

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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JAN 14 2021

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Hon. J. Derham Cole, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2020-001418

John Garvin Petitioner-Appellant,

v.

The State of South Carolina Respondent-Appellee.

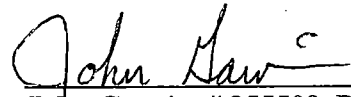
**AFFIDAVIT IN SUPPORT OF
MOTION TO PROCEED AS PRO-SE**

I, John Garvin, being first duly sworn, state:

1. I am the Appellant in the above-entitled action, proceeding as Pro-se, moves this Court to terminate the representation of my appointed counsel, Robert M. Dudek, Chief Appellant Defender, and is to be relieved of any further obligations in perfecting my Petition for Writ of Certiorari, as I choose to proceed as Pro-se.
2. This affidavit is made in support of Appellant’s motion to proceed as Pro-se, made pursuant to *State v. Brewer* 328 S.C. 117, 492 S.E.2d 97 (S.C., 1997) (citing *Faretta v. California*, 422 U.S. 806, 95 S.Ct. 2525 (1975), for an Order granting Appellant’s Motion to Proceed as Pro-se.
3. The waiver of my right to counsel is made knowingly, intelligently, and voluntarily.
4. Appellant is fully aware of the dangers and disadvantages of proceeding as Pro-se.
5. Robert M. Dudek has failed to make reasonable efforts to obtain Appellant’s July 19, and July 31, 2019, PCR transcript, so that Appellant can appeal the PCR Court’s Order of Dismissal.
6. Appellant ask that a Guardian Ad Litem be appointed pursuant to Rule – 17(d)(1)(4), SCRCPC, due to the physical restraint of imprisonment that’s placed upon him, for the purpose of coordinating the services of assisting Appellant for the purpose of providing copies of the appendix, the petition and any briefs and additional copies of the appendix were the petition to be granted.

7. Appellant wants to represent himself and to proceed as Pro-se for his Petition for Writ of Certiorari.
8. This motion is not made for delay and is being made in good faith.
9. As set forth for the above reasons, it is imperative that Appellant be allowed to represent himself as Pro-se for his Petition for Writ of Certiorari, pursuant to *State v. Brewer*, 328 S.C. 117, 492 S.E.2d 97 (S.C., 1997)(citing *Faretta v. California*, 422 U.S. 806, 95 S.Ct. 2525 (1975)).


WHEREFORE, Appellant 's Motion to Proceed as Pro-se is to be granted pursuant to Appellant's Sixth Amendment right to self-representation. Executed on this 8th day of January, 2021.


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

AFFIDAVIT

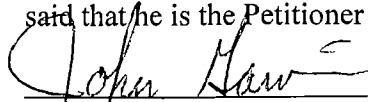
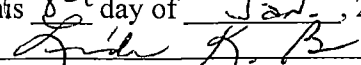
State of South Carolina)
) s.s.:
 County of Dorchester.)

I declare under the penalty of perjury that the foregoing is true and correct. Executed on this 8th day of January, 2021.


 John Garvin, # 355509, Pro-se.

State of South Carolina)
) s.s.:
 County of Dorchester.)

On January 8, 2021, John Garvin personally appeared before me, a Notary Public for the State of South Carolina in the County of Dorchester. Being duly sworn, John Garvin deposed and said that he is the Petitioner in the above action and that the facts in this affidavit are true.


 Subscribed and Sworn to before me
 This 8th day of Jan., 2021

 Notary Public for South Carolina
 My commission expires 6-20-26