

6-26-2022

The Carolina Court of Appeals of S.C.  
Clerk of Court of Beaufort South Carolina  
The Supreme Court of South Carolina

Mr. Colin J Hamilton, Esquire  
Bar No. 104439, 14<sup>th</sup> Circuit Judicial  
Assistant Public Defender  
Post office Box 525  
1905 Duke Street, Room 210  
Beaufort, SC 29901

ORDER MOTION  
OF TERMANTION  
INDICTMENT/case#2019GS0700039  
INDICTMENT/case#2019GS0700040  
**RECEIVED**  
JUL 22 2022

The State v. George Holmes, Appellate Case No. 2022-SC Court of Appeals

Dear SCACR, The Supreme Court of South Carolina  
Big Complaint: Ineffective Assistant of Council - N-Creditability OF  
Mr. Colin J Hamilton, Esq, Bar No. 104439, Assistant Public Defender 14<sup>th</sup> Circuit...  
As representing me of my trial, my case and assistant public defender...  
Please see: Statute, SafeCracking 16-11-390, in general, Jeffrey Stephens, PD  
Miller v. State of SC D.C.S.C. 1970, 309 F. Supp. 1287 (is a witness)  
On 2-1-2019, B.C.S.O. Affiant: Jonathan M Hewitt, committed,  
PerJury and Subornation of PerJury 16-9-10, PerJury 2-50 PerJury, At my  
Preliminary hearing, Under Oath, 11.6 Oath, false statement, testimony,  
before the Honorable Mark Francis Fitzgibbons, Presiding Judge,  
Fourteenth Judicial Circuit, 21. Nature of Preliminary, 12-24-70, Affidavit,  
PerJury generally 3:49, These are Proof of witnesses when the incident  
occurred. Please Appeal: I'd like to introduced the tape recording of  
my Preliminary hearing On 2-1-2019, At Beaufort Magistrate Court,  
of B.C.S.O. - Jonathan M Hewitt, PerJury, testimony and statement into evidence  
also my transcript, Creditability of Jonathan M Hewitt at my trial on May 18, 2022...  
My Arrest Warrant #2018A0710200399, States (Non violent) Burglary 2<sup>nd</sup> degree, But the  
Jury trial Convicted me of burglary 2<sup>nd</sup> degree (violent) How Can they give  
me a greater offense ??? Mr. Colin J Hamilton, IS Ineffective Assistant of Council,  
also of Creditability... Please see: 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... Please see: Burglary 2<sup>nd</sup> degree (non violent)...

with kindest regards I'm *George Holmes*  
George Holmes *George Holmes*  
T.Thanks ☺

Office of the Public Defender  
Fourteenth Judicial Circuit  
Stephanie Smart-Gittings, 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 & VASPER 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.

My Preliminary hearing

must be recording Facts UGH

George Holmes

Not True

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.

Not True

Please see: Under Oath, False Statement §21. Nature of Preliminary hearing.  
Ineffective Assistant of Council §22 C.S.S. Criminal Procedure? Rights Accused

George Holmes

Respectfully, //

George Holmes

Colin J. Hamilton, Esq.

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

WOW...

DNA ☺

Thanks

With kindest Regards I'm

George Holmes  
George Holmes

ARREST WARRANT

2018A0710200400

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

THE STATE 189324618 against

George Holmes

Address:

Phone: SSN: Sex: M Race: B Height: 5 7 Weight: 240 DL State: SC DL #: DOB: Agency ORI #: SC0070000 Prosecuting Agency: Beaufort County Sheriffs Office Prosecuting Officer: Jonathan M Hewitt - S00393 Offense: Burglary / Safecracking

Offense Code: 0141 Code/Ordinance Sec: 16-11-0390

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 12/28/18

Signature of Constable/Clerk/Notary Public

RETURN WARRANT TO: Beaufort County General Sessions PO Box 1128 102 Ribaut Road, Rm. 208 Beaufort, SC 29901 1128

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA County/ Municipality of Beaufort

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 318

Personally appeared before me the affiant Jonathan M Hewitt who being duly sworn deposes and says that defendant George Holmes did within this county and state on or about 12/28/2018 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Beaufort) in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Safecracking

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on December 28th, 2018, at approximately 0128 hours, the defendant, one George Holmes did knowingly, willingly and unlawfully violate the laws of the State of South Carolina in that he did commit the offense of Safecracking. The defendant unlawfully broke into the Navy Federal Credit Union ATM. Upon gaining entry attempted to force entry into the ATM box to steal the currency located within. The incident was captured on surveillance footage, Holmes was positively identified and a BCSSO Tracking Team was recalled and tracked to the location he was found. This incident did occur at 102 Sea Island Parkway, Beaufort, Beaufort County, South Carolina and within the jurisdiction of the Beaufort County Sheriff's Office. The Affiant and others are witness to the same.

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of Beaufort

Affiant's Address 2001 Duke St Beaufort, SC 29902- Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/28/2018 defendant George Holmes did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Beaufort) as set forth below.

DESCRIPTION OF OFFENSE: Burglary / Safecracking

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 12/28/2018 Judge's Address 104 Ribaut Rd Beaufort, SC 29901-2207 Judge's Telephone (843)255-5700 Issuing Court: X Magistrate Municipality of Beaufort Circuit

Signature of Issuing Judge Mark Francis Fitzgibbons Judge Code: 7060

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Certified - A True Copy

Jerri Ann Rosebeau - Clerk of Court Beaufort County, SC - Jennifer Pettif

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )

IN THE COURT OF GENERAL SESSIONS  
FOURTEENTH JUDICIAL CIRCUIT

JERRI ANN ROSENEAU  
BEAUFORT COUNTY, SC  
CLERK OF COURT

STATE OF SOUTH CAROLINA )

NO(s): 2019GS0700039-00040

v. )

DEFENDANT'S PROPOSED WITNESS LIST

GEORGE HOLMES, )

Defendant. )

- 
- 1. George Holmes
  - 2. Jeffrey Stephens

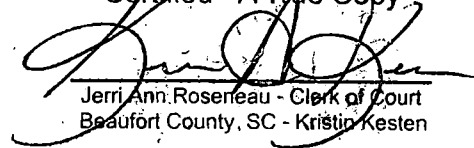
Respectfully submitted,



Colin J. Hamilton  
14<sup>th</sup> Circuit Public Defender's Office  
Attorney for Defendant

Beaufort, South Carolina  
May 16, 2022

Certified - A True Copy

  
Jerrri Ann Roseneau - Clerk of Court  
Beaufort County, SC - Kristin Kesten

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)

19 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, 2<sup>nd</sup> 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

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

STATE GEORGE HOLMES

0-15 YEARS

INDICTMENT/CASE#: 2019GS0700039

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

INDICTMENT/CASE#: 2019GS0700039

VS.

GEORGE HOLMES

A/W#: 2018A0710200399

AKA: \_\_\_\_\_

Date of Offense: 12/28/2018

Race: Black Sex: Male Age: 34

S.C. Code §: 16-11-312(B)(3)

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

CDR Code #: 0086

Address: \_\_\_\_\_

SENTENCE SHEET

City, State, Zip: \_\_\_\_\_

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 SCDOC. 503 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 Roseneau - 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

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

Currentness

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) 395; 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  
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Current through 2019 Act No. 90, subject to technical revisions by the Code Commissioner as authorized by law before official publication.

End of Document

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

Dismiss

In general indictment: 2018A0710200400 16-11-0390

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. 1257. Burglary 2

GH

Defendant's possession, following is 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.

GH

Constitutional issues

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

GH

Indictment 2018A0710200400 I'm Not guilty  
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. Crady v. State (S.C. 1966) 248 S.C. 522, 151 S.E.2d 670.

GH

Questions for jury

GH

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

22 C.J.S. Criminal Procedure and Rights of Accused § 21

Corpus Juris Secundum March 2019 Update

Criminal Procedure and Rights of the Accused

Francis C. Amendola, J.D.; Joseph Bassano, J.D.; Kristina E. Muse Biro, J.D., of the staff of the National Legal Research Group, Inc.; Elizabeth M. Bosek, J.D.; M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Paul M. Colloff, J.D.; Cecily Fuhr, J.D.; John Glenn, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc.; Lonnie E. Griffith, Jr., J.D.; Eleanor L. Grossman, J.D., of the staff of the National Legal Research Group, Inc.; Glenda K. Hornad, J.D.; Janice Holten, J.D.; Alan J. Jacobs, J.D.; John Kimpfien, J.D.; Julianna Frisch Kuttelson, J.D.; Jack K. Levin, J.D.; William Lindsay, J.D.; Anne E. Melley, J.D., LL.M., of the staff of the National Legal Research Group, Inc.; Karl Oakes, J.D.; Jeffrey J. Shampo, J.D.; and Eric C. Surette, J.D.

Part One. Complaint, Jurisdiction, Venue, and Arrest: Investigation

I. Preliminary Matters: Complaint, Affidavit, Warrant, Hearing, and Commitment

D. Preliminary Hearing or Examination

1. In General

§ 21. Nature of preliminary hearing

Topic Summary References Correlation Table

West's Key Number Digest

- West's Key Number Digest, Criminal Law § 207(4), 222.1

A preliminary hearing is not a trial, rather, it is a hearing to determine whether or not an accused probably committed a crime, and thus should be held over for trial or set free, as the facts warrant.

A "preliminary examination" is a public hearing conducted before a magistrate at which the prosecution and the defendant may present evidence.<sup>1</sup> Unlike a trial, a preliminary hearing is not a trial of the guilt or innocence of the accused,<sup>2</sup> rather, it is a hearing to determine whether an accused probably committed a crime.<sup>3</sup> The determination thereof is not a final judgment.<sup>4</sup>

Subject to the rights secured to a person accused of a crime by the provisions of the constitution, the legislature may in general provide for preliminary hearings or investigations,<sup>5</sup> but the rules that govern criminal pleading and the scope and import of trial issues and the relevancy of evidence are not applicable thereto.<sup>6</sup>

Purposes

In general, a preliminary hearing serves a limited purpose: to determine if there is probable cause to believe that the defendant committed the crime charged,<sup>7</sup> so as to warrant further proceedings,<sup>8</sup> or to hold the accused for prosecution if warranted.<sup>9</sup>

Moreover, the preliminary hearing or examination is used to protect the accused who is unjustly or improperly charged from being compelled to stand trial,<sup>10</sup> to ferret out groundless and improvident prosecutions,<sup>11</sup> to prevent the accused's detention without probable cause,<sup>12</sup> to preserve the evidence and keep the witnesses within the control of the state, and to determine the amount of bail<sup>13</sup> if the offense is bailable.<sup>14</sup>

On the other hand, it is not the purpose of a preliminary hearing to establish guilt or innocence,<sup>15</sup> since it is not a mini-trial,<sup>16</sup> and as such the defendant cannot assert a mistake of law defense to overcome the charged offense at a preliminary hearing.<sup>17</sup> A preliminary examination is not available to the accused for the purpose of ascertaining in advance the evidence relied on by the prosecution,<sup>18</sup> nor is a preliminary hearing the proper forum to choose between conflicting facts or inferences, or to weigh the state's evidence against evidence favorable to the defendant.<sup>19</sup> Although some discovery results as a by-product of the preliminary hearing,<sup>20</sup> discovery is not the purpose of the hearing.<sup>21</sup>

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Footnotes

- 1 Cal.—People v. Martinez, 22 Cal. 4th 750, 94 Cal. Rptr. 2d 381, 996 P.2d 32 (2000).
- 2 N.D.—State v. Foley, 2000 ND 91, 610 N.W.2d 49 (N.D. 2000).  
Pa.—Com. v. Sanchez, 623 Pa. 253, 82 A.3d 943 (2013).  
As to determination as to guilt or innocence of accused on preliminary examination, see § 32.  
Summary proceeding only  
A preliminary hearing as to probable cause is not a preliminary trial or a full evidentiary trial on the issue of guilt beyond a reasonable doubt; rather, it is intended to be a summary proceeding to determine essential or basic facts as to probability.  
Wis.—State v. Anderson, 2005 WI 54, 280 Wis. 2d 104, 695 N.W.2d 731 (2005).
- 3 N.D.—State v. Foley, 2000 ND 91, 610 N.W.2d 49 (N.D. 2000).  
Idaho—State v. Schall, 157 Idaho 488, 337 P.3d 647 (2014).  
W. Va.—State v. Davis, 232 W. Va. 398, 752 S.E.2d 429 (2013).
- 4 Ariz.—State ex rel. Mahoney v. Stevens, 79 Ariz. 298, 288 P.2d 1077 (1955).  
Wyo.—State v. Spears, 76 Wyo. 82, 300 P.2d 551 (1956).
- 5 Or.—State v. Pirkey, 203 Or. 697, 281 P.2d 698 (1955).  
Statute valid  
La.—State v. Naas, 409 So. 2d 535 (La. 1981).  
Tex.—Pierce v. State, 636 S.W.2d 734 (Tex. App. Corpus Christi 1982).
- 6 § 32.
- 7 Idaho—State v. Schall, 157 Idaho 488, 337 P.3d 647 (2014).  
Mich.—People v. Perkins, 468 Mich. 448, 662 N.W.2d 727 (2003).  
W. Va.—State v. Davis, 232 W. Va. 398, 752 S.E.2d 429 (2013).  
Felony  
Wis.—State v. Anderson, 2005 WI 54, 280 Wis. 2d 104, 695 N.W.2d 731 (2005).  
Protection of accused  
Primary purpose of preliminary examination is to protect accused from hasty, improvident, or malicious prosecution and to discover whether there is substantial basis for bringing prosecution and further denying accused his right to liberty; upon determination that bind over is warranted on at least one count, that purpose has been served.  
Wis.—State v. Williams, 198 Wis. 2d 516, 544 N.W.2d 406 (1996).
- 8 U.S.—Barber v. Page, 390 U.S. 719, 88 S. Ct. 1318, 20 L. Ed. 2d 255 (1968); Jaben v. U.S., 381 U.S. 214, 85 S. Ct. 1365, 14 L. Ed. 2d 345 (1965).
- 9 Wyo.—Messer v. State, 2004 WY 98, 96 P.3d 12 (Wyo. 2004).  
As to discharge of accused, generally, see § 39.

George Holmes #284114  
Leauffort Detm B #5  
Ridgeland Correctional Institution  
Post office Box 2039  
Ridgeland, SC 29936

CHARLESTON SC 299

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Columbia, SC 29201

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