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STATEMENT OF ISSUES ON APPEAL

1.

Did the trial judge err by denying Appellant's motion for a directed verdict for the offense of second degree burglary where Appellant allegedly entered a standalone structure housing an automated teller machine (ATM), which is not a building, as intended by the legislature for purposes of S.C. Code Ann. § 16-11-312(B)(3)?

2.

Did the trial judge err by denying Appellant's motion for a directed verdict for the offense of safecracking where the state alleged Appellant attempted to pry open an automated teller machine (ATM) since an ATM does not constitute "a safe used for keeping money or other valuables" as intended by the legislature for purposes of S.C. Code Ann. § 16-11-390?

3.

Did the trial judge err by summarily denying Appellant's motion to relieve counsel and proceed *pro se* without conducting the proper inquiry pursuant to *Parett v. California*, 422 U.S. 806 (1975) in violation of Appellant's federal and state constitutional rights?

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25. However, Appellant was "not satisfied" He asserted, "It's not looking right at all." Tr. 126, ll. 5-7.

The judge then inquired ~~whether Appellant was under the influence of any drugs or alcohol.~~ Appellant responded, "No, ma'am" and again stated that he was "not satisfied with his ~~counsel's service.~~" The following colloquy then took place:

THE COURT: Sir, if you want him to be relieved, I can entertain that. But we're still going forward with the trial and ~~you would have to represent yourself.~~

~~MR. HOLMES: I'll represent myself. Mental health and all - let's represent myself. And tell the Lord Jesus, I'll represent myself. I don't want his service. I'll represent myself.~~

MR. HAMILTON [Defense Counsel]: It would be against the advice of -

THE COURT: Counsel, obviously. Mr. Holmes, we need to go forward. We're in the middle of your trial, sir. You have not been to law school. You don't know the rules of evidence and you will do better having the assistance of counsel.

~~MR. HOLMES: God is all - I don't want his service.~~ This is not going right.

MR. HAMILTON: I'd like to reserve the right that Mr. Holmes can re-raise this motion at a time in the future if he so chooses.

THE COURT: That's fine. That's fine. Okay. Let's bring the jury in.

Tr. 126, l. 12 - 127, l. 8 (emphasis added).

The jury then entered the courtroom and testimony resumed. Tr. 127, ll. 9-12. ~~The judge never entertained Appellant's motion to relieve counsel and represent himself nor did she conduct a Faretta colloquy.~~

### Standard of Review

"Whether a defendant has knowingly, intelligently, and voluntarily waived his right to counsel is a mixed question of law and fact which appellate courts review de novo." State v. Samuel, 422 S.C. 596, 602, 813 S.E.2d 487, 490 (2018) (citing United States v. Lopez-Osuna,

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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.

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 Indictment: 2018A0710200400...

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SEP 14 2022

SC Court of Appeals

With kind regards for your time I'm

2018<sup>N-</sup>A0710200399...

6-13-2022

Thanks

George Holmes  
George Holmes

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SEP 14 2022

S.C. SUPREME COURT

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JUN 16 2022

S.C. SUPREME COURT

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JUN 16 2022

SC Court of Appeals

(S)

6-14-2022

George Holmes  
#289114

# Request TO STAFF

In the Court of General  
Fourteenth Judicial <sup>Session</sup> Circuit

The Supreme Court of South Carolina

George Holmes, Petitioner, Appeal Motion To Release  
Warrant#

2018A0710200394-N-2018A0710200400

v.  
State of South Carolina, Respondent.

Appellate Case No. 2022-000728

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JUN 22 2022

## ORDER

SC Court of Appeals

This matter above Pursuant to a motion by George Holmes, Defendant to be Release from S.C.D.C. I order that on 6-14-2022.

FOR The Court

with kindest regards I me

Thanks

George Holmes  
George Holmes

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JUN 17 2022

S.C. SUPREME COURT

6-22-2022

The South Carolina Court of Appeals  
The Supreme Court of South Carolina

Mr. Colin J Hamilton, Esquire, P.D., 14th Judicial Circuit  
1905 Duke Street, Room 210  
PO BOX 525 / Bar No. 104439  
Beaufort SC 29901

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

(SCACR)

ORDER MOTION  
TO BE RELEASED

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JUN 27 2022

SC Court of Appeals

RE: (SCACR)

Dear SCACR

I Mr. George Holmes; Appellant Case No. 2022-000728  
I'd like to Appeal on the above Appellant case. Following  
the Rules and Regulations (SCACR) Rule 204(a), Rule 267,  
Of The Supreme Court of SC and SC Court of Appeals, of  
Motions and Statutes: Of Violations Of States;  
Creditability of Jonathan M Hewitt; 2-1-2019, at Preliminary hearing; trial  
2-50 Perjury and Subornation of Perjury (16-9-10) of Jonathan M Hewitt  
Statute of: SafeCracking 16-11-390; Affidavit; ~~1:10~~; transcript of may 18 2022  
Under Oath, ~~1:10~~ Perjury generally and ~~1:10~~ Affidavit  
~~1:10~~ Oath, false statement, false testimony B.C.S.O. Jonathan M Hewitt  
Motion by Charles W. Patrick, 11 appointed Counsel, March 25 2020, for  
Shall be released on my own recognizance as a burglary 2nd degree  
Non-violent 1 and SafeCracking, Please see Notice of Appeal, at trial  
I was convicted of Burglary 2nd degree (Violent) Also see  
Motion; Order for Competency to stand trial Evaluation Pursuant to  
State vs. Blair

§21. Nature of Preliminary hearing, 22 C.J.S. Criminal Procedure and Rights of Accused...

with the kindest regards I'm  
George Holmes  
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, 14 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 14<sup>th</sup> Circuit...  
As representing me, of my trial re 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.S.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 #2018AOT10200399, States: (non violent) Burglary 2<sup>nd</sup>  
degree, But the Jury trial convicted me: burglary 2<sup>nd</sup> 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~~ Thanks  
George Holmes  
George Holmes



George Holmes #289114  
Lee CI/F-7-52  
790 Wisacky Hwy  
Bishopville, SC 29010

JMS

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JUL 12 2023

SC Court of Appeals

The South Carolina Court of Appeals  
V. Claire Allen - Chief Deputy Clerk  
1220 Senate Street  
Columbia, South Carolina 29201

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