

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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Sep 10 2021

S.C. SUPREME COURT

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

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Case No. 2020 – 001418

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John Garvin..... Petitioner,

v.

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

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

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**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 October 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 reasons:

1. The Petition for Writ of Certiorari and Appendix is due to be served and filed with the Court on August 12, 2021.

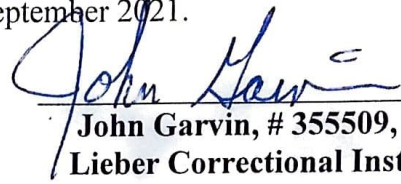
2. The Petitioner has only a G.E.D., with no legal education and is just a layman of law.
3. Petitioner respectfully submits that extraordinary circumstances exist which warrants the granting of an additional extension of time for the following reasons:
  - a. On June 14, 2021, Petitioner received from Ms. Karama T. Bailey, Deputy Director, Court Reporter/Court Interpreting at the Office of South Carolina Court Administration, her review and findings. (See Exhibit – A).
  - b. On June 29, 2021, Petitioner made his objections to her review and findings in the form of a Motion for Request to Listen to Audio Recordings, that was filed in the Spartanburg County Court of Common Pleas on July 6, 2021, and was sent to the Presiding Judge, J. Derham Cole. (See Exhibit – B).<sup>1</sup>
  - c. Since the filing of Ms. Bailey’s review and findings and Petitioner’s objections to her findings in the form of a Motion for Request to Listen to Audio Recordings. There has been no response from the Presiding Judge J. Derham Cole.
  - d. Petitioner states that he has made and followed the proper method to challenge the errors within his PCR transcript as is provided by the South Carolina Court Reporters Manual § XIII(B)(C). And given the extreme indifference that the Petitioner has encountered from the PCR Court with there lack of a response to Petitioner’s complaint about the transcript errors and his objections to the review and findings of those errors and extraordinary circumstances that exists in this matter.
4. The Petitioner states that given the above-mentioned extraordinary circumstances, he is still trying to properly perfect the issues that he plans to present in his Petition for Writ of Certiorari, despite the errors within his PCR transcript.
5. Petitioner makes this request in good faith and not for the purpose of delay.
6. Good cause exists for the granting of this motion for extension of time, for the reasons stated above. The omissions and distortion of the facts hinders Petitioner from making a timely fashioned Petition for Writ of Certiorari.

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<sup>1</sup> On June 29, 2021, Petitioner presented simultaneously in both the Spartanburg County Court of Common Pleas and in the South Carolina Supreme Court, a Motion for Request to Listen to Audio Recordings. Whereas, Petitioner is currently awaiting a response from the Presiding Judge/Chief Administration Judge, J. Derham Cole. The South Carolina Supreme Court Clerk’s Office, stated to Petitioner that it would take no action on his Motion.

**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 10<sup>th</sup> day of September 2021.

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