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THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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DEC 13 2025

S.C. SUPREME COURT

APPEAL FROM LEXINGTON COUNTY  
COURT OF COMMON PLEAS

Honorable George M. McFadden - Circuit Judge

APPELLATE NO. 2025-002100

THE STATE OF SOUTH CAROLINA, . . . . Respondent,

vs.,

DAVID RICHARD WALKER, . . . . Appellant.

MOTION FOR FREE COPY OF LOWER  
COURT RECORD(S).

OTHER COUNSEL OF RECORD  
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Pro-Se

(i of 7)

MOTION FOR FREE COPY OF THE LOWER COURT RECORDS.

Petitioner David R. WALKER, Jr., moves FOR the lower courts records that was made during Post Conviction Relief Proceedings/matters.

This Motion is made to the likes of due-process and pursuant to the common law rulings in Mayer v. City of Chicago, 404 U.S. 189, 193, 92 S.Ct. 410 (1971)

The requirement that an indigent defendant contemplating an appeal from his conviction of a crime be furnished at Public expense with a transcript or other court record of the lower Court proceedings against him where such documentation is necessary to an adequate and effective review of his case was set forth in a landmark decision of Griffin v. Illinois, 371 U.S. 12, 76 S.Ct. 585 (1956)

The Griffin court made it clear, however, that a State is not required under the due-process and Equal protection clauses to purchase a stenographer's transcript in every case - where a defendant can not buy it, but may find other means of affording adequate and efficient appellate review to those appealing and and can not afford it.

Motion FOR FREE COPY of the Lower Court Records)

The United States Supreme Court elaborated on this point in Mayer v. Chicago, (1971) the Court cited, "that it is necessary that the State furnish the defendant with a record of sufficient completeness" - to permit proper consideration on or of his claims on appeal (etc.)

Next, the South Carolina laws and Court-rules indicate that pursuant to Rules of Appellate Court Practice, Rule 210, Record on Appeal (SCACR) at section 210(c), content and Rule 209(b) the lower Court's records shall be included in the Rule 209, Designation of matter to be included in the record on appeal and Rule 210, Record on Appeal or - at least the matters to the appeal of the appellant. See Also - State v. Hawes, 423 S.C. 118, 128, 813 SE2d 513 (2018) citing:

"See - Rule 209(b) SCACR ("The designation must clearly identify what the party desires to have included in the record on appeal..."); Rule 210(h) SCACR ("The appellate Court will not consider any fact that does not appear in the Record on Appeal"); Helms Realty Inc v. Gibson-Wall Co., 363 S.C. 334, 339, 611 SE2d 485 (2005) (Explaining the Appellant has the burden of providing a sufficient record.)

Due to the continuous Extrinsic Fraud on the Appellant and/or his proceedings by the Court's Judges, Clerks and Attorneys within such proceedings the essence of most or all matters on appeal will be based upon admissions set forth in transcripts or and within documents inherent to this above fraud.

Furthermore, - the basis of the appeal will be furthered by the fraudulent ruling is made within this Post Conviction relief matter by two (2) Judges that proceeded within and made unlawful /fraudulent rulings and/or advanced such extrinsic fraud by allowing the Attorney General Attorneys) to discredit justice by signing a fraudulent ("Proposed") final PCR order written without following the Post Conviction Code - especially South Carolina Code Ann. § 17-27-80 indicating any PCR Judge to place on Court record is his /her own laws, facts, and/or conclusion of facts, laws, testimonies (etc).

And allowed (numerous) fraudulent objections by the Attorney General Attorneys) within PCR hearings and further sustained those /these uncivil /fraudulent objections that were clearly outside on justice and proper or normal Court Candor and objections by a seasoned attorney or proceeding.

The Supreme Court under Rule 203 Notice of appeal at Rule 203(d)(2)(iii), SCACR cites - filing fees is not required for criminal appeals.

This principle is likely within the accord and opinion of the United States Supreme Court - precedent establishes the principle that the State Government, upon request, must provide indigent-defendants with the "basic tools of an adequate defense or appeal, when those tools are available for a price to other prisoners." Britt v. North Carolina, 404 U.S. 226, 227, 92 S.Ct. 431 (1971); See Douglas v. California, 372 U.S. 353, 357-358, 83 S.Ct. 814 (1963); Griffin v. Illinois, 351 U.S. 12, 18-19, 76 S.Ct. 585 (1956) (Plurality opinion) Although the government need not purchase for the indigent defendant all the assistance that a wealthier defendant might buy, fundamental fairness requires that indigent defendants have "an adequate opportunity to present their claim fairly within the adversary system." Boss v. Moffitt, 417 U.S. 600, 612, 94 S.Ct. 2437 (1974).

Under the above Laws and Grounds on this "Motion"- Appellant seeks an "Order"- from this Honorable Court ordering the State of South Carolina provide the "Transcripts" from the Post-Conviction Relief proceeding - Evidentiary - hearing before Judge McIntosh - Circuit Court/ PCR on December 14, 2021 - Lexington County. And seeks the "Order"- ordering the Attorney General's Office to allow a "Print-out" of the Transcripts to be provided to the appellant or Court administration (Admin. Court reporter) to allow a print out of the Transcripts see Attached - estimate for the Transcript

Appellant will not be able to provide the Circuit Court Reporter III the \$276.<sup>25</sup> (two hundred seventy six dollars and twenty-five cents); to provide the Transcripts needed for this appeal. And - he needs these Transcripts to complete his appeal and to affix to appeal within the APPENDIX pursuant to Rule 276(d) and 243(d) - Rules of Appellate Practice, S.C.A.C.P.

At appeal to this Court he will truly show that Judge McIntosh failed to rule within accordance to S.C. Code Ann. §17-27-80 mandating: "PCR Court/Judge be the fact finders of facts, laws, and/or testimony(s) within the PCR proceedings (Perse).

And - other specific issues set forth by /within the transcript.

## CONCLUSION

Wherefore Appellant does - seek this Honorable Court to "Order" the State to provide the Transcript due to his inability to purchase them.

- It would be very low cost to provide photocopies of the approximately Fifty (50) page transcript to appellant, IF SO Granted.

Respectfully Submitted on this 10<sup>th</sup> day of December, 2025.

*David Richard Walker Jr.*

David Richard Walker Jr. / Pro-se.