

APPELLANT'S RECORD ON APPEAL

RECEIVED
APR 22 2019
SC Court of Appeals

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 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

APPELLANT'S RECORD ON APPEAL

George Cleveland III, *pro se*
400 Hunter Street
Seneca, S.C. 29678

Email: gcleveland7475@gmail.com

864-784-7223

Pro se Appellant

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

Mathew C. Buchanan, General Counsel

Post Office Box 50666

Columbia, S.C. 29250

Attorney for the Respondent

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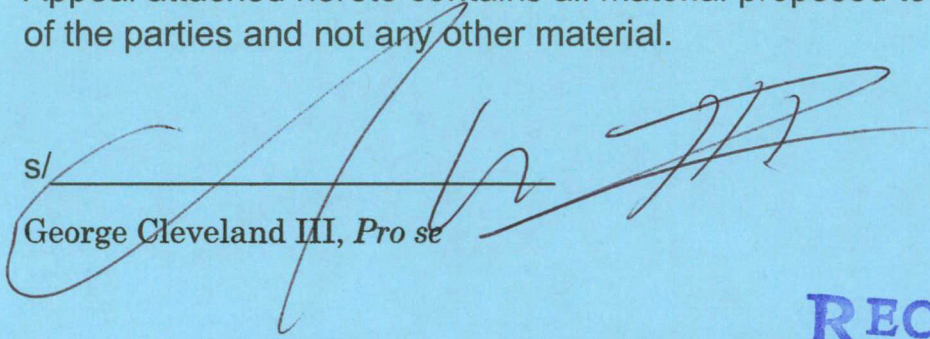
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Certificate of Pro se.

I, George Cleveland III, the *pro se* Appellant certifies that the Record on Appeal attached hereto contains all material proposed to be included by any of the parties and not any other material.

s/ 
George Cleveland III, *Pro se*

RECEIVED

APR 22 2019

SC Court of Appeals

Dated: April 13, 2019



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

April 01, 2019

George Cleveland, III
400 Hunter Street
Seneca SC 29678

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

Dear Mr. Cleveland:

According to our records, the record on appeal was due to be served upon the respondent and the proof of service for the record on appeal filed with the Court no later than March 18, 2019. Within ten days of the date of this letter, you must serve the record on appeal upon the respondent and file the proof of service for the record on appeal, along with a motion to allow late filing. Failure to comply will result in the dismissal of this appeal.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Matthew C. Buchanan, Esquire



Homegoing Celebration
for



George Cleveland, Jr.

Sunrise
September 7, 1949

Sunset
March 30, 2019

Wednesday, April 3, 2019
2:00 p.m.

Seneca River Association Family Life Institute
298 S. Poplar St.,
Seneca, SC 29678

Reverend Bill Lewis, Officiating

*"He that dwelleth in the secret place of the most High shall
abide under the shadow of the Almighty". Psalm 91*

R. p. 1

The South Carolina Court of Appeals

The State, Respondent,

v.

George Cleveland, III, Appellant.

Appellate Case No. 2018-000564

ORDER

After careful consideration, the motion to stay is denied. *See* Rule 246(a), SCACR ("The service of a notice of appeal by a criminal defendant shall operate as a stay of the execution of the sentence until the appeal is finally disposed of; provided, however, a sentence of confinement shall not be stayed until the defendant has posted bail under S.C. Code Ann. 18-1-80 and -90 (1985).").


FOR THE COURT

Columbia, South Carolina

cc:
George Cleveland, III
Matthew C. Buchanan, Esquire

FILED

April 5, 2018

R. p. 2

The South Carolina Court of Appeals

The State, Respondent,

v.

George Cleveland, III, Appellant.

Appellate Case No. 2018-000564.

The Honorable R. Lawton McIntosh
Greenville County
Trial Court Case No. 2012GS2307504

ORDER

The appellant had filed a motion to amend his notice of appeal. The appellant's motion is granted. Our records show the transcript has been ordered. The appellant is to notify the respondent and Court when the transcript has been received so that our records may reflect the correct due date for the appellant's initial brief and designation of matter.

FOR THE COURT

BY *V. Claire Allen, Deputy*
CLERK

Columbia, South Carolina

cc:
George Cleveland, III
Matthew C. Buchanan, Esquire

FILED
May 18, 2018

R.p. 3

The South Carolina Court of Appeals

The State, Respondent,

v.

George Cleveland, III, Appellant.

Appellate Case No. 2018-000564

ORDER

After careful consideration, Appellant's emergency motion to stay is denied. As this court previously noted in its April 5, 2018 order, the service of a notice of appeal by a criminal defendant does not operate as a stay of the execution of the sentence unless the defendant posted bail under sections 18-1-80 and -90 of the South Carolina Code Annotated. *See* Rule 246(a), SCACR; *State v. Gibbs*, 353 S.C. 226, 577 S.E.2d 454 (2003).


FOR THE COURT

Columbia, South Carolina

cc:

George Cleveland, III

Matthew C. Buchanan, Esquire

FILED

June 13, 2018

The South Carolina Court of Appeals *R.p. 4*

The State, Respondent,

v.

George Cleveland, III, Appellant.

Appellate Case No. 2018-000564

ORDER

Appellant has filed two motions, which this court construes as motions for an extension of time to serve and file Appellant's initial brief and designation of matter. The request for an extension of time is granted. Appellant's initial brief and designation of matter shall be served and filed within thirty days of the date of this order.

FOR THE COURT

Columbia, South Carolina

cc:
George Cleveland, III
Matthew C. Buchanan, Esquire

FILED
September 6, 2018

R.P.S

The Supreme Court of South Carolina

George Cleveland, III, Petitioner,

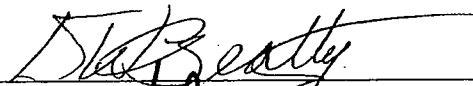
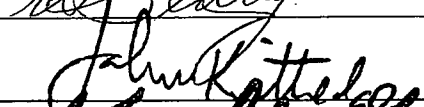
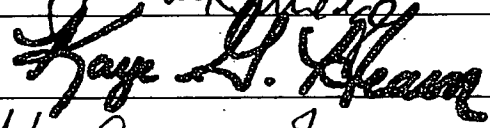
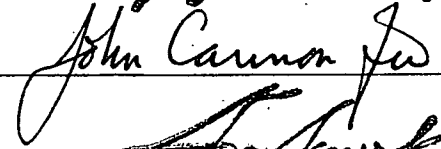
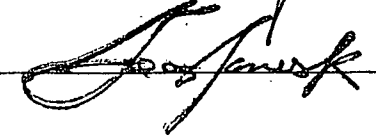
v.

State of South Carolina, Respondent.

Appellate Case No. 2018-001272

ORDER

Petitioner has filed an Emergency Motion for Stay of Probation while his appeal is pending before the court of appeals. The court of appeals has previously denied the same motion. The motion is denied.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

September 24, 2018

cc:
George Cleveland, III
Matthew C. Buchanan, Esquire
The Honorable Jenny Abbott Kitchings

Rip 7

The South Carolina Court of Appeals

The State, Respondent,

v.

George Cleveland, III, Appellant.

Appellate Case No. 2018-000564

The Honorable R. Lawton McIntosh
Greenville County
Trial Court Case No. 2012GS2307504

ORDER

The request for an extension to serve and file the initial brief of appellant and designation of matter is granted and extended until January 18, 2018. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
George Cleveland, III
Matthew C. Buchanan, Esquire

FILED

January 4, 2019

R.P. 8

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

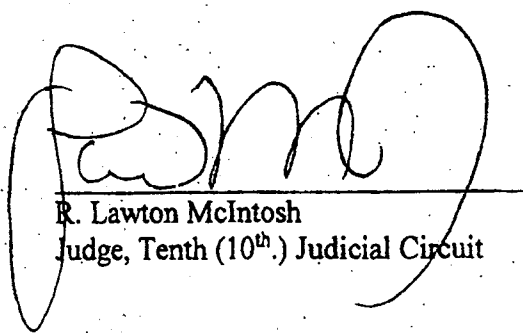
ORDER DENYING MOTION TO RECONSIDER
SENTENCE

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

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

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

County of OGONEE
STATE VS

2012 - GS 22 - 07507
Probation C/W#s: C-37-17-0059

GEORGE CLEVELAND III
AKA _____
Race Black Sex: Male
DOB 11/03/1978
SSN: 251397475
SID#: 01065002

Name of Original Offense: FALSIFYING VIN NUMBER
Original A/W#: N201731
Date of Original Offense: 08/21/2012
Conviction S.C. Code § 16-21-0040(A)(2)
Conviction CDR Code # 0 / 5 / 3 / 5
Original Sentence: 5 YRS. SDP

R.P. 10
[Signature]

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, under the additional provisions covered by the Court in probation continuation orders) issued on _____ as set forth in the attached warrants, or in another date 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 \$ 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 sentence(s) subject to the conditions set forth herein, and not inconsistent with this order.
- probation is returned 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 §2016-040 (penal code) if convicted of first degree criminal sexual conduct with a minor or first degree predatory if convicted of any other applicable sex offense against a minor.
- Financial Obligations. Order satisfied:
 - Department fees paid
 - Fines and other fees paid
 - Restitution (and 20%) paid
 - Drive indemnity
 - Department fees
 - Fines and other fees
 - Restitution (and 20%)

Additional Conditions ordered by the Court:
- Tell wife I am not
- 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 of this sentence.
- The defendant was previously placed on active electronic monitoring pursuant to §2016-040.

A TRUE COPY
FEB 23 2018
[Signature]
CLERK OF COURT

This 23 day of Feb, 2018
WALHALLA, SC
Residing Judge [Signature]
10TH Judicial Circuit

We are hereby advised that under the law the Court may, at any time revoke or modify any condition of this probation, without any further conditions, a bench warrant, or extend the period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve all, part of the original sentence imposed. It is to certify that I have read to have had read to me the order and the conditions set out herein, I agree to comply with them according to the conditions of my probation and to return to court during the period of my probation. I have received a copy of the Court's order and all attachments.

Defendant's Signature: [Signature]

Witnessed by: [Signature]

Signed this 23 day of Feb, 18 at WALHALLA

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

STATE OF SOUTH
CAROLINA,

PLAINTIFF,

VS.

GEORGE CLEVELAND III,
DEFENDANT.

IN THE COURT
OF GENERAL SESSIONS

DEFENDANT'S MOTION
TO RECONSIDER
FEBRUARY 23, 2018
SENTENCE

1. MAY IT PLEASE THE COURT: George Cleveland III, proceeding pro se respectfully submits this motion to reconsider the February 23, 2018, 90 DAY JAIL sentence in the Anderson county Detention Center on the following grounds:

1-1. the 90 DAY JAIL sentence for being behind on Restitution is unconstitutional under Art. 1 § 19 of the S.C. Const. because Restitution is A debt;

1-2. S.C. Code Ann. § 24-21-430 Required this Court to determine my Ability

is due from one person to another, whether money, goods, or services, AND whether payable AT present OR AT A FUTURE TIME." EX PARTE HOLLMAN 79 S.C. 9, 60 S.E. 1914 (1908), RESTITUTION IS A DEBT WHICH IS NOT PUNISHABLE BY IMPRISONMENT UNDER EX PARTE, ID., AND ART. 1 § 19 OF THE S.C. CONST.; THEREFORE, THE 90 DAY JAIL SENTENCE FOR WILLFULLY FAILING TO PAY RESTITUTION WAS BARRED, SEE EXHIBITS 2-3, SEE ALSO EXHIBIT 5-6.

S.C. CODE ANN. § 24-21-430

REQUIRED THIS COURT TO

DETERMINE MY ABILITY

TO PAY THE RESTITUTION

6. THIS COURT FAILED TO DETERMINE MY ABILITY TO PAY THE RESTITUTION BY NOT EVEN MENTIONING THE FACT THAT MY AVE. OF \$350.00 A WEEK; MY \$100.00 ELECTRIC BILL, \$110.00 CAR INSURANCE, \$130.00 FOR HEALTH INSURANCE, SHORT TERM DISABILITY AND HOSPITAL CONFINEMENT, \$400.00 FOR GROCERIES, \$400.00 GAS, AND \$300.00 FOR LEGAL FEES; SEE

Exhibit 4 (Supporting Declaration) but § 24-21-430, is required this Court to determine my Ability to pay; Accordingly, this Court overlooked the Requirement under § 24-21-430, to determine my Ability to pay.

THE DIVER ACT U.S.C.A. §§ 2312, 2313 BARRED THIS COURT FROM JURISDICTION

7 This Court Ruled that it had Jurisdiction without explaining under what legal Authority that gave this Court Jurisdiction despite my Argument that this Court lacked Jurisdiction under the DIVER Act U.S.C.A. §§ 2312, 2313 because the vehicles I was in possession of stolen vehicles crossed state lines whereas, the vehicles were stolen FROM Georgia, and recovered and possessed by me in South Carolina; therefore, this Court lacked Jurisdiction to sentenced me to 90 days of jail in the Anderson County Detention Center.

6

DATE: MARCH 16, 2018

ANDERSON, S.C. 29625

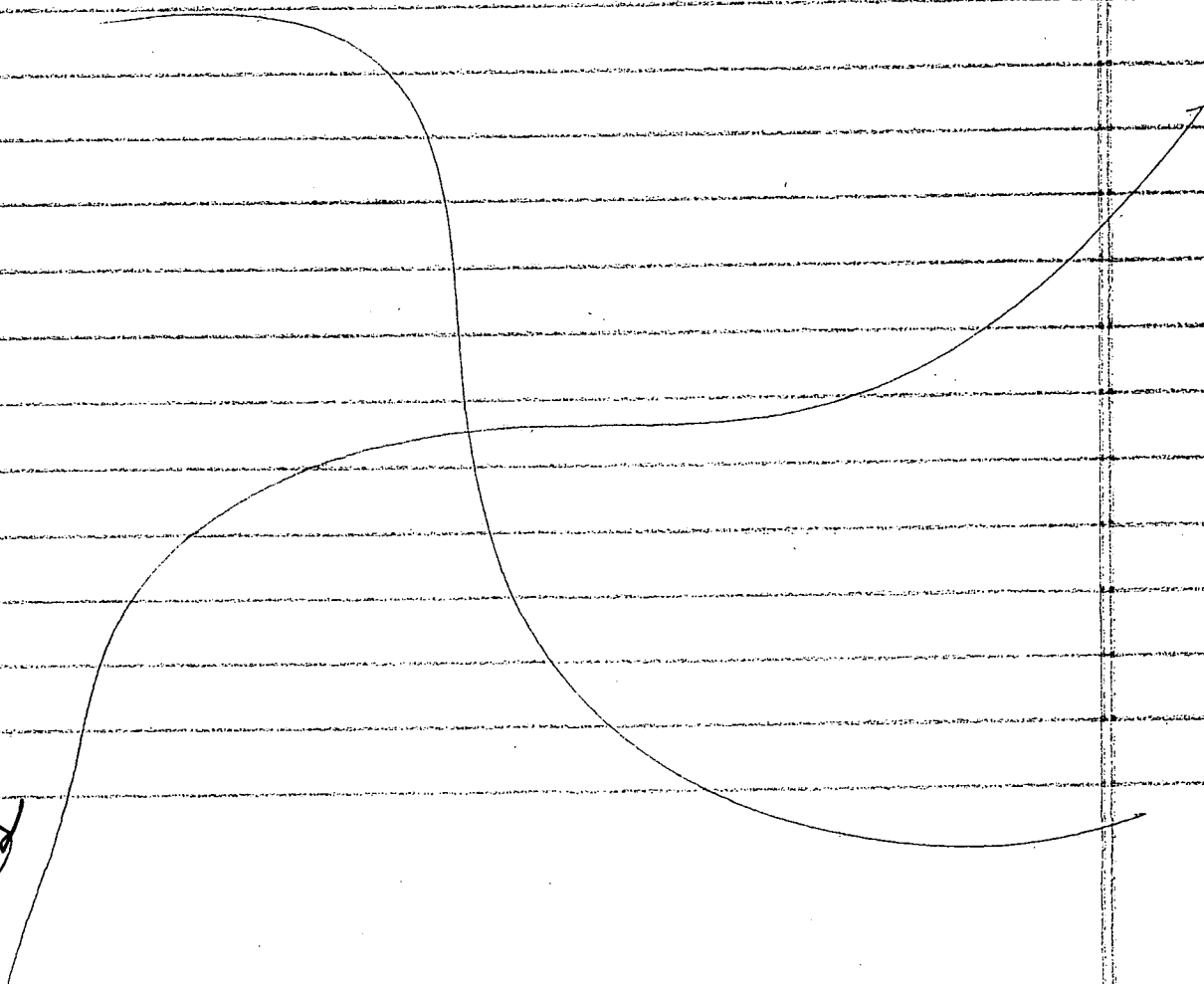
1009 BRIDLE LEE COFFEE PLACE

ANDERSON COUNTY DETENTION CENTER

GEORGE CLEVELAND JR.

~~_____~~
~~_____~~
Respectfully Submitted,

R.P. 14



STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

STATE OF SOUTH
CAROLINA,
PLAINTIFF,

IN THE COURT
OF GENERAL SESSION

VS.
GEORGE CLEVELAND III,
DEFENDANT.

DEFENDANT'S
CERTIFICATE OF
SERVICE

I, George Cleveland III, certify
that on the date below, by and through
the Anderson County Detention
Center personnel, my motion to
reconsider the February 23, 2018
90 day sentence, and supporting
exhibits with prepaid United
States postage to the following:

S.C.D.P.P.S.
OFFICE OF OFFENDER ACCOUNT REVIEW AND COLLECTION
c/o MR. HEYWARD A. HINTON
Post Office Box 50666
Columbia, S.C. 29250

R.p. 16

is due from one person to another, whether money, goods, or services and whether payable at present or at a future time." Ex parte HOLLMAN 79 S.C. 9, 60 S.E. 19, 14 (1908). Restitution is a debt which is not punishable by imprisonment under Ex parte, id., and Art. 1 § 19 of the S.C. Const.; therefore, the 90 day jail sentence for willfully failing to pay restitution was barred, see Exhibits 2-9, see also Exhibit 5-6.

S.C. CODE ANN. § 24-21-430

REQUIRED THIS COURT TO
DETERMINE MY ABILITY
TO PAY THE RESTITUTION

6. This court failed to determine my ability to pay the restitution by not even mentioning the fact that my Ave. of \$350.00 a week, my \$100.00 electric bill, \$140.00 CAR INSURANCE, \$130.00 FOR HEALTH INSURANCE, SHORT TERM DISABILITY AND HOSPITAL CONFINEMENT, \$400.00 FOR GROCERIES, \$400.00 GAS, AND \$300.00 FOR LEGAL FEES, SEE

R.P. 17

Exhibit 4 (Supporting Declaration)
but § 24-21-430, is required this
Court to determine my ability to
pay. Accordingly, this Court overlooked
the requirement under § 24-21-
430, is to determine my ability
to pay.

THE DIVER ACT U.S.C.A. §§
2312, 2313 BARRED THIS
COURT FROM JURISDICTION.

7. This Court ruled that it had jurisdiction
without explaining under what legal
authority that gave this Court
jurisdiction despite my argument
that this Court lacked jurisdiction
under the Diver Act U.S.C.A.
§§ 2312, 2313 because the
vehicles I was in possession
of stolen vehicles crossed state
lines whereas, the vehicles were
stolen from Georgia, and recovered
and possessed by me in South
Carolina; therefore, this Court lacked
jurisdiction to sentenced me to
90 days of jail in the Anderson
County Detention Center.

4.

8. I request that this court take judicial notice of my Dyer Act Argument that are part of the Record in my local cases in Oconee and Greenville Counties;

8.1. Oconee County P.C.R. 2015-CP-718

8.2. Greenville County P.C.R. 2014-CP-23-1895.

9. Based on the foregoing facts, I pray for the following relief:

10. WHEREFORE; GRANT MY MOTION to reconsider the FEBRUARY 23, 2018 90 day jail sentence;

11. ORDER the Anderson County Detention Center to release me immediately respectively.

12. Order any additional relief this court deems just, proper, and/or impartial

6.

DATE: March 16, 2018

Anderson, S.C. 29625

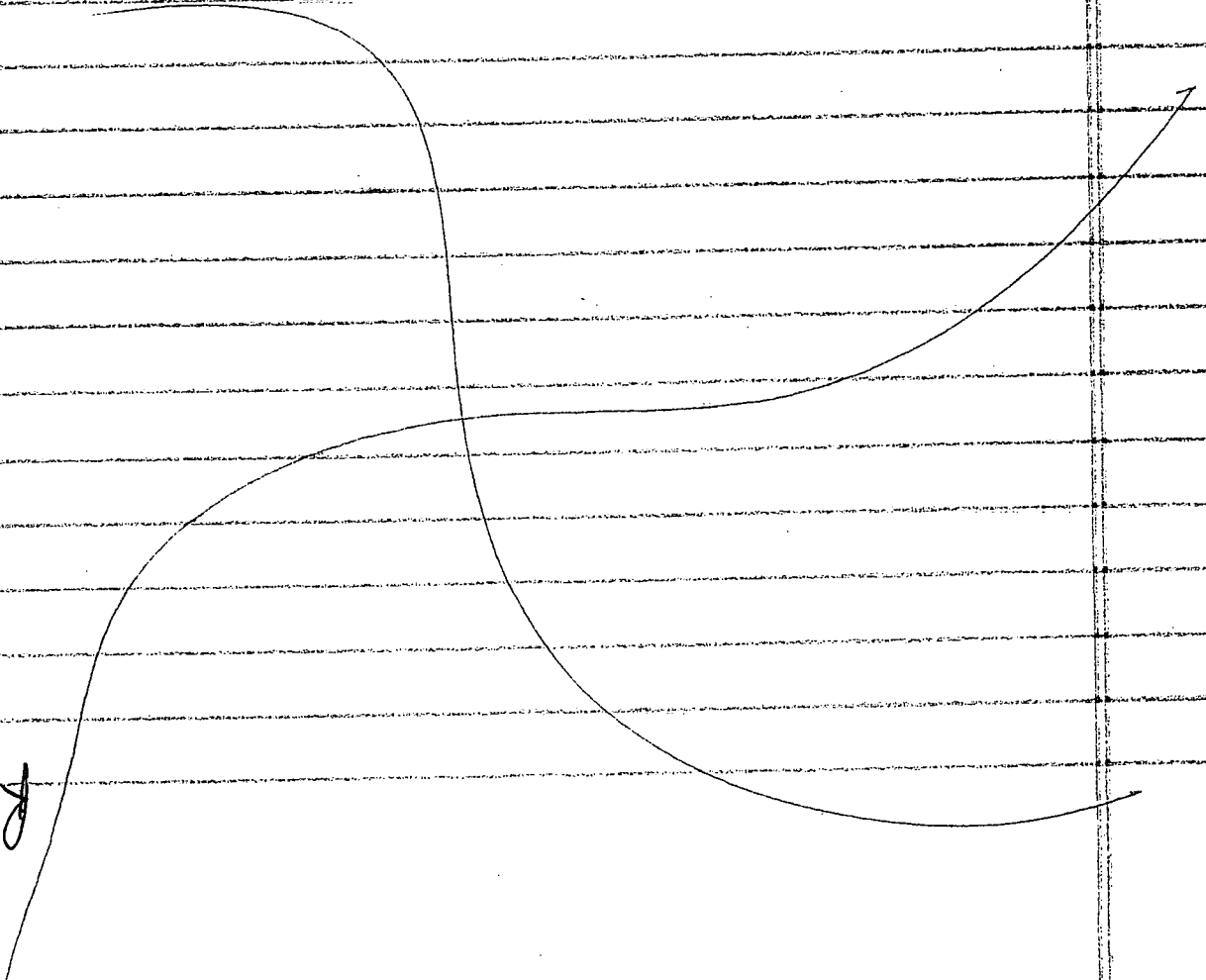
1009 David Lee Coffee Place

Anderson County Detention Center

George Cleveland

Respectfully Submitted

R.P. 19



RECEIVED

MAR 30 2018

SC Court of Appeal

NOTICE OF APPEAL IN GENERAL
SESSIONS COURT

Rp. 20

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 # (S) 2012A2330200168; N 201731

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.

NOTICE OF APPEAL IN GENERAL
SESSIONS COURT

R.p. 21

CONTINUED

RECEIVED
MAR 30 2018
SC Court of Appeals

S.C.D.P.P.S.
OFFICE OF GENERAL COUNSEL
Post office Box 50666
COLUMBIA, S.C. 29250.
ATTORNEY FOR THE RESPONDENTS

GEORGE CLEVELAND III
ANDERSON COUNTY DEN. CENTR
1009 DAVID LEE COFFEE PLACE
ANDERSON, S.C. 29625
PROSE APPELLANT

I, George Cleveland III, Appeals the 90 DAY
JAIL sentence for falling behind on Restitution
payments imposed by Circuit Court Judge LANTON
MCINTOSH on February 23, 2018, And Received

R.P. 22

by me on March 03, 2018 (on March 14, 2018) = mailed to the Anderson County clerk's office, my Rule 59(e) scree motion to reconsider the February 23, 2018 90 day

JAIL-sentence which is pending. A separate motion will be filed in this court to stay the Appeal pending the outcome of my pending motion. (TRID) R.P. 2-3.

The original sentence of 10 years; suspende to 6 years imprisonment and 5 years probation was imposed by circuit court Judge Edward Miller in the Greenville County General Sessions Court on November 05, 2013. My probation is supervised out of the office in WALHALLA

County, S.C. Probation office in WALHALLA S.C. R.P. 2-3.

R.p.23

Respectfully Submitted;

~~George Cleveland~~

ANDERSON COUNTY DEN. CENTER
1009 DAVID LEE COFFEE PLACE
ANDERSON, S.C. 29625

DATED: MARCH 27, 2018 3.

APPELLANT'S MOTION TO STAY
APPEAL PENDING CIRCUIT COURT
DECISION ON RULE 59(e) MOTION

RECEIVED
MAR 30 2018
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

R.P. 24

APPEAL FROM ANDERSON COUNTY
COURT OF GENERAL SESSIONS

R. LANTON 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,

RESPONDENT

APPELLANT'S MOTION TO STAY
APPEAL PENDING CIRCUIT COURT

R.P. 25

DECISION ON RULE 59(e) MOTION

MAY IT PLEASE THE COURT: George
Cleveland ~~III~~, proceeding pro se in the
Above captioned case, respectfully request
that this court GRANT MY STAY IN
this Appeal until circuit court Judge R.
LAWTON McINTOSH Rules on my Rule
59(e) scrcp motion mailed on MARCH 14
2018 to the Anderson County clerk's office
As the initiation of this Appeal is the Attached
motion to Release me on bail, AND stay
the Probation pending the outcome of

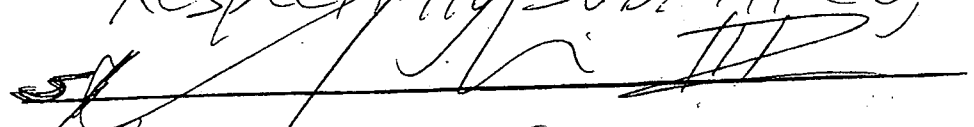
1.

This Appeal. R. p. 4-3

R. p. 26

WHEREFORE; GRANT this instant motion
AND STAY this Appeal pending the outcome
of my Appeal pending in the Anderson
County Clerk's Office (General Sessions
Division).

ORDER ANY ADDITIONAL relief this Court
deems just, proper, AND/or impartial.

Respectfully Submitted,

~~George Cleveland~~
Anderson County Dev Center
1609 DAVID LEE COFFEE PLACE
ANDERSON, S.C. 29625

~~DATED~~: MARCH 27, 2018 2.

SIC COURT OF APPEALS ^{Appellate case}
no. 2018-000564
APPELLANT'S EMERGENCY MOTION
TO STAY PROBATION AND 90 DAY
JAIL SENTENCE PENDING THE R.P. 27
OUTCOME OF THIS INSTANT
APPEAL

RECEIVED
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SC Court of Appeals

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. (E) 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 (SCD.P.P.S.) AND SOUTH CAROLINA, . . . RESPONDENT-

Art 1 § 19 of the S.C. Const. barred circuit court Judge Lanthorn McINTOSH from sentencing

the following grounds:

the outcome of this instant Appeal on of my 90 day jail sentence pending WALTHAM S.C. office And the remainder STAY the Probation supervised out of the Above captioned case Request that this Cleveland III, proceeding prose in the MAY IT PLEASE THE COURT George

APPEAL

OUTCOME OF THIS INSTANT

JAIL SENTENCE PENDING THE

TO STAY PROBATION AND 90-DAY

APPELLANT'S EMERGENCY MOTION

Case no. 2018-00564

SC court of Appeals Appellate

R.P. 28

S. C. COURT OF APPEALS; Appellate case no
2018-000564

Me to 90-days in JAIL for falling behind
on my Restitution because it's A debt:
P.P. 29
("No person shall be imprisoned for
debt.") S.C. CONST. ART. 1 § 19. Repeal

Restitution is A "debt" is that
which is due from one person to
another whether money, goods, or
services, and whether payable at
present or at a future time." ~~EX PART~~
HOLLMAN 79 S.C. 9, 60 S.E. 19, 14 (1908)

I submit, there is AN substantial chance
this court will agree with my ARGUMENT
that my 90 day JAIL sentence for
owing Restitution is UNCONSTITUTIONAL

ORDER ANY ADDITIONAL RELIEF THIS COURT DEEMS
JUST, PROPER, AND/OR IMPARTIAL.

outcome of this instant appeal. R.P. 2-3-5.

Anderson, s.c. 29625 pending the
Center; 1009 David Lee coffee place;

Anderson County, s.c. Detention

of my 90 day jail sentence in the

probation sentence, and the remainder

and stay the remainder of my

WHEREFORE I GRANT MY INSTANT MOTION

for the restitution. ~~IBID.~~ R.P. 30

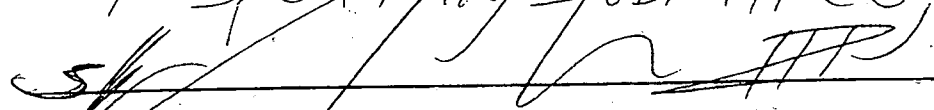
Const. prohibits the jail sentence

id. because Art. 1 § 19 of the s.c.

under Art. 1 § 19 of the s.c. Const.

s.c. court of Appeals; Appellate case
No. 2018-00054

R.p. 31

Respectfully submitted,


George Cleveland, III
Anderson County Courthouse
1009 DAVID Lee Coffee place;
Anderson, SC 29625

DATED: MARCH 27, 2018

4.

APPELLANT'S MOTION FOR LEAVE TO FILE THE ATTACHED MOTION TO STAY THE
FILING OF APPELLANT'S INITIAL BRIEF OUT OF TIME

R.P. 32

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

AUG 07 2018

PROBATION CITATION No. C-37-17-0059

A/W No. (s) 2012A2330200168; 2012652307505; N2018-000564

SC Court of Appeals

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

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

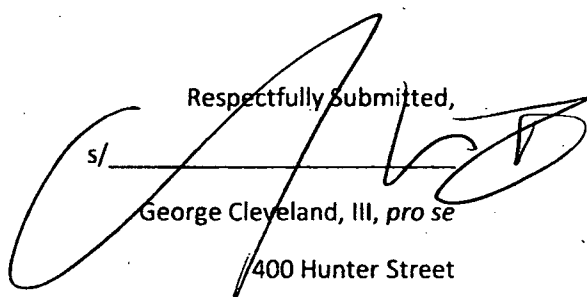
Attorney for the Respondents

R.p. 33

APPELLANT'S MOTION TO FILE MOTION TO STAY FILING OF INITIAL BRIEF

OUT OF TIME:

MAY IT PLEASE THE COURT: George Cleveland, III, proceeding *pro se*, respectfully submits this Motion to file the attached Motion to Stay the filing of my Initial Brief, and Matters to be Included in the Record *out of time* as the Initial Briefing, and the designation of matters to be included in this Appeal were due **July 23, 2018**, see Exhibit 1 (July 06, 2018 letter from the Clerk of the S.C. Court of Appeals) on the grounds that all my time was devoted to filing Briefs in another case in the United States Court of Appeals for the Fourth Circuit. *George Cleveland, III v. State of South Carolina; No. 18-6691*, see also Exhibit 2; consequently, my time, and resources were focused on another legal deadline, and a lot more work involved in preparing for the other case, *id*, and that I'm respectfully requesting that this Court *Grant this instant Motion to file the attached Motion to Stay the filing of my Initial Brief, and designation of matters to be included in the record out of time.*

Respectfully Submitted,
s/ 

George Cleveland, III, *pro se*
400 Hunter Street
Seneca, S.C. 29678

Cell no. 864-784-7223

Email: gccleveland7475@gmail.com

Dated: July 31, 2018

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

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
AUG 07 2018
SC 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

George Cleveland, III, *pro se*
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Seneca, S.C. 29678
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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

R.p. 35

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.

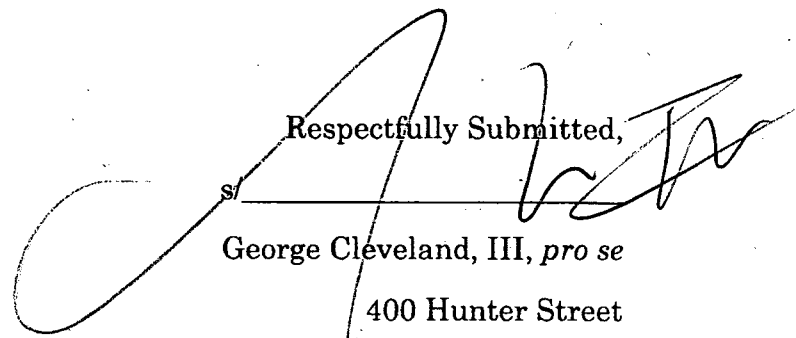
The specific controversy is that the Circuit Court Reporter Lisa M. Scott failed to amend her Certificate of Reporter certifying that the changes she made are true and accurate under section P of the S.C. Court Reporter Manual after she corrected the name of the Probation Agent that was present at the 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**

R.p. 36

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,

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

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

R.p. 37₁

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

R.p. 38 2

I N D E X

WITNESS

PAGE

No Witnesses.

Ref. 39

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1	Court's - Paperwork		X

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P R O C E E D I N G S

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MS. ALEWINE: George Cleveland. He's an add on. George Cleveland.

THE DEFENDANT: (Approached.)

MR. HOLCOMBE: This case is actually out of Oconee County, Your Honor.

THE COURT: Okay.

THE CLERK: Please raise your right hand.

THE DEFENDANT: (Complying.)

THE CLERK: Do you solemnly swear or affirm the testimony you give the Court is the truth, the whole truth, and nothing but the truth?

THE DEFENDANT: Yes, ma'am.

THE CLERK: Thank you.

THE COURT: When was Mr. Cleveland served?

MR. HOLCOMBE: Your Honor, he was served by the citation on October the 12th, 2017.

THE COURT: October?

MR. HOLCOMBE: Yes, sir.

THE COURT: Mr. Cleveland, do you intend to represent yourself today?

THE DEFENDANT: Yes, sir.

THE COURT: All right, sir. Has he been sworn?

THE CLERK: Yes, sir, Your Honor.

1 THE COURT: Mr. Cleveland, have you read or had
2 read to you the report of your probation violation?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you agree or disagree that you
5 willfully violated the terms of your probation?

6 THE DEFENDANT: I disagree.

7 THE COURT: Tell me why.

8 THE DEFENDANT: The -- the bottom of alleged
9 citation deals with restitution, and it's not
10 willfully violated that is.

11 THE COURT: Well, let me ask you this,
12 Mr. Cleveland. You seem like you're educated.
13 You're well-dressed and well-spoken. What kind of
14 work do you do?

15 THE DEFENDANT: I'm a taxicab driver.

16 THE COURT: A taxicab driver?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: How much money do you earn?

19 THE DEFENDANT: I average about \$350 a week.
20 And can I go back to before ---

21 THE COURT: No, sir. I get to ask the
22 questions, and I'll let you speak in just a minute.
23 I get to ask the questions right now.

24 So the question I want to know is this, if you
25 were sentenced in 2013 by Judge Miller?

R.p. 42 6

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And in five years, you paid a total
3 of \$150 towards your restitution according to my
4 report here; is that correct, Officer?

5 MR. HOLCOMBE: He's actually -- he paid a
6 little bit a couple of months ago. Two hundred
7 fifty as of today. Two hundred fifty he's total.

8 THE COURT: \$250. Explain why you could only
9 come up with \$250 since your sentence in May of
10 2013.

11 THE DEFENDANT: Well, if I can correct the
12 record, it was Judge -- let me see, it was Judge
13 Couch who sentenced me over in Oconee County and
14 also Judge Miller from Greenville County, so it's
15 actually two separate cases they all ran concurrent.

16 THE COURT: I don't have both of them. This is
17 1/11/06?

18 MR. HOLCOMBE: It's just 1/11/06. They ---

19 THE COURT: When did Judge Couch sentence him?

20 MR. HOLCOMBE: Hold on. I've got it here. It
21 was Judge ---

22 THE COURT: Actually, it was Miller.

23 MR. HOLCOMBE: Yeah, Judge Miller. I'm showing
24 Judge Miller on both of them -- on all of them -- on
25 both the -- both the sentences.

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7

1 THE COURT: Anyway, the end date is ---

2 MR. HOLCOMBE: The end date is ---

3 THE COURT: --- 2/22.

4 PROBATIONS OFFICER: Yes, sir. That is
5 correct.

6 THE COURT: All right. Well, go back and
7 explain -- explain something to me, Mr. Cleveland.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Again, my question is, how come
10 you've only paid -- or why have you only paid \$250
11 since 2013?

12 THE DEFENDANT: The reason is because I'm
13 still -- my cases are still active.

14 THE COURT: That's not a reason. That's why
15 you pay.

16 THE DEFENDANT: My -- my cases are still
17 pending. They're on appeal. My post-conviction
18 relief from Greenville County and Oconee County.

19 And I have other cases that when I was in
20 prison, I was actually -- they were actually active
21 as well.

22 So it's -- it's -- it's really hard to pay
23 restitution and continue to fight your case as well.
24 So that's the reason why I wanted to state -- tell
25 you that before I got my income, because I have a

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1 breakdown of my income and my bills and things like
2 that.

3 THE COURT: Let me see it.

4 THE DEFENDANT: Ugh...

5 THE COURT: Have you ever tried to meet with
6 the officer to come up with a payment plan?

7 THE DEFENDANT: We -- we have ---

8 THE COURT: Answer the question, please, sir.
9 Have you tried to meet with your officer -- your
10 agent to try to come up with a payment plan?

11 THE DEFENDANT: We did. It wasn't a discussion
12 because they knew that what -- the amount of cases I
13 had, so it was -- it was -- it was irrelevant, I
14 mean, because...

15 MR. HOLCOMBE: Your Honor, when the citation
16 was served, I was actually working in Oconee County
17 and told him it was a money citation.

18 He advised because of the appeals that the
19 Court had no jurisdiction to make him pay
20 restitution. That's why he wasn't paying it.

21 And I said, "Well, you -- you need to advise
22 the Court that, but even while they're on appeal,
23 you're still on probation," but he stated -- and he
24 refused to sign the conditions when he first got
25 out. He felt that the Court had no jurisdiction

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1 over him as far as making him pay restitution.

2 THE COURT: Do you disagree with that?

3 THE DEFENDANT: I disagree with that. The
4 reason I -- the reason I refused to sign the
5 conditions of probation at that time is because I
6 was about to get released from prison in Tiger River
7 Correctional Institution.

8 And they wanted me to sign that before I
9 reported. And I said, "I'm not going to sign that.
10 I'm refusing to sign that till I actually report."

11 So when I -- so when I got out, I maxed out
12 March 31, 2007 -- 17, I reported that Monday,
13 because that was a condition. So when I reported
14 that Monday, I signed the conditions that I
15 understood.

16 MR. HOLCOMBE: He advised me on the date that
17 citation was served that the Court did not have
18 jurisdiction to make him pay the restitution because
19 he was appealing it.

20 THE COURT: Anything further, Mr. Cleveland?

21 THE DEFENDANT: Yes, sir. I have -- I have
22 documentation of the cases I have. I want it
23 entered into the record.

24 THE COURT: Yes, sir.

25 THE DEFENDANT: But so before I do that, I just

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10

1 wanted to briefly explain the situation.

2 What I'm alleging in my post-conviction relief,
3 of course Judge Couch ---

4 THE COURT: Well, this is not a PCR hearing.
5 This is a probation revocation hearing.

6 THE DEFENDANT: Right.

7 THE COURT: It's not relevant to this hearing.

8 THE DEFENDANT: Sir, I -- sir, I respectfully
9 disagree because the statute that -- that gives you
10 jurisdiction to hear this case over the rest -- over
11 the restitution specifically says I can actually
12 make arguments on why I can't pay and submit
13 evidence, so that's why I'm trying to explain to
14 you.

15 THE COURT: I'm not going to hear anything on
16 the PCR. Anything you want to say as to why you're
17 not paying, I'll be glad to hear. That's what I've
18 been trying find out from the beginning of this
19 hearing, so tell me about that.

20 THE DEFENDANT: Judge, the reason I cannot pay
21 the restitution is because I'm continuously fighting
22 my case, my post-conviction relief case in
23 Greenville County and Oconee County.

24 One of them is in Federal Court right now.
25 Both of them -- both of them were submitted -- were

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11

1 submitted to the South Carolina Supreme Court, and
2 they wouldn't put them on the docket. They were
3 forged.

4 And my Oconee County PCR, Judge Sprouse denied
5 it and ordered the State to type up an order of
6 dismissal, which is illegal because the statute --
7 the PCR statute says the judge must make specific
8 findings of fact and conclusion of laws.

9 So that's all in these documents, so that's the
10 reason I can't pay.

11 THE COURT: Okay. Would you make those
12 exhibits for the Court, please, sir, for review?

13 THE DEFENDANT: And just for the record, it's
14 401 pages of PCR activity in Oconee County and
15 Greenville County, the Circuit Court, and also the
16 Supreme Court.

17 There's also some Federal documents -- Federal
18 documents in there from my Federal habeas corpus on
19 my Greenville County case.

20 THE COURT: Okay, sir.

21 THE DEFENDANT: Do you want me to take these
22 off?

23 THE COURT: It's your case. Do whatever you
24 need to do.

25 (Court's Exhibit No. 1 was marked and received

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into evidence.)

THE DEFENDANT: And another thing just for the record, Judge, I draw taxes and I make -- I make about \$350 a week.

Electric bill is \$100 a month. My car insurance is 110. Dental insurance and short-term disability and hos -- hospital department insurance totals 130. My groceries is about 400. My gas is about 400. And my legal fees -- the copies, ink, papers, postage, envelopes -- average about \$300 a month.

THE COURT: Who is your attorney?

THE DEFENDANT: Me.

THE COURT: So you're charging yourself legal fees?

THE DEFENDANT: I'm not charging myself. That's the reason why I put in parentheses, copies, ink, paper, postage and envelopes. It's very, very expensive to fight your own case.

The 401 documents I just submitted was \$53 -- \$56 at the UPS when I sent these things. And he -- he -- they discounted \$53.

So the -- and I didn't put in there the extra time it takes me to drive to Greenville County Public Library because that's the closest library

R.P. 49

1 that's public that I can do legal research on, on
2 the Westlaw database.

3 So as you can see, I know it's a lot of
4 documents, but everything there is timely filed.
5 It's nonfrivolous. It alleged a lot of prosecutor
6 misconduct from the -- from the Solicitor's office
7 in Greenville and Oconee County with indictments
8 that total in the hundreds of eight hours.

9 Ex parte communications with Greenville County
10 with Judge Hall and the -- Karen Ratigan who's the
11 deputy -- who was the former Deputy Assistant
12 Attorney General for South Carolina.

13 And it's just very detailed. This is a lot of
14 the hard work, and I'm actually in college as well.
15 So, my -- you know, it's -- my time is just, you
16 know, very limited to do anything extra.

17 A lot of folks give up. I do not. I haven't
18 found a lawyer that I can trust that actually takes
19 the time to research my case. Plead guilty. Plead
20 guilty. Plead guilty. Blah, blah, blah. I'm not
21 doing that because ---

22 THE COURT: Well, let me ask you a question
23 under what I'm looking at. I can't tell, but it
24 appears that you pled guilty in front of Judge
25 Miller, or did you go to trial?

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THE DEFENDANT: I pled guilty with Judge Miller, 2013. I also pled guilty with Judge Couch in Oconee County.

THE COURT: And the question I have, you pled guilty to possession of stolen bag of more than \$10,000, correct?

THE DEFENDANT: Correct.

THE COURT: And you were ordered to pay \$13,410.00 in restitution, correct?

THE DEFENDANT: On the Greenville County charges, that's correct.

THE COURT: And that's on the stolen vehicle. That's Judge Miller's case?

THE DEFENDANT: That's Judge Miller. Yes.

THE COURT: And you agreed to do that?

THE DEFENDANT: I agreed to do that at the time.

THE COURT: Okay. All right.

THE DEFENDANT: Now, when I filed my post-conviction relief, I alleged ineffective assistance of counsel and depri -- deprivation of subject matter of jurisdiction, because the vehicles in question were stolen from Georgia.

I bought them in South Carolina across state lines, so it's a Federal jurisdiction of the Dyer

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15

1 Act, so that's -- that's -- that's one of my biggest
2 arguments. So I'm fighting it Federally, even
3 though I pled guilty.

4 You know, I alleged that I involuntarily pled
5 guilty and unintelligibly pled guilty because of the
6 massive amount of fraud in this case, and that's why
7 I can't pay my restitution.

8 THE COURT: All right. Thank you. Is there
9 anything further?

10 MR. HOLCOMBE: No, sir, Your Honor.

11 THE COURT: I find that Mr. Cleveland has
12 willfully violated the terms of his probation and
13 that he was willfully not paid the restitution since
14 he pled, roughly five years and paying about
15 \$250 ---

16 MR. HOLCOMBE: Yes, sir.

17 THE COURT: --- out of 13,410.

18 I find it credible the agent's statement that
19 he doesn't have jurisdiction -- the Court doesn't
20 have jurisdiction to make him pay the restitution.
21 I think that I do. I think that you willfully not
22 paid. I'm going to give you the chance to come back
23 and. I'll give you 90 days from today.

24 I'm tolling him while he's in. And hopefully
25 when you get out, you'll come back and start as best

1 you can paying the restitution. That doesn't change
2 you from having to pay the PCR, but you need to pay
3 this. Good luck to you.

4 THE DEFENDANT: Actually -- actually, it will
5 hurt me, sir. If I'm incarcerated, it will.

6 THE COURT: Well, you're incarcerated as of
7 right now. Have a good day, sir.

8 THE DEFENDANT: Can you make a finding on the
9 actual evidence that I submitted?

10 THE COURT: I'm going to find it on the
11 testimony I heard, and I don't think the other
12 evidence -- other evidence is relevant.

13 THE DEFENDANT: Even though I'm fighting my
14 case?

15 THE COURT: Yes, sir. I do not.

16 MR. HOLCOMBE: Thank you, Your Honor.

17 (The proceedings concluded at 12:09 p.m.)

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Rep. 53

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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.

June 11, 2018

/s/Lisa Scott

Lisa Scott
Circuit Court Reporter



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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

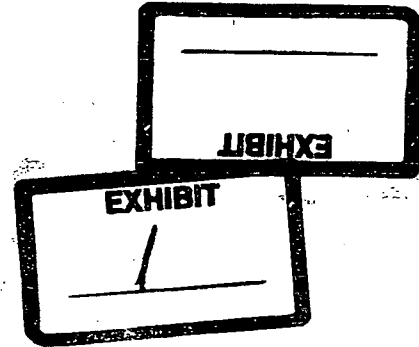
V. CLAIRE ALLEN
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 06, 2018

George Cleveland, III
400 Hunter Street
Seneca SC 29678

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



Dear Mr. Cleveland:

The Court received your letter to Desiree Allen regarding the transcript. Based on your assertion that you received the transcript on June 23, 2018, our records reflect your initial brief of appellant and designation of matter are due July 23, 2018. If you wish to request further relief, you must file a motion pursuant to Rule 240, SCACR.

Very truly yours,

Jay A. Kitchings

CLERK

cc: Matthew C. Buchanan, Esquire

FILED: July 17, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

R.p. 55

No. 18-6691
(8:17-cv-02922-RBH)

GEORGE CLEVELAND, III

Petitioner - Appellant



v.

STATE OF SOUTH CAROLINA

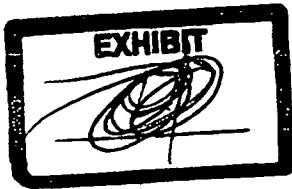
Defendant - Appellee

O R D E R

Upon consideration of the motion for extension of the informal briefing schedule, the court extends the time for serving and filing the informal opening brief to 07/27/2018. Any further request for an extension of time in which to file the informal opening brief shall be disfavored.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk



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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



Rp. 57

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.

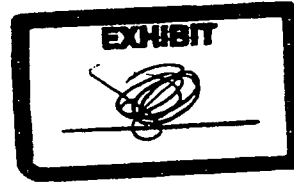
B. Requests to Listen to Audio Recordings/Read Steno Notes

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



Rp. 58

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.

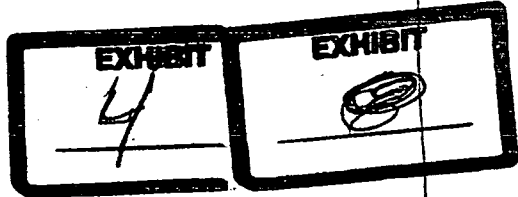
A court reporter's signature on any required report constitutes a certificate by him/her that the information entered online into the Court Reporter Transcript Tracking System on all reports, including all time and work recorded therein, is true and accurate to the best of the court reporter's knowledge.

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

Rp. 59

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

Rp. 60

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

R.P. 61

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.

R.P. 62

"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).

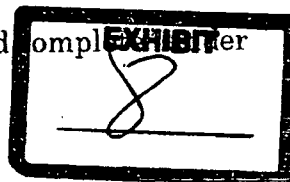


2. The S.C. Court Reporter Manual states in section P. Certificate of Court Reporter A statement must be made by the court reporter certifying the accuracy of the transcript. The certificate must be signed by the reporter; it does not need to be notarized. The completion date of the transcript must be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

R.P. 63

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,

si _____

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

16051K



cott, Lisa M. <lscott@sccourts.org>
x: George Cleveland III <gcleveland7475@gmail.com>
c: "Allen, Desiree" <DAllen@sccourts.org>

Mon, Jun 11, 2018 at 3:13 PM

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.

Thank you,

Lisa Scott
Circuit Court Reporter
Thirteenth Judicial Circuit

From: George Cleveland III <gcleveland7475@gmail.com>
Sent: Sunday, June 10, 2018 4:46 PM
To: Scott, Lisa M.
Cc: Allen, Desiree
Subject: Re: Challenge of transcript

Ms. Scott,

Thanks for the follow up, and I look forward to receiving a copy of the changes in the transcript. I have attached a copy of a letter from the SCDPPPS office of General Counsel where I asked for under the South Carolina Freedom of Information Act (FOIA) the name of the Hearing Officer for the Oconee Probation Office. Mr. Mark Simmons is his name. He was the official representing the Probation Office of Oconee at this hearing. It would had been more easier if Mr. Simmons would had prior to the hearing, stated his name for the Record.

Best Regards,

George Cleveland, III, pro se
100 Hunter Street
Aiken, S.C. 29678

[Noted text hidden]

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

Fri, Jun 15, 2018 at 1:40 AM

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

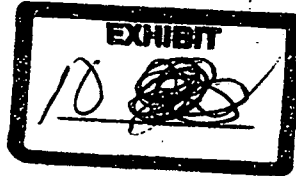
7/20/18

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)



R.P. 65

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,

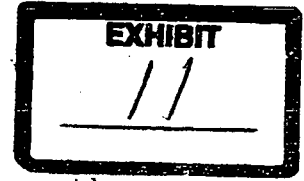
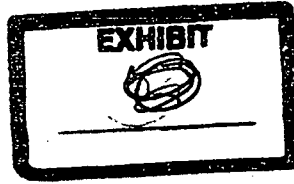
I understand your concern about making sure the transcript is accurate. I also have concerns about the name of the Probation Official that was at the hearing. You stated the Probation Office told you his name was L. Travis Holcombe, I stated his name was Mark Simmons. They must look alike. To settle 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;
4. Court reporter trial log and other helpful information;
5. Court reporter contact information in case there are questions.

Rp. 66

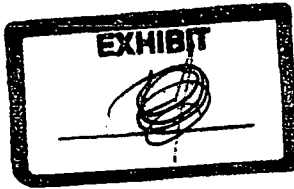
B. Requests to Listen to Audio Recordings/Read Steno Notes

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



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).

Rp67

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

RP 68

CERTIFICATE OF REPORTER



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

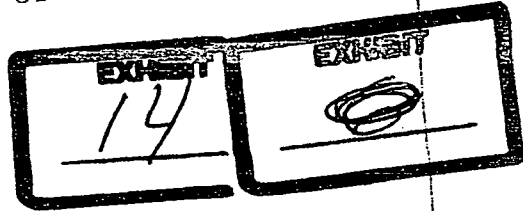
Lisa Scott
Circuit Court Reporter

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R.P. 69

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

BEFORE:

The Honorable Lawton McIntosh, Judge.

APPEARANCES:

Probation Officer

George Cleveland, Pro Se Defendant

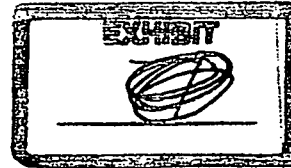
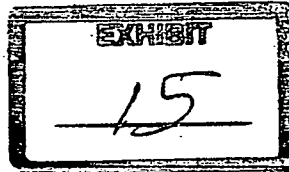
Lisa Scott
Circuit Court Reporter

R.P. 69

Rp 70

CERTIFICATE OF REPORTER

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.

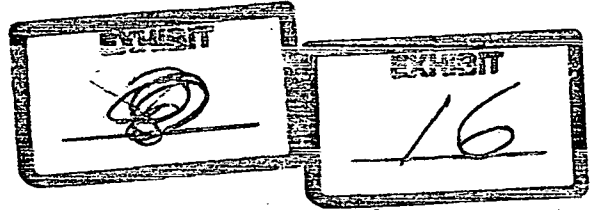
I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

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).

R.p. 71

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)

R.P. 72

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

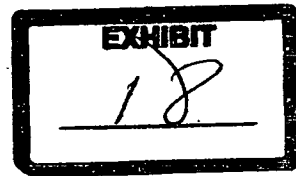
Desiree Allen, Court Reporter Manager of the S.C. Court Administration
1220 Senate Street, Suite 200
Columbia, S.C. 29201

Matthew Buchanan, General Counsel for the SCDPPPS

Post Office Box 50666

Columbia, S.C. 29250

Rip. 73



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

Financial PROBATION CITATION

Exhibit - 4

Indictment Number: 12-GS-23-07504, 12-GS-23-07507

Citation #: C-37-17-0059

RECEIVED
MAR 30 2018
SC Court of Appeals

SOUTH CAROLINA v. GEORGE CLEVELAND III	R.P. 75	COUNTY: OCONEE
		SID # 01068002
		SCDC #

TO: GEORGE CLEVELAND III

YOU ARE HEREBY NOTIFIED to appear in the above case at the time, date and place specified below.

Place	Room
	Date and Time:

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged
The above named defendant has failed to comply with the Court's probation order and the defendant's agreement to pay a fine, restitution and supervision fees.

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights:
You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear on your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

WALHALLA, South Carolina	Probation and Parole Agent - Agent # Ginger W. Newton - 0343
Date 10/05/2017	<i>[Signature]</i>

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place <i>Oconee</i>	Date and Time <i>10-12-17</i> <i>2:47pm</i>
	Serving Officer's Signature <i>[Signature]</i>

Sworn to and subscribed before me this 12 day of OCT, 17

Signature of Notary Public <i>[Signature]</i>	My Commission Expires <u>4/24/2025</u>
--	--

STATE OF SOUTH CAROLINA

AFFIDAVIT

Exhibit 5

Rp. 76

County of OCONEE

Personally appeared before me, Newton, Ginger W. Ginger W. Newton, who first being duly sworn, deposes and says that GEORGE CLEVELAND III did within this county and State on the 5 day of October, 2017, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

The above named defendant has failed to comply with the Court's probation order and the defendant's agreement to pay a fine, restitution and supervision fees.

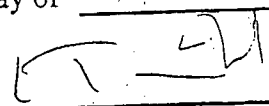
The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

The above named defendant agreed in writing, as a part of his/her probation agreement, to pay a fine, restitution and supervision fees. The defendant has not complied with his/her written agreement. As of the date of this affidavit, the defendant's arrearage and unpaid balance on the agreed payment schedule is as follows:

	Fine	Restitution	Supervision Fees	DNA Fees
Arrearage	\$60.00	\$1,560.00	\$300.00	\$0.00
Unpaid Balance	\$267.80	\$13,410.00	\$3,000.00	\$0.00

The matter needs to be reviewed by the court pursuant to Section 24-21-430. The defendant should be required to show the Court why he/she has not kept his/her probation agreement to pay. The Court should determine whether or not the defendant has willfully violated the condition to pay fines, and/or restitution and whether or not the condition to pay fines, restitution should be modified.

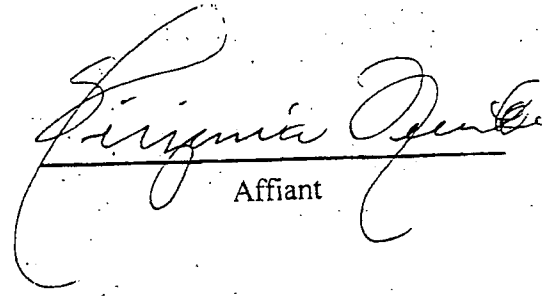
Sworn to and subscribed before me this 5 day of October, 2017



Signature of Notary Public

4-24-2025

My Commission Expires:


Affiant

Section 19

Text of Section 19: Imprisonment for Debt

No person shall be imprisoned for debt except in cases of fraud.

(1970 (56) 2684; 1971 (57) 315.)

Exhibit - 1

Rp. 77

Section 20

Text of Section 20: Right to Keep and Bear Arms; Armies; Military Power Subordinate to Civil Authority; How Soldiers Quartered

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. As, in times of peace, armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it. No soldier shall in time of peace be quartered in any house without the consent of the owner nor in time of war but in the manner prescribed by law.

(1970 (56) 2684; 1971 (57) 315.)

Section 21

Text of Section 21: Martial Law

No person shall in any case be subject to martial law or to any pains or penalties by virtue of that law, except those employed in the armed forces of the United States, and except the militia in actual service, but by the authority of the General Assembly.

(1970 (56) 2684; 1971 (57) 315.)

Section 22



R.P. 78

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

April 02, 2018

Mr. Matthew C. Buchanan, Esquire
2221 Devine Street
PO Box 50666
Columbia SC 29250

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

Dear Counsel:

Please provide a return to the appellant's motion to stay no later than 12pm on Wednesday, April 4, 2018.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: George Cleveland, III

US HIGHWAY 441 SOUTH, CLAYTON, GA 30525

SALES: 877-796-2751

SERVICE: 877-843-5518

PARTS: 877-893-7058



Go Further

Duvall Ford Company Inc

Rip 79

About

Welcome to our new website!!

We have a strong and committed sales staff with many years of experience satisfying our customers' needs. Feel free to browse our inventory online, request more information about vehicles, set up a test drive or inquire about financing!

If you don't see what you are looking for, click on CarFinder, fill out the form, and we will let you know when vehicles arrive that match your search! Or if you would rather discuss your options with our friendly sales staff, click on Directions for interactive driving directions and other contact information. We look forward to serving you!

Contact Info

Duvall Ford Company Inc

US Highway 441 South
Clayton, GA 30525

Sales: 877-796-2751

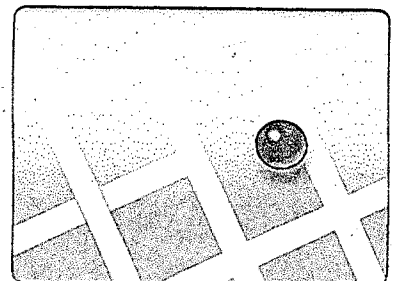
Service: 877-843-5518

Parts: 877-893-7058

Showroom Hours

Monday	7:00AM - 7:00PM
Tuesday	7:00AM - 7:00PM
Wednesday	7:00AM - 7:00PM
Thursday	7:00AM - 7:00PM
Friday	7:00AM - 7:00PM
Saturday	7:00AM - 6:00PM
Sunday	Closed

Directions



South Carolina Appellate Case Management System

Appellate Case No.

CLERK'S OFFICE
SOUTH CAROLINA
COURT OF APPEALS

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.

Cases

Case Search

Participant Search

Case Information: 2018-000564

Court:	Court of Appeals	Classification:	Appeal - General Sessions - Other
Short Title:	The State v. George Cleveland, III View Full Title	Case Status:	Initial Briefing
Consolidated:			
Filed Date:	03/30/2018	Oral Argument Date:	
Disposition Date:		Disposition Type:	
Remittitur Date:			
Lower Court or Tribunal:	Greenville (2012GS2307504)		

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- Party Information

Appellate Role	Party Name	Former	Attorney(s)
Appellant	George Cleveland, III	N	Self Represented
Respondent	The State	N	Matthew C. Buchanan

Views

Display:

Event Information

Filed Date	Event Information	Doc
01/04/2019	Non-Dispositional Decision - Extension Granted	
12/31/2018	Motion - Extension of Time (1st)	
11/21/2018	Non-Dispositional Decision - Order	
10/12/2018	Motion - Hold in Abeyance Appeal pending Trial Court Motion	
09/24/2018	Correspondence - Incoming (Order from Supreme Court)	
09/06/2018	Non-Dispositional Decision - Order	
08/07/2018	Motion - Hold in Abeyance the Filing of AIB/DOM	
07/06/2018	Correspondence - Outgoing (Other)	
06/27/2018	Transcript Documents - Other Correspondence	
06/13/2018	Non-Dispositional Decision - Order(motion to stay probation)	
06/11/2018	Motion - Stay / Supersedeas (including lifting of automatic stay) - Probation	
06/06/2018	Transcript Documents - Letter to Court Reporter challenging transcript	
05/18/2018	Non-Dispositional Decision - Order(motion to amend NOA)	
05/11/2018	Motion - Amend NOA	
05/11/2018	Deficiency - Correction	
05/11/2018	Transcript Documents - Transcript Ordered	
04/18/2018	Deficiency - Deficiency Letter Sent	
04/16/2018	Correspondence - Incoming (Address Change)	
04/13/2018	Correspondence - Returned as undeliverable	
04/06/2018	Notice of Appeal (Criminal) - Initial(amended)	
04/05/2018	Non-Dispositional Decision - Order	
04/05/2018	Motion - Return	
04/02/2018	Correspondence - Incoming (2nd Copy of Motion to Stay)	
04/02/2018	Correspondence - Outgoing (Request for Return)	



03/30/2018	Motion - Stay / Supersedeas (including lifting of automatic stay)
03/30/2018	Notice of Appeal (Criminal) - Initial

RP-81

ARREST WARRANT

5005
7-16-12

2012A2330200168

STATE OF SOUTH CAROLINA

County/ Municipality of

Greenville

THE STATE

12-98583

against

George Cleveland, III

Address: 219 Savannah Dr

South Carolina, SC 29678-

Phone: _____ SSN: _____

Sex: M Race: B Height: 6 3 Weight: 251

DL State: SC DL #: _____

DOB: 1978 Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: Barry Brown - 0045

Offense: Vehicle / Poss., conceal, sell., or dispose of stolen vehicle, value \$10,000 or more

Offense Code: 3468

Code/Ordinance Sec: 16-21-0080

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant George Cleveland III on 7-12-2012

A. Grazioso #754/517 GCSO
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

Garrett

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Greenville

Personally appeared before me the affiant Barry Brown who

being duly sworn deposes and says that defendant George Cleveland, III

did within this county and state on or about 5/7/2012 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Greenville)

in the following particulars:

DESCRIPTION OF OFFENSE: Vehicle / Poss., conceal, sell., or dispose of stolen vehicle, value \$10,000 or more

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

AFFIANT, AN INVESTIGATOR WITH THE GREENVILLE COUNTY SHERIFFS OFFICE, HAS WRITTEN DOCUMENTATION FROM CARMAX OF GREENVILLE LOCATED AT 2800 LAURENS RD, THAT DEFENDANT DID SELL THEM A STOLEN 2011 FORD FUSION. AFFIANTS INVESTIGATION FOUND THE STOLEN VEHICLE TO HAVE A VIN FROM A SALVAGE 2010 FORD FUSION. A SEARCH WARRANT EXECUTED AT DEFENDANTS RESIDENCE FOUND THE SALVAGE FORD FUSION FROM WHICH THE VIN WAS REMOVED AND PLACED ONTO THE STOLEN FORD FUSION THAT WAS SOLD TO CARMAX OF GREENVILLE. THE STOLEN VEHICLE WAS VALUED AT \$27,000, WHICH BELONG TO DUVALL FORD IN CLAYTON, GA.

Signature of Affiant

B. Brown

STATE OF SOUTH CAROLINA

County/ Municipality of

Greenville

Affiant's Address 4 Mcgee Street

Greenville, SC 29601-

Affiant's Telephone _____

COMPUTER ENTERED

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/7/2012 defendant George Cleveland, III

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Vehicle / Poss., conceal, sell., or dispose of stolen vehicle, value \$10,000 or more

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 7/5/2012

Judge's Address _____

Judge's Telephone _____

Judge Code: 5077

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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ARREST WARRANT

N-201731

5005

STATE OF SOUTH CAROLINA

County/ Municipality of

6-25-12

Greenville

THE STATE

12-90329

against

George Cleveland, III

Address: 219 Savannah Dr

South Carolina, SC 29678-

Phone: _____ SSN: _____

Sex: M Race: B Height: 6 3 Weight: 251

DL State: SC DL #: _____

DOB: _____/1978 Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: Barry Brown - 0045

Offense: Vehicle / Remove, falsifying VIN intending to conceal identity

Offense Code: 0536

Code/Ordinance Sec: 16-21-0040(A)(2)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant George Cleveland on 6-21-12

Signature of Constable/Law Enforcement Officer: AC Sexton 1011 E 15

RETURN WARRANT TO:

Chick Springs Summary Court 2801 Wade Hampton Blvd. Suite 302 Taylors, SC 29687

ORIGINAL

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ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Greenville

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Barry Brown who

being duly sworn deposes and says that defendant George Cleveland, III

did within this county and state on or about 6/21/2012 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Greenville)

in the following particulars:

DESCRIPTION OF OFFENSE: Vehicle / Remove, falsifying VIN intending to conceal identity

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

AFFIANT, AN INVESTIGATOR WITH THE GREENVILLE COUNTY SHERIFFS OFFICE, FOUND DEFENDANT TO BE IN POSSESSION OF A 2012 NISSAN VERSA. AFFIANT FOUND THE PUBLIC VIN TO BE INCORRECT AND FOUND THE SECONDARY VIN TO HAVE BEEN ALTERED AND COVERED UP BY SPRAY PAINT. THE RECEIPT TO THE SPRAY PAINT USED, WAS FOUND TO BE IN DEFENDANTS POSSESSION UPON ARREST. THIS INCIDENT OCCURRED AT CARMAX, 2800 LAURENS RD IN GREENVILLE COUNTY.

Signature of Affiant

Signature of Barry Brown

STATE OF SOUTH CAROLINA

County/ Municipality of

Greenville

Affiant's Address 4 Mcgee Street

Greenville, SC 29601-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/21/2012 defendant George Cleveland, III

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Vehicle / Remove, falsifying VIN intending to conceal identity

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 6/21/2012

Judge's Address

(L.S.)

Signature of Issuing Judge

Judge's Telephone

Judge Code: 5701

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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