

APPELLANT'S MOTION FOR LEAVE TO STAY THE
FILING OF APPELLANT'S INITIAL BRIEF

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; 2012652307505; N201731

ORIGINAL SENTENCE FROM GREENVILLE COUNTY

APPELLATE CASE NO. 2018-000564

George Cleveland, III,Appellant

v.

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

The State of South Carolina,.....Respondents

RECEIVED
AUG 07 2018
SC Court of Appeals

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

S.C.D.P.P.P.S.

Matthew C. Buchanan, General Counsel

Post Office Box 50666

Columbia, S>C. 29250

Attorney for the Respondents

Appellant's Motion to Stay the Filing of the Initial Brief

MAY IT PLEASE THE COURT: George Cleveland, III, proceeding *pro se* in the above captioned case, respectfully request that this Court Grant this Motion to Stay the filing of my Initial Brief, and Designation of the Matters on Appeal until after Circuit Judge McIntosh has decided my transcript challenge pursuant to the provisions in the *South Carolina Court Reporting Manual. XIII (C). CUSTODY AND CONTROL OF THE RECORD* (“Further review of the record may be permitted by the presiding judge upon written request...”). Exhibits 1-2.

The Filed Motion in the Anderson County General Sessions Court is attached to this Motion, see Exhibits 6-20.

The specific controversy is that the Circuit Court Reporter Lisa M. Scott failed to amend her Certificate of Reporter certifying that the changes she made are true and accurate under section P of the S.C. Court Reporter Manual after she corrected the name of the Probation Agent that was present at the hearing from “Probation Officer” to “L. Travis Holcombe, Probation Officer”. Exhibits 3-5.

The original Certificate of Reporter dated May 29, 2018 is the same language as the June 11, 2018 Certificate of Reporter; accordingly, **I'm respectfully requesting that this Court Grant this instant Motion to Stay the filing of my Initial Brief, and the designation of matters to be included on Appeal**

until after Circuit Court Judge McIntosh has reviewed the attached
Motion to review the transcript, and the authorities under the SCRAP, and
the S.C. Court Reporter Manual. *IBID.*

Respectfully Submitted,

s/ _____

George Cleveland, III, *pro se*

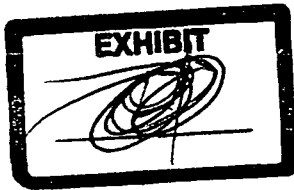
400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

Dated: July 31, 2018



reporter will then review the record and report the findings in writing to the challenger, with a copy to all parties and Court Administration. Any inaccuracies will be corrected and the pages forwarded to the challenger at no cost. Copies of correspondence relating to a challenge to a transcript's accuracy must be provided to Court Administration in accordance with Rules 207 and 607, SCACR. Further review of the record may be permitted by the presiding judge upon written request with good cause shown. If no challenge is received by the court reporter within the one-year period the tapes may be reused or destroyed. (Rule 607(i), SCACR) (See Appendix 4).

If a transcript is requested by an individual who is not a party to the case, primary and back-up tapes should not be destroyed or reused after the transcript is prepared until the required time periods are satisfied. This requirement is necessary because the transcript produced for a non-party may not otherwise be available if an appeal is taken.

In a death penalty case where the defendant is sentenced to death, a transcript is generally requested. Court reporters must notify Court Administration as soon as a death penalty transcript is requested.

XIV. TRANSCRIPTS

A. Requests for Production of Transcripts

All transcript requests must be submitted in writing or via email to the court reporter and state with specificity the portion of the transcript desired and whether a particular format (.rtf, pdf., txt.) is requested in addition to the hard copy original transcript. The written request must include the case caption, case number, date(s) of proceeding, county and judge. A court reporter should provide attorneys and



2. Exhibit list reflecting those marked for i.d. and entered in evidence;
3. Digital files with instructions for use;
4. Court reporter trial log and other helpful information;
5. Court reporter contact information in case there are questions.

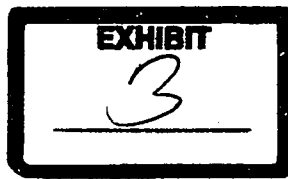
B. Requests to Listen to Audio Recordings/Read Steno Notes

Court reporters **shall not** grant any request to listen to audio recordings or to read steno notes unless the requestor has received written authorization from the presiding judge or, in his/her absence, the chief judge for administrative purposes in that circuit.

C. Retention of Primary and Back-up Tapes

Rule 607(i), SCACR governs the retention of tapes. It provides that a court reporter shall retain the primary and back-up tapes of a proceeding that has not been transcribed for a period of at least five years after the date of the proceeding. Only after the expiration of that period may the court reporter reuse or destroy the tapes. If the proceeding was a hearing or trial which lasted for more than one day, the time shall be computed from the last day of the hearing or trial.

In any proceeding which has been transcribed, the court reporter shall retain the primary and back-up tapes which have been transcribed for a period of at least one year after the original transcript is sent to the requesting party to allow any party to challenge the accuracy of the transcription. When there is a challenge to the accuracy of a transcript, the court reporter will respond to the challenger in writing. The court



P. Certificate of Court Reporter

A statement must be made by the court reporter certifying the accuracy of the transcript. The certificate must be signed by the reporter; it does not need to be notarized. The completion date of the transcript must be included in the certificate. (See Appendix 3, Exhibit 15).

XV. REQUIRED REPORTS

The court reporter shall furnish information requested in the Court Reporter Transcript Tracking System supplied online by Court Administration. Accurately recording time worked is the responsibility of every court reporter. Altering, falsifying, tampering with time records, or recording or tampering with another employee's time record, may result in disciplinary action, up to and including termination of employment or a finding of contempt. It is the court reporter's responsibility to sign time and work records.

A court reporter's signature on any required report constitutes a certificate by him/her that the information entered online into the Court Reporter Transcript Tracking System on all reports, including all time and work recorded therein, is true and accurate to the best of the court reporter's knowledge.

A. "Hours Worked" Recorded on Weekly Time Sheets (Monthly Report)

State of South Carolina
County of Anderson

Court of General Sessions



State of South Carolina)
)
)
 v.)
)
 George Cleveland, III)
)
 Defendant.)

Transcript of Record
2012-GS-23-07504
2012-GS-23-07505
2012-GS-23-07507

February 23, 2018
Anderson, South Carolina

B E F O R E:

The Honorable Lawton McIntosh, Judge.

A P P E A R A N C E S:

L. Travis Holcombe, Probation Agent
George Cleveland, Pro Se Defendant

Lisa Scott
Circuit Court Reporter

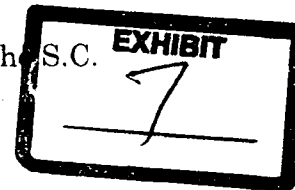
STATE OF SOUTH CAROLINA
IN THE COURT OF GENERAL SESSIONS

State of South Carolina,) FOR THE TENTH JUDICIAL CIRCUIT
Plaintiff,)
v.) Warrant No, 2012-GS-23-07504
George Cleveland, III,) **Defendant's Motion to Challenge Transcript**
Defendant.)
_____)



1. To: Circuit Court Judge R. Lawton McIntosh: George Cleveland, III, the *pro se* Defendant in the above captioned case, respectfully request that this Court simply order Circuit Court Reporter Lisa M. Scott who transcribed the February 23, 2018 proceedings where you presided at the Anderson County General Sessions Court to amend the Certificate of Reporter to add that she spoke *ex parte* to the Anderson County Probation Office “I was able to check with the probation office today and it was actually L. Travis Holcombe that was in attendance on the date in question. I have made that correction and will be forwarding you the transcript shortly.” See Exhibit-1 (June 11, 2018 email from Ms. Scott). On June 15, 2018, Ms. Scott declined to certify that Mr. Holcombe was in fact the Probation Official present at the February 23, 2018 hearing, see Exhibit-2 . Since Ms. Scott still refused to certify that the Transcript proceedings are true and correct “[a]ny inaccuracies will be corrected and the pages forwarded to the challenger at no cost under XIII. CUSTODY AND CONTROL OF THE RECORD (C) . Since there is still a controversy remaining, this Court has Jurisdiction pursuant to XIII. CUSTODY AND CONTROL OF THE RECORD (C) of the S.C. Court Reporter Manual.

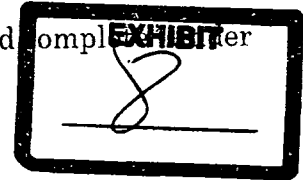
“Further review of the record may be permitted by the presiding judge upon written request with good cause shown.” See Exhibits 3-4 (copy of pages 19-20 of the S.C. Court Reporter Manual).



2. The S.C. Court Reporter Manual states in section P. Certificate of Court Reporter A statement must be made by the court reporter certifying the accuracy of the transcript. The certificate must be signed by the reporter; it does not need to be notarized. The completion date of the transcript must be included in the certificate.

3. On May 29, 2018, Ms. Scott “certif [ied] that the foregoing is a true, accurate, and complete transcript of record of all the proceedings... on the 23rd day of February, 2018. See Exhibit-5. In her June 11, 2018 email to me confirming that she made changes to the February 23, 2018 transcript pursuant to my transcript challenge that no name was on the title page for the Probation Official that represented the SCDPPPS at that hearing, but she put “Probation Officer”, see Exhibit-6, but she did not add a single word to the Certificate of Reporter dated June 11, 2018 (corrected transcript), see Exhibit-7 to expressly state that she spoke with the Anderson County Probation Office and “was able to check with the probation office today and it was actually L. Travis Holcombe that was in attendance on the date in question. I have made that correction and will be forwarding you the transcript shortly.” See Exhibit-1. She expressed the language in the June 11, 2018 email is not enough to certify that the transcript is a true, accurate, and complete transcript of speaking with Mr. Holcombe himself or another staff member of the Anderson County Probation Office, but the S.C. Court Reporter Manual requires Ms. Scott in

section P. Certificate of Court Reporter. "A statement must be made by the court reporter certifying the accuracy of the transcript", see exhibit-8 (page 35 of the Court Reporter Manual); consequently, the correct June 11, 2018 transcript made by Circuit Court Reporter Lisa M. Scott is not "true, accurate, and complete" under section P "Certificate of Court Reporter". *IBID.*



Relief Requested:

4. **WHEREFORE:** Grant this instant Motion, and order South Carolina Circuit Court Reporter Lisa M. Scott to add language to her *Certificate of Reporter* dated June 11, 2018 that she spoke with the Anderson County Probation Office today (June 11, 2018) *ex parte* and it was actually L. Travis Holcombe that was in attendance on February 23, 2018 at the General Sessions hearing held at the Anderson County Courthouse. Or similar language that is sufficient to make clear how Ms. Scott knew L. Travis Holcombe was the Probation Agent present that the February 23, 2018 hearing at the Anderson County General Sessions Court.

Respectfully Submitted,

s/

George Cleveland, III, *pro se*

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleveland7475@gmail.com

Dated: July 26, 2018

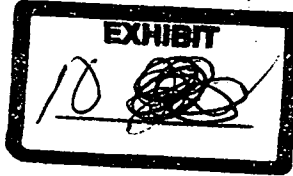
2/20/18

Gmail - Challenge of transcript

Indeed the Probation Official at my hearing because he did not say his name on the record, you, nor Judge McIntosh did not request that he say his name for the record; therefore, I have no proof of the name of the specific Probation Staff member who told you it was Mr. Holcombe; accordingly, can you please request that the Anderson County Probation Office on their letter-head expressly state Mr. L. Travis Holcombe was the Probation Official at my hearing on March 09, 2018 at the Anderson County Courthouse; Judge McIntosh presiding?

Very Best Regards,

George Cleveland, III
400 Hunter Street
Seneca, S.C. 29678
Cell no. 864-784-7223
[Contacted text: hidden]



Fri, Jun 15, 2018 at 9:23 AM

Scott, Lisa M. <lscott@sccourts.org>
To: George Cleveland III <gcleveland7475@gmail.com>

Mr. Cleveland.

I spoke with Mr. Holcombe directly and he assured me it was him, so the transcript is accurate. You should receive your copy shortly, and that will conclude any further business we have.

Thank you,

Lisa Scott
Circuit Court Reporter
Thirteenth Judicial Circuit

From: George Cleveland III <gcleveland7475@gmail.com>
Sent: Friday, June 15, 2018 1:40 AM
To: Scott, Lisa M.
Subject: Re: Challenge of transcript

Dear Ms. Scott,

I understand your concern about making sure the transcript is accurate. I also have concerns about the name of the Probation Official that was at the hearing. You stated the Probation Office told you his name was L. Travis Holcombe, I stated his name was Mark Simmons. They must look alike. To settle this issue, I will feel more comfortable if you contacted the Probation Office in I assume, Anderson County, and get verification in writing that Mr. Holcombe was indeed the Probation Official at my hearing because he did not say his name on the record, you, nor Judge McIntosh did not request that he say his name for the record; therefore, I have no proof of the name of the specific Probation Staff member who told you it was Mr. Holcombe; accordingly, can you please request that the Anderson County Probation Office on their letter-head expressly state Mr. L. Travis Holcombe was the Probation Official at my hearing on March 09, 2018 at the Anderson County Courthouse; Judge McIntosh presiding?

Very Best Regards,

George Cleveland, III
400 Hunter Street
Seneca, S.C. 29678
Cell no. 864-784-7223

On Mon, Jun 11, 2018 at 3:13 PM Scott, Lisa M. <lscott@sccourts.org<mailto:lscott@sccourts.org>> wrote:
Mr. Cleveland.

I didn't feel comfortable using Mr. Simmons' name since I wasn't able to speak to him myself. I was able to check with the probation office today, and it was actually L. Travis Holcombe that was in attendance on the date in question. I have made that correction and will be forwarding you the transcript shortly.



2. Exhibit list reflecting those marked for i.d. and entered in evidence;
3. Digital files with instructions for use;
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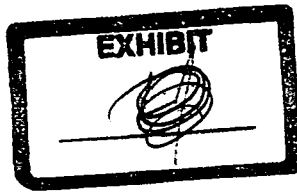
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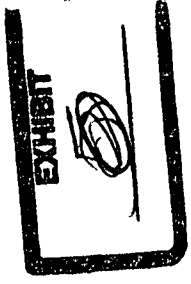
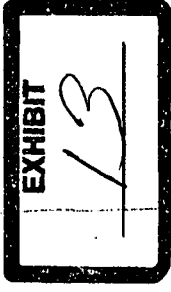
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XIV. TRANSCRIPTS

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C E R T I F I C A T E O F R E P O R T E R



STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

I, the undersigned, Lisa Scott, Circuit Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Anderson County, South Carolina, on the 23rd day of February, 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

May 29, 2018

/s/Lisa Scott

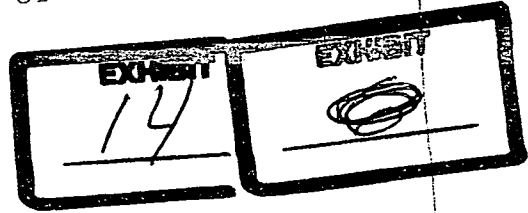
Lisa Scott
Circuit Court Reporter

Lisa Scott

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State of South Carolina
County of Anderson

Court of General Sessions



State of South Carolina

v.

George Cleveland, III
Defendant.

Transcript of Record
2012-GS-23-07504
2012-GS-23-07505
2012-GS-23-07507

February 23, 2018
Anderson, South Carolina

B E F O R E:

The Honorable Lawton McIntosh, Judge.

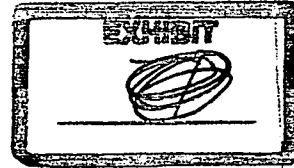
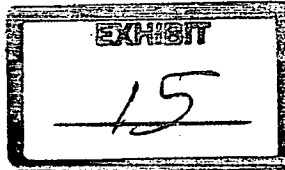
A P P E A R A N C E S:

Probation Officer
George Cleveland, Pro Se Defendant

Lisa Scott
Circuit Court Reporter

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON



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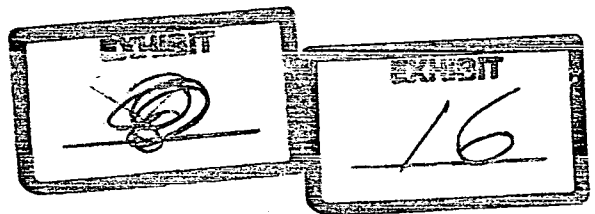
I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 11, 2018

/s/Lisa Scott

Lisa Scott
Circuit Court Reporter

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P. Certificate of Court Reporter

A statement must be made by the court reporter certifying the accuracy of the transcript. The certificate must be signed by the reporter; it does not need to be notarized. The completion date of the transcript must be included in the certificate. (See Appendix 3, Exhibit 15).

XV. REQUIRED REPORTS

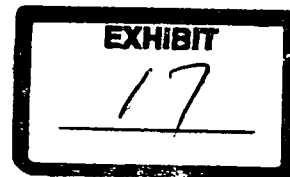
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A. "Hours Worked" Recorded on Weekly Time Sheets (Monthly Report)

STATE OF SOUTH CAROLINA
IN THE COURT OF GENERAL SESSIONS

State of South Carolina,) FOR THE TENTH JUDICIAL CIRCUIT
Plaintiff,)
v.) Warrant No, 2012-GS-23-07504
George Cleveland, III,) **Defendant's Certificate of Service**
Defendant.)
_____)



I, George Cleveland, III, the *pro se* Defendant in the above captioned case, on the date below, served by first class mail, postage prepaid, and the envelope properly addressed, the Defendant's Motion to Challenge Transcript to the following parties, and their respective last know mailing addresses:

Lisa M. Scott, Circuit Court Reporter

Post Office Box 4356

Anderson, S.C. 29622

Desiree Allen, Court Reporter Manager of the S.C. Court Administration

1220 Senate Street, Suite 200

Columbia, S.C. 29201

Matthew Buchanan, General Counsel for the SCDPPPS

Post Office Box 50666

Columbia, S.C. 29250



Respectfully Submitted,

s/

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is slanted and appears to be "George Cleveland, III".

George Cleveland, III, *pro se*

400 Hunter Street

Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gcleland7475@gmail.com

Dated: July 31, 2018

