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SEP 24 2021

S.C. SUPREME COURT

**John Garvin
Lieber Correctional Institution
136 Wilborn Avenue
Ridgeville, S.C. 29472**

**ATTN: Hon. Brenda F. Shealy, Chief Deputy Clerk
South Carolina Supreme Court
P.O. Box # 11330
Columbia, S.C. 29211**

RE: John Garvin v. State, 2020-001418, Objections to Court Reporters Review and Findings

Dear Hon. Chief Deputy Clerk Shealy:

This letter is in response to your letter to me dated August 23, 2021, stating that the South Carolina Supreme Courts Clerk's office will take no action with respect to my Motion for Request to Listen to Audio Recordings that was dated June 29, 2021, and was filed on July 1, 2021, classifying it as a Petition for Rehearing.

First and foremost, I'd like to state, that my Motion was made pursuant to the South Carolina Court Reporters Manual § XIII(B)(C), not Rule – 607(i), SCACR, as you would state in your letter. My Motion was made to challenge the findings and review of Karama T. Bailey, Deputy Director, Court Reporting/Court Interpreting of the South Carolina Court Administration. Due to her filing with the South Carolina Supreme Court on July 1, 2021, her review and findings of the transcription of my PCR hearing that was held on July 19, 2019 and continued on July 31, 2019, by Court Reporter, Linda D. Moffitt.

Right now, I see the extreme indifference that you and the Supreme Courts Clerk's Office are displaying towards me about my complaint and my challenging of Ms. Bailey's, review and findings of my PCR hearing transcript. So you are further advised that since you are disregarding my Motion and not presenting it before the South Carolina Supreme Court to my challenging Ms. Bailey's review and findings. I write this letter to you and this Court to serve as my objections to Ms. Bailey's review and findings of the PCR transcript in question. Which was less than adequate and fails to fully report all of Linda D. Moffitt's transcript errors as a whole.

Whereas, further review of the PCR audio recordings is needed and will 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 coordinate with the actual page numbers of the reported errors that she is stating that's in her review.

Ms. Bailey's report and findings state that there are thirty (30) errors that she found within the PCR transcript, but eighteen (18) of those errors were not where she stated it would be, thus, several inconsistencies within Ms. Bailey's finding that don't coordinate with the actual page number and the numbered line of the errors that she is stating. There are still over ninety-two (92) errors within the transcribed portions of the PCR transcript, by Court Reporter, Linda D. Moffitt, that are distorted and omits questions that was asked by myself personally of witnesses, Scott D. Robinson, Esquire; Asst. Solicitor, James E. Hunter; and SLED Agent, Ashley Asbill, that's not presented in the transcript that are substantial and significant alterations and omissions to the testimony giving by the aforementioned witnesses at the PCR hearing.

The omissions distort the facts within, Court Reporter, Linda D. Moffitt's, transcription of the PCR hearing transcript and 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 the issues that I presented at my PCR hearing.

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 and further review of the PCR transcript is needed due to the inconsistencies of Karama T. Bailey's report and finding.

ERRORS WITHIN PCR TRANSCRIPT

Page #	Line #	Change(s) that need to be Made
12	5	"the" should be "to"
15	20	"impartial" should be "partial"
16	13	"was" should be "is"
16	24	"Social" should be "socially"
21	19	Remove "this"
22	13	"was" should be "is"
23	6	Assistance misspelled
24	13	Add "was false" after "that"
24	13	"first" should be "Fredrick"
25	7	"was" should be "is"
25	8	"a" should be "the"
27	13	Add "an" before "extrajudicial"
27	20	"extrigent" should be "extrinsic"
37	16	"actually" should be "adequately"

37	23	"before my trial" should be "for my appeal"
46	8	"convenient" should be "color"
47	9, 10	Remove "- - excuse me - - State grand jury procedures"
47	21	Add "year" before "2012"
47	22	"17" should be "170"
48	7	"2013" should be "2012"
48	17	"causal" should be "cause of"
49	2	"constitutional" should be "constitution"
49	6	"a" should be "above are"
49	7	"permissibly" should be "impermissibly"
49	11	"the prior" should be "deprived"
49	13	Remove "they"
49	24	"2013" should be "2012"
60	13	Add "It was filed?" before the question "Is that the one you filed on July 5 th ?"
61	23	"voluntary" should be "involuntary"
64	2	"voluntary" should be "involuntary"
64	11	"judge" should be "jury"
64	25	"boasting" should be "bolstering"
68	20	"2016" should be "2013"
71	1	Add "complaint." after "that"
71	12	"with him" should be "against them both"
71	13	"hab [sic]" should be "district court"
74	6	"April" should be "August"
74	11	"April" should be "August"
74	16	Add "appear at" before "that"
75	23	"in" should be "at"
76	23	"presidicial" should be "prejudicial"
78	25	"they" should be "it"

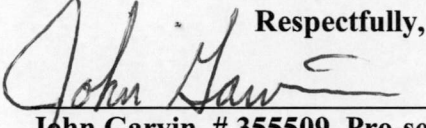
81	19	“there” should be “that”
84	10	“at” should be “under”
84	10	“and” should be “as”
84	13	Add “my case” after “try”
84	14	“That’s as” should be “That”
86	1	“a” should be “the”
87	21	“Beck v. Abraham” should be “Brecht v. Abrahamson, 507 U.S. 619”
90	23	“provided” should be “proved”
91	10	“a” should be “the”
92	14	“cure” should be “colloquy”
94	8	“appears” should be “abused”
101	19	“me” should be “him”
117	14	“your should be “the”
117	20	“if” should be “is”
125	19	“noticed” should be “notified”
127		A question that was asked and the answer is missing from the transcript.
128	25, 1-2	The question that was asked is distorted.
129	15 - 19	The question that was asked is being distorted and is missing Counsel Robinson’s answer.
133	5 - 7	The question that was asked is being distorted.
135	22	“it’s not” should be “it is”
143		The question that was asked and the answer is missing from the transcript.
150	6	“traction” should be “transaction”
160	14	Add “meaningful” before “adversarial testing”
160	17	Add “meaningful” before “adversarial testing”
160	25	Misspelled “astringent” should be “extrinsic”
162	12	Misspelled “astringent” should be “extrinsic”
163	4	Misspelled “astringent” should be “extrinsic”
196	14	Misspelled “astringent” should be “extrinsic”

196	13	"Esquire" should be "conspire"
196	14	"and" should be "for the"
196	15	"subort - - force" should be "submit suborn"
196	22	"Howso" should be "How so"
197	19	"That's" should be "what's"
199	13	"isn't" should be "is"
201	2	"what" should be "that"
213	4	Add "Rule - 60(b)(2)(3)(4) and S.C. Code Ann. § 17-27-20(A)(4)" after "under"
214	14	"he gave" should be "he is"
215	10	"astringent" should be "extrinsic"
220	2	"knew me and that I was" should be "knows me as"
236	24 - 25	This is not what Agent Asbill Stated on the record.
237	17	Add "him" before "my"
239	12	Add "last" before "name"
239	13	Add "and" before "with"
240	9	"The Court:" should be "Mr. James:"
240	12	"The Applicant:" should be "Mr. James:"
286	8	"Perez" should be "him"
293	18	"knee me as Unk" should be "knows me as an Uncle"
295	18	Add "it" after "write"
299	1	"till" should be "until"

On page 127, line 13 – 15, right after Counsel Robinson admitted that he failed to appear, Petitioner asked him a question about, was his failure to appear, would that be considered negligence on his part for failing to appear at Petitioner's October 25, 2012, preliminary hearing. Whereas, Counsel Robinson admitted on record that he was negligent for failing to appear. Then on page 143, line 1 – 2, right after Counsel Robinson admitted that there was a meeting in the Judge's chambers, he was asked what was talked about in the Judge's chamber between himself, Asst. Solicitor, James E. Hunter and Judge McIntosh. Also missing from the PCR transcript is the entire cross-examination of Asst. Solicitor, James E. Hunter, by Johnny E. James, Asst. Attorney General, the Respondent's attorney.

Finally, for the past few months I have written the Presiding Judge, J. Durham Cole, of that PCR hearing about my desire to listen to the audio recordings due to the transcript errors. To whereas, Judge Cole has failed to even respond to my letters or my June 29, 2021, Motion for Request to Listen to Audio Recordings that was filed in Spartanburg County Court of Common Pleas and in the South Carolina Supreme Court, which was simultaneously presented in both Courts.

Dated: September 21, 2021

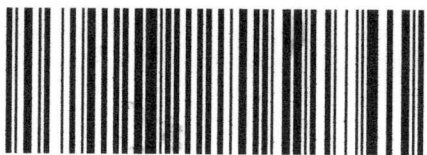
Respectfully,

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

JG/

cc: Karama T. Bailey, Deputy Director, Court Reporting/Court Interpreting
J. Derham Cole, Presiding Judge/Chief Admin. Judge
Linda Moffitt, Court Reporter
Johnny E. James, Att'y. Attorney General
Hon. Amy W. Cox, Spartanburg County Clerk of Court
Hon. Donald W. Beatty, Chief Justice

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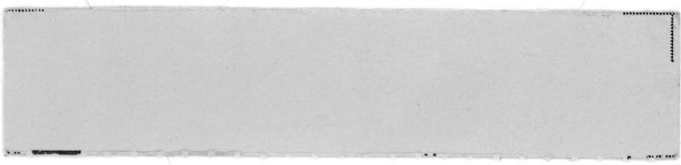
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THE DEPARTMENT HAS NOT
INSPECTED AND
THEREFORE, THE
ASSUME RESPONSIBILITY FOR THIS CONTENT.

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SC DEPARTMENT OF COURTESY