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S.C. SUPREME COURT

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

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

Case No. 2020-001418

John Garvin Petitioner-Appellant,

v.

The State of South Carolina Respondent-Appellee.

EXPENSE ORDER

THIS MATTER comes before the court by way of an Application for Post-Conviction Relief (PCR), clock stamped dated November 18, 2015. The Respondent made its Return on July 5, 2016. A PCR hearing was convened on July 19 & July 31, 2019, in the Spartanburg County Court of Common Pleas to address a number of issues and outstanding motions filed by Appellant, John Garvin. Appellant was present and represented himself. Respondent was represented by Johnny E. James, Jr., of the South Carolina States Attorney General Office. Appellant states that the transcript of the proceeding held in connection with the PCR hearing that was heard, will be required in order to properly review the allegations raised by Appellant.

The Appellant having made this motion for authorization to have the expense of obtaining the transcript of his PCR hearing to be paid for by the South Carolina Commission on Indigent Defense (SCCID), pursuant to S.C. Code Ann. § 17-3-50(B) and (C) (Supp. 1999). The Appellant states that in order for him to properly perfect his Petition for Writ of Certiorari with a reasonable effectiveness, he requires a copy of the PCR transcript from July 19 & July 31, 2019, PCR hearing

to insure that the courts order submitted by the court covers all the allegations and statement of facts raised by the Appellant and the Respondent, in addition that the Order ultimately entered by the Court is complete and not distorted. Inasmuch as, this court finds Appellant's request for this PCR transcript to be reasonable and necessary on the facts of this case, Appellant's request for the authorization of funding is hereby granted. The importance of a complete and detailed order in post-conviction relief causes was highlighted by South Carolina Supreme Court in Marlar v. State, 375 S.C. 407, 653 S.E.2d 266 (2007). Appellant hereby asks this court for authorization to submit unto the South Carolina Commission on Indigent Defense (SCCID) a request for them to submit a voucher for payment of funds expended by SCCID to pay the court reporter for the transcripts of the July 19 & July 31, 2019 PCR hearing. Whereas, the transcript is to be paid for by SCCID, the Court Reporter, Linda D. Moffitt, is directed to prepare the transcript without requiring advanced payment by the Appellant. The bill for the transcript of the PCR hearing may be submitted to SCCID for payment when received. In addition, Appellant is hereby authorized to submit the bill to SCCID for the cost of the copies including the cost of binding and postage for transmittal to the court and the Appellant.

THEREFORE, IT IS ORDERED THAT:

1. Appellant may submit a request to SCCID for prompt payment, a voucher for Court Reporter, Lina D. Moffitt, for payment of her bill for the original transcripts of the July 19 & July 31, 2019, PCR hearing; and
2. Upon receipt of this Order, Appellant is to Order the transcript from Linda D. Moffitt and provide her with a copy of this Order; and
3. Appellant is directed to provide opposing counsel with a copy of Appellant's letter to the Court requesting the transcript of the July 19 & July 31, 2019 PCR hearing; and
4. Opposing counsel is to order a copy of this transcript from the Court Reporter; and
5. Appellant is authorized to submit for payment to SCCID the expenses for complying with this Order, including the cost of producing copies of this record for Appellant. In

addition, Appellant may bill SCCID for the cost of binding these copies and the postage costs for transmitting copies to the court; and

6. Appellant is expressly authorized to submit the expenses addressed herein for payment over and above the expense limit otherwise set by this Court pursuant to S.C. Code Ann. § 17-3-50(B) and (C) (Supp. 1999).

AND IT IS SO ORDERED this ____ day of _____, 2021

**Hon. Daniel E. Shearouse, Clerk of
South Carolina Supreme Court**

_____, **South Carolina**