

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Hon. Edward W. Miller, Circuit Court Judge

Case No. 2015-CP-42-4699

RECEIVED
JUN 28 2018
SC Court of Appeals

John Garvin Petitioner/Appellant,

v.

State of South Carolina. Respondent/Appellee.

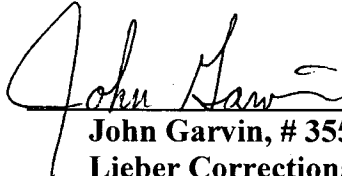
NOTICE AND MOTION TO PROCEED
IN FORMA PAUPERIS UPON APPEAL

To: Ms. Jordan A. Cox, Asst. Att’y. General, Attorney for Respondent/Appellee

YOU WILL PLEASE TAKE NOTICE, that upon the affidavit of John Garvin, sworn to on the 21st day of June, 2018, a Motion will be made at a term of this court, for an Order permitting Petitioner-Appellant to proceed with the appeal from the Order entered in this action on the 29 day of May, 2018, as a poor person, directing that he be furnished a copy of the stenographic transcript of the PCR Motion hearing that was held in this action without fee, and granting permission to appeal on the original record, upon the ground that said Plaintiff-Appellant has insufficient income and property to enable him to pay the costs, fees, and expenses to prosecute said appeal, and for such other and further relief as this Court may deem just and proper.

Petitioner-Appellant’s Motion is made and based on this notice and the attached motion, the affidavit of John Garvin, copies of which are served with this notice, and on the pleadings, papers, records, and files in this action.

DATED: June 25, 2018



John Garvin, # 355509, Pro-se.
Lieber Correctional Institution
136 Wilborn Avenue
Ridgeville, S.C. 29472

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Case No. 2015-CP-42-4699

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John Garvin Petitioner/Appellant,

v.

State of South Carolina. Respondent/Appellee.

**AFFIDAVIT IN SUPPORT OF MOTION TO
PROCEED IN FORMA PAUPERIS UPON APPEAL**

I, John Garvin, being first duly sworn, deposes and says:

1. I am the Petitioner-Appellant in the above – captioned case, and I make this affidavit in support of the attached Motion to Proceed In Forma Pauperis Upon Appeal and Motion for Authorization to have the Expense of Obtaining the Transcript of Petitioner’s February 21, 2018, PCR Motion hearing to be paid for by the South Carolina Commission on Indigent Defense, pursuant to S.C. Code Ann. §§ 17-3-310(G), 330(A) and 360(C) (1999 Supp.).

2. I am presently in the custody of Warden, Randell Williams at Lieber Correctional Institution, pursuant to a judgment of the Spartanburg County Court of General Sessions of the State of South Carolina rendered on May 23, 2013, convicting me of drug trafficking, pursuant to S.C. Code Ann. § 44-53-370(e)(3), and sentencing me to 25 years imprisonment.

3. I am unable because of my indigence to pay the cost, fees, and expenses that’s necessary to obtain the transcript of the PCR Motion hearing to execute this case for an appeal of the Petitioner’s denied motions. I am currently incarcerated and I have no income, in addition, I have no property of any worth. No other person has a beneficial interest in the outcome of this appeal.

4. During the Motion hearing I represented myself.

5. The transcript of those proceeding held in connection with Petitioner-Appellant’s Post-Conviction Relief application will be required, in order to properly review the facts raised by the Petitioner-Appellant at the February 21, 2018, PCR Motion hearing.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Hon. Michael G. Nettles, Circuit Court Judge

Case No. 2015-CP-42-4699

John Garvin Petitioner/Appellant,

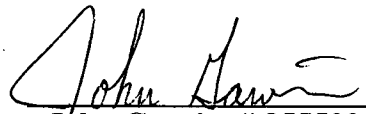
v.

State of South Carolina Respondant-Appellee.

CERTIFICATE OF SERVICE

I, John Garvin, certify that I have serve a **DECLARATION OF INMATE FILING, A NOTICE OF APPEAL, A MOTION TO PROCEED IN FORMA PAUPERIS UPON APPEAL, A MOTION FOR AUTHORIZATION TO HAVE THE EXPENSE OF OBTAINING TRANSCRIPT** on the Court by depositing a copy of it in the Institutional Mailbox to be delivered via United States First Class Postage Certified Mail on June 25, 2018, addressed to the Spartanburg County Clerk of Court, Hon. M. Hope Blackley, Clerk, 180 Magnolia Street, Spartanburg, South Carolina 29304; and United States First Class Postage mail addressed to the South Carolina Court of Appeals, Hon. Jenny A. Kitching, Clerk, 1015 Sumter Street, Columbia, S.C. 29201, and delivered via SCDC Intra-Agency Mail to the South Carolina States Attorney General Office, Ms. Jordan A. Cox, 1000 Assembly Street, Columbia, S.C. 29201

DATED: June 25, 2018
Ridgeville, South Carolina


John Garvin, # 355509, Pro-se.
Lieber Correctional Institution
136 Wilborn Avenue
Ridgeville, S.C. 29472

**John Garvin
Lieber Correctional Institution
136 Wilborn Avenue
Ridgeville, S.C. 29472**

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JUN 28 2018

SC Court of Appeals

ATTN: Hon. Jenny A. Kitching, Clerk
The South Carolina Court of Appeals
1015 Sumter Street
Columbia, S.C. 29201

RE: John Garvin v. State, 2015-CP-42-4699, Notice of Appeal

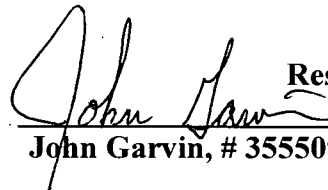
Dear Hon. Kitching:

Enclosed please find for filing a **DECLARATION OF INMATE FILING**, and a **NOTICE OF APPEAL**, in the above case, together with a copy and a self-postage paid stamped return envelope for returning a clock stamped copy. Also enclosed are the following:

- 1.) A Certificate of Service of the Notice of Appeal on Respondent.
- 2.) A copy of the Order that is to be challenged on Appeal.
- 3.) A Motion to Proceed Informa Pauperis on Appeal, with Supporting Affidavit.
- 4.) A Motion for Authorization to have the Expense of Obtaining the Transcript.

To be filed on the date as given to the institutional internal mailroom, pursuant to Rule-262(a)(2), SCACR and *Moses v. State*, 420 S.C. 500, 803 S.E.2d 718 (2017).

Dated: June 25, 2018


Respectfully,
John Garvin, # 355509, Pro-se.

Enclosure

cc: Hon. M. Hope Blackley, Spartanburg County Clerk of Court
Jordan A. Cox, Asst. Att'y. General

John Garvin - #355509
Lieber Correctional Institution
136 Wilborn Ave.
Ridgeville, S.C. 29472

CERTIFIED MAIL



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SC Court of Appeals

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LIEBER C.I.

Attn: Hon. Jenny A. Kitching, Clerk
The South Carolina Court of Appeals
1015 Sumter Street
Columbia, S.C. 29201



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