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Jun 02 2026

SC Court of Appeals

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

**APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Hon. Grace Gilcrest-Knie, Circuit Court Judge**

**Lower Court Case No. 2025-CP-42-03614
Appellate Court Case No. 2026-001039**

John Garvin. Appellant,

v.

The State of South Carolina and Asst. Solicitor, James E. Hunter. Appellee.

***MOTION FOR PERMISSION TO ORDER TRANSCRIPT OUTSIDE
THE FILING DEADLINES, PURSUANT TO RULE – 207, SCACR***

NOW COMES, the Appellant, John Garvin, proceeding as pro-se, and respectfully moves this Court for permission to order the transcripts of the October 27, 2025 and the March 23, 2026, hearings outside the filing deadlines set forth in Rule – 207(b)(1), SCACR.

In support thereof, Appellant states as follows:

**I.
BACKGROUND**

1. This appeal arises from the Spartanburg County Court of Common Pleas' Order Granting Defendant's Motion to Dismiss, entered November 7, 2025, and the subsequent Order Denying Appellant's Rule – 59(e) Motion to Alter or Amend Judgment, entered on April 3, 2026.
2. A hearing on the Motion to Dismiss was held on October 27, 2025, and the hearing for the Motion to Alter or Amend Judgment was held on March 23, 2026, both hearing were before the Honorable Grace Gilcrest-Knie.
3. Appellant filed his original Notice of Appeal on April 24, 2026, and file his Amended Notice of Appeal on May 14, 2026, per the court’s May 7, 2026, deficiency letter.

4. The October 27, 2025 and the March 23, 2026, transcript hearings are necessary for this appeal because the trial court's pleadings and reasoning are relevant to the issues raised on appeal.

II. REASON FOR DELAY

5. Appellant is incarcerated at Ridgeland Correctional Institution and is proceeding as pro-se.
6. Appellant is proceeding *in forma pauperis* and lacks the financial resources to pay for the two transcript hearings.
7. Appellant was unaware of the specific deadline for ordering the transcript under Rule – 207(b)(1), SCACR, which requires a transcript order to be placed within 14 days after the filing of the Notice of Appeal.
8. Upon receiving this Court's letter dated May 28, 2026, Appellant promptly took action to order the transcript and now seeks this Court's permission to do so outside the deadline.

III. LEGAL AUTHORITY

Rule – 207(b)(1), SCACR, provides in relevant part:

"Within fourteen (14) days after the filing of the notice of appeal, the appellant shall order from the reporter a transcript of those portions of the proceedings not already on file which the appellant deems necessary for the appeal. The reporter shall prepare and file the transcript within forty (40) days after the service of the transcript order."

Rule – 207(b)(3), SCACR, further provides:

"Upon motion made after the expiration of the time limits, the appellate court may, for good cause shown, permit the ordering or filing of the transcript beyond the time limits set forth in this rule."

IV. GOOD CAUSE EXISTS FOR AN EXTENSION

Appellant respectfully submits that good cause exists to permit the late ordering of the transcript because:

1. **Pro-Se Status:** Appellant is incarcerated and proceeding without counsel, whereas, he is asking this court to grant him some leniency with the procedural matters.
2. **Prompt Action:** Upon receiving notice from this Court of the deficiency, Appellant immediately took steps to comply.

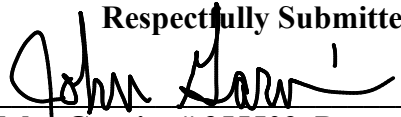
3. **No Prejudice to Appellees:** Granting this motion will not prejudice the Appellees, as the appeal is still in its early stages and no briefing deadlines have been set.
4. **Merits of Appeal:** The transcript is necessary for a full and fair review of the trial court's dismissal of Appellant's declaratory judgment action, which raises substantial questions regarding jurisdiction and the validity of the grand jury proceedings.
5. **Dismissal Would Be Manifestly Unjust:** Dismissal of the appeal for this procedural deficiency would result in manifest injustice, as Appellant has otherwise complied with the appellate rules and is actively prosecuting his appeal.

**V.
REQUEST FOR RELIEF**

WHEREFORE, Appellant respectfully requests that this Court:

1. Grant this motion for permission to order the transcript outside the filing deadlines pursuant to Rule – 207(b)(3), SCACR;
2. Deem Appellant's letter to the court reporter, attached hereto as Exhibit – A, as timely filed upon the granting of this motion; and
3. Grant such other and further relief as the Court deems just and proper.

Dated: June 2, 2026

Respectfully Submitted,


John Garvin, # 355509, Pro-se
Ridgeland Correctional Institution
P.O. Box # 2039
Ridgeland, S.C., 29936

EXHIBIT – A

John Garvin
Ridgeland Correctional Institution
P.O. Box # 2039
Ridgeland, S.C. 29936

Attn: South Carolina Office of Court Administration
1220 Senate Street, Suite # 200
Columbia, S.C., 29201
transcripts@sccourts.org

**RE: Request for Transcript – *Garvin v. State of South Carolina and James E. Hunter*,
Court of Common Pleas Case No.: 2025-CP-42-03614,
Court of Appeals Case No.: 2026-001039**

Dear Court Reporter:

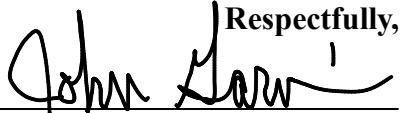
Pursuant to Rule – 207(b)(1), SCACR, I respectfully request the transcript of two (2) motion hearings held on October 27, 2025, and on March 23, 2026, before the Honorable Grace Gilcrest-Knie in the above-captioned matter.

Description of Proceeding: Hearing on Defendant James E. Hunter’s Motion to Dismiss and on the Plaintiff’s Rule – 59(e) Motion for Reconsideration to Alter/Amend Judgment.

I am proceeding as pro-se and has filed for *in forma pauperis* status. I am unable to pay the cost of the transcript. Please advise me of the procedure for obtaining the transcript at public expense.

Please contact me at the above address regarding the status of this request and the estimated completion date. Thank you for your assistance.

Dated: June 1, 2026

Respectfully,


John Garvin, # 355509, Pro-se

cc: South Carolina Court of Appeals (via attached motion)
J. Nathan Ozmint, Esquire

TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information			
Full Name John Garvin	Law Firm/Agency N/A	Phone Number N/A	
Email Address leniagarvin1@aol.com		Mailing Address P.O. Box # 2039, Ridgeland, S.C., 29936	
Is the requestor a party in the case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, does the requestor represent a party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party N/A			
Transcript Information			
Docket Number 2025-CP-42-03614	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) John Garvin v. State of South Carolina and Asst. Solicitor, James E. Hunter		Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>
Date(s) of Proceeding Oct. 27, 2025 and March 23, 2026	County Spartanburg	Appeal pending <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Presiding Judge Hon. Grace Gilcrest-Knie, Circuit Judge		Special Circumstances Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) James Nathan Ozmint, Esq.		Delivery Timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input type="checkbox"/> Daily delivery <input type="checkbox"/> Expedited delivery (7 days) Due on/before: <input checked="" type="checkbox"/> Regular delivery (60 days)	
Court Reporter(s) WebEx	<input checked="" type="checkbox"/> WebEx <input type="checkbox"/> DCRP	Delivery Method (additional fees may apply) <input checked="" type="checkbox"/> PDF / Email : leniagarvin1@aol.com <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
Portion of proceeding to be transcribed <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: _____ A: _____ <input type="checkbox"/> Ruling of the court		Responsible Payor <input type="checkbox"/> Private / Self <input type="checkbox"/> Court Appointed Counsel Appeals Attorney _____ Email _____ <input checked="" type="checkbox"/> Other Appellant has filed for in forma pauper	
Next Hearing Date _____			

Requestor's Signature: John Garvin **Date:** June 1, 2026
(Typed name will serve as signature)

NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. **If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.**

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist.
SCCA 800 (03.2023)

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In The Court of Appeals**

**APPEAL FROM SPARTANBURG COUNTY
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**Lower Court Case No. 2025-CP-42-03614
Appellate Court Case No. 2026-001039**

John Garvin. Appellant,

v.

The State of South Carolina and Asst. Solicitor, James E. Hunter. Appellee.

Certificate of Service

I, John Garvin, certify that I have serve a **MOTION FOR PERMISSION TO ORDER TRANSCRIPT OUTSIDE THE FILING DEADLINES** on the Courts to be delivered, by via e-mail on June 2, 2026, addressed to the Hon. Jenny A. Kitching, Clerk of S.C. Court of Appeals, at e-mail: ctappfilings@sccourts.org and addressed to the S.C. Court Administration, Court Reporter Manager at e-mail: transcripts@sccourts.org also delivering to the Defendant's a filed date-stamped copy by depositing in the United States Mailbox to be delivered via United States First Class Postage Priority Mail on or about June 4, 2026, addressed to Mr. J. Nathan Ozmint, Esq., at 325 Rocky Slope Road, Suite # 201, Greenville, S.C. 29607.

Dated: June 2, 2026

Respectfully Submitted,



**John Garvin, # 355509, Pro-se
Ridgeland Correctional Institution
P.O. Box # 2039
Ridgeland, S.C., 29936**

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SC Court of Appeals

John Garvin
Ridgeland Correctional Institution
P.O. Box # 2039
Ridgeland, S.C. 29936

Attn: Hon. Jenny A. Kitching, Clerk
South Carolina Court of Appeals Clerk's Office
P.O. Box # 11629
Columbia, S.C. 29211

**RE: *Garvin v. State of South Carolina and Asst. Solicitor, James E. Hunter,*
Appellate Case No.: 2026-001039, Motion for Permission to Order Transcript
the Filing Deadlines**

Dear Hon. Clerk Kitching:

Enclosed for filing in the above-captioned appeal please find:

1. Appellant's Motion for Permission to Order Transcript Outside the Filing Deadlines, pursuant to Rule – 207(b)(3), SCACR; and
2. Exhibit – A, The Letter to Court Reporter Requesting Transcript (attached to Motion).

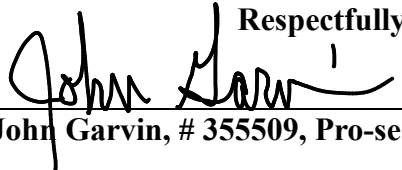
Appellant is responding to this Court's letter dated May 28, 2026, which notified Appellant that the time for ordering the transcript had expired and directed Appellant to file a motion requesting permission to order the transcript outside the deadlines set by Rule – 207, SCACR.

Appellant is proceeding as pro-se and has filed a Motion for *In forma pauperis* status. Appellant respectfully requests that the Court accept this late filing for good cause shown, as detailed in the accompanying motion.

A copy of this motion and Exhibit – A has been served upon opposing counsel, J. Nathan Ozmint, Esquire, and the South Carolina Office of Court Administration, as required.

If any additional information or documentation is required, please contact me at the above address. Thank you for your consideration.

Dated: June 2, 2026

Respectfully,

John Garvin, # 355509, Pro-se

JG/lg

Enclosures (as stated above)

cc: J. Nathan Ozmint, Esquire (via U.S. Mail)

South Carolina Office of Court Administration (via E-Mail)