

THE STATE OF SOUTH CAROLINA

In the Court of  
Appeals

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APR 17 2023

SC Court of Appeals

APPEAL FROM the Court of Common Pleas  
Calhoun County Hon. Judge Diane S.  
Goodstein

Case No. 2021-CP-09-00216

South Carolina Department of Public Safety, Respondent,

v.


Jerome Garcia,

Appellant.

PETITION TO WAIVE FEES

1. The Appellant petitions the court to waive all fees pertaining to this case due to the fact this case has been treated as a criminal case from the moment of arrest on July 11<sup>th</sup> 2019 for the exercise of a protected right, and this case continues to deny the appellant any rights pertaining to Due Process, or the adjudication of justice.
2. The main concern now is to hide the fact the appellants protected rights were infringed, and to deny such access to the court to appeal such "CRIMINAL" charges Both Magistrate judge Jeffery Bloom, and Diane Goodstein are the very record of these transcripts saying the case is criminal.
3. *Rinaldi v. Yeager*, 384 U. S. 305, 384 U. S. 310 (1966). [Footnote 4]  
Therefore,  
"[i]n all cases the duty of the State Page 404 U. S. 194  
is to provide the indigent as adequate and effective an appellate review as that given appellants with funds. . . ."
4. *Draper v. Washington*, 372 U. S. 487, 372 U. S. 496 (1963). In terms of a trial record, this means that the State must afford the indigent a "*record of sufficient completeness' to permit proper consideration of [his] claims.*" *Id. at 372 U. S. 499* (quoting *Coppedge v. United States*, 369 U. S. 438, 369 U. S. 446 (1962)).

5. A "record of sufficient completeness" does not translate automatically into a complete verbatim transcript. We said in *Griffin* that a State "may find other means [than providing stenographic transcripts for] affording adequate and effective appellate review to indigent defendants." 351 U.S. at 351 U. S. 20. We considered this more fully in *Draper v. Washington*, *supra*, at 372 U. S. 495-496:
6. The Sixth Amendment, made applicable to the States via the Fourteenth Amendment, establishes a defendant's right to counsel at the trial level and guarantees the right to effective assistance of counsel. *Evitts v. Lucey*, 469 U.S. 387, 392 (1985).
7. The right of an indigent criminal defendant to counsel at the appellate level, by contrast, is grounded in the Equal Protection and Due Process Clauses of the Fourteenth Amendment. *United States v. Marshall*, 872 F.3d 213, 217 (4th Cir. 2017). Despite this difference, where "a convicted defendant elects to appeal, he retains the Sixth Amendment right to representation by competent counsel." *McCoy v. Ct. of Appeals of Wis.*, 486 U.S. 429, 436 (1988); accord *Evitts*, 469 U.S. at 396 ("A first appeal as of right therefore is not adjudicated in accord with due process of law if the appellant does not have the effective assistance of an attorney.").
8. In finding that a defendant did not require an attorney to pursue discretionary appeals, the Supreme Court noted that a defendant at such a stage will have access to the relevant materials—including the disposition of the Court of Appeals—required to file a petition. See *Ross*, 417 U.S. at 615 ("At that stage he will have, at the very least, a transcript or other record of trial proceedings, a brief on his behalf in the Court of Appeals setting forth his claims of error, and in many cases an opinion by the Court of Appeals disposing of his case."). While a defendant may benefit from counsel at any stage, he is sufficiently equipped with these materials to file a petition on his own.
9. On April 10<sup>th</sup> 2023 the appellant received a bill of \$390.00 for the transcripts of this case by Steven E. LeBlanc circuit court reporter of the 11<sup>th</sup> Judicial circuit. The appellant has timely addressed this issue that started Feb. 2023 when the appellant tried to request such transcripts, or find out how to from clerk Latashia Moorner at Sandy Run Magistrate without response.
10. The appellant moves this court to waive the fees, and allow this case to move forward so the appellant can prove his claims using the very material facts, and record placed against him in a Abuse of Process, and Malicious Prosecution under the color of law.



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Signature      Date 4-14-2023

Jerome Garcia  
1412 Pinson  
Street  
Columbia SC  
29203

Mailed to Counsel of  
Record:Kebra Simpson  
SCDPS office of General  
counsel 1626 Shop Road  
Columbia SC. 29201

LEXPEDIT

Steven E. LeBlanc, R.P.R.  
Circuit Court Reporter  
Eleventh Judicial Circuit  
P.O. Box 184  
Lexington, South Carolina 29071  
sleblanc@scccourts.org

April 10, 2023

Jerome Garcia  
1412 Pinson Street  
Columbia, South Carolina 29203  
s76jeromegarcia@yahoo.com

In Re: SCDPS vs. Jerome Garcia.  
Obtaining transcript.

Dear Mr. Garcia:

In reply to your email dated April 10th, 2023, pertaining to your transcript request, In Re: SCDPS vs. Jerome Garcia, case number 2023-000409, a hearing held before the Honorable Judge Diane Goodstein on February 3rd, 2023, at the Calhoun County Courthouse, St. Matthews, South Carolina.

EXPEDITE Transcript cost is \$6.00 per page. I am estimating the transcript will be 65 pages in length. If you would like to receive this transcript, I will need to receive \$390.00 to cover the cost of the transcript. Upon receipt of payment in the amount of \$390.00 payable to me and delivered to the address listed above the transcript will be forwarded to you. If I have overestimated the amount due, you will receive a refund of unused funds along with the transcript of record.

The transcript will not be prepared on an expedited basis until receipt of payment in the amount of \$390.00. If you would like to order the transcript on a regular delivery basis, the page rate is \$4.25 per page for a total of \$276.25 but payment must still be received in advance. Court reporters are not required by State or Federal law to provide free transcripts. If you do not wish to order this transcript, no further contact is necessary.

Sincerely,  
By: s/Steve LeBlanc

cc: South Carolina Court Administration

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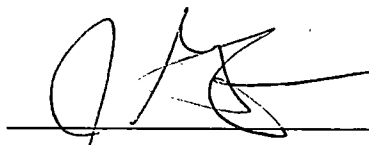
Appellant.

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PROOF OF SERVICE

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1. The appellant has mailed copies of the petition to waive fees for the transcript in this case to attorney of record.

  
\_\_\_\_\_  
Signature      Date 4-14-2023

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Columbia SC  
29203

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