

**RECEIVED**

**May 19 2021**

**S.C. SUPREME COURT**

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

**FROM SPARTANBURG COUNTY  
Court of Common pleas  
J. Derham Cole, Circuit Court**

**Case No. 2020-001418**

John Garvin..... Petitioner-Appellant,

v.

The State of South Carolina..... Respondent-Appellee.

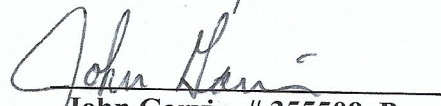
**AFFIDAVIT IN SUPPORT OF JOHN GARVIN'S  
MOTION FOR REQUEST TO LISTEN TO AUDIO  
RECORDINGS AND TO READ STENO NOTES,  
PURSUANT TO RULE -607(i), SCACR**

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

1. I am the Petitioner in the above – entitled action proceeding as pro-se and makes this affidavit in support of my Motion for Request to Listen to Audio Recordings and to Read Steno Notes, pursuant to Rule – 607(i), SCACR.
2. I am entitled to a copy of the primary and backup tapes according to Rule – 607(i), SCACR, to challenge the accuracy of Court Reporter, Linda D. Moffitt, transcription of my July 19, and July 31, 2019, PCR Motion hearing and evidentiary hearing.
3. On July 19, and July 31, 2019, a motion hearing and evidentiary hearing, was held at the Spartanburg County Courthouse to address outstanding motions and issues within a Post-Conviction Relief (PCR) application that was filed by Petitioner, John Garvin.
4. At that hearing Circuit Court Judge, J. Derham Cole, heard and ruled on Petitioner’s eight (8) pro-se motions and issues within his PCR application.

5. The Court Reporter, Linda D. Moffitt, transcribed the July 19, and July 31, 2019, motion and evidentiary PCR hearing on June 16, 2020, at the request of the Respondent's, attorney, Johnny E. James, Jr., Asst. Att'y. General.
6. The Petitioner states that upon receiving the PCR hearing transcript on February 8, 2021, from Appellant Defense via Lieber Correctional Institution's internal mail staff, that the transcript was not a complete full accurate account of what transpired in court at his PCR hearing.
7. The transcribed portions of the PCR hearing, by Court Reporter, Linda D. Moffitt, are distorted and omits certain key testimony of Scott D. Robinson, Esquire; Asst. Solicitor, James E. Hunter; Spartanburg County Sheriff Officer, Lt. Ken Hancock; Matt Hutchins, and SLED Agent, Ashley Asbill, that are substantial and significant alterations and omissions to the testimony giving by the aforementioned witnesses at the PCR hearing.
8. The omissions distort the facts within, Court Reporter, Linda D. Moffitt's, transcription of the PCR hearing transcript deprives me of a statutory right to produce witnesses and proofs in my favor, pursuant to S.C. Code Ann. § 17-23-60, her transcript errors, specifically prejudices my ability to perfect my appeal and to prove that my constitutional rights were violated on my issues that I presented at my PCR hearing.
9. The following transcript pages and lines that's listed below are not a full complete and accurate account of what transpired during that PCR hearing: Tr.p. 27, Ln. 12; Tr.p. 28, Ln. 20; Tr.p. 32, Ln. 13, 16; Tr.p. 45, Ln. 9; Tr.p. 46, Ln. 8 – 9; Tr.p. 47, Ln. 6 – 10; Tr.p. 53, Ln. 6 – 19; Tr.p. 67, Ln. 17 – 25; Tr.p. 70, Ln. 5 – 8, 10 – 21; Tr.p. 71, Ln. 2 – 14; Tr.p. 72, Ln. 2 – 25; Tr.p. 73, Ln. 3 – 11; Tr.p. 75, Ln. 9 – 17; Tr.p. 76, Ln. 8; Tr.p. 94, Ln. 8 – 9; Tr.p. 125, Ln. 1 – 25; Tr.p. 126, Ln. 1 – 25; Tr.p. 127, Ln. 1 – 25; Tr.p. 128, Ln. 1 – 25; Tr.p. 133, Ln. 5 – 6; Tr.p. 147, Ln. 6 – 8; Tr.p. 148, Ln. 18; Tr.p. 152, Ln. 21 – 22; Tr.p. 165 – 166, Ln. 1 – 25, 1 – 7, 22 – 24; Tr.p. 167, Ln. 13 – 15; Tr.p. 177, Ln. 23 – 24; Tr.p. 196, Ln. 11 – 17; Tr.p. 199, Ln. 9 – 17; Tr.p. 221, Ln. 22 – 23; Tr.p. 256, Ln. 7, 12; Tr.p. 257, Ln. 1 – 4, 6 – 8; Tr.p. 293, Ln. 16 – 22.
10. The Petitioner makes this Motion for Request to Listen to Audio Recordings and to Read Steno Notes, to correct the transcript errors and any such deficiency within the July 19, and July 31, 2019, PCR hearing transcript.

**WHEREFORE**, based upon the forgoing the Petitioner prays that the Court grants his Motion for Request to Listen to Audio Recordings and to Read Steno Notes, pursuant to Rule – 607(i), SCACR and due administration of justice. Executed on this 11<sup>th</sup> day of May, 2021.

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

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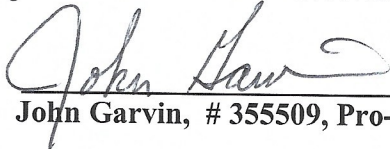
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AFFIDAVIT

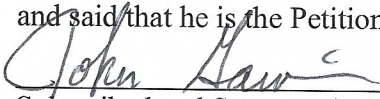
State of South Carolina )  
 ) s.s.:  
County of Dorchester. )


I declare under the penalty of perjury that the foregoing is true and correct. Executed on this 11<sup>th</sup> day of May, 2021.

  
John Garvin, # 355509, Pro-se.

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

On May 11, 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 11<sup>th</sup> day of May, 2021

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