

7-5-2022

TO: The Suprem court of South Carolina

From: George Holmes, SCDC#
289114

RECEIVED

JUL 11 2022

SC Court of Appeals

I Mr. George Holmes, ask may ya'll
office Please Send me 3 packet
1983 forms/Lawsuit Civil 1983
Packets form

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JUN 05 2023

SC Court of Appeals

Thanks!!

With kindest regards I'm George Holmes
George Holmes

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JUL 08 2022

S.C. SUPREME COURT

However, § 16-11-380(F)¹, which is within the same title, chapter, and article, specifically excludes a standalone enclosure housing an ATM from the definition of a building. It states in relevant part, “A building or structure does *not* include an enclosure erected solely for the purpose of containing an otherwise outdoor or detached ATM or automated banking device.” (emphasis added). Because sections of the “same general statutory scheme must be construed together,” the standalone enclosure housing the ATM in this case does not constitute a “building” for purposes of second degree burglary. The language of § 16-11-380(F) is unambiguous and makes evident that the legislature intended to exclude such enclosures from the definition of a “building.” Additionally, the more specific language found in § 16-11-380(F) controls. See Denman v. City of Columbia, 387 S.C. 131, 138, 691 S.E.2d 465, 468-69 (2010) (“where there is one statute addressing an issue in general terms and another statute dealing with the identical issue in a more specific and definite manner, the more specific statute will be considered an exception to, or a qualifier of, the general statute and given such effect.”) (citing Spectre, LLC v. S.C. Dept. of Health and Env'tl. Control, 386 S.C. 357, 688 S.E.2d 844, 851 (2010)).

Respectfully, this Court should direct a verdict of acquittal for second degree burglary since there was no evidence presented that Appellant entered a “building” for purposes of § 16-11-312(B)(3).

¹ S.C. Code Ann. § 16-11-380 is titled, “Entering bank, depository or building and loan association with intent to steal; theft or solicitation of person using automated teller machine.”

12-5-22

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

ORDER MOTION
TO BE RELEASED

Warrant No. (s) 2018AD710200399, 2018AD710200400
Indictment No. (s) 2019GS0700039, 2019GS0700040

ORDER

The Circuit Court applied the wrong Standard of review, and under the Correct Standard of review. Please See:

Arrest Warrant No. 2018AD710200399, States "Non-violent" burglary 2nd degree, Conflict ORDER; on February 26, 2020. Stated Defendant, George Holmes, is charged with Burglary (non-violent) 2nd degree, "Non-violent" offense. Motion by Charles W. Patrick, III, On March 25, 2020, Order Granting Defendant Motion for Bond is hereby ordered as follows: George Holmes, shall be released on his own recognizance; shall be on house arrest. Order for Competency to stand trial Evaluation Pursuant to STATE v. BLAIR. "States" George Holmes, charged with one (1) Count of Burglary 2nd degree (non violent) Please See: Summons No: 607774 Defendant's COPY incident Report #18S324616. May 18, 2022. The Trial Convicted of Burglary 2nd degree (violent) Sentence Sheet and Notice of Appeal Shows (violent).

The Circuit Court applied the wrong Standard of review and under the Correct Standard of review.

CREDIBILITY: OF B.C.S.O. Jonathan M Hewitt, 2-1-2019.

ACQUITTAL: That the evidence is insufficient to support a conviction.

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

6-26-2022

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

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

ORDER MOTION
OF TERMINATION **RECEIVED**

JUN 29 2022
SC Court of Appeals

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

Dear SCACR,

Big Complaint: Ineffective Assistant of Council - Creditability of
Mr. Colin J. Hamilton, Esq. Bar No. 104439, Assistant Public Defender 14th Circuit...
As representing me, of my trial in Statute: SafeCracking 16-11-390, in general
Miller v. State of SC D.C. S.C. 1970, 309 F. Supp. 1287...
Perjury and Subornation, when B.C.D.O., Affiant: Jonathan M Hewitt,
At my Preliminary hearing On 2-1-2019, he committed Perjury 16-9-10,
B.C.S.O. Jonathan M Hewitt, Committed Perjury and Subornation,
Under Oath, Oath false statement, testimony, Affidavit,
Perjury generally, Nature of Preliminary hearing 21. On 2-1-2019,
Creditability of Jonathan M Hewitt, at my trial On May 18, 2022, ...
My Arrest Warrant #2018A0110200399, States: (non violent) Burglary 2nd
degree, But the Jury trial Convicted me Burglary 2nd degree (Violent)
How?? Mr. Colin J Hamilton, Is Ineffective Assistant of Council, Also
Motion by Charles W. Patrick, III, appointed Counsel, held on
March 25, 2020, order for my bond, stated I, George Holmes,
shall be release on my own recognizance and Motion order
for Competency to Stand trial Evaluation Pursuant to
STATE V. BLAIR

with kindest regards I'm ~~George~~ Holmes
George Holmes
Thanks

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

ARREST WARRANT

2018A0710200400

STATE OF SOUTH CAROLINA
 County/ Municipality of
Beaufort

THE STATE 18S324616
 against

George Holmes

Address: **Saint Helena Island, SC 29920-5411**

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

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Beaufort)

AFFIDAVIT ORIGINAL Form Approved By E.C. Adney General April 21, 2003 SCCA 118

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 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 _____

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**

Signature of Issuing Judge (L.S.) _____ Judge's Address **104 Ribaut Rd
 Beaufort, SC 29901-2207**
 Judge's Telephone **(843)255-5700**
 Issuing Court: Magistrate Municipal Circuit

Mark Francis Fitzgibbons
 Judge Code: **7060**

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

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 **12/28/2018**

Signature of Constable/Law Enforcement Officer _____

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

3 Statutes: Intent
 0 Statutes: Plain language; Plain ordinary
 Common, or literal meaning
 1 Statutes: In general; Factors considered

Certified - A True Copy

Jerri Ann Rosejeau - Clerk of Court
 Beaufort County, SC - Jennifer Peckoff

3-24-2019

APPEAL

RE: Motion to dismiss indictment: 2018A0710200400; because of Denial of Speedy trial; Lack of Prosecution; Failure to bring indictment in next term; Tape recording of February 1 2019 of my Preliminary hearing at Beaufort Magistrate

APPEAL 6-13-2022 G.H.

Jeffery Stephens
TO: ~~Courtney Gibbes~~ - Public defender - Lauren Heath Carroway; Judges of General Sessions; Mullen, Buckner, Goldsmith, John Cooper Clerk of Court & SC Commission of indigent defense... The SC Commission of Lawyers Conduct & Chief Justice Issac M. Stone III, Solicitor, 14th Judicial Circuit

Complaint: On February 1 2019, At my Preliminary hearing Beaufort Magistrate

The Presiding Judge was Mark Francis Fitzgibbons on February 1 2019. Ofc Jonathan M Hewitt - B.C.S.O Proof of witness alleged lies by stating that the safe was crack open, I'd like to introduced the tape into evidence of specific facts, why ofc Jonathan M Hewitt testimony is not sufficient or isn't trialable or appropriate to support any convictions of indictment: 2018A0710200400 The evidence of the tape recording of the witness statement I Demand for Speedy trial or dismissal of Indictments: 2018A0710200400...

6-13-2022

^{-N-}
2018A0710200399...

Thanks

With kind regards For your time I'm

George Holmes
George Holmes

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JUN 16 2022

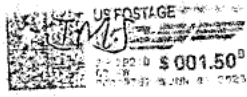
S.C. SUPREME COURT

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JUN 16 2022

SC Court of Appeals

George Holmes #089114
Lee CI/F-2-2121
990 Wisacky Highway
Bishopville, SC 29010



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JUN 05 2023
SC Court of Appeals

South Carolina Court of Appeals
post office Box 11629
Columbia, South Carolina 29211

LEGAL MAIL ONLY

