

12-4-22

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

ORDER MOTION
TO BE OVERTURN

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Warrant No(s) 2018A0710200399, 2018A0710200400

Indictment No(s) 2019GS0700039, 2019GS0700040

JAN 17 2023

SC Court of Appeals

ORDER

The circuit court applied the wrong standard of review, and under the correct standard of review

Arrest Warrant No. 2018A0710200399, States "Non-violent" burglary 2nd degree. Please See: Notice of Appeal, trial, and Sentence sheet. I was convicted of burglary 2nd degree "violent" Credibility of B.C.S.O. Jonathan M Hewitt, 2-1-2019.

Motion for directed verdict

Acquittal. That the evidence is insufficient to support a conviction.

CONFLICT ORDER, On February 26, 2020

Motion by Charles W Patrick, III, March 25, 2020.

motion for bond as (Non-violent) offenses.

Thanks,

With kindest Regards

I'm George Holmes *George Holmes*

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 19 DAY OF Dec.

2022 *Virginia Robinson*

NOTARY PUBLIC
STATE OF SOUTH CAROLINA

MY COMMISSION EXPIRES April 21, 2031

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*

non-violent Released

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 Released*

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.

Judge Carmen T. Mullen

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SC Court of Appeals

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SEP 09 2022

S.C. SUPREME CC

March 26, 2020

Certified - A True Copy

Jeri Ann Roseneau - Clerk of Court
Beaufort County, SC - Jennifer Petreff

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

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

Carelessness

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
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I Mr. George Holmes did not commit the offense of Safecracking
Dismiss
Notes Of Decisions (10)
In general indictment: 2018A0710200400 16-11-6390

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
George Holmes

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
George Holmes

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
George Holmes
George Holmes

GH Indictment 2018A0710200400
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.
I'm Not guilty GH

Questions for Jury

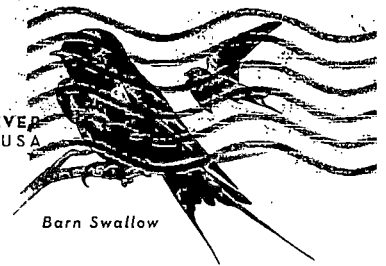
GH In a prosecution for armed robbery and safecracking, the court improperly denied defendant's motion for directed verdict.
George Holmes

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George Holmes #289114
F2/2A/room
2121
190 Wisacky Hwy
Bishopville SC 29010

COLUMBIA SC 290

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USA



Barn Swallow

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SC Court of Appeals

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