

To: Daniel SheAROUSE (clerk of court)

From: Benjamin Garrick #262872

Kershaw C.I PB-8

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Kershaw SC 29067

DATE: April 10, 2013

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APR 17 2013

S.C. SUPREME COURT

RE Benjamin Garrick V STATE Appellant Case No 2012-211388

Dear clerk of court I'm writing and sending my prose brief. I'm also writing to ask for extension and also to amend? My Due to my lack of education, I'm trying the best I can and I need a little more time to complete. I enclose part of my brief due to the fact of expiring time. So it would be helpful for an extension to complete. Thank-you maybe 30 more days.

Benjamin Garrick

1. Issue presented

whether The p.c.R Court erred in NOT finding Appellant Counsel ineffective for failing to raise 4th Amendment Issues That Trial Attorney preserve for Appeal.

2. Whether The p.c.R Court erred, by using information that was stricken from The record. To make decisions on p.c.R.

Issues presented

1. Whether The p.c.R court erred in NOT finding Appellant counsel ineffective for failing To Argue Search of Car Appellant was observe exiting. The Issue was preserve by Trial ATTORNEY For review on Appeal.

prior To Trial (criminal) A combined Jackson V Denno- (378 U.S. 368, 84 S.Ct 1774, 12 L.Ed.2d 908 (1964) and motion To suppress hearing was conducted. See (See Tr.p. 27-75) during p.c.R hearing Appellant counsel. ~~did not~~ Admit The Search was preserve for review See (P.C.R tr.p 38 Line 9-21). Also The U.S supreme court came out with New law March, 09. Arizona V. Gant, 556 U.S. 129 S.Ct 1710-2009. Appellant Counsel still fail to Admend Final brief on the New law that distinguished From New-reading. if my Appellant Counsel WAS NOT so ineffective, if WANDA Carter (Appellant/defence) had Argued The Search of TAMELIA'S Hartwell car, in which she got Arrested for The Same illegal Search see (Trial pg 27-75). P.C.R Court denied my p.c.R because of US V Davis 131, S.Ct-2419, 180 L.Ed 2d 285 (2011) P.C.R court says I don't get The exclusion of Gantt, if my Appellant Counsel had Amended my Final Brief under New law that comes from Gantt There's A possibility Instead of US V. Davis 131, S.Ct 2419, 180 L.Ed 2d 285 (2011) it could have

been US v. Garrick instead. The detective had Arrest
warrant for Benjamin Garrick. Defendant was outside of
Car At time of Arrest. See Trial page 44 - 49. In
Smith v Ohio, 494 U.S. 541 543 (1990) The Court found
officers Arrested A defendant on drug Charges, immediately After
discovering drug paraphernalia during A warrantless search.
Benjamin Garrick (defendant) was frisk pat down, in cuffs There
was No Need for New investigation At That point There
was No suspicious or probable Cause To search Vehical, and
I do get The honors of Arizona v. Gant 556 U.S. 129 -
S.Ct 1710 (2009) unlike US v Davis 131, S.Ct 2919, 180
Led 2d 285 (2011) They may had probable Cause but in this
case It's way different. DAVIS Gave false Name and
had open container. The Appant counsel (WANDA Carter)
was ineffective for Not Arguing The Search, and New
law on Appeal. The p.c.R Court erred in Not finding
WANDA Carter ineffective. See P.c.R Trial page 36-52.

The Supreme Court of South Carolina
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