

12-6-22

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

ORDER MOTION
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DEC 28 2022

SC Court of Appeals

Warrant No.(s): 2018A0710200399, 2018A0710200400
Indictment No. (s) 2019650700039, 2019650700040

ORDER

I Mr. George Holmes, argues the Circuit Court erred in applied the wrong standard of review, and under the correct standard. Please see: Arrest Warrant No. 2018A0710200399, states (Non-violent) burglary 2nd degree. Motion by Charles W. Patrick, III, On March 25, 2020, Ordered granting defendant's motion for bond. Stated: I Mr. George Holmes, shall be release on my own recognizance. Please see: CONFLICT ORDER, on february 26, 2020, and Motion order for Competency to stand trial Evaluation Pursuant to STATE V. BLAIR.

"States" I George Holmes, Charged with one (1) count of burglary 2nd degree "Non-violent" Please see: Summons No: 607774 defendant's COPY incident report No. 18S324616.

May 18, 2022, the trial Convicted me of Burglary 2nd degree (Violent) Please see: My Sentence sheet and Notice of Appeal Shows "violent" CREDITABILITY: OF B.C.S.O. Jonathan M Hewitt, On february 1 2019. ACQUITTAL: That the evidence is insufficient to support a conviction. The Circuit Court applied the wrong standard of review, and under the correct standard of review. May someone please help me in this matter?

with kindest Regards I'm ~~George Holmes~~ Thanks,

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DEC 28 2022

S.C. SUPREME COURT

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**

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

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: *non-violent Release*

1. Mr. Holmes shall be released on his own recognizance. *Non-violent release*
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.

Judge Carmen T. Mullen

March 26, 2020

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S.C. SUPREME COURT

Certified - A True Copy

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

FILED
MAR 25 PM 2:19
JENNIFER PETROFF
CLERK OF COURT
BEAUFORT COUNTY, S.C.

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AUG 08 2022

SC Court of Appeals

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.)

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)

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

GEORGE HOLMES,)
Defendant.)

How can the trial)
charge me a Greater)
offense of Burglary 2nd Violent??????)

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

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

STATE OF SOUTH CAROLINA
 County/ Municipality of
Beaufort

THE STATE
 against George Holmes 18S334616

Address:
Saint Helena Island, SC 29920-5411

Name: M Race: B Height: 5 7 Weight: 240
 State: SC DL #: _____
 Agency ORI #: SC0070000

Securing Agency: Beaufort County Sheriffs Office
 Securing Officer: Jonathan M Hewitt - S00393
 Offense: Burglary / Burglary (Non-Violent) - Second degree
 Offense Code: 0080
 Ordinance Sec: 16-11-0312

Warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused George Holmes to be arrested and brought before me to be
 with according to the law. (L.S.)

RETURN
 Copy of this arrest warrant was delivered to
 defendant George Holmes
12/28/18
[Signature]
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
Beaufort County General Sessions
PO Box 1128
102 Ribaut Road, Rm. 208
Beaufort, SC 299011128

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

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

DESCRIPTION OF OFFENSE: Burglary / Burglary (Non-Violent) - Second degree

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 Burglary in the 2nd Degree. The
 defendant unlawfully forced into the Navy Federal Credit Union ATM. He did so by using a crow bar to break through the outside
 door. Upon gaining entry attempted to force entry into the ATM box in an attempt to steal the currency located within. The incident
 was captured on surveillance footage, Holmes was positively identified and a BCSO 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 [Signature]
 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 / Burglary (Non-Violent) - Second degree
 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

Signature of Issuing Judge (L.S.) [Signature]
Mark Francis Fitzgibbons
 Judge's Address 104 Ribaut Rd
Beaufort, SC 29901-2207
 Judge's Telephone (843)255-5700
 Issuing Court: Magistrate Municipal Circuit
 Judge Code: 7060

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 518

George Holmes #289114
Ridgeland CI
P.O. Box 2039
Ridgeland, SC 29936

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DEC 28 2022

S.C. SUPREME COURT

Chief Justice, Donald W Beatty
1231 Gervais St
Columbia, SC 29201

RIDGELAND CORRECTIONAL
INSTITUTION

DEC 22 2022

Mailroom

LEGAL MAIL

29201-320631

CHARLESTON SC 29401

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