

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 AUTHORIZATION TO HAVE THE
EXPENSE OF OBTAINING TRANSCRIPTS—TO BE PAID FOR BY
THE SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE,
PURSUANT TO S.C. CODE ANN. § 17-3-50(B) & (C)—***

NOW COMES the Appellant, John Garvin, proceeding as pro-se, and respectfully moves this Court for an order requiring the South Carolina Commission on Indigent Defense to pay for the transcripts of the proceedings held in the Court of Common Pleas, Seventh Judicial Circuit, Spartanburg County, on October 27, 2025, and March 23, 2026, pursuant to S.C. Code Ann. § 17-3-50(B) & (C). In support thereof, Appellant states as follows:

I.
FACTUAL BACKGROUND

1. Appellant is an indigent inmate incarcerated at the Ridgeland Correctional Institution. He has no income, no assets, and is unable to pay the costs associated with prosecuting this appeal.
2. On November 7, 2025, the trial court issued an Order granting Respondent, James E. Hunter's Motion to Dismiss Appellant's declaratory judgment action.
3. On November 10, 2025, Appellant filed a Rule – 59(e) Motion for Reconsideration to Alter or Amend Judgment.

4. On March 23, 2026, the trial court held a hearing on Appellant's Rule – 59(e) Motion. Appellant appeared pro-se, and Respondent appeared through counsel. The trial court denied Appellant's Rule – 59(e) Motion on April 3, 2026.
5. Appellant has filed a Notice of Appeal from the trial court's Orders and is currently prosecuting this appeal before the South Carolina Court of Appeals.
6. The transcripts of the October 27, 2025, hearing on Respondent's Motion to Dismiss and the March 23, 2026, hearing on Appellant's Rule – 59(e) Motion are necessary for the proper prosecution of this appeal. These transcripts contain the arguments made by both parties and the rulings of the trial court, which are essential for the Court of Appeals to review the issues raised on appeal.
7. Appellant is unable to pay for these transcripts due to his indigent status. He has previously filed a Motion to Proceed *In Forma Pauperis*, which remains pending.

II. LEGAL AUTHORITY

8. An indigent appellant is entitled to a free transcript of proceedings necessary for the prosecution of an appeal. The South Carolina Supreme Court established in *Ex parte Cauthen*, 291 S.C. 465, 354 S.E.2d 381 (1987), that when an indigent person appeals, filing fees shall be waived and the costs of the transcript shall be borne by the appropriate agency. *Id.* at 467, 354 S.E.2d at 382.
9. In *Ex parte Cauthen*, the Court held that “No filing fees shall be assessed against him. The indigent appellant's attorney shall then order a copy of the entire trial transcript. [The appropriate agency] shall pay for this transcript.” *Id.*
10. The procedure established in *Ex parte Cauthen* has been extended to other contexts where an indigent person appeals. See *South Carolina Dep't of Soc. Servs. v. Ihnatiuk*, Order dated April 24, 2003 (stating that “if the appellant is found to be indigent, filing fees shall be waived and [the appropriate agency] shall bear the cost of the transcript”).
11. The South Carolina Commission on Indigent Defense is the state agency responsible for providing indigent defense services in appellate proceedings. S.C. Code Ann. § 17-3-10 et seq.

III. ARGUMENT

12. Appellant is indigent and has requested permission to proceed *in forma pauperis*. He has no funds to pay for the transcripts that's necessary for this appeal.
13. The transcripts of the October 27, 2025, and March 23, 2026, hearings are essential to this appeal. These hearings addressed the legal issues that are now before this Court, including the

application of the PCR Act's exclusivity bar, the statute of limitations, prosecutorial immunity, and *res judicata*.

14. Appellant is proceeding as pro-se and is incarcerated. He has no ability to obtain these transcripts on his own. The transcripts must be produced by the court reporter who recorded the proceedings.
15. Under *Ex parte Cauthen* and its progeny, the South Carolina Commission on Indigent Defense is the appropriate agency to bear the cost of these transcripts. The Commission is responsible for funding indigent appellate representation and the costs associated with perfecting appeals.
16. The transcripts are not being sought for a "fishing expedition" or to comb the record for potential errors. Rather, they are necessary to present the arguments raised on appeal to this Court, including the arguments made by both parties and the trial court's rulings at the hearings.

IV. CONCLUSION

WHEREFORE, Appellant respectfully requests that this Court enter an Order:

1. Finding that Appellant is indigent for the purposes of this appeal;
2. Directing the South Carolina Commission on Indigent Defense to pay for the transcripts of the proceedings held in the Court of Common Pleas, Seventh Judicial Circuit, Spartanburg County, on October 27, 2025, and March 23, 2026;
3. Directing the court reporter who recorded these proceedings to prepare and file the transcripts with the Court of Appeals upon receipt of payment from the South Carolina Commission on Indigent Defense; and
4. Granting such other and further relief as the Court deems just and proper.

Dated: June 26, 2026


Respectfully Submitted,

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

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Jun 26 2026

SC Court of Appeals

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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.

CERTIFICATE OF SERVICE

I, John Garvin, certify that I have serve a **MOTION TO PROCEED ON THE RECORD, CONSISTING OF THE PLEADINGS AND HIS MOTION FOR AUTHORIZATION TO HAVE THE EXPENSE OF OBTAINING TRANSCRIPTS —TO BE PAID FOR BY THE SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE** on the Court to be delivered, by via e-mail on June 26, 2026, addressed to the Hon. Jenny A. Kitching, Clerk of S.C. Court of Appeals, at e-mail: ctappfilings@sccourts.org and also delivering to 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 29, 2026, addressed to Mr. J. Nathan Ozmint, Esq., at 325 Rocky Slope Road, Suite # 201, Greenville, S.C. 29607, and to the South Carolina Commission on Indigent Defense, 1330 Lady St., Suite # 300, Columbia, S.C., 29201.

Dated: June 26, 2026

Respectfully Submitted,



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

**John Garvin
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Jun 26 2026
SC Court of Appeals

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

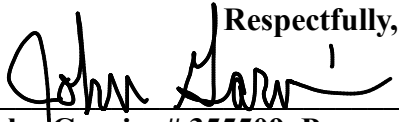
**RE: *Garvin v. State of South Carolina and Asst. Solicitor, James E. Hunter,*
Appellate Case No.: 2026-001039, Filing Motion to Proceed on the Record,
Consisting of the Pleadings and Orders Due to the Cost to Transcribe Transcripts**

Dear Hon. Clerk Kitching:

Attached to this letter is Appellant's Motion to Proceed on the Record, Consisting of the Pleadings and his Motion for Authorization to Have the Expense of Obtaining Transcripts —To Be Paid for By The South Carolina Commission on Indigent Defense. Please file these two Motion and return a filed clocked-stamped copy to Appellant.

By copy of this letter, I am serving Mr. J. Nathan Ozmint, Esquire, with a copy of the above-mentioned documents by United States Postal Service Mail.

Dated: June 26, 2026

Respectfully,


John Garvin, # 355509, Pro-se

JG/lg

cc: J. Nathan Ozmint, Esquire (via Mail)
South Carolina Commission on Indigent Defense (via Mail)