

7-1-2022

The Carolina Court of Appeals of SC.
The Supreme Court of South Carolina
Clerk of Court of Beaufort South Carolina

RECEIVED

JUL 22 2022

SC Court of Appeals

Mr. Colin J Hamilton, Esquire,
Bar No. 104439, 14th Circuit Judicial
Assistant Public Defender
1905 Duke Street, Room 210
Beaufort, SC 29901

Ineffective Assistant of
Council-N-Creditability

INDICTMENT/CASE # 2019GS0700039

INDICTMENT/CASE # 2019GS0700040

THIS _____ DAY OF _____,

20 _____

NOTARY PUBLIC
STATE OF SOUTH CAROLINA

The State v. George Holmes, Appellate Case No. 2022-000708

Big COMPLAINT: Ineffective Assistant of Council's Creditability OF
Colin J Hamilton, Esq, Bar No. 104439, 14th Judicial Circuit, as representing
me of my Case, as a PD, of my trial and charges of Burglary 2nd
degree Non violent - N-Safecracking, Statute: 16-11-390, in general,
Miller v. State of SC D.C.S.C. 1970, 309 F. Supp. 1287, CREDITABILITY.
On 2-1-2019, B.C.S.O. - Affiant: Jonathan M Hewitt, Committed PerJury?
Subornation of PerJury 16-9-10, PerJury 2-50 PerJury, At my
Preliminary hearing, Under Oath, 11.6 Oath, false statement, testimony,
Jeffrey Stephens, was my assistant Public defender, before the
Honorable Mark Francis Fitzgibbons, Presiding Judge, Fourteenth
Judicial Circuit, these are Proof of witnesses when the incident
occurred. 21 Nature of Preliminary, 12-24-70, Affidavit, PerJury
generally 3:49... Please Appeal: I'd like to introduced the tape recording
of MY Preliminary hearing, On 2-1-2019, at Beaufort Magistrate Court
also MY transcript into evidence, - Facts, MY Arrest Warrant #2018AD110200399,
States (Non violent) Burglary 2nd degree, Motion by Charles W. Patrick, III,
appointed Counsel, held on March 25, 2020, Order for my bond releasing
me on my own recognizance and Motion order for Competency
to Stand trial Evaluation Pursuant to STATE V. BLAIR... But the
Jury trial CONVICTED me of burglary 2nd degree (violent) So how can they
give me a Greater Offense?? Colin J Hamilton, Is Ineffective Assistant of Council!!

with kindest regards

I'm

Thanks
George Holmes
George Holmes

Office of the Public Defender
Fourteenth Judicial Circuit
Stephanie Smart-Giddings, Circuit Defender



BEAUFORT COUNTY
Human Services Building
1905 Duke Street, Room 210
Post Office Box 525
Beaufort, SC 29902
(843) 255-5805 (Phone)
(843) 255-9494 (Fax)

ALLENDALE, HAMPTON & WASPER COUNTIES
1 Courthouse Square
80 Elm Street, Room 133
Post Office Box 506
Hampton, SC 29924
(803) 914-2240 (Phone)

COLLETON COUNTY
319 N. Lucas Street
Walterboro, SC 29488
(843) 549-1633 (Phone)
(843) 549-9543 (Fax)

June 28, 2022

The State v. George Holmes, Appellate Case No. 2022-000728

George Holmes
Inmate ID No.: 289114
Kirkland Correctional Center
4344 Broad River Road
Columbia, SC 29210

Dear Mr. Holmes,

I am writing to you in response to your letter dated June 1, 2022. Regarding your request for your sentencing sheets, I have attached a copy to this letter. In regard to your request for the transcripts of your trial, the Office of Appellate Defense has ordered those in preparation and review for your appeal from trial. Your attorneys with SC Appellate Defense should be able to provide you a copy of the trial transcript.

As it pertains to your request for the preliminary hearing recording, we looked into that before and during your trial. The Beaufort Magistrate Court does not maintain recordings from hearings that took place that long ago. I was not assigned to your case at that time.

must be recording Facts UGH

My Preliminary hearing

George Holmes

Not True

Not True

Please see: Under Oath, False Statement § 21. Nature of Preliminary hearing, Ineffective Assistant of Council § 2 C.S.S. Criminal Procedure? Rights Accused

George Holmes

Respectfully, "

George Holmes

Colin J. Hamilton, Esq.

If Beaufort Magistrate Court does not maintain recordings from Preliminary hearing On 2-1-2019, when the incident occurred, It's Tampering with Evidence-Facts

WOW...

DNA U

Thanks

With kindest Regards I'm George Holmes
George Holmes



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 21, 2022

George Holmes, 00289114
Kirkland Correctional Institution
4344 Broad River Road
Columbia SC 29210

Re: The State v. George Holmes
Appellate Case No. 2022-000728

Dear Mr. Holmes:

Upon reviewing your motions to relieve counsel, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. The proof of service must show service upon all parties, including the Office of Indigent Defense. Their address is:

South Carolina Commission on Indigent Defense
PO Box 11433
Columbia, SC 29211

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

The Honorable Carmen T. Mullen, Circuit Court Judge

Warrant No (s): 2018A0710200399, 2018A0710200400
Indictment No (s): 2019GS0700039, 2019GS0700040

STATE OF SOUTH CAROLINA,

Respondent.

v.

GEORGE HOLMES,

Appellant.

PROOF OF SERVICE

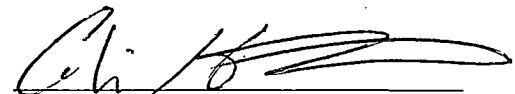
I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on May 26, 2022.

Jared Shedd, Esq.
Assistant Solicitor
Post Office Box 1880
Bluffton, South Carolina 29910

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

I further certify that on May 26, 2022 an Original Notice of Intent to Appeal in the above captioned case was filed with the Beaufort County Clerk of Court.

May 26, 2022



Colin Hamilton, Esq.
Bar No. 104433
Assistant Public Defender
Post Office Box 525
1905 Duke Street, Room 210
Beaufort, SC 29902



PATRICK
LAW FIRM

RE: The State

January 25, 2021

v.

George Holmes
39 Samuel Lane
St. Helena Island, SC, 29920

Appellate Case No. 2022-000728

Mr. Holmes,

As of this week, I am no longer representing you on your criminal charges. I have had a medical issue in my family that has rendered me unable to represent any criminal clients that I received from my contract with the South Carolina Commission on Indigent Defense.

Your case has been assigned to Ashley Cornwell, an extremely qualified attorney with years of criminal experience. Her mailing address is 1470 Ben Sawyer Blvd #14, Mt Pleasant, SC 29464 and her office line is 843-595-6003. She will be reaching out to you sometime in the near future.

I regret that I was unable to see your case through to completion. I would not have withdrawn from this case if it were not absolutely necessary. You have been a pleasure to work with, and I know that Ms. Cornwell will do everything she can to assist you in your case. I have made digital copies of your entire file for Ms. Cornwell. I wish you the best in the future.

Sincerely,

Charles Patrick
Patrick Law Firm

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF GENERAL SESSIONS

Indictment No.(s): 2019GS0700039-40,
2019GS0700547

A/Warrant No.(s): 2018A0710200399-400,
2019A0710400105

The State of South Carolina,

Plaintiff,

v.

GEORGE HOLMES,
Defendant.

ORDER FOR COMPETENCY TO STAND
TRIAL EVALUATION PURSUANT TO
STATE V. BLAIR

EVALUATION BY
(Select Only One)

Department of Mental Health (Mental
Illness)

OR

Department of Disabilities and Special
Needs
(Intellectual Disability or Related Disability)

2019 MAY 28 PM 2:26
JERRI ANN ROSENEAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.

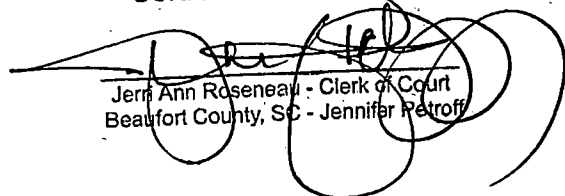
This matter is before me for an order requiring defendant, George Holmes, charged with one (1) count of Burglary, 2nd Degree (Non-Violent), one (1) count of Safecracking, and one (1) count of Indecent Exposure, to submit to an evaluation for competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) and S.C. Code Ann. § 44-23-410 (1976).

BASIS FOR ORDER. I have considered the showing made in support of the motion requesting this evaluation and have reason to believe defendant may lack the competency to understand the criminal proceedings or to assist with the defense as a result of a lack of mental competence.

This order is issued for the following reasons: Due to Defendant's extensive mental health history and as a result there is the concern that client appears to not be able to understand or assist attorney in his own defense.

THEREFORE, IT IS ORDERED: Defendant shall be examined and observed at an appropriate facility by two examiners of the Department of Mental Health if suspected of having a mental illness or by two examiners designated by the Department of Disabilities and Special Needs if suspected of having an intellectual disability or a related disability, to render an opinion whether defendant is competent to stand trial.

Certified - A True Copy



Jerrri Ann Roseau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

0-15 YEARS

STATE GEORGE HOLMES

INDICTMENT/CASE#: 2019GS0700039

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE VS.

INDICTMENT/CASE#: 2019GS0700039

GEORGE HOLMES

A/W#: 2018A0710200399

AKA: _____
Race: Black Sex: Male Age: 34

Date of Offense: 12/28/2018

DOB: _____ SS#: _____

S.C. Code §: 16-11-312(B)(3)

Address: _____

CDR Code #: 0086

City, State, Zip: _____

SENTENCE SHEET

DL#* _____ SID# _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Burglary 2nd Degree Violent

In violation of § 16-11-312(B)(3) of the S.C. Code of Laws, bearing CDR Code # 0086

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST:

Solicitor _____ SC Bar # _____ Defendant _____ Attorney for Defendant _____ SC Bar # _____

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 15 days/months/years/Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP. 505 (days/months)

To include time spent on monitored house arrest prior to trial and sentencing.
 The Defendant Shall be Released from County Detention Center.

SCCA/217 (07/2021)

Certified A True Copy
Jeri Ann Roseaneau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

STATE OF SOUTH CAROLINA

-vs-

GEORGE HOLMES

Defendant.

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

WARRANT #s:

2018A0710200399 and 2018A0710200400

**ORDER GRANTING DEFENDANT'S
MOTION FOR BOND**

This matter is before me pursuant to a motion by Charles W. Patrick, III, appointed counsel for the Defendant, George Holmes, for an own recognizance bond on the above referenced cases. Following a phone conference hearing held on March 25, 2020, I ordered that, should Mr. Holmes provide a stable living address, he would be allowed release on his own recognizance pending trial in the above reference matter. Mr. Holmes's permanent address is:

George Holmes
39 Samuel Lane
St. Helena Island, SC 29920

Bond is hereby ordered as follows:

1. Mr. Holmes shall be released on his own recognizance.
2. Mr. Holmes shall reside at 39 Samuel Lane, St. Helena Island, SC 29920 until the resolution of his case and shall be on house arrest.
3. Mr. Holmes may only leave this residence for court appearances, meetings with his attorney, and for his employment.

AND IT IS SO ORDERED.

March 26, 2020

Judge Carmen T. Mullen

Certified - A True Copy

Jenn Ann Roseneau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

2020 MAR 25 PM 2:19
JENN ANN ROSENEAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.

Code of Laws of South Carolina 1976 Annotated
Title 16. Crimes and Offenses
Chapter 11: Offenses Against Property
Article 5: Burglary, Housebreaking, Robbery and the like

Code 1976 § 16-11-390
§ 16-11-390. Safecracking.

PLEASE SEE
Arrest Warrant: 2018A0710200400

16-11-0390

I'm Not guilty

It is unlawful for a person to use explosives, tools, or any other implement in or about a safe used for keeping money or other valuables with intent to commit larceny or any other crime.

A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

Credits

HISTORY: 1962 Code § 16-337; 1952 Code § 16-337; 1942 Code § 1150; 1932 Code § 1150; Cr. C. '22 § 44; Cr. C. '12 § 191; 1904 (14) 396; 1907 (25) 580; 1955 (49) 65; 1993 Act No. 184, § 172.

Notes of Decisions (10)

Code 1976 § 16-11-390, SC ST § 16-11-390
Current through 2019 Act No. 90, subject to technical revisions by the Code Commissioner as authorized by law before official publication.

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I Mr. George Holmes did not commit the offense of Safecracking

Dismiss the offense of Safecracking
in general indictment: 2018A0710200400 16-11-0390

GH It is not essential to constitute a safecracker that he shall be successful in his attempt to break open the safe. Miller v. State of S. C. (D.C.S.C. 1970) 309 F.Supp. 1287.

GH "Safetampering" falls within the crime defined as "safecracking" in this section [Code 1962 § 16-337]. Miller v. State of S. C. (D.C.S.C. 1970) 309 F.Supp. 1287. Burglary 2

GH Defendant's possession, following larceny of safe, of property of the nature stolen, with his admission to others that he had obtained them from the safe in subject, were sufficient to sustain his conviction of the offense of safecracking. State v. Blue (S.C. 1975) 264 S.C. 468, 215 S.E.2d 905. Burglary 45

GH Use of a hammer to remove a safe in one county, although it was not opened until carried into a second county, constituted a violation of this section [Code 1962 § 16-337], such as to give a court of the first county jurisdiction over the case. Shelnut v. State (S.C. 1965) 247 S.C. 41, 145 S.E.2d 420.

GH The subject of the act from which this section [Code 1962 § 16-337] is taken was expressed in the title thereof. State v. O'Day (S.C. 1906) 74 S.C. 448, 54 S.E. 607.

Constitutional Issues

GH Ten year minimum sentence for safecracking with tools does not constitute cruel and unusual punishment. Stockton v. Leeke (S.C. 1977) 269 S.C. 459, 237 S.E.2d 896.

GH This section [Code 1962 § 16-337] is not unconstitutional by reason of the fact that life imprisonment is directed upon conviction if the jury does not recommend mercy, and not less than ten years' imprisonment is directed when the jury does recommend mercy. State v. Haulcomb (S.C. 1973) 260 S.C. 260, 195 S.E.2d 601, appeal dismissed 94 S.Ct. 229, 414 U.S. 886, 38 L.Ed.2d 134.

GH The contention that this section [Code 1962 § 16-337] is not sufficiently definite to place a person of common intelligence on notice as to what is prohibited is clearly without merit. The offense is designated in bold-faced letters - "SAFECRACKING." State v. Haulcomb (S.C. 1973) 260 S.C. 260, 195 S.E.2d 601, appeal dismissed 94 S.Ct. 229, 414 U.S. 886, 38 L.Ed.2d 134. Larceny 2

Indictment 2018A0710200400 I'm Not guilty GH
Where an indictment on its face specifically sets forth the charge of safecracking as the fourth count, its plain language is not to be ignored merely because on the outside of the indictment the several counts are tabulated in a different order. Cady v. State (S.C. 1966) 248 S.C. 522, 151 S.E.2d 670.

Questions for Jury

GH In a prosecution for armed robbery and safecracking, the court improperly denied defendant's motion for directed verdict

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Appellate Case No. Judd-000100
Dear, SCACR, I Mr. George Holmes, sending Proof of Service,
including the office of Indigent Defense, I Just ^{deficiency} receive the mail
7-15-2022

On 7-15-2022 of 6-21-2022

Thanks
George Holmes
Indigent Defense

George Holmes #289114
Beaufort Dorm B #5
Ridgeland Correctional Institution
PO Box 2039
Ridgeland, SC 29936

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JUL 22 2022

SC Court of Appeals

RIDGELAND CORRECTIONAL
INSTITUTION

JUL 20 2022

Mailroom

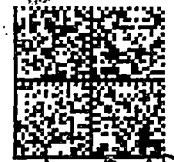
SCDC

JUL 28 2022

MAIL ROOM

CHARLESTON SC 294

20 JUL 2022 PM 1



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0000378436 JUL 20 2022

South Carolina Court of Appeals
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Columbia, SC 29211

29211\$1629 E012

