

RECEIVED

JAN 27 2025

SC Court of Appeals

## Appellant Explanation

I Isiah Jacob Holmes the appellant in this matter do now write my explanation in that the courts (Court of Appeals) may adhere to the legal errors, Constitutional violations, ineffective assistance of Counsel, improper admission or exclusion of evidence, and relevant disregard for the South Carolina Rules of Criminal Procedure. It is my prayer that this writing may be a prerequisite to a purposeful resolution in this matter. It is also my prayer that the plea I was forced or coerced in taking may be withdrawn insomuch that I may have a fair trial. Please allow me to go in depth on this matter and make all things plain upon tables.

Overall I was not given a fair chance at a fair trial and was not granted impartiality within the Criminal procedure or even my own ~~course~~ <sup>Counsel</sup>. These are the things that has taken place in the Court of General Sessions in the County of Beaufort.

1/ No Preliminary hearing - Constitutional violation - legal error

• On or about April 20<sup>th</sup>, 2022 I requested a preliminary hearing within the 10 day after the arraignment. \* The arraignment was on the 17<sup>th</sup> of April.

• By law the preliminary hearing must be conducted 10 days after the request or this would render a discharge from custody.

• I've not be afforded the right to question state witnesses, cross examine the state witnesses, introduce my own evidence, or question probable cause in which is to be conducted at the preliminary hearing.

next page →

(Pg 2)

\$ I was indicted a week before trial

- due to this error I was not aware that any probable cause existed to warrant my arrest.
- I sat in jail for two years until I received evidence (digital) on 2 or 3 days before my trial date and probable cause I was unaware of.
- I was not afforded the protection of the processes of said legal proceedings.
- \* This is highly unconstitutional (even in the beginning of the Criminal procedure)  
Violation of the 6<sup>th</sup> Amendment, S.R.C.P. Rule 2, due process

2) Evidence - legal error - Constitutional violation - admission or exclusion of evidence:

- All evidences that was given to prosecution was not all disclosed to me in time to prepare a defense for myself.
- I was given my digital evidences only days (2 or 3) before my trial date. Which would not have been enough time to prepare a defense.

\* This is one of reasons I took the plea because I was at a disadvantage by the antics of the prosecution, Judges, and attorneys.

\* This is a violation of the 6<sup>th</sup> Amendment U.S.C.A, S.C.R.C.P. Rule 5, due process

3) Excessive Bail - Constitutional violations:

- My bond or bail was excessively high especially when the question of probable cause was unanswered. (to me)
- My bond was set at a staggering \$ 475,000.
- This bond was unattainable being that I'm disabled and only received roughly \$ 500 dollars monthly.
- I've request bond reduction hearings to no avail except 2 years later after evidence showed the higher charge couldn't be proven and the bond was reduced by \$ 250,000, however this reduction

(pg 3)

also was ~~day~~<sup>days</sup> before my trial date and still the remaining \$225,000 was still excessive and impossible to attain.

U.S.C.A Amendment 8, due process

4) Equal protection of law - Constitutional violation.

- In this matter I indeed had a co-defendant and my co-defendants bond or bail was at a low \$30,000 for the same charges.

- I've determined that discrimination was present in this specified matter because the co-defendant was a female.

- I've concluded that this unfairness was due to bias by the prosecution and/or the Judge, because this makes no sense and no legal bases for this determination especially when no probable cause was presented and/or known.

- All Court proceedings before the actual plea hearing every presiding Judge showed bias based on the charges I was faced with; this however is only speculation to an extent although sufficient evidence never existed to make such harsh determination.

Violation of S.C.C art 1 Section 3

5) Ineffective Counsel (assistance).

- The entire time I've been met with resistance from both my attorneys ~~John~~ Jonathan Lewis and Melissa Gray.

- I've requested motions, information, and transparency to no avail but instead I was treated as the opposition.

- Nothing I've demanded such as speedy trial, evidences, summons of my witnesses was honored and therefore my attorney's did not assist in a defense but instead sided with the prosecution.

- Instead of telling me my rights and correct procedure I was met

next pg →

(pg 4)

with resistance and arguments.

- I had questions and concerns and was only told that the law isn't on ~~my~~ my side.
  - The attorney's I had didn't want to go to trial although I did and demanded such motions amongst many other motions.
  - I was told that ~~I~~ I couldn't defend myself in my own person.
  - I was told that I had to contact judges pertaining to my matters.
  - Overall my attorneys were against me, however communication wasn't an issue, but the lawyer client relationship lacked at every moment.
- violation of U.S.C.A 6<sup>th</sup> amendment

#### b) Coercion and Duress (Plea)

- Primarily my attorneys did not inform me of any of my rights which was the basis to exploit my vulnerability.
- My attorney Jonathan Lewis threatened and coerced me into taking the plea offered by the prosecution. Both of my attorneys knew that I wanted to go to trial because I stressed this the entire time.
- Mr. Lewis stressed that if I go to trial then I would face ~~30~~ 30 years and only see my children through a Plexiglass.
- Mr. Lewis told me these things on the day of the plea hearing.
- Ms. Gray was not available during this hearing.
- Mr. Lewis told me that there is no chance to win because the prosecution will manipulate the minor witness and the jury will become emotional.
- Mr. Lewis stated that if by chance <sup>we</sup> I couldn't convince the jury

next →  
Pg

(pg 5)

to ~~be~~ determine a guilty plea then it would be deadlock jury and I would do another year waiting on another trial.

- I was faced with threats, fear, and the nondisclosure of the law and my rights.

- If I didn't take this plea Mr. Lewis made me believe that I would face greater punishment and not the possibility, but definite punishment.

- I stressed to Mr. Lewis that I hadn't even viewed my evidence although I been incarcerated 2 years and the trial would've begun (if I didn't take the plea) the same week.

- At the time I was unaware of the law and shouldn't have taken the plea in the first place, but the pressure, threats, and fear compelled my decision.

- Even my attorney ~~was~~ gave me an unfair ~~chance~~ chance at a defense.

- My attorney knew of the improper proceedings of the prosecution and aided them instead of defending me.

- Mr. Lewis guaranteed harsher punishments if I hadn't taken the plea.

### \* Conclusion:

Overall this entire process has been unfair from the beginning all the way to the end. I don't understand how I can go to trial or be offered a plea deal if I wasn't guaranteed the right procedural safeguards governed, guaranteed, and granted by both the United States and the South Carolina Constitution. How may I have a fair trial if all evidences against me hadn't been disclosed to render a fair, impartial, and lawful trial? How may I get an offer without ensuring that probable

next pg →

(pg 6)

cause was established? Its on record that even my health was in decline and the longer I sat in jail the worse my conditions became alongside the excessive bail and disregard for equal protection of law. After being forced to take the plea absent of evidence, ~~for~~ fairness, and integrity of the criminal procedure I immediately withdrew the plea within the 10 day limitation. I had to wait 8 months to go before a judge, but I was never sent to prison after the plea deal. I sat in jail (County) until I seen a judge which is also questionable actions. I seen a judge after withdrawing my plea and he determined that I was never sentenced during the initial plea and he then denied my withdraw on that basis. He then sentenced me and told me I may withdraw 10 days after that date ~~and~~ which was early November 2024. I motioned to withdraw plea in which I was again met with resistance from my attorney. I also motioned to relieve counsel and was told that I couldnt. Ive undergone multiple constitutional violations alongside codes, laws, statutes, and rules. Ive submitted a couple of Habeas Corpus and Im even litigating certain instances that has taken place during this process. I was not guaranteed my rights. I only ask for fairness and a purposeful resolution to this mishap. For the sake of being brief this is what I write, however there exist many other instances concerning witnesses, process, legality, and procedural inclinations that contribute to the overall unfairness and violations of my rights. Please consider that I am in society making known these things alongside risking my freedom for if I am found guilty I will will be placed back in custody, however for the sake of justice, equality, truth, and rule

Next ->  
pg

(797)

of law as it was written. Therefore it is my prayer that this explanation  
is considered in this process.

Under Penalty of Perjury I do acknowledge and affirm that all  
things written here in is indeed factual and true.

Sincerely  
Isaiah Jacob Holmes

~~I may be reached @~~

Isaijaholmes0720@gmail.com

(470) 214-4368

184 Stuart Point Road

Seabrook, South Carolina 29940

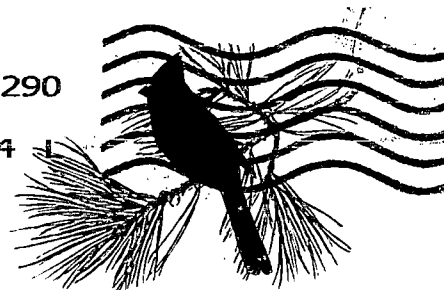
\*

Isaiah Jacob Holmes  
184 Start Point Road  
Seabrook, SC 29940

Jenny Kitchings  
Clerk of Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

COLUMBIA SC 290

25 JAN 2025 PM 4 1



FOREVER / USA

**RECEIVED**

JAN 27 2025

SC Court of Appeals

29211-11629

