

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

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

Case No. 2017-CP-23-01127
2018-CP-42-02574

John Garvin Plaintiff/Appellant,

v.

Scott D. Robinson Law Firm, LLC., et al. Defendant/Appellee.

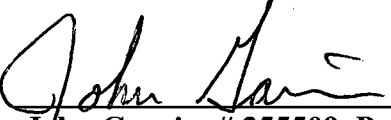
**NOTICE AND MOTION TO PROCEED
IN FORMA PAUPERIS UPON APPEAL**

To: Mr. Warren C. Powell, Jr., Esquire, Attorney for Defendant-Appellee

YOU WILL PLEASE TAKE NOTICE, that upon the affidavit of John Garvin, sworn to on the 2nd day of August, 2018, a Motion will be made at a term of this court, for an Order permitting Plaintiff-Appellant to proceed with the appeal from the Order entered in this action on the 19th day of July, 2018, as a poor person, directing that he be furnished a copy of the stenographic transcript of the Defendant's May 31, 2018, Motion Change of Venue hearing that was held in this action to be obtained 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.

Plaintiff-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: August 7, 2018.


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

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**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 Plaintiff-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 for the Authorization to have the Expense of Obtaining the Transcript of Defendant’s May 31, 2018, Motion for Change of Venue hearing to be waived because of my indigence.

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 Motion hearing to execute this case for an appeal of the Defendant’s granted 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 Plaintiff-Appellant’s legal malpractice complaint will be required, in order to properly review the facts raised by the Defendant-Appellee at the May 31, 2018, Motion hearing.

6. A copy of the May 31, 2018, Motion hearing transcript is needed to insure that the proposed order submitted by the Defendant-Appellee covers all the facts raised at that hearing and t

