

The South Carolina Court of Appeals

John Garvin, Appellant,

v.

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

Appellate Case No. 2026-001039

ORDER

On April 24, 2026, Appellant filed a notice of appeal from two circuit court orders. The first order dismissed Respondent Hunter from the action, and the second denied Appellant's motion to alter or amend the judgment. In his notice of appeal, Appellant explained he filed a declaratory judgment action against Respondents seeking a judicial declaration that the grand jury proceedings leading to his indictment and subsequent conviction were void *ab initio* because the grand jury was not lawfully impaneled.

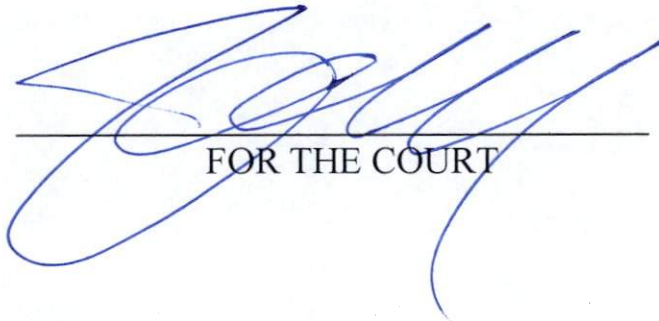
On May 14, 2026, Appellant moved to proceed *in forma pauperis*. The right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right. *See Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). Appellant has the burden of showing he is entitled to this relief, but he has not done so. Therefore, Appellant's motion is denied. The filing fee must be paid within fifteen days of the date of this order. Failure to provide the filing fee will result in dismissal of the appeal.

On June 2, 2026, Appellant filed a motion for permission to order the transcripts outside the filing deadlines. Appellant stated he ordered the transcripts on June 1, 2026. No return was filed. After careful consideration, we grant Appellant's motion for permission to order the transcripts outside the filing deadlines. *See* Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 [of the

South Carolina Appellate Court Rules] may be extended or shortened by the appellate court, or any judge or justice thereof.").

On June 26, 2026, Appellant filed a "motion to proceed on the record without transcripts." No return was filed. After careful consideration, we deny Appellant's motion to proceed without ordering the transcripts. *See* Rule 207(a)(1), SCACR ("Unless the parties otherwise agree in writing, [the] appellant must order a transcript of the entire proceedings below.").

On June 26, 2026, Appellant filed a "motion for authorization to have the expense of obtaining transcripts to be paid for by the South Carolina Commission on Indigent Defense." No return was filed. After careful consideration, we deny Appellant's motion to require the South Carolina Commission on Indigent Defense to pay for the transcripts. *See Ex parte S.C. Comm'n on Indigent Def.*, Op. No. 2025-MO-043 (S.C. Nov. 19, 2025) ("In order to fulfill this State's constitutional duty to provide legal *defense* for individuals who are unable to provide for themselves, our legislature enacted the South Carolina Defense of Indigents Act." (emphasis added)); *Griffin v. Illinois*, 351 U.S. 12, 19 (1956) (prohibiting states from denying a *criminal defendant* a meaningful appeal due to the defendant's inability to afford a transcript); S.C. Code Ann. § 17-27-60 (2014) (requiring the South Carolina Commission on Indigent Defense to pay stenographic costs for indigent defendants pursuing post-conviction relief).


_____. J.
FOR THE COURT

Columbia, South Carolina

cc:

John Garvin, #355509

Charles Franklin Turner, Jr., Esquire

James Nathan Ozmint, Esquire

FILED
Aug 27 2026