

RECEIVED

MAY 07 2021

S.C. SUPREME COURT

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

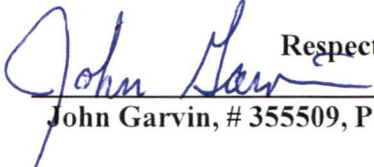
ATTN: Hon. Brenda F. Shealy, Deputy Clerk
South Carolina Supreme Court
1231 Gervais Street
Columbia, S.C. 29201

RE: John Garvin v. State, 2020 – 001418, Motion for Extension of Time

Dear Hon. Shealy:

Enclosed please find a Motion for Extension of Time and Proof of Service that is to be filed in South Carolina Supreme Court.

Dated: May 4, 2021

 Respectfully,
John Garvin, # 355509, Pro-se.

JG/jg
Enclosure
cc: William H. Ray, Asst. Att'y. General

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

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

Case No. 2020 – 001418

John Garvin..... Petitioner,

v.

The State of South Carolina..... 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, 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 April 12, 2021. (See Exhibit – A). The Petitioner moves that the time for filing, be extended to June 9, 2021. This is Petitioner’s second request for an extension. 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 May 10, 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. The Court Reporter, Linda D. Moffitt, transcribed the July 19, and July 31, 2019, motion and evidentiary PCR hearing on June 16, 2020, at the request of the Respondent's, attorney, Johnny E. James, Jr., Asst. Att'y. General.
 - b. The Petitioner states that upon receiving the PCR hearing transcript on February 8, 2021, from Appellant Defense via Lieber Correctional Institution's internal mail staff, that the transcript was not a complete full accurate account of what transpired in court at his PCR hearing.
 - c. The transcribed portions of the PCR hearing, by Court Reporter, Linda D. Moffitt, are distorted and omits certain key testimony of Scott D. Robinson, Esquire; Asst. Solicitor, James E. Hunter; Spartanburg County Sheriff Officer, Lt. Ken Hancock; Matt Hutchins, and SLED Agent, Ashley Asbill, that are substantial and significant alterations and omissions to the testimony giving by the aforementioned witnesses at the PCR hearing.
 - d. The omissions distort the facts within, Court Reporter, Linda D. Moffitt's, transcription of the PCR hearing transcript, which 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 my issues that I presented at my PCR hearing.
4. The Petitioner cannot properly perfect his Petition for Writ of Certiorari due to the omissions and distortion of the facts within Court Reporter, Linda D. Moffitt's, transcription of the July 19th and 31st, 2019, PCR hearing transcript.
5. Petitioner has since filed with this court a Motion for Request to Listen to Audio Recordings and to Read Steno Notes, pursuant to Rule – 607(i), SCACR, to correct the omissions and distortion of the facts within the PCR transcript.
6. Petitioner makes this request in good faith and not for the purpose of delay.
7. 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

The Supreme Court of South Carolina

John Dewayne Garvin, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2020-001418

ORDER

The request for an extension to serve and file the petition for writ of certiorari and appendix is granted and extended until May 10, 2021. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause.

FOR THE COURT

Brenda J. Shady

BY _____

CHIEF DEPUTY CLERK

Columbia, South Carolina
April 12, 2021

cc:

William Harold Ray, Esquire

Robert M. Dudek, Esquire

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

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

Case No. 2020 – 001418

John Garvin..... Petitioner,

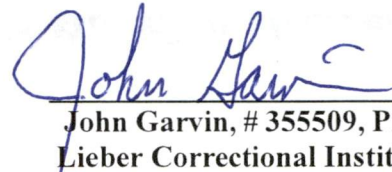
v.

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

PROOF OF SERVICE

I, John Garvin, certify that I have serve a **MOTION FOR EXTENSION OF TIME** on the Court by depositing a copy of it in the Institutional Mailbox to be delivered via United States First Class Postage Certified Mail on May 4, 2021, addressed to the Hon. Brenda F. Shealy, Deputy Clerk, 1231 Gervais Street, Columbia, S.C., 29201 and United States First Class Postage mail addressed to William H. Ray, Asst. Att’y. General, 1000 Assembly Street, Columbia, S.C. 29201.

DATED: May 4, 2021



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

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

CERTIFIED MAIL



7019 0160 0000 1748 2903

AGE PITNEY BOWES
2 \$004.80
1893 MAY 04 2021

RECEIVED

MAY 04 2021

MAIL ROOM
LIEBER C.I.

Attn: Hon. Brenda F. Shealy, Deputy Clerk
South Carolina Supreme Court
1231 Gervais Street
Columbia, S.C. 29201

LEGAL MAIL

2920183296 0020

