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OCT 20 2015

Mr. Humberto Garcia  
Ridgeland Correctional institution  
PO BOX 2039  
Ridgeland, SC 29936

**S.C. SUPREME COURT**

The South Carolina Supreme Court  
The Honorable Daniel Shearouse, Clerk  
PO BOX 11330  
Columbia, SC 29211

RE: C/A No. 2015-~~00183~~

001083

October 14, 2015

Dear Mr. Shearouse:

Enclosed for filing are the original and one copy of my limited Pro Se Response and Proof of Service.

Please return a clocked in copy within the self addressed envelope provided for your convenience.

As you know, the recent flooding has prevented me from further researching my case in the law library, etc. Please allow me an extension of time for an opportunity to better present my pro se issues please.

Thank you for your time and consideration in this important matter.

Respectfully,

*Humberto Garcia*

STATE OF SOUTH CAROLINA  
In The Supreme Court  
Appeal From Greenville County  
EDWARD W. MILLER, CIRCUIT COURT JUDGE  
Appellate Case No. 2015-001083

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Humberto Alonso Garcia, Petitioner,

OCT 20 2015

vs

STATE OF SOUTH CAROLINA, Respondent.

S.C. SUPREME COURT

**PRO SE RESPONSE**

Humberto A. Garcia makes and submits this according to the matter set forth above herein:

ISSUES

I. Did Petitioner receive the actual ineffective assistance of trial counsel for failure to pursue informant's identification and failure to pursue criminal direct appeal?

II. Should Petitioner had received the minimum sentence?

Petitioner received the actual ineffective assistance of criminal defense counsel where trial counsel indicated, "I had a motion, Ruggiero motion to release the identity of the informant" (p. 47 ll. 23-24, App.); however counsel failed to go forward. (App. p. 48 l.2) After the government's attorney (Ratigan) has "objected to the late notice of amendment" (App. p. 41 ll 18-19) which the PCR Court allowed. IF counsel would and only pursued the motion of discovery set forth above, if it was denied; there would had been a direct appeal issue.

At the conclusion of the plea proceeding there was no notice of criminal direct appeal. *Wilson v State*, 559 SE 2d 581 (2002). The record does not show where there was an intentional, knowingly and voluntarily waiver of direct appeal rights. Trial counsel hinted during the sentencing, "If you want with 10 years, we'd be looking at \$128,000" (App. p. 17 ll. 45) so why should not had Garcia received the minimum sentence.

Moreover, Petitioner attested "so when I got sentenced and went to prison, I found -- I met many more inmates, they get worse charges than me, and they get less years." (App. p. 40 ll. 20-22).

This 11 day of October 2015.

Respectfully submitted,

*Humberto Garcia*

Mr. Humberto A. Garcia, 389283  
RCI, CA-59, PO 2039  
Ridgeland, SC 29936

STATE OF SOUTH CAROLINA )

Humberto Alonso Garcia )

Case NO. 2015-001083

VS. )

PETITIONER )

STATE OF SOUTH CAROLINA )

AFFIDAVIT OF SERVICE

RESPONDENT )

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OCT 20 2015

1.) I am the pro se petitioner captioned above.

**S.C. SUPREME COURT**

2.) Regular communication by mail exists throughout the state of South Carolina and that this is a proper circumstance and method of service by mail.

3.) I have this day served a copy of **PRO SE RESPONSE** And extension of time. in the above captioned matter on the following person(s) by depositing same in the United States Mail/Inter Agency Mail, postage prepaid:

ASSISTANT ATTORNEY GENERAL  
KAREN RATLEAN, ATTORNEY  
PO BOX 11549  
COLUMBIA, SC 29211

Affirmed to and subscribed before  
me on this 16<sup>th</sup> day of October, 2015  
Virginia Roberson

With virtue,  
Humberto Garcia

Notary public

My Commission Expires: May 20, 2021

Humberto Alonso Garcia #359153  
Ridgeland Correctional Institution  
P.O. BOX 1039  
Ridgeland SC 29936

**RIDGELAND CORRECTIONAL  
INSTITUTION**

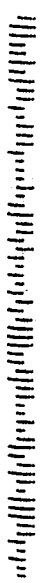
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Institution

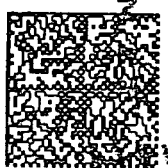
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The Supreme Court of South Carolina  
Daniel E. Shearouse, Clerk of Court  
Post office BOX 11330  
Columbia South Carolina 29211

RIDGELAND CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS

THE DEPARTMENT OF CORRECTIONS HAS NEITHER  
CENSORED NOR INSPECTED THIS ITEM. THE DEPARTMENT  
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