

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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JUN 15 2021

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

S.C. SUPREME COURT

Case No. 2020 – 001418

John Garvin..... Petitioner,

v.

The State of South Carolina..... Respondent.

**MOTION FOR EXTENSION OF TIME TO
FILE PETITION FOR WRIT OF CERTIORARI**

To: Mr. William H. Ray, Asst. Att’y. General, Attorney for Respondent.


I, John Garvin, proceeding as Pro-se, pursuant to Rule – 263(b), SCACR, would respectfully moves this court for an extension of thirty (30) days in which to file Petitioner’s Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to an Order of the South Carolina Supreme Court dated May 12, 2021. The Petitioner moves that the time for filing, be extended to July 12, 2021. This motion is made because the Petitioner has not been able to properly perfect his Petition for Writ of Certiorari within the allotted time for the following reasons:

1. The Petition for Writ of Certiorari and Appendix is due to be served and filed with the Court on June 10, 2021.
2. The Petitioner has only a G.E.D., with no legal education and is just a layman of law.

3. Petitioner respectfully submits that extraordinary circumstances exist which warrants the granting of an additional extension of time for the following reasons:
- a. The Petitioner cannot properly perfect his Petition for Writ of Certiorari due to the PCR transcript errors by Court Reporter, Linda D. Moffitt's, transcription of the July 19th and 31st, 2019, PCR hearing transcript.
 - b. Petitioner's has written a request to the Presiding Judge, J. Derham Cole, who is now the Chief Administration Judge for the Spartanburg County Court of Common Pleas on March 23, 2021 and on May 19, 2021, about his desire to listen to the PCR audio recording and to read steno notes, and has yet to receive a response from him.
 - c. Petitioner has challenged the accuracy of the PCR transcript, pursuant to the South Carolina Court Reporters Manual § XIII(B)(C), and is awaiting the results of Karama T. Bailey, Deputy Director, Court Reporter/Court Interpreting at the Office of South Carolina Court Administration's review of the PCR transcript in question¹ and requests that the time limit for filing his Petition for Writ of Certiorari be held in abeyance at this time.
4. Petitioner makes this request in good faith and not for the purpose of delay.
5. Good cause exists for the granting of this motion for extension of time, for the reasons stated above. The PCR transcript errors hinders Petitioner from making a timely fashioned Petition for Writ of Certiorari.

WHEREFORE, the Petitioner would respectfully request a thirty-day extension, in which to properly perfect and file his Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Petitioner requests that time limit for filing the petition be held in abeyance pending a ruling on this motion.

DATED: June 8, 2021


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

¹ On March 18, 2021, Petitioner wrote the Court Reporter about challenging the accuracy of the PCR transcript. On April 4, 2021, Petitioner would receive a response from the Court Reporter stating that he needs to contact Karama T. Bailey at the Office of Court Administration.