

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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

Appellate Case No.: 2020-001418

RECEIVED  
AUG 10 2021  
S.C. SUPREME COURT

John Garvin..... Appellant-Petitioner,

v.

The State of South Carolina..... Appellee-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 July 12, 2021. The Petitioner moves that the time for filing, be extended to September 13, 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 reason:

1. The Petition for Writ of Certiorari is due to be served and filed with the Court on August 12, 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) 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

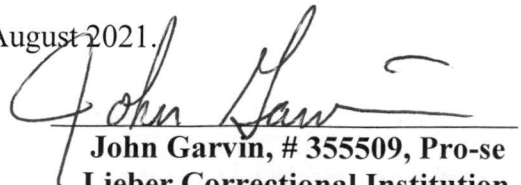
Petitioner's Motion For Request to Listen to Audio Recordings and the denial of his Motion for Access to Disciplinary Information and his Motion to Supplement the Record. Insomuch as, Petitioner's seeks the reinstatement of those Motions with an Order granting him a subsequent application for relief of the above-mentioned Motions, pursuant to Rule - 260(a), and Rule - 266, SCACR.

- b) On July 1, 2021, Petitioner filed with this Court a second Motion for Request to Listen to Audio Recordings. Whereas, Petitioner objected to Ms. Bailey's review and findings of the PCR transcript, as being less than adequate and fails to fully report all of Linda D. Moffitt's transcript errors as a whole. In addition, to asking this Court for access to the PCR audio recording for further review, to show that there are far more errors within the PCR transcript then she is actually reporting and that there are several inconsistencies in her findings that don't coincide with the actual page number of the errors that she is stating that's in her review.
- c) On July 9, 2021, Petitioner filed with this Court a Motion to Stay the Time Limit to file his Petition for Writ Certiorari and Appendix, upon this Court's discretion and the possibility of this Court granting Petitioner's Motions.

- 4. Petitioner states that he is still trying to properly perfect the issues that he plans to present in his Petition for Writ of Certiorari.
- 5. Petitioner makes this request in good faith and not for purpose of delay.
- 6. Good cause exists for the granting of this motion for extension of time, for the reasons stated above. The PCR transcript errors hinder Petitioner from making a timely fashioned Petition 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 the time limits for filing the petition be held in abeyance pending a ruling on this motion.

**RESPECTFULLY SUBMITTED** on this 6<sup>th</sup> day of August 2021.

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