978
SSN: 251397475
SID# 01065002

2012 - GS 23 - 07507
Probation C/W#s. C-37-17-0059
Name of Original Offense: FALSIFYING VIN NUMBER
Original A/W#: N201731
Date of Original Offense: 06/21/2012
Conviction S.C. Code § 16-21-0040(A)(2)
Conviction CDR Code #: 0 / 5 / 3 / 5
Original Sentence: 5 YRS. SDP

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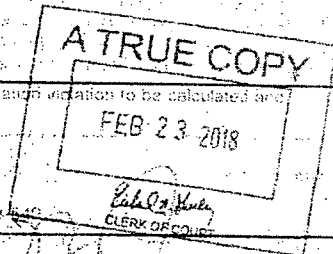
ORDER

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 presented by the Court in probation continuation order(s) issued on 10/05/2017 as set forth in the attached warrants, or documents dated 10/05/2017. After hearing the evidence and being duly advised in the presence 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 90 days months/years, the remainder of the original sentence and/or pay \$ 0
- ☒ 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 \$ 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 for 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 lower act discretionary if convicted of any other applicable sex offense against a minor)
- ☒ Financial Obligations. Order satisfies: ☒ Department fees ☐ Civil judgment ☐ Department fees
☒ Fines and other fees ☐ Fines and other fees
☒ Restitution (and 20% interest) ☐ Restitution (and 20% interest)
- ☒ Additional Conditions ordered by the Court:
- Toll while in court
- Restitution 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 months/years on this sentence.
(used sentence time and/or give partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §2315-040



This 23 day of Feb, 2018
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 probation, impose any lawful conditions it deems proper, or extend your period of probation up to twelve (12) years. At any time during the period of your probation, the Court may require you to appear before the Court to review your progress. This is to certify that I have read or have had read to me the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my assigned probation officer during the period of the probation. I have received a copy of this Court's order and all attachments.

Offender's Signature R. F. ...
Signed this 23 day of Feb, 18 at WALHALLA

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

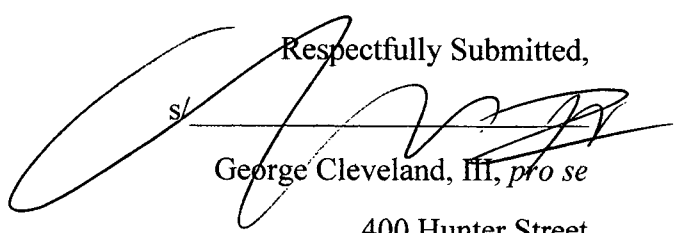
c/o Matthew C. Buchanan, *General Counsel*

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

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: gcleveland7475@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
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



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MAY 11 2018

SC Court of Appeals