

10-5-2023

The South Carolina Court of Appeals
TO: Jenny Abbott Kitchings
CLERK

RECEIVED

OCT 09 2023

SC Court of Appeals

Appellate Case No. 2022-000128

I Mr. George Holmes, writing regarding my case above.
Please you write me back and let me know what's
going on. I am also sending you some legal papers
from my lawyers. I am waiting on your court. How
long do I have in here, the kids need me home!!
ON GOD!!

Thanks
- N -
God Bless!!

With kindest regards I am ~~George Holmes~~
George Holmes

LEGAL MAIL ONLY

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ARGUMENT

1.

~~The trial judge erred~~ 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).....5

2.

~~The trial judge erred~~ 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.....9

3.

~~The trial judge erred~~ by denying Appellant’s motion to relieve counsel and proceed *pro se* without conducting the proper inquiry pursuant to ~~Farettax v. California, 422 U.S. 806 (1975)~~ in violation of Appellant’s federal and state constitutional rights..... 12

CONCLUSION.....17

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 this [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,

CONCLUSION

Based on the foregoing argument, ~~this Court should direct a verdict of acquittal~~ for the offenses of second degree burglary and safecracking. ~~In the alternative, Appellant respectfully requests this Court reverse his convictions and remand for a new trial~~

Respectfully submitted,

~~/s/ Lara M. Candy~~
~~Lara M. Candy~~
~~Appellate Defender~~

ATTORNEY FOR APPELLANT

~~this 19th day of April 2023.~~

⑤ ⑥

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 Gibbs~~ - 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 triable 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...

RECEIVED

SEP 14 2022

SC Court of Appeals

With kind

for your time regards I'm

6-13-2022

2018^{-N-}A0710200399...

Thanks

George Holmes
George Holmes

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SEP 14 2022

S.C. SUPREME COURT

RECEIVED

JUN 16 2022

S.C. SUPREME COURT

RECEIVED

JUN 16 2022

SC Court of Appeals

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

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 Sheriff's 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 12/28/2018

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

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 Judge's Address 104 Ribaut Rd Beaufort, SC 29901-2207 Judge's Telephone (843)255-5700 Issuing Court: Magistrate Municipal Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

Statutes: Intent Plain language; Plain ordinary Common, or literal meaning In general; factors considered

Certified - A True Copy Jerri Ann Rosebeau - Clerk of Court Beaufort County, SC - Jennifer Patton

United States District Court, D. South Carolina, Columbia Division.

Arthur Miller and John M. Johnson, Petitioners,

v.
State of South Carolina et al, Respondents.

Civ. A. No. 70-2.

Fed. 17, 1970

Attorneys and Law Firms

*1288 Daniel R. McLeod, Atty. Gen., Emmett H. Clair, Asst. Atty. Gen., Columbia, S.C.

OPINION and ORDER

⑤ Such reason apparently was never conveyed to appointed counsel, who would undoubtedly have been relieved to have been released from representation; nor did the petitioner explain how he expected to pay such counsel. There is perhaps an implication in the record that in not raising the plea that, since the petitioners had not actually succeeded in opening the safe involved in their prosecution, they could not be guilty of 'safecracking', only of, to use the words of one of the petitioners, 'safetampering'. However, it has been authoritatively held, in the construction of the South Carolina 'Safecracking' Statute, 'It is not essential to constitute a safe crackinger that he shall be successful in his attempt to break open the safe.'

State v. O'Day (1906) 74 S.C. 448, 450, 54 S.E. 607, 608

See, also, Shelnut v. State (1965) 247 S.C. 41, 45, 145 S.E. 2d 420; cf.,

United States ex rel. Sadler v. Pennsylvania (D.C. Pa. 1969) 306 F. Supp. 102106

With kindest Regards I'm
Thanks
~~George Holmes~~
George Holmes

2018A0710200399

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

THE STATE 18S324616
against

George Holmes

is: Saint Helena Island, SC 29920-5411

SSN M Race: B Height: 5 7 Weight: 240
Date: SC DL #:

Agency ORI #: SC0070000
Issuing Agency: Beaufort County Sheriffs Office
Issuing Officer: Jonathan M Hewitt - S00393

Charge: Burglary / Burglary (Non-Violent) - Second degree

Case Code: 0080
Ordinance Sec: 16-11-0312

Warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of

The accused
is to be arrested and brought before me to be
with according to the law.

(L.S.)

Signature of Judge

RETURN

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

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 DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

Personally appeared before me the affiant Jonathan M Hewitt

being duly sworn deposes and says that defendant George Holmes
did within this county and state on or about 12/28/2018

State of South Carolina (or ordinance of County/ Municipality of Beaufort) violate the criminal laws of the
in the following particulars:

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

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.) Judge's Address 104 Ribaut Rd
Beaufort, SC 29901-2207

Mark Francis Fitzgibbons Judge's Telephone (843)255-5700

Judge Code: 7060

Issuing Court: Magistrate Municipal Circuit

0-15 YEARS

STATE

GEORGE HOLMES

INDICTMENT/CASE#: 2019GS0700039

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

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

INDICTMENT/CASE#: 2019GS0700039

States non violent

A/W#: 2018A0710200399

Date of Offense: 12/28/2018

S.C. Code §: 16-11-312(B)(3)

CDR Code #: 0086

GEORGE HOLMES

AKA:

Race: Black Sex: Male Age: 34

DOB: SS#: [REDACTED]

Address:

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 ^{States} non violent Please see A/W#: 2018A0710200399

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.
505 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)

Jerri Ann Roseaneau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

RECEIVED
SENTENCE SHEET
AUG 08 2022
SC Court of Appeals

RECEIVED
SEP 09 2022
S.C. SUPREME COURT

Certified A True Copy
[Signature]

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2019GS0700039

At a Court of General Sessions, convened on April 18, 2019, the Grand Jurors of Beaufort County present upon their oath:

6-13-2022 NOW

Please ~~and~~ dismiss

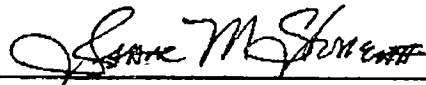
Burglary 2nd Degree (violent)

this charge

GH George Holmes

That in Beaufort County, South Carolina, on or about December 28, 2018, the Defendant, GEORGE HOLMES, did enter a building without consent and with intent to commit a crime therein and the entering or remaining occurred in the nighttime, all in violation of Section 16-11-312(B)(3), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

118 OUT

WITNESSES

Hewitt - BCSO

DOCKET NO. 2019GS0700039

The State of South Carolina

County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

April Term 2019

I hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

GEORGE HOLMES

ARREST WARRANT NUMBER

2018A0710200399

Indictment For

Burglary 2nd Degree (violent)

SC Code: 16-11-312(B)(3)

CDR Code: 0086

ACTION OF GRAND JURY

True Bill

Michelle

Foreperson of Grand Jury

Date: **APR 18 2019**

How???
Please
6-13-2022 Dismiss
George Holmes
George Holmes

Defendant

Witness:

VERDICT

Foreperson of Petit Jury

Date:
INDICT

C.C.C. PLS. and G.S.

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 14th 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.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 #2018A0710200399, 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 ^{Thanks} George Holmes
George Holmes

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

RECEIVED

RE: (SCACR)

JUN 27 2022

SC Court of Appeals

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, SC-N-US,
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: ~~16-11-390~~, transcript of may 18 2022
Under Oath, ~~16-11-390~~ Perjury generally and ~~16-11-390~~ Affidavit
~~16-11-390~~ Oath, false statement, false testimony B.C.S.O. Jonathan M Hewitt
Motion by Charle W. Patrick, III, appointed Counsel, March 25 2020, for
shall be released on my own recognizance as a burglary 2nd degree
(non-violent) 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...

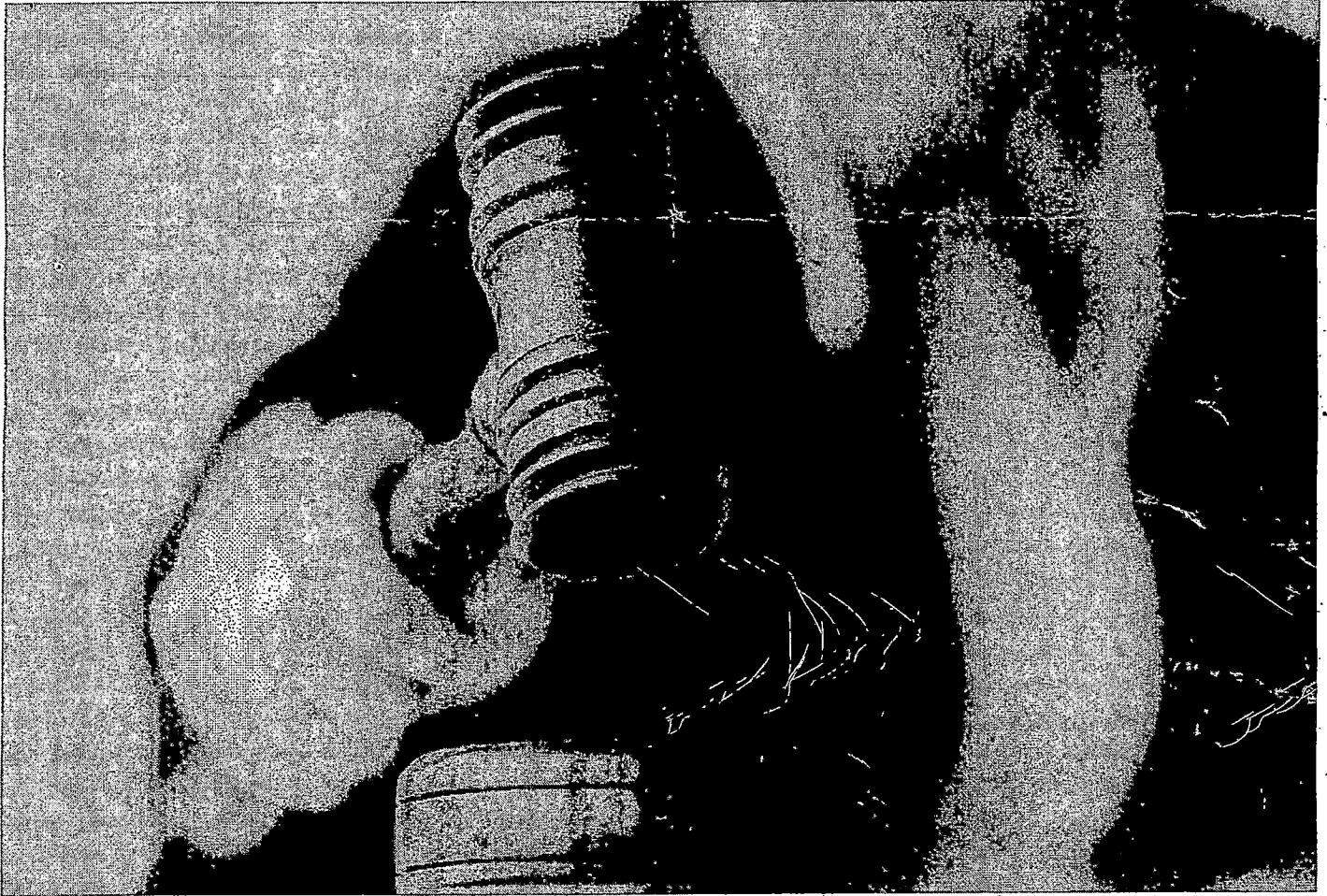
with the kindest regards I'm
George Holmes
George Holmes

https://www.postandcourier.com/news/new-ethics-rule-requires-prosecutors-to-turn-over-evidence-in-wrongful-convictions/article_6c475e8c-0023-11ec-b011-c7ea65359e06.html

New ethics rule requires prosecutors to turn over evidence in wrongful convictions

BY STEVE GARRISON SGARRISON@POSTANDCOURIER.COM

AUG 18, 2021



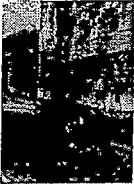
ISTOCK

Defendants wrongfully convicted of a crime in South Carolina have an unexpected new ally: prosecutors.

Under changes made last week to the S.C. Rules of Professional Conduct, prosecutors are required to disclose evidence of innocence discovered after a defendant is convicted of a crime.

South Carolina joins about two dozen other states in adopting such ethics rules for prosecutors, which were first developed by the American Bar Association in 2008.

Some states, including North Carolina and Arizona, have gone further, requiring all attorneys to disclose credible and material evidence of a wrongful conviction to the defendant or his or her attorney.



NEWS

SC Batman faces dark nights in prison as caped crusader fights drug charge

BY GLENN SMITH GSMITH@POSTANDCOURIER.COM

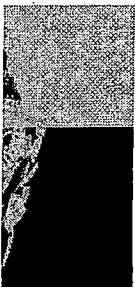
John Freeman, professor emeritus for the University of South Carolina School of Law, said the new rules emphasize the special role prosecutors play in pursuing justice.

“The prosecutor’s job is to see that the right thing is done,” Freeman said. “And to protect the public by seeing that justice is as fair as it possibly can be. Not to put people in jail.”

Freeman said the rules eliminate ambiguity regarding a prosecutor’s responsibilities when new evidence is unearthed that casts significant doubt on a prior conviction.

Ninth Circuit Solicitor Scarlett Wilson said she supported the rule change.

“I think the rule is good and basically ‘codifies’ what good prosecutors do already,” she said.



UNCOVERED

South Carolina politicians blow off their ethics fines with few consequences

BY AVERY G. WILKS AND JOSEPH CRANNEY AWILKS@POSTANDCOURIER.COM
JCRANNEY@POSTANDCOURIER.COM

 13 MIN TO READ

Under the new rules, when a prosecutor becomes aware of “credible, material” evidence that indicates a defendant was wrongfully convicted, the prosecutor is required to disclose that evidence to the defendant, or the defendant’s attorney, as well as the chief prosecutor in the jurisdiction where the conviction was obtained.

A prosecutor who knows of “clear and convincing” evidence of a wrongful conviction in his or her jurisdiction has an ethical obligation to remedy the conviction, the rules state.

Prosecutors will need to determine on a case-by-case basis whether newly discovered evidence requires disclosure, Freeman said, but the rule requires they give serious thought to new evidence.

The new rule also provides hope for wrongfully convicted defendants who have otherwise exhausted their right to appeal, Freeman said.



NEWS

Law enforcement missteps in Paul Murdaugh boat crash case captured in new recordings

BY THAD MOORE AND STEPHEN HOBBS TMOORE@POSTANDCOURIER.COM
SHOBBS@POSTANDCOURIER.COM

“What this says, basically, is that so long as there is a possibility of proof surfacing that shows that the guy is innocent, it ain’t over,” Freeman said. “And, frankly, isn’t that the way it should be?”

More than 2,800 defendants have been exonerated of crimes they did not commit since 1989 in the United States, including nine defendants in South Carolina, according to the National Registry of Exonerations.

Reach Steve Garrison 843-607-1052. Follow him on Twitter @SteveGarrisonDT.

STEVE GARRISON

Steve Garrison covers breaking news and public safety. He’s a native of Chicago who previously covered courts and crime in Wisconsin, New Mexico and Indiana. He studied journalism at the University of Wisconsin-Milwaukee and the University of Missouri.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

The Honorable Carmen T. Mullen, Circuit Court Judge

Warrant No (s): 2018A0710200399, 2018A0710200400
Indictment No (s): 2019GS0700039, 2019GS0700040

STATE OF SOUTH CAROLINA,

Respondent.

v.

GEORGE HOLMES,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on May 26, 2022.

Jared Shedd, Esq.
Assistant Solicitor
Post Office Box 1880
Bluffton, South Carolina 29910

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

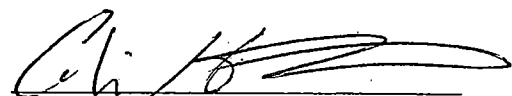
I further certify that on May 26, 2022 an Original Notice of Intent to Appeal in the above captioned case was filed with the Beaufort County Clerk of Court.

May 26, 2022

RECEIVED

AUG 11 2022

S.C. SUPREME COURT



Colin Hamilton, Esq.

Bar No. 104433

Assistant Public Defender

Post Office Box 525

1905 Duke Street, Room 210

Beaufort, SC 29902

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.

with kindest Regards I'm ^{Thanks,} ~~George~~ Holmes

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IMS

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SC Court of Appeals

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