

12-17-2023

5

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 Mary 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.

RECEIVED

DEC 27 2023

SC Court of Appeals

RECEIVED

APR 29 2024

SC Court of Appeals

Thanks

God Bless!!!

With kindest

Regards

I am

George Holmes
George Holmes

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APR 26 2024

S.C. SUPREME COURT

LEGAL MAIL ONLY

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.

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.

[SIGNATURE PAGE TO FOLLOW]

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

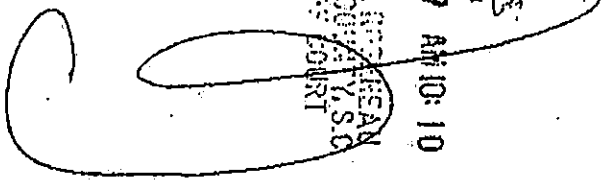
GH George Holmes 6-13-2022

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,


The Honorable Carmen T. Mullen
Presiding Judge
Fourteenth Judicial Circuit

Beaufort, South Carolina

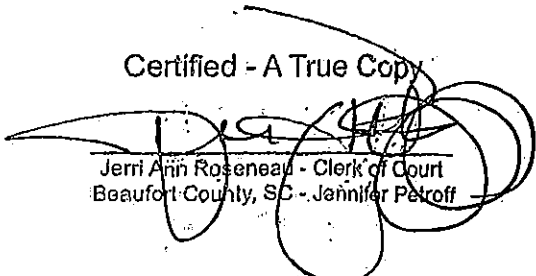
February 26, 2020

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SEP 14 2022

S.C. SUPREME COURT

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

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

ARREST WARRANT NUMBER

18A0710200399

Indictment For

Burglary 2nd Degree (violent)

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

CDR Code: 0086

SECTION OF GRAND JURY

True Bill

Defendant

Michael

Member of Grand Jury

Date: APR 18 2019

Witness:

VERDICT

GUILTY

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

J. Kall

Member of Petit Jury

Date: 5.18.22

VERDICT

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JUN 15 2022

S.C. SUPREME COURT

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

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

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AUG 08 2022

SC Court of Appeals

March 26, 2020

Certified - A True Copy

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

RECEIVED

SEP 09 2022

S.C. SUPREME CC

2018A0710200399

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

THE STATE
against 18S334616

George Holmes

Address: 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

Offense 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

A copy of this arrest warrant was delivered to defendant George Holmes

on 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

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 violates 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 DEFENDANT COPY

AFFIDAVIT

DEFENDANT COPY

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

0-15 YEARS

STATE GEORGE HOLMES

INDICTMENT/CASE#: 2019GS0700039

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

INDICTMENT/CASE#: 2019GS0700039

VS.

States non-violent

GEORGE HOLMES

AW#: 2018A0710200399

AKA:

Date of Offense: 12/28/2018

Race: Black Sex: Male Age: 34

S.C. Code §: 16-11-312(B)(3)

DOB: 02/12/1984 SS#: [REDACTED]

CDR Code #: 0086

Address: 39 SAMUEL LN, SAINT HELENA IS, SC 29920
5411

City, State, Zip:

SENTENCE SHEET

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

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 SCDOP.

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)

Jeffri Ann Roseaneau - Clerk of Court
Beaufort County, SC - Jennifer Perloff

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.

GEORGE HOLMES,
Defendant.

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

) EVALUATION BY
) (Select Only One)

) Department of Mental Health (Mental
) Illness)

) OR

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

ERIN ANN ROSENEAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.
MAY 28 PM 2:26

The State v. George Holmes, Appellate Case No. 2022-000708

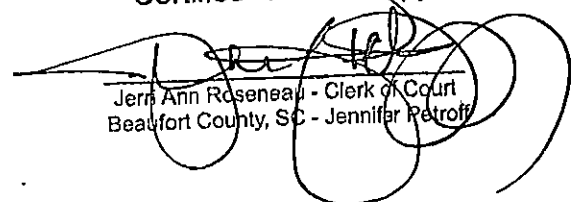
This matter is before me for an order requiring defendant, George Holmes, charged with one (1) count of Burglary, 2nd Degree (Non-Violent), one (1) count of Safecracking, and one (1) count of Indecent Exposure, to submit to an evaluation for competency to stand trial pursuant to State v. Blair, 275 S.C. 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



Erin Ann Roseau - 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 - "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.

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STATEMENT OF ISSUES ON APPEAL 1

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STATEMENT OF FACTS 3

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 stand alone~~ 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 ~~Foretts 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 let 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 a acquittal for the offenses of second degree burglary and safecracking. In the alternative, Appellant respectfully requests this Court reverse his convictions and demand for a new trial.

Respectfully submitted,

~~s/ Lara M. Caudy~~

~~Lara M. Caudy~~
~~Appellate Defender~~

ATTORNEY FOR APPELLANT

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

12-5-22

The State v. George Holmes, Appellant Case No. 2022-005728

ORDER MOTION
TO BE RELEASED

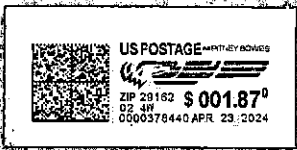
Warrant No. (s): 2018AD710200399, 2018AD710200400
Indictment No. (s): 2019GS0700039, 2019GS0700040

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.
CREDITABILITY: 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

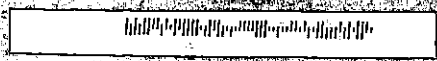
George Holmes #289114
TCI/SNC-161
1578 Clarence Coker Hwy
Turberville, SC 29162



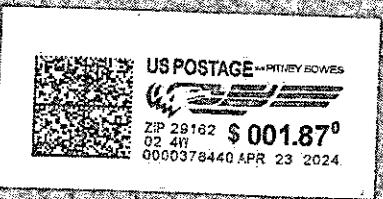
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Chief Justice, Donald W. Beatty
P.O. Box 11330
Columbia, SC 29211

APR 22 2024
MAIL ROOM
TURBEVILLE BI



George Halmes #289114
TCI/SNC-161
1578 Clarence Cotter Hwy
Turberville, SC 29162



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SC Court of Appeals

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