

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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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 STAY OF TIME LIMIT TO FILE  
PETITION FOR WRIT OF CERTIORARI AND APPENDIX

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

Petitioner, John Garvin, proceeding as Pro-se, hereby moves before this Court pursuant to Rule – 240(b), SCACR, to stay the time limit to file his Petition for Writ of Certiorari and Appendix.

In support of this Motion, Petitioner apprises this Court of the following facts and legal principles:

1. On March 18, 2021, Petitioner wrote the Court about challenging the accuracy of the PCR transcript, pursuant to Rule – 607(i), SCACR. On April 4, 2021, Petitioner would receive a response from the Court Reporter, Linda D. Moffitt, stating that he needs to contact Karama T. Bailey at the Office of Court Administration.
2. Petitioner 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 my desire to listen to the PCR audio recording and

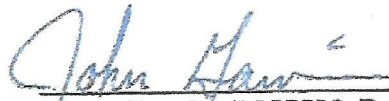
to read steno notes, and has yet to receive a response from him.

3. On or about May 4, 2021, Petitioner wrote Karama T. Bailey, Deputy Director, Court Reporter/Court Interpreting, to challenge the accuracy of Linda D. Moffitt's transcription of the July 19<sup>th</sup> and 31<sup>st</sup>, 2019, PCR hearing transcript, pursuant to the South Carolina Court Reporters Manual § XIII(B)(C).
4. On June 14, 2021, Petitioner received from Ms. Bailey, her review and findings of the PCR audio recording and transcript. That was filed in this court on July 1, 2021.
5. Petitioner submits that extraordinary circumstances exist which warrants the granting of this Motion to Stay the Time Limit to file the Petition for Writ of Certiorari and Appendix for the following reasons:
  - a. On June 11, 2021, Petitioner filed with this court a Motion for Reinstatement and Subsequent Application for Relief, in regards to this Court's dismissal of Petitioner's Motion for Request to Listen to Audio Recordings and the denial of his Motion for Access to Disciplinary Information and his Motion to Supplement the Record. Inasmuch as, Petitioner seeks the reinstatement of those Motions with an Order granting him a subsequent application for relief of the above-mentioned Motions, pursuant to Rule – 260(a) and Rule – 266, SCACR.
  - b. On July 1, 2021, the Petitioner filed with this Court, his objection to Ms. Bailey's review and findings of the PCR transcript, as being less than adequate and failing to fully report all of Court Reporter, Linda D. Moffitt's transcript errors as a whole. In addition, to asking this Court for access to the PCR audio recordings for further review, to show that there are far more errors in the PCR transcript than she is actually reporting and that there are several inconsistencies in her findings that don't coincide with the actual page numbers of the errors that she is stating in her review findings.
  - c. Upon this Court's discretion and the possibility of this Court granting Petitioner's Motions. Petitioner anticipates that he is going to need time to review the PCR audio recording and for the court reporter to make the necessary corrections to the PCR transcript.
6. Petitioner makes this motion request in good faith and not for the purpose of delay.

7. Good cause exists for the granting of this motion for stay of time limit, for the reasons stated above. The further review of the PCR audio recording is needed to properly review all the transcript errors.

**WHEREFORE**, for all the above-mentioned foregoing reasons, Petitioner submits that there is good cause to stay the time limit to file his Petition for Writ of Certiorari and Appendix, and therefore respectfully requests, pursuant to Rule – 240(b), SCACR, that this Court grants this motion for stay of time limit to file the Petition for Writ of Certiorari and Appendix as prescribed by the South Carolina Rules of Appellate Procedure.

**DATED: July 9, 2021**

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