

## ARGUMENT

## S.C. SUPREME COURT

This is a clear case of "Fruit of the Poisonous Tree Doctrine." Under this doctrine the rule that evidence derived from an illegal search, arrest, or, interrogation is inadmissible because the evidence (the fruit) was tainted by the illegality (the poisonous tree). The petitioner would direct the court's attention to pg. 24 of transcript lines 15-16. No one claimed ownership of this house. It was a known drug house here in Cherokee County. Pg. 24, lines 19-20; Mr. Bonner claimed he did not own the home.

## 4th Amendment Violation

The Constitution of the United States gives the right to be secure in the persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched, and the persons or things to be seized. In the case at bar, the state admitted on record that this is a known drug house in Cherokee County. The state also admitted on record that no one claimed ownership of this house. So how am I legally responsible for the contents thereof?

## MOTION TO SUPPRESS

A motion to suppress is simply a request that the court prohibit the introduction of illegally obtained evidence at a criminal trial. Counsel was clearly ineffective for felling to move for a suppression motion. The petitioner would direct the court's attention to (pg. 96, lines 6-15) where counsel testified that he did not believe a suppression motion would have been successful. However, if the court would have granted the suppression motion, the state would have no case.

## CONCLUSION

On an appeal from a motion to suppress based on the 4th Amendment grounds, the Supreme Court applies a deferential standard of review and will reverse if there

is clear error. The interest of justice will be served if the court reverse  
the PCR court erroneous ruling.

Respectfully submitted,

Carl O. J. Tu

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