
In The
SUPREME COURT OF THE UNITED STATES
October Term 2024

George Cleveland III, Kristie L. Taylor,
Applicants/Petitioners,

v.

South Carolina Department of Social Services,
Respondent.

Application for an Extension of Time Within
Which to Petition for a Writ of Certiorari to the
South Carolina Court of Appeals

**APPLICATION TO THE HONORABLE
CHIEF JUSTICE JOHN G. ROBERTS**

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June 4, 2024

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Supreme Court Rule 13.5, Applicants George Cleveland III (Father), and Kristie L. Taylor (Mother) respectfully requests a 60-day extension of time within which to petition for a writ of certiorari to the South Carolina Court of Appeals, up to and including August 3, 2024.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

Father and Mother is respectfully requesting that this court review the unpublished Opinion by the South Carolina Court of Appeals filed on August 23, 2023 (attached as Exhibit 1); Family Court Judgement (attached as Exhibit 2), the South Carolina Court of Appeals denied Rehearing Petition on November 17, 2023 (attached as Exhibit 3); the South Carolina Supreme Court denied Certiorari Petition to the Court of Appeals on March 6, 2024 (attached as Exhibit 4).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case under 28 U.S.C. §1254(1). Under Supreme Court Rules 13.1m 13.3, and 30.1, a petition for a writ of certiorari is currently due to be filed on or before June 4, 2024. This application is to extend that time.

REASONS JUSTIFYING AN EXTENSION OF TIME

1. The decision below (S.C. Court of Appeals) created an overt defiance to deciding federal due process rights of Father and Mother have in protecting their parental rights from abusive power by the South Carolina Department of Social Services (SCDSS) for removing their children from Mother's custody on April 16, 2021 for alleged domestic violence that has turned into a three (3) year nightmare because SCDSS has sole control over the family court's docket in Anderson County, S.C. where SCDSS county office is located, and deliberately kept the case from being decided on the merits as retaliation against Father and Mother for demanding a due process merits hearing quickly in order to reach the statutory eighteen (18) month trigger under South Carolina to terminate Father and Mother's parental rights to their children. Father proceeded *Pro se* in the trial court, and appellate courts. Mother was represented by a court appointed attorney in the trial court, but proceeded *Pro se* in the appellate courts.

The case gets more troubling when during the first day of the merits, a SCDSS Investigator testified under oath that one the children disclosed to her that she witnessed Father hit Mother. Later under cross by Father, she admitted the disclosure was a lie.

The next day of the merits hearing five (5) months later, more troubling events occurred. At the beginning of the trial, Mother's trial counsel made an oral motion to withdraw from representing Mother, over Father, and Mother's objection, the trial judge denied the motion. SCDSS called Mother as a witness (her trial counsel did not object) without providing notice to Father and produced a photo of Mother at the beginning of the trial that was not disclosed in advance that falsely shows Mother with a black eye. Over Father's unfair prejudice objection, the trial judge overruled Father's objection. Mother invoked her 5th amend right on the stand to prevent from answering questions, the trial court forced her to answer questions. Father repeated

invoked his due process federal rights under the 14th amend of the United States Constitution to a fair trial, right to provide a defense, right to an impartial judge, and right to be notified of SCDSS's witnesses, and evidence before trial to properly prepare. The trial judge denied every single federal right and did not even mention Father's federal due process rights in the trial court's orders, and judgements; however, Father's rights are flooded throughout the trial transcripts, pleadings, and appellate briefs.

The South Carolina Court of Appeals affirmed the trial court's judgement, and did not mention Father, and Mother's federal due process rights, or Mother's 5th amend federal rights in its unpublished Opinion, and carbon copied the trial court's judgment, and denied Father and Mother's Rehearing Petition.

The South Carolina Supreme Court outright denied Father, and Mother's Certiorari Petition to the Court of Appeals despite a multitude of federal and state due process arguments, perjury arguments, and the same facts argued in the Court of Appeals.

The decisions below in South Carolina courts are carefully written to not mention any of Father, and Mother's federal rights so there is no state court split or conflict, or conflict with a decision of this court. It's a systematic failure by South Carolina courts to protect Father, and Mother's federal due process rights to a fair trial, opportunity to be heard, notice of witnesses, notice of evidence, and Mother's due process right to effective assistance of counsel.

More time is needed to conduct legal research into other state court's due process parental rights cases, legal research in this court's due process parental rights cases/due process cases. Such as Santosky v. Kramer, 455 U.S. 745 (1982) (this court declared unconstitutional a New York statute that authorized termination of parental rights based on a preponderous of the

evidence); Mathews v. Eldridge, 424 U.S. 319 (1976) (this court holds due process clause requires an opportunity to be heard); Lassiter v. Dep't of Soc. Servs., 452 U.S. 18 (1981) (this court holds parents have a due process right to a fundamentally fair procedure, right to counsel).

Father, and Mother just filed their Reply Brief in the South Carolina Court of Appeals on May 31, 2024 (SCDSS v. Kristie L. Taylor, George Cleveland III, Appellate Case No. 2023-001510). In that appeal, Father and Mother contends SCDSS caseworker unconstitutionally under the fourth amend took their then four (4) month infant baby to a drug testing lab, disclosed personal information to employees at the drug testing lab, ordered hair to be search and seized without a court order, search warrant, or parental consent...

2. On May 31, 2024, Father filed a Motion in the Anderson County, S.C. Family Court to dismiss a Termination of Parental Rights case that is connected to the direct appeal in ¶2, on the grounds of the appeal stays the time to comply with treatment deadlines (SCDSS v. Kristie L. Taylor, George Cleveland III, case no. 2024-DR-04-107).

On June 3, 2024, Father filed a Motion in the Anderson County, S.C. Family Court to declare the testimony of the SCDSS investigator that testified at the day-1 July 13, 2021 Mertis hearing that the oldest child witnessed seeing Father hit Mother as perjury, and impose sanctions. The perjurious testimony was material to the trial court's findings of domestic violence in the presence of their children (SCDSS v. Kirstie L. Taylor, Quinton Hooks, George Cleveland III, case no. 2021-DR-04-0630).

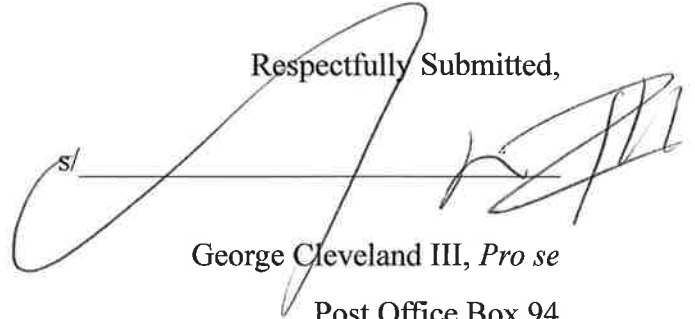
3. This Application for an extension of time to file certiorari petition to the South Carolina Court of Appeals is not for delay, but for more time for legal research, and reading of the transcripts, pleadings, and briefs.

CONCLUSION

For the forgoing reasons, Father, and Mother respectfully requests that this Court grant their Application for an Extension to file their certiorari petition to the South Carolina Court of Appeals to and including **August 3, 2024**.

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

Respectfully Submitted,

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

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Dated: June 4, 2024

EXHIBIT 1

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

South Carolina Department of Social Services,
Respondent,

v.

Kristie L. Taylor, Quinton Hooks, and George Cleveland,
III, Defendants,

Of whom Kristie L. Taylor and George Cleveland, III are
Appellants.

In the interest of minors under the age of eighteen.

Appellate Case No. 2022-000494

Appeal From Anderson County
Karen F. Ballenger, Family Court Judge

Unpublished Opinion No. 2023-UP-300
Submitted August 16, 2023 – Filed August 23, 2023

AFFIRMED

George C. Cleveland, III, of Townville, pro se.

Kristie L. Taylor, of Anderson, pro se.

Robert C. Rhoden, III, of South Carolina Department of Social Services, of Spartanburg, for Respondent.

John Marshall Swails, Jr., of Greenville, for the Guardian ad Litem.

PER CURIAM: George Cleveland, III (Father), and Kristie L. Taylor (Mother; collectively, Parents) appeal a merits and permanency planning order granting the South Carolina Department of Social Services (DSS) custody of three minor children (Children) who were removed from Mother's care. We affirm pursuant to Rule 220(b), SCACR.

"In appeals from the family court, [the appellate court] reviews factual and legal issues de novo." *Simmons v. Simmons*, 392 S.C. 412, 414, 709 S.E.2d 666, 667 (2011). However, the "*de novo* standard of review does not relieve an appellant from demonstrating error in the trial court's findings of fact." *Lewis v. Lewis*, 392 S.C. 381, 392, 709 S.E.2d 650, 655 (2011).

1. As to Parents' issues I, II, III, IX, and X, we hold a preponderance of the evidence supports the family court's finding that Parents placed Children at a substantial risk of physical abuse as a result of witnessing incidents of domestic violence between them. *See S.C. Dep't of Soc. Servs. v. Jennifer M.*, 404 S.C. 269, 744 S.E.2d 591 (Ct. App. 2013) (stating an appellate court will affirm a factual finding by the family court unless the appellant demonstrates the preponderance of the evidence is against the finding). During the merits hearing, Mother had a visible injury to her eye. She also admitted she had physical altercations with Father, Father hit her with an open hand, and Father damaged her property. Furthermore, two DSS employees involved in the case testified without objection that one of the children reported she witnessed physical altercations between Father and Mother.

2. As to Parents' Issue IV, concerning the performance of Mother's trial counsel, we hold none of the arguments presented in their brief on this question were raised to the family court either during the merits hearing or in their motion to alter or amend the family court order. Accordingly, we hold this issue is not preserved for appellate review. *See Bodkin v. Bodkin*, 388 S.C. 203, 219, 694 S.E.2d 230, 239 (Ct. App. 2010) ("When the family court does not rule on an issue presented to it, the issue must be raised by a post-trial motion to be preserved for appeal.").

3. As to Parents' Issue V, which concerns the adequacy of various orders issued by the family court, we hold the orders included sufficient findings of fact to enable appellate review; therefore, Parents have not carried their burden to show the family court erred in its findings. *See* Rule 26(a), SCRFC ("An order or judgment pursuant to an adjudication in a domestic relations case shall set forth the specific findings of fact and conclusions of law to support the court's decision."); *Reed v. Pieper*, 393 S.C. 424, 429, 713 S.E.2d 309, 312 (Ct. App. 2011) ("The burden is upon the appellant to convince this court that the family court erred in its findings."); *Divine v. Robbins*, 385 S.C. 23, 33-34, 683 S.E.2d 286, 291 (Ct. App. 2009) (noting the deference owed to the family court when its findings and conclusions are supported by the record). We note the family court specifically found (1) two witnesses testified without objection that at least one of the children reported she witnessed Father hit Mother; (2) Mother testified about several domestic violence incidents between her and Father; (3) Mother acknowledged she often called the police to settle disputes between Father and herself; (4) Mother allowed Father to come to her home despite a no trespass notice; (5) Parents had a turbulent relationship, and many of their altercations happened in Children's presence; and (6) at the December 10, 2021 hearing, Mother's eye was clearly injured and her explanation regarding the injury was not credible. It is evident from these findings that the family court considered all the evidence submitted but addressed only the evidence that was relevant to the issue of whether Children were at risk of harm. *See King v. King*, 384 S.C. 134, 141-42, 681 S.E.2d 609, 613-14 (Ct. App. 2009) (affirming a family court order because the order indicated the family court considered all the relevant factors even though not all of them were specifically listed).

4. As to Parents' Issue VI, regarding the admission of a photograph showing Mother with a black eye, we hold this issue was not preserved for our review. When DSS sought to have the photograph admitted as an exhibit, Father objected on the grounds of unfair prejudice under Rule 403 of the South Carolina Rules of Evidence, lack of authentication, the absence of a date on the photograph, and relevance, but never raised the argument Parents put forth on appeal, i.e., that DSS's allegedly unexpected request to have the photograph admitted into evidence deprived him of the opportunity to verify its authenticity. *See Buist v. Buist*, 410 S.C. 569, 575, 766 S.E.2d 381, 384 (2014) ("If [a] party is not reasonably clear in his objection to [a] perceived error, he waives his right to challenge the erroneous ruling on appeal."); *McLeod v. Starnes*, 396 S.C. 647, 657, 723 S.E.2d 198, 204 (2012) ("A party may not argue one ground at trial and an alternate ground on appeal." (quoting *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003))).

5. As to Parents' Issue VII, regarding the family court's alleged reliance on Mother's testimony regarding an out-of-court statement made by one of the children, we note Mother ultimately denied hearing the statement. Therefore, even if the family court should not have allowed DSS to question Mother about what she allegedly heard the child say, her response to the question did not prejudice either Father or herself. *See Conway v. Charleston Lincoln Mercury Inc.*, 363 S.C. 301, 307, 609 S.E.2d 838, 842 (Ct. App. 2005) ("To warrant a reversal based on the admission of evidence, the appellant must show both error and resulting prejudice.").

6. As to Parents' Issue VIII, that the family court should have granted Father a mistrial based on DSS's decision to call Mother as a witness without advance notice to the other parties in the case, we hold this issue was not preserved for review. Father failed to make a contemporaneous objection before Mother was sworn as a witness or began answering questions; therefore, this issue is not preserved for appeal. *See Keene v. CNA Holdings, LLC*, 426 S.C. 357, 381, 827 S.E.2d 183, 196 (Ct. App. 2019) (stating if a party fails to make a timely objection, that objection cannot be "later bootstrapped by a motion for a mistrial" (quoting *State v. Lynn*, 277 S.C. 222, 226, 284 S.E.2d 786, 789 (1981))).

7. As to Parents' Issue IX, that the family court lost subject matter jurisdiction to conduct hearings and issue orders in this action because of a delay in the completion of the merits hearing, we hold the family court's alleged failure to adhere to statutory deadlines did not deprive it of jurisdiction over the case. *See S.C. Dep't of Soc. Servs. v. Meek*, 352 S.C. 523, 530, 575 S.E.2d 846, 849 (Ct. App. 2002) ("Subject matter jurisdiction is the power of a court to hear and determine cases of the general class to which the proceedings in question belong." (quoting *Pierce v. State*, 338 S.C. 139, 150, 526 S.E.2d 222, 227 (2000))); *id.* at 532, 575 S.E.2d at 850 (holding that notwithstanding statutory deadlines for scheduling and completing merits hearings in abuse and neglect cases, "nothing purports to remove jurisdiction over [an] abuse and neglect case if the hearing is not held within these time limits").

AFFIRMED.¹

WILLIAMS, C.J., and HEWITT and VERDIN, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

EXHIBIT 3

The Supreme Court of South Carolina

South Carolina Department of Social Services,
Respondent,

v.

Kristie L. Taylor, Quinton Hooks, and George Cleveland,
III, Defendants,

Of whom Kristie L. Taylor and George Cleveland, III are
Petitioners.

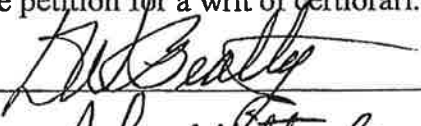
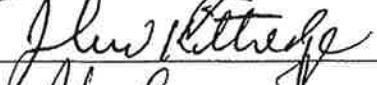

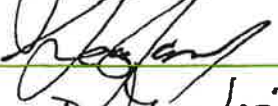

In the interest of minors under the age of eighteen.

Appellate Case No. 2023-001919

ORDER

Petitioners have filed a motion to file their reply out of time and to supplement the appendix in this matter. The motion to file the reply out of time is granted. The motion to supplement the appendix is denied.

After consideration of the petition for a writ of certiorari to the court of appeals, the return, and the reply, we deny the petition for a writ of certiorari.

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

Columbia, South Carolina

March 6, 2024

cc:

Robert C. Rhoden, III, Esquire

John Marshall Swails, Jr., Esquire

Kimberly Welch Pease, Esquire

George Cleveland, III

Kristie L. Taylor

The Honorable Jenny Abbott Kitchings

EXHIBIT 4

cc:

George Cleveland, III

Kristie L. Taylor

Robert C. Rhoden, III, Esquire

John Marshall Swails, Jr., Esquire

Kimberly Welchel Pease, Esquire

The Honorable Karen F. Ballenger

CERTIFICATE OF SERVICE

24-

In The
SUPREME COURT OF THE UNITED STATES
October Term 2024

George Cleveland III, Kristie L. Taylor,
Applicants/Petitioners,

v.

South Carolina Department of Social Services,
Respondent.

I, George Cleveland III, Pro se, do hereby certify that on June 4, 2024, I mailed a copy by U.S. Mail, properly addressed, and sufficient postage, and by email a copy of the Application for an Extension of time to file Certiorari Petition to the South Carolina Court of Appeals on the following parties:

Spartanburg County DSS

Mr. Robert C. Rhoden III, *Esquire*

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Attorney of Record for the South Carolina Department of Social Services

Rob.Rhoden@dss.sc.gov

Mr. John Marshall Swails, Jr., *Esquire*

Ronald S. Clement Attorney at Law

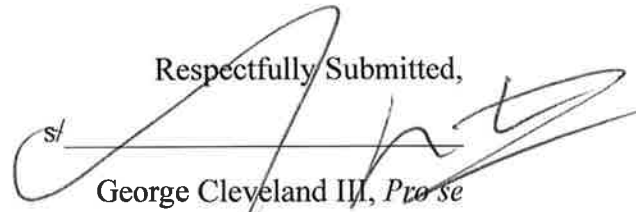
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Respectfully Submitted,

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Dated: June 4, 2024