

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

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Dec 23 2021

S.C. SUPREME COURT

**FROM SPARTANBURG COUNTY
Court of Common pleas
J. Derham Cole, Circuit Court**

**Lower Court Case No.: 2015-CP-42-4699
Appellate Court Case No. 2020-001418**

John Garvin..... Petitioner-Appellant,

v.

The State of South Carolina..... Respondent-Appellee.

MOTION FOR LEAVE TO FILE AN ENLARGED BRIEF

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

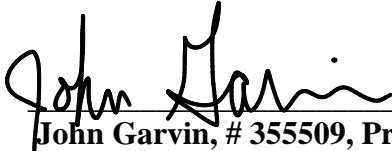
I, John Garvin, proceeding as Pro-se, would respectfully moves this court for leave to file an enlarged brief, pursuant to Rules – 208(b)(5) and 263(b), SCACR. This Motion is made because Petitioner has exceeded the twenty-five (25) page limit as required by Rule – 243(e)(3), SCACR. In support of this Motion, the Petitioner shows the following to the Court:

1. The highest grade Petitioner has completed is the eighth (8) grade and only has a G.E.D., with no legal education and is just a layman of law.
2. The questions involved are of questionable importance's and are in great length.
3. The Petitioner has limited knowledge of the law.
4. Petitioner's original petition for writ of certiorari was two hundred-two (202) pages and was in response to the PCR Court's order of dismissal that was twenty-seven (27) pages in length, but Petitioner was ordered on December 9, 2021, to bring his brief to twenty-five (25) pages, pursuant to Rule – 243(e)(3), SCACR.
5. Petitioner states that as a pro-se litigate with only a General Education Degree, (G.E.D.), and to have only completed the eighth (8) grade with no legal education and is just a layman of law, cannot get the two hundred-two (202) paged brief down to the twenty-five page limit as Rule – 243(e)(3) requires.

6. Petitioner has brought his brief down to twenty-eighth (28) pages and states that Rule – 243(e)(3), twenty-five (25) page standard limit is unreasonable and prejudices the Petitioner who is a pro-se litigate with only a basic eighth (8) grade education and bares the burden of trying to present to this court the operative facts and the controlling legal principles of the two questions that are being presented in his brief for the violation of his constitutional rights during his State proceedings, and cannot do it within the 25 page standard limit.
7. The questions address the constitutional errors that are apparent from the record.
8. The questions that are being presented in Petitioner’s brief is complex, to whereas, the Petitioner needs to exceed the twenty-five (25) page limitation, due to his low level of competence, to be able to adequately address the questions that are being presented before this Court.
9. Petitioner has inadvertently failed to comply with Rule – 243(e)(3), SCACR, and submits to this court, a motion to enlarge his brief, due to his low level of competence and his inability to bring his brief within the twenty-five (25) page limit as is required by Rule – 243(e)(3), SCACR and prays that the court grants that motion.
10. The Petitioner believes that he can address the questions in an adequate manner if this court will allow the Petitioner to exceed the twenty-five (25) page limitation by three (3) pages.
11. Good cause exists for the granting of this Motion for leave to file enlarged brief to exceed the twenty-five (25) page limit to twenty-eighth (28) pages, to adequately address the questions that are being presented in the Petition for Writ of Certiorari

WHEREFORE, the Petitioner herein, as a result of the nature of the questions being presented and complexity of the questions involved in the Petition for Writ of Certiorari, prays for the granting of this Motion for Leave to File An Enlarged Brief.

Dated: December 23, 2021


John Garvin, # 355509, Pro-se.
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