

APPELLANT'S AMENDED RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY
COURT OF GENERAL SESSIONS
R. Lawton McIntosh, Circuit Court Judge

PROBATION CITATION No. C-37-17-0059
A/W No. (s) 2012A2330200168, N201731
ORIGINAL SENTENCE FROM GREENVILLE COUNTY

APPELLATE CASE NO. 2018-000564

RECEIVED
AUG 01 2019
SC Court of Appeals

The State Respondents

v.

George Cleveland III.....Appellant

APPELLANT'S AMENDED 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.S.

Mathew C. Buchanan, General Counsel

Post Office Box 50666

Columbia, S.C. 29250

Attorney for the Respondent

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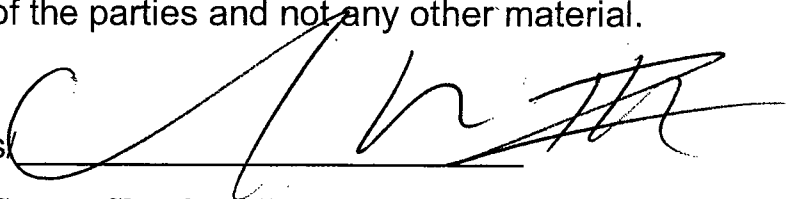
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Certificate of Pro se.

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*

Dated: July 27, 2019

[Handwritten scribbles]
R.P. 1

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

[Handwritten signature]
R. Lawton McIntosh
Judge, Tenth (10th) Judicial Circuit

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

A TRUE COPY
MAR 26 2018
Anderson, SC
ANDERSON CLERK OF COURT

County of OCONEE

STATE VS.

2012 - GS - 23 - 07504

Probation C/W#s C-31-17-0059

GEORGE CLEVELAND III

AKA

Race: Black Sex: Male

DOB: 11/03/1978

SSN: 251397475

SID#: 01056002

Name of Original Offense: POSS OF STOLEN VEH

Original A/W#: 2012A2350200168

Date of Original Offense: 05/07/2012

Conviction S C Code #: 16-21-0080

Conviction CDR Code #: 3 4 5 6

Original Sentence: 10 YRS. SUSP. 6YRS+5YRS PROB

Handwritten notes and signatures:
R.P. 2
Exhibit 2

ORDER

The above named defendant has been charged with violating the conditions of probation order # 110552013 in the County of GREENVILLE and/or the additional conditions ordered by the Court in probation continuation order # 10/05/2017 issued on 10/05/2017. After hearing the evidence and being duly advised in the presence of the defendant, I find that the above named defendant has violated the following condition(s) of probation: 7, 9, 10 AND 11

Therefore, IT IS ORDERED that

- the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$ _____.
- the suspended sentence be revoked and the above named defendant be required to serve 90 days months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the 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, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-541 (mandatory if convicted of felony or criminal sexual conduct with a minor or lewd act) discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies Dependant fees Civil judgment Dependent fees
 Fines and other fees Bonds Fines and other fees
 Restitution (and 20%) Restitution (and 20%)
- Additional Conditions ordered by the Court:
- Toll while incarcerated
- Restrictive Monitoring

- The defendant is given credit for pre-revocation hearing detention time on current probation (to be calculated and applied by the SC Department of Corrections).
- The defendant has previously served 5 months/years on this sentence (with sentence time and/or prior control-revocation only).
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-541.

A TRUE COPY
FEB 23 2018
Liberty
Clerk of Court

This 23 day of Feb 2018
at WALHALLA SC

Probation Judge
10TH Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation, and the defendant consents to such revocation or modification. At any time within the period of this probation, the Court may revoke and suspend all or part of the original sentence and send the defendant to prison. I have read or have had read to me the order and the conditions set out herein. I agree to comply with the conditions and the terms of the probation order during the period of my probation. I have received a copy of the Court's order and attachments.

Offender's Signature
George Cleveland III

Witnessed by
[Signature]

Signed this 23 day of Feb 18
at WALHALLA SC

at WALHALLA SC

County of OCONEE
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#: N261731
Date of Original Offense: 06/21/2012
Conviction S.C. Code § 16-21-0040(A)(2)
Conviction CDR Code # 0 / 5 / 3 / 5
Original Sentence: 5 YRS. SDP

R.P. 3

ORDER

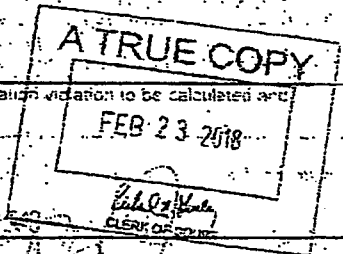
The above named defendant has been charged with violating the conditions of probation ordered on 11/05/2013 in the Court of General Sessions of GREENVILLE County, and the probationary conditions ordered by the Court in previous continuation orders issued on _____ as set forth in the attached warrants, or a successor 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 of the original sentence and/or pay \$ 0; thereafter 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, subject to the conditions set forth therein, and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §20-6-640 if convicted of first degree criminal sexual conduct with a minor or fewer, not discretionary if convicted of any other applicable sex offense against a minor.
- Financial Obligations. Order satisfied:
 - Department fees (none)
 - Fines and other fees (none)
 - Restitution (and 20% interest) (none)
 - Civil judgment
 - Department fees
 - Fines and other fees
 - Restitution (and 20%)

Additional Conditions ordered by the Court:
- Full Work Release
- Restitution Monitor

- The defendant is given credit for pre-arrestation 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 §20-6-640.



This 23 day of Feb, 2018
WALHALLA, SC
Presiding Judge _____
10TH Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of any probation, include any beneficial conditions, a design order, or extend your 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 the balance of the original sentence ordered. This is to certify that I have read or have had read to me the order and the contents set out therein, I agree to comply with the conditions and the provisions of the attached probation order during the period of the probation. I have received a copy of this Court's order and all attachments.

Defendant's Signature: Refused

Witnessed by: [Signature]

Signed this 23 day of Feb, 18 at WALHALLA

R.P. 4
~~REP. 4~~

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

STATE OF SOUTH
CAROLINA,

IN THE COURT
OF GENERAL SESSIONS

PLAINTIFF,

VS.

GEORGE CLEVELAND III,
DEFENDANT.

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
1.

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 3-9, see also Exhibit 5-6.

S.C. CODE ANN. § 24-2-430

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

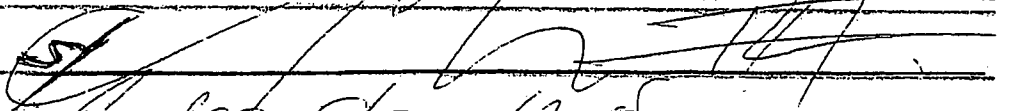
Exhibit 4 (Supporting Declaration) but § 24-21-430, is required this court to determine my ability to pay; accordingly, this court overlooked the requirement under § 24-21-430, to determine my ability to pay.

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

- 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 DVER 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 sentence me to 90 days of jail in the Anderson County Detention Center.

R.p. 107

Respectfully Submitted,


Geoffe Cleveland
Anderson County Detention Center
1009 DAVID LEE COFFEE PLACE
ANDERSON, S.C. 29625

DATED: MARCH 16, 2018

6.

Rep. 8

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

STATE OF SOUTH
CAROLINA,

PLAINTIFF,

VS.

GEORGE CLEVELAND III,
DEFENDANT.

IN THE COURT
OF GENERAL SESSION

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

RECEIVED

MAR 30 2018

SC Court of Appeal

NOTICE OF APPEAL IN GENERAL
SESSIONS COURT

~~RP. 9~~

THE STATE OF SOUTH CAROLINA

~~RP. 9~~

IN THE COURT OF APPEALS

RP. 9

APPEAL FROM ANDERSON COUNTY
COURT OF GENERAL SESSIONS

R. LAWTON McINTOSH; CIRCUIT COURT JUDGE
PROBATION CITATION NO. C-37-17-0059
A/W No. (5) 2012A2330200168; N201731

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

GEORGE CLEVELAND III

APPELLANT,

vs.

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

RESPONDENTS.

NOTICE OF APPEAL IN GENERAL
SESSIONS COURT

CONTINUED

R.P. ~~2018~~
10

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 ~~10~~ DAY
JAIL sentence for falling behind on Restitution
payments imposed by Circuit Court Judge Lawton
McINTOSH on February 23, 2018, And received

R.P. ~~11~~
by me on MARCH 03, 2018 (on MARCH 14, 2018,
I mailed to the Anderson County clerk's
office, my Rule 59(e) SCRPC 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. (F.B.I.D.) R.p.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 oconee
County, S.C. Probation office in WALHALLA,
S.C. R.p.p. 2-3.

Rep
12/18

Respectfully Submitted:

~~George Cleveland~~

Anderson County Dev. Center
1009 DAVID LEE COFFEE PLACE
ANDERSON, S.C. 29625

DATED: MARCH 27, 2018 3.

R.P. 1
13 20

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

Rep. ~~14~~
14 ~~14~~

I N D E X

WITNESS

PAGE

No Witnesses.

- - -

Ref. ~~2~~
15 ~~20~~

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

Rip 16

PROCEEDINGS

* * * * *

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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.

R.P. 5
1/12

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?

Rip. 6
18

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.

R.P. 19

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

R.P. 2008

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

THE COURT: Let me see it.

THE DEFENDANT: Ugh...

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

THE DEFENDANT: We -- we have ---

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

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

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

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

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

R.P. 21 9

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

R.P. ~~10~~ ~~20~~
22 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

R.P. ~~10~~ ~~11~~
23 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

R.p. ~~401~~ 12
24

1 into evidence.)

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

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

12 THE COURT: Who is your attorney?

13 THE DEFENDANT: Me.

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

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

20 The 401 documents I just submitted was \$53 --
21 \$56 at the UPS when I sent these things. And he --
22 he -- they discounted \$53.

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

R.P. 10
25

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?

R.P. 26 14

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

4 THE COURT: And the question I have, you pled
5 guilty to possession of stolen bag of more than
6 \$10,000, correct?

7 THE DEFENDANT: Correct.

8 THE COURT: And you were ordered to pay
9 \$13,410.00 in restitution, correct?

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

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

14 THE DEFENDANT: That's Judge Miller. Yes.

15 THE COURT: And you agreed to do that?

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

18 THE COURT: Okay. All right.

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

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

R.P. 27 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

R. p. ~~28~~ 16

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

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

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

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

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

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

THE COURT: Yes, sir. I do not.

MR. HOLCOMBE: Thank you, Your Honor.

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

* * * * *

R.p. 29 17

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

Financial PROBATION CITATION

~~EX-105-03~~
RECEIVED
MAR 30 2018
SC Court of Appeals

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

Citation #: C-37-17-0059

SOUTH CAROLINA

v.

GEORGE CLEVELAND III

COUNTY: OCONEE

SID # 01068002

SCDC #

R.P. 30/10

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.

WALHAIJA, South Carolina

Probation and Parole Agent - Agent #

Ginger W. Newton - 0343

Date 10/05/2017

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

Oconee

Date and Time *10-12-17 2:47 PM*

Serving Officer's Signature

Sworn to and subscribed before me this

12 day of *Oct*, *17*

Signature of Notary Public

My Commission Expires

4/24/2025

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of OCONEE

~~EXP. 10/05/17~~
Rp. ~~10/05/17~~ 31

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]
Signature of Notary Public

4-24-2025
My Commission Expires:

[Signature]
Affiant



The South Carolina Court of Appeals

R.P. [scribble] 32

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



Duvall Ford Company Inc

US HIGHWAY 441 SOUTH, CLAYTON, GA 30525

SALES: 877-796-2751

SERVICE: 877-843-5518

PARTS: 877-893-7058

Rip. ~~2140~~
33

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

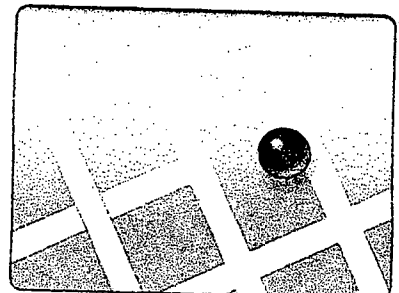
Service: 877-843-5518

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
SUPREME COURT
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)		

R.P. 34

- 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-~~XXXXXXXXXX~~
35

5005
7-16-12
ARREST WARRANT
2012A2330200168

STATE OF SOUTH CAROLINA
 County/ Municipality of
Greenville
THE STATE 12-88583
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 2754/517 GCSO
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120
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

Signature of Issuing Judge _____ (L.S.)
Judge's Address _____
Judge's Telephone _____
Issuing Court: Magistrate Municipal Circuit
Judge Code: 5077
ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

Handwritten scribbles and signatures on the right margin.

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] AC Section
KOLLEIS
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

[Signature]
Judge

ORIGINAL

ORIGINAL

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 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 DEFENDANT'S POSSESSION UPON ARREST. THIS INCIDENT OCCURRED AT
CARMAX, 2800 LAURENS RD IN GREENVILLE COUNTY.

Signature of Affiant

[Signature]

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

[Signature] (L.S.)

Signature of Issuing Judge

Judge Code: 5701

Judge's Address _____

Judge's Telephone _____

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

App. 37

[Signature]

[Signature]