

November 14, 2023

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

TO: Administrative Law Court of South Carolina

South Carolina Court of Appeals

The Supreme Court of South Carolina

From: George Holmes

I Mr. George Holmes, Writing regarding my case above asking the Courts to Please look into this matter?

Motion by Charles W. Patrick III, On March 25, 2020, Order Granting releasing me as Non-violent offenses.

Arrest Warrants Nos. 2018A0710200399, States Non-violent burglary 2nd degree
2018A0710200400

PLEASE SEE: I'am sending COPIES.

RECEIVED

APR 29 2024

SC Court of Appeals

With kindest Regards I'am
Thanks
-N-
God Bless
George Holmes
George Holmes

LEGAL MAIL ONLY

November 10, 2023

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

TO: The South Carolina Court of Appeals,
The Supreme Court of South Carolina

I Mr. George Holmes, writing regarding my Appellate case above
I am sending Evidence of Specific Facts on GOD!!

With kindest Regards

I am ~~George Holmes~~
George Holmes

Thanks
-N-
God Bless!!

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DEC 11 2023

S.C. SUPREME COURT

Court News ...

2020-03-19-01

The Supreme Court of South Carolina

RE: Mediation Settlement Conferences

ORDER

In recognition of the difficulties the COVID-19 pandemic may have on lawyers, parties, and other persons whose physical presence is ordinarily required in mediation settlement conferences governed by the South Carolina Court-Annexed Alternative Dispute Resolution Rules, I find it necessary to temporarily adjust the usual manner of attendance at mediation settlement conferences required by Rule 6(b) of the Alternative Dispute Resolution Rules.

Pursuant to Article V, Section 4 of the South Carolina Constitution, it is ordered that, upon the request of a required attendee, the Chief Judge for Administrative Purposes of the circuit shall issue an order permitting attendance by video conferencing.

This Order is effectively immediately and remains in effect until modified or rescinded by order of the Chief Justice.

s/Donald W.

Beatty

Donald W. Beatty

Chief Justice of South Carolina

Columbia, South Carolina
March 19, 2020

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

ORDER

In Re: COVID-19 Pandemic

On March 13, 2020, the Governor of South Carolina declared a State of Emergency in South Carolina pursuant to Executive Order 2020-08. This action was taken in response to the COVID-19 Pandemic. The Administrative Law Court (Court), in recognition of this crisis and the potential effect on the citizens of South Carolina especially those with pending matters before the Court, finds it necessary to issue this order regarding deadlines before the Court.

In accordance and consistent with prior practice of this Court and of the South Carolina Supreme Court, due dates for filings with the Court on or after the date of this Order are hereby extended for thirty (30) days. All Rules of Procedure regarding the method for the filing and service of documents are still in effect. **This Order does not apply to the statutory timeframes for filing the initial request for a hearing or notice of appeal.** Further, no filing fee will be required for a motion for continuance for hearings scheduled in the next 30 days, but such motion must be filed with the presiding judge's office.

All litigants are directed to frequently monitor the Court's website for further updates during this emergency. This Order shall remain in effect until and unless further modified or rescinded by the Court.



Ralph King Anderson, III
Chief Administrative Law Judge

Columbia, South Carolina
March 24, 2020

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SEP 09 2022

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

The Honorable Carmen T. Mullen, Circuit Court Judge

Warrant No (s): 2018A0710200399/2018A0710200400 States
Indictment No (s): 2019GS0700039/2019GS0700040 Non-violent

STATE OF SOUTH CAROLINA,

Respondent.

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

Appellant.

Please see! ↓
Warrants: States Non-violent
Indictment # 2019GS070039, states
Burglary 2nd non-violent

NOTICE OF APPEAL

George Holmes appeals his trial, conviction and sentence on the charges of Burglary -

Second Degree (Violent) and Safecracking before the Honorable Carmen T. Mullen, Presiding

Judge, Fourteenth Judicial Circuit. George Holmes also appeals the Denial of his Motion for

Direct Verdict on May 18, 2022 before the Honorable Carmen T. Mullen, Presiding Judge,

Fourteenth Judicial Circuit.

How can the trial give me
a greater offense of
Burglary 2nd violent??

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SEP 09 2022

S.C. SUPREME COURT

ON GOD!!
George Holmes
George Holmes

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AUG 08 2022

S.C. SUPREME COURT

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

RECEIVED

AUG 08 2022

SC Court of Appeals

March 26, 2020

3/26/20

Certified - A True Copy

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

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SEP 09 2022

S.C. SUPREME CC

SEP 25 PM 2:19
CLERK OF COURT
BEAUFORT COUNTY, SC

WITNESSES

Switt - 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

REST WARRANT NUMBER

18A0710200399

Indictment For

Burglary 2nd Degree (violent)

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

CDR Code: 0086

CTION OF GRAND JURY

True Bill

Defendant

Michelle

oreperson of Grand Jury

ate: APR 18 2019

Witness:

ERDICT

GUILTY

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

J. Kall

oreperson of Petit Jury

ate: 5-18-22
NDICT

RECEIVED

JUN 15 2022

S.C. SUPREME COURT

Certified - A True Copy

Jerr Ann Rosenbau
Jerr Ann Rosenbau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

2018A0710200399

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

THE STATE

against

18S324616

George Holmes

Age:

Saint Helena Island, SC 29920-5411

Sex: M Race: B Height: 5 7 Weight: 240

Date: SC DL #

Agency ORI #: SC0070000

Issuing Agency: Beaufort County Sheriff's Office

Issuing Officer: Jonathan M Hewitt - S00393

Offense: 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 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 29901 1128

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

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 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

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

AFFIDAVIT

DEFENDANT COPY

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

GEORGE HOLMES

A/W# 2018A0710200399

AKA: Race: Black Sex: Male Age: 34

Date of Offense: 12/28/2018

DOB: SS#: [REDACTED]

S.C. Code §: 16-11-312(B)(3)

CDR Code #: 0086

Address:

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City, State, Zip:

SENTENCE SHEET
AUG 08 2022

DL# SID#

SC Court of Appeals

*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.

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SEP 09 2022

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. 503 days/months

To include time spent on monitored house arrest prior to trial and sentencing.
 The Defendant Shall be Released from County Detention Center.

SC SUPREME COURT

SCCA/217 (07/2021)

Page 1 of 2

Jeffri Ann Roseaneau - Clerk of Court
Beaufort County, SC - Jeffri Ver Petroff

5

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AUG 25 2023

SC Court of Appeals

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STATEMENT OF ISSUES ON APPEAL1

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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 ~~Faretta 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 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/ Sara M. Caudy~~
~~Sara M. Caudy~~
~~Appellate Defender~~

ATTORNEY FOR APPELLANT

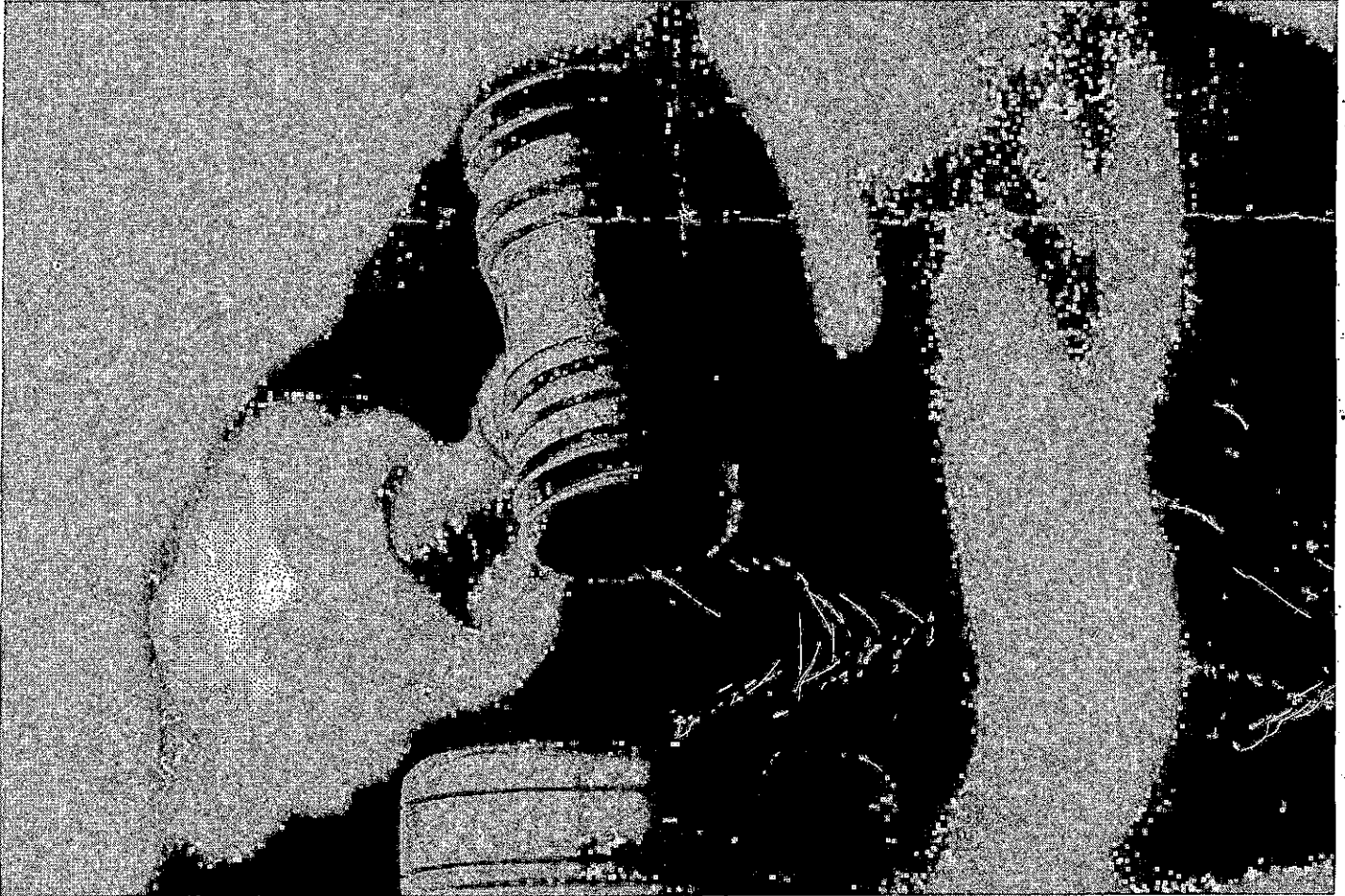
~~This 19th day of April, 2023.~~

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



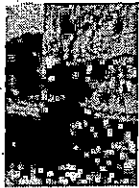
ISTOCK

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.

STATE OF SOUTH CAROLINA
 COUNTY OF BEAUFORT
 VERSUS

LAST NAME: <i>Holmes</i>	FIRST: <i>Frank</i>	MIDDLE:
-----------------------------	------------------------	---------

SUMMONS

(CIRCLE ONE)

DEFENDANT VICTIM WITNESS

LAST NAME: <i>Holmes</i>	FIRST: <i>Frank</i>	MIDDLE: <i>A I</i>
-----------------------------	------------------------	-----------------------

ADDRESS:	SSN:	DOB:	SEX: <i>M</i>	RACE: <i>Black</i>
----------	------	------	------------------	-----------------------

YOU ARE SUMMONED TO APPEAR BEFORE THE BEAUFORT COUNTY COURT AT THE LOCATION INDICATED BELOW:
 (INDICATE ONE)

- | | |
|---|---|
| <input type="checkbox"/> CENTRAL COURT NORTH
100 RIBAUT RD
BEAUFORT SC
29902
(843) 470-5202 | <input checked="" type="checkbox"/> GENERAL SESSIONS
100 RIBAUT RD
BEAUFORT SC
29902
(843) 470-5218 |
| <input type="checkbox"/> CENTRAL COURT SOUTH
#3 TOWN CENTER
HILTON HEAD SC
29025
(843) 842-4260 | <input type="checkbox"/> MUNICIPAL COURT
#3 TOWN CENTER
HILTON HEAD SC
29025
(843) 341-4670 |

DATE OF TRIAL: ON: <i>03-31-19</i>	TIME OF TRIAL: AT: <i>09:45 AM</i>
CHARGE: <i>Disorderly Srd</i>	SECTION: <i>16-11-313</i>
DATE & TIME OF VIOLATION: <i>12/20/18 10:00 AM</i>	LOCATION: <i>107 Sea Island Pkwy</i>
DATE & TIME OF ARREST: <i>12/20/18 8:30 AM</i>	ARRESTING / ISSUING OFFICER: <i>HUSTON</i>
INCIDENT REPORT #: <i>185324616</i>	

NOTICE
 FAILURE TO APPEAR WITHOUT FIRST POSTING BOND OR OBTAINING A CONTINUANCE IS A MISDEMEANOR PUNISHABLE BY A FINE OF UP TO \$500 OR IMPRISONMENT FOR UP TO 30 DAYS.

Amsted *12/28/18*
 (SIGNATURE OF DEFENDANT, VICTIM OR WITNESS) (DATE)

NO: 67774
 DEFENDANT'S COPY

399

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JUN 15 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)
)
STATE OF SOUTH CAROLINA)
)
vs.)
)
GEORGE HOLMES,)
Defendant)

IN THE COURT OF GENERAL SESSIONS
Indictment No(s): 2019GS070039-40
Warrant No(s): 2018A0710200399-40

101831

CONFLICT ORDER

GH George Holmes 6-13-2022

The 14th Circuit Public Defender's Office has been appointed to represent the Defendant in the above-captioned matters. *Please dismiss it's no way*

The Defendant is charged with Burglary (non-violent) 2nd Degree and Safecracking. The Defendant filed a Motion to Relieve Counsel on February 11, 2020. This hearing was heard on February 26, 2020. *WOW*

IT IS THEREFORE ORDERED that the 14th Circuit Public Defender's Office is relieved of the Representation of the Defendant, and Contract Attorney, Charles Patrick, is appointed to represent the Defendant.

IT IS SO ORDERED,

[Handwritten signature]
2020 FEB 26 AM 10:10
CLERK OF COURT
BEAUFORT COUNTY, S.C.

The Honorable Carmen T. Mullen
Presiding Judge
Fourteenth Judicial Circuit

Beaufort, South Carolina
February 26, 2020

Certified - A True Copy

[Handwritten signature]
Jerri Ann Roseneau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

1-30-23

The State v. George Holmes, Appellate Case No. 2020-000728

37 No. 12 West's Criminal Law New Volume 37, Issue 12

June 5, 2020 Criminal Law News - Post Conviction Relief

Forms: Prisoner was entitled to emergency Compassionate release from incarceration, under First ~~Act~~ Step Act, base on COVID-19 outbreak at Prison.
"Brief"

Federal Prisoner Convicted of theft of government funds and tax evasion was entitled to emergency Compassionate release from incarceration, under First Step Act, base on COVID-19 outbreak at prison, prisoner was first-time offender, offenses of conviction were non-violent prisoner was retired police officer who volunteered in rescue and cleanup efforts at the World Trade Center following the terrorist attacks of September 11 2001 Continued incarceration posed serious health risks to presented extraordinary and unprecedented threat incarcerated person, and to prison in particular.

United States v. Scparta, 125 A.F.T.R. 2d 2020-1774, 2020 WL 1910481 (S.D.N.Y. 2020)

§ 19.9 Releasing prisoners, detainees in response to COVID-19 State Court administrative responses.

Applying "WILD FACTS" To Federal Detention in the Pandemic

Federal Detention - N- "WILD FACT" During the COVID-19 pandemic.

The U.S. Attorney General told BOP in a March 2020 memorandum that there are some at risk inmate who are non-violent.

RECEIVED

AUG 08 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF GENERAL SESSIONS

Indictment No.(s): 2019GS0700039-40,
2019GS0700547

A/Warrant No.(s): 2018A0710200399-400,
2019A0710400105

The State of South Carolina,)

Plaintiff,)

v.)

ORDER FOR COMPETENCY TO STAND)
TRIAL EVALUATION PURSUANT TO)
STATE V. BLAIR)

EVALUATION BY)
(Select Only One))

Department of Mental Health)
(Illness))

OR

Department of Disabilities and Special)
Needs)
(Intellectual Disability or Related Disability)

RE: The State v. George Holmes)
Appellate Case No. 2022-050728)

GEORGE HOLMES,)
Defendant.)

How can the trial)
charge me a Greater)
offense of Burglary 2nd)
Violent??????)

This matter is before me for an order requiring defendant, George Holmes, charged with one (1) count of Burglary, 2nd Degree (Non-Violent), one (1) count of Safecracking, and one (1) count of Indecent Exposure, to submit to an evaluation for competency to stand trial pursuant to State v. Blair, 275 S.C. 529; 273 S.E.2d 536 (1981) and S.C. Code Ann. § 44-23-410 (1976).

BASIS FOR ORDER. I have considered the showing made in support of the motion requesting this evaluation and have reason to believe defendant may lack the competency to understand the criminal proceedings or to assist with the defense as a result of a lack of mental competence.

This order is issued for the following reasons: Due to Defendant's extensive mental health history and as a result there is the concern that client appears to not be able to understand or assist attorney in his own defense.

THEREFORE, IT IS ORDERED: Defendant shall be examined and observed at an appropriate facility by two examiners of the Department of Mental Health if suspected of having a mental illness or by two examiners designated by the Department of Disabilities and Special Needs if suspected of having an intellectual disability or a related disability, to render an opinion whether defendant is competent to stand trial.

Certified - A True Copy

Jerr Ann Roseneau - Clerk of Court
Beaufort County, SC - Jennifer Petroff



PATRICK
LAW FIRM

RE: The State

January 25, 2021

✓
George Holmes
39 Samuel Lane
St. Helena Island, SC, 29920

Appellate Case No. 2022-000728

Mr. Holmes,

As of this week, I am no longer representing you on your criminal charges. I have had a medical issue in my family that has rendered me unable to represent any criminal clients that I received from my contract with the South Carolina Commission on Indigent Defense.

Your case has been assigned to Ashley Cornwell, an extremely qualified attorney with years of criminal experience. Her mailing address is 1470 Ben Sawyer Blvd #14, Mt Pleasant, SC 29464 and her office line is 843-595-6003. She will be reaching out to you sometime in the near future.

I regret that I was unable to see your case through to completion. I would not have withdrawn from this case if it were not absolutely necessary. You have been a pleasure to work with, and I know that Ms. Cornwell will do everything she can to assist you in your case. I have made digital copies of your entire file for Ms. Cornwell. I wish you the best in the future.

Sincerely,

Charles Patrick
Patrick Law Firm

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

5-27-2019

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 Isaac 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...

RECEIVED

SEP 14 2022

SC Court of Appeals

With kind

for your time regards I'm

6-13-2022
-N-
2018A0710200399...

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

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

Arthur Miller and John N. 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~~ 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 crackings/er 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. 102, 106

With kindest regards I'm
 Thanks
 George Holmes
 George Holmes

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

ARREST WARRANT

2018A0710200400

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

THE STATE 169324618
against

George Holmes

Address:

Phone: SSN: [REDACTED]

Sex: M Race: B Height: 5 7 Weight: 240

DL State: SC DL #: [REDACTED]

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 Sect: 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 [REDACTED]

[Signature]

RETURN WARRANT TO:

Beaufort County General Sessions
PO Box 1128
102 Ribaut Road, Rm. 208
Beaufort, SC 29901-1128

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

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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

[Signature]

Signature of Issuing Judge

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

ORIGINAL

ORIGINAL

ORIGINAL

Statutes: Intent
0 Statutes: Plain language; Plain ordinary
Common, or literal meaning
1/4 Statutes: In general; factors considered

Certified - A True Copy
[Signature]
Jeri Ann Rosebeau - Clerk of Court
Beaufort County, SC - Jennifer Pettit

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

16-11-0390

I'm Not guilty

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 § 1450; 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

Notes Of Decisions (10) Dismiss the offense of Safecracking
In general indictment: 2018A0710200400 16-11-0390

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

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

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. Shelton v. State (S.C. 1965) 247 S.C. 141, 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. 1966) 74 S.C. 448, 54 S.E.2d 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 856.

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.

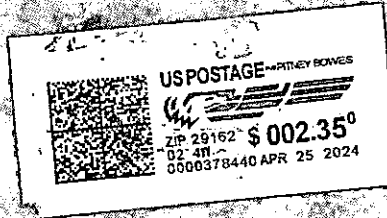
GH The contention that this section [Code 1962 § 16-337] is not sufficiently definite to place a person of common intelligence on notice as to what is prohibited is clearly without merit. The offense is designated in bold-faced letters "SAFECRACKING." State v. Haulcomb (S.C. 1973) 260 S.C. 260, 195 S.E.2d 601, appeal dismissed 94 S.Ct. 229, 414 U.S. 886, 38 L.Ed.2d 134. Larceny 2

GH Indictment 2018A0710200400 I'm Not guilty GH
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. Crady v. State (S.C. 1966) 248 S.C. 522, 151 S.E.2d 670.

Questions for Jury

GH In a prosecution for armed robbery and safecracking, the court improperly denied defendant's motion for directed verdict
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George Holmes # 289114
TCI/SNC-101
1578 Clarence Coker Hwy
Turbeville, SC 29162



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SC Court of Appeals

Catherine S. Harrison, Chief Deputy Clerk
Post office Box 11629
Columbia, SC 29211

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