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S.C. SUPREME COURT

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

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

**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.

**AFFIDAVIT IN SUPPORT OF
MOTION TO RECALL REMITTITUR**

I, John Garvin, being first duly sworn, deposes and says:

1. I am the Petitioner-Appellant in the above-entitled action, proceeding as Pro-se, makes this affidavit in support of my Motion to Recall Remittitur.
2. This Court has entered an Order denying Petitioner-Appellant’s Motion for Reinstatement of Appeal and a Subsequent Application for Relief, on March 15, 2022.
3. The Clerk of the South Carolina Supreme Court has issued and/or mistakenly or inadvertently issued and entered the remittitur to the lower court on March 17, 2022, and stated that “no petition for rehearing was filed” on the Court’s website for case no.: 2020-001418.
4. On March 21, 2022, Petitioner-Appellant would receive from Appellate Defense a copy of that March 15, 2022, Order denying his Motion for Reinstatement of Appeal and a Subsequent Application for Relief via the Ridgeland Correctional Institution’s mailroom staff member.
5. Petitioner-Appellant states that after the filing of the remittitur, that was issued by the Clerk before the fifteen (15) day time limit had elapsed for him to file his Petition for Rehearing, pursuant to Rule – 221(a)(b), SCACR. Petitioner-Appellant would file in this Court by e-mail his Petition for Rehearing on the same day as the remittitur was issued and filed.

