

John Garvin
Lee Correction Institution
990 Wisacky Highway
Bishopville, S.C. 29010

January 11, 2017

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JAN 13 2017

ATTN: Mr. Daniel E. Shearouse, Clerk
South Carolina Supreme Court
1232 Gervais Street
Columbia, S.C. 29201

S.C. SUPREME COURT

RE: State v. Garvin, (Supplemental Citation)
Appellate Case No.: 2016-001615

Dear Mr. Shearouse,

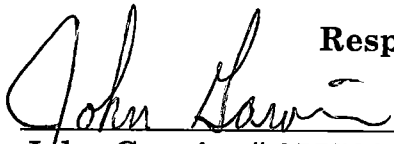
Pursuant to Rule-208(b)(7),SCSACR, Appellant, John Garvin, proceeding as pro-se would respectfully draw the court's attention to additional authority that bears on the issues argued in appellant's initial brief, listed below:

- State v. Devore, 416 S.C. 115, 745 S.E.2d 124 (S.C. App. 2016)(The State filed a motion to dismiss for lack of appellate jurisdiction.)
- In RE Anonymous Member of South Carolina Bar, 392 S.C. 328, 709 S.E.2d 633 (2011)(Conduct Prejudicial to the Administration of justice)
- Earthscapes Unlimited, Inc. V. Ulbrich, 390 S.C. 609, 703 S.E.2d 221 (S.C. 2010)(The failure to plead an affirmative defense is deemed a waiver of the right to assert it.)
- Posey V. Proper Mold & Engineering, Inc., 378 S.C. 210, 661 S.E.2d 395 (S.C. App. 2008)(The Proper procedure for raising lack of [appellant] jurisdiction...is to file a motion to dismiss.)
- In the Matter of C.H. Barrier, 375 S.C. 490, 654 S.E.2d 85 (2007)(Attorney's conduct in practicing law while he was employed as a law clerk and in allowing closing documents to be signed by witness who was not at closing violated Rules of Professional conduct.)
- In RE Goude, 296 S.C. 510, 512, 374 S.E.2d 496, 497 (1988)(Conduct prejudicial to the Administration of justice)
- Strickland v. Strickland, 375 S.C. 76, 85, 650 S.E.2d 465, 470 (2007)("[A]ffirmative defenses to a cause of action in any pleading must generally be asserted in a party's responsive pleading [or motion].")

- Rule-7(a)(5), RLDE, of Rule-413, SCACR: “A [staff Attorney or Law Clerk] is subject to discipline for engage[ing] in conduct tending to pollute the administration of justice or to bring the courts or the legal profession into disrepute...”
- Rule-8.4(e), RPC, of Rule-407, SCACR: “It is professional misconduct for a [Staff Attorney or Law Clerk] to...engage in conduct that is prejudicial to the administration of justice.”
- Rule-12(b)(1), SCRCP: “Every defense, in law or fact, to...any pleading,...shall be asserted in the responsive pleading there to if one is required, except that the following defense [] may at the option of the pleader be made by motion [for] lack of [appellate] jurisdiction over the subject matter A motion making any of the these defenses shall be made before pleading if a further pleading is permitted.”
- Rule-12(h)(1), SCRCP: “a defense of lack of jurisdiction over the person, improper venue, insufficiency of process, insufficiency of service of process or that another action is pending between the same parties for the same claim is waived...if it is neither made by motion under this rule nor included in a responsive pleading.”
- Rule-8(c), SCRCP: “A party in replying to a preceding pleading shall affirmatively set forth his or her defenses.”
- Black Law Dictionary 53 (Deluxe 10th Ed. 2014) Due Administration of Justice: The proper functioning and integrity of a court or other tribunal and the proceedings before it in accordance with the rights guaranteed to the rule of right.

Appellant hereby, asks this court for permission to submit a supplemental Initial Brief with the additional authority that's enclosed with this letter that bears on the issues argued in appellant's Initial Brief, which was served onto this court on August 3, 2016.

By copy of this letter, I am notifying opposing counsel, John B. Aplin, of this submission of additional authority.

Respectfully,


 John Garvin, # 355509, Pro-se

Enclosures

cc: Alan M. Wilson, Esquire
 John B. Aplin, Esquire
 James E. Hunter, Esquire

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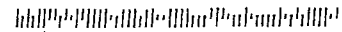
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