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Jan 16 2024

SC Court of Appeals

## The Supreme Court of South Carolina

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January 16, 2024

Mr. George Holmes, 289114  
Turbeville CI/ RA-170  
1578 Clarence Coker Hwy  
Turbeville, SC 29162

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

Dear Mr. Holmes:

This responds to your filing dated December 29, 2023 addressed to this Court. Please be advised that the Chief Justice will take no action on your *pro se* filing with regards to a case pending before the South Carolina Court of Appeals in which you are represented by counsel.

Very truly yours,

*Patricia A. Howard*

CLERK

cc: The Honorable Jenny A. Kitchings (with copy of correspondence)  
Lara Mary Caudy (with copy of correspondence)  
Mark Reynolds Farthing (with copy of correspondence)

12-29-2023

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

TO: South Carolina Court of Appeals

Attorney General office, Alan McCrory Wilson

The Supreme Court of South Carolina

Chief Justice of South Carolina, Donald W Beatty

Ms. Lara M Caudy Esquire, Appellate Defense

From: George Holmes

I Mr. George Holmes, writing regarding my case above asking the courts to please look into this matter?

Arrest Warrant No. 2018A0710200399, States Non-violent burglary 2nd degree Motion by Charles W. Patrick, III. On March 25 2020, Order Granting release as non-violent offenses.

PLEASE SEE: I'am sending Copies.

Thanks

God Bless !! :)

With kindest Regards I'am ~~George Holmes~~  
George Holmes

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JAN 16 2024

S.C. SUPREME COURT

**LEGAL MAIL ONLY**

STATE SOUTH CAROLINA

COUNTY OF BEAUFORT

STATE SOUTH CAROLINA

-

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

Non-Violent Released

- Bond is hereby ordered as follows:
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

March 26, 2020

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S.C. SUPREME CC

Certified - A True Copy

Jeri Ann Roseneau - Clerk of Court  
Beaufort County, SC

STAMP: MAR 25 PM 2:19  
JEROME ROSENEAU  
CLERK OF COURT  
BEAUFORT COUNTY, S.C.

2018A0710200399

STATE OF SOUTH CAROLINA

County/  Municipality of

Beaufort  
THE STATE  
against 18S324616

George Holmes  
Saint Helena Island, SC 29920-5411

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

Agency ORI #: SC0070000  
Arresting Agency: Beaufort County Sheriffs Office  
Arresting 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  
is to be arrested and brought before me to be  
with according to the law.

(L.S.)  
Signature of Judge

RETURN  
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

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) who  
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  
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.)  
Mark Francis Fitzgibbons  
Judge Code: 7060  
Judge's Address 104 Ribaut Rd  
Beaufort, SC 29901-2207  
Judge's Telephone: (843)255-5700

Issuing Court:  Magistrate  Municipal  Circuit

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

AFFIDAVIT

DEFENDANT COPY

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

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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 ~~Paretti 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 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 reraise 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. Caudy~~  
~~Lara M. Caudy~~  
~~Appellate Defender~~

ATTORNEY FOR APPELLANT

~~This 19th day of April, 2023.~~

George Holmes #289114  
Turbeville CI/RA-170  
1578 Clarence Coker Hwy  
Turbeville SC 29162

COLUMBIA SC 290  
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The Supreme Court of South Carolina  
Donald W. Beatty, Chief Justice  
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Columbia, South Carolina 29211

29211-133030

