

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Greenville County

RECEIVED

Honorable John C. Hayes, Circuit Court Judge SEP 26 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DEAN ALTON HOLCOMB,

APPELLANT

APPELLATE CASE NO 2017-001659

ANDERS BRIEF OF APPELLANT

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ATTORNEY FOR APPELLANT

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**STATEMENT OF ISSUE ON APPEAL**

Whether the court erred in refusing to grant a directed verdict to the charge of intimidation of a court official when appellant had no criminal intent to intimidate a court official?

**STATEMENT OF THE CASE**

Appellant was convicted of intimidation of a court official and obstruction of justice after a jury trial held before the Honorable John C. Hayes on June 12-16, 2017, in Greenville County. Two 90 month consecutive sentences were imposed. Appellant represented himself at trial. Russell Gent, Esq. was the assistant solicitor.

This appeal follows.

## STANDARD OF REVIEW

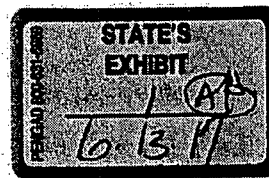
“A case should be submitted to the jury when the evidence is circumstantial ‘if there is any substantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced.’” *State v. Bostick*, 392 S.C. 134, 139, 708 S.E.2d 774, 776 (2011) (quoting *State v. Mitchell*, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000)).

“Evidence must constitute positive proof of facts and circumstances which reasonably tends to prove guilt.” *Id.* “Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error.” *Id.* at 139, 708 S.E.2d at 776-777. “On appeal of the denial of a directed verdict of acquittal, this Court must look at the evidence in the light most favorable to the state.” *Id.* at 139, 708 S.E.2d at 777; see also *State v. Hepburn*, 406 S.C. 416, 429 753 S.E.2d 402, 409 (2013). If the state failed to present any direct evidence or any substantial circumstantial evidence reasonably tending to prove guilt of the accused, the appellate court must reverse the lower court’s denial of the directed verdict motion. *Hepburn*, 406 S.C. at 416, 429 S.E.2d at 409.

## ARGUMENT

The court erred in refusing to grant a directed verdict to the charge of intimidation of a court official when appellant had no criminal intent to intimidate a court official.

The court official that was allegedly intimidated in the case was assistant solicitor Sylvia Harrison in Greenville County. She prosecuted white collar crime cases and was handling appellant's breach of trust case. (R. p. 178, lines 15-24). The investigator on the case was Tim Martin. (R. p. 180, lines 15-16). He passed on an email from appellant to him which was State's Exhibit No. 1. (R. p. 183, lines 8-16). The substance of that email was the following:



Martin, Tim

**From:** Alton Holcomb [altonholcomb@gmail.com]  
**Sent:** Monday, June 09, 2014 12:01 PM  
**To:** Martin, Tim  
**Subject:** From a tax generator( millions and millions) to jt Martin a civil servant sucking the public teat

----- Forwarded message -----

**From:** Morit Holcomb <upstatejews4jesus@aol.com>  
**Date:** Monday, June 9, 2014  
**Subject:** From a tax generator( millions and millions) to jt Martin a civil servant sucking the public teat  
**To:** altonholcomb@gmail.com

Timmy,

BE WARNED, CONTACT MY SISTER, FAMILY OR FRIENDS AGAIN, IN AN EFFORT TO INTIMIDATE ME AND YOU WILL REGRET IT. I PROMISE YOU, IN THE NAME OF THE MOST HIGH THAT MY RESPONSES WILL BE SWIFT, WELL PLANNED, AND IRREVERSIBLE. THIS IS YOUR FINAL WARNING. YOUR 25 YEAR PLUS CRUSADE/CAMPAIGN IS NOW OVER TO HURT ME. NEVER AGAIN WILL I SUBMIT TO FASCIST WITH KINDNESS OR RESPECT FOR YOUR "offices". YOU, YOUR CUNT WHORE ADVOCATE AND your FACEBOOK BUTT BUDDIES IN BLUE ARE ABOUT TO BE EXPOSED FOR ALL WHO WISH TO SEE. (Worldwide media coverage, I guarantee it).

Your web and media history is about to embarrass you even more than your couple of blurbs from the past. What a career.

<http://www.wspa.com/story/21482329/skimmers-emptying-greenville-county-bank-accounts>

What are you are you trying to accomplish in the above article, encouraging crime? For Bigger budgets? Overtime? Justify your existence? Have you considered suicide? You should and will. I AM SO DANGEROUS MY ENEMIES KILL THEMSELVES. ( research young road, bessemer city, nc suicide June/July 2013 for 1 example). My only weapon prayer, ancient rituals and the Kaballah.

My Monday morning song dedicated to you and your friends.....

<http://youtu.be/xwhBRJStz7w>

You're keeping in step in the line ( police action?)

Got your chin held high and you feel just fine ( shameful for a breaker of the 9th Commandment, perjury, forgery, false statements, violator of many state and federal laws - what you have done is a HATE CRIME)

'Cause you do what you're told ( by poker machine operators???)

But inside your heart it is black and it's hollow and it's cold ( your "faith" is empty and without fruits, is it not? Want proof? What is yours, sylvia, the lying cunt whore, smith, etc. God's name? God is

a title, Christ is a title. What is the Creator of the Universes Name? How many letters in the First Name, that spoke the first Word that created existence? hint it is not Jehovah, Yewah, etc., etc.,

I have forgotten more about YOUR religion than you, your asshole friends, your ministers OR THEIR NATIONAL LEADERS will ever know and can prove it, mathematically (sacred math, theomatics, Kaballah, etc. plaintiff considers you and your ministers like children PLAYING WITH MATCHES, however extremely well armed and dangerous. I DECLARE YOUR TIME IS NOW OVER, EVEN SC IS WAKING UP. THE "GOOD OLE BOY SYSTEM's" TIME IS OVER FOR EVER. SO MAY IT BE. AMEN.

Just how deep do you believe? ( Plaintiff does not question yours and your friends devotion to God as you understand HIM)

Will you bite the hand that feeds? (Obviously)

Will you chew until it bleeds? ( obviously, it has been over 1 year, shitheads)

Can you get up off your knees? ( stay there servant, dare not stand before your Masters with pride, you were born to serve, and I am YOUR SUPERIOR IN EVERY WAY, except before our S.C. Courts)

Are you brave enough to see? ( I don't think so, or you would confess and officially apologize to me and others)

Do you want to change it? (CONFESS TO THE CRIMES YOU and your cunt bitch Facebook Buddy HAVE AND ARE COMMITTING against me OR YOU WILL REGRET IT, PSALM 109, LAST WARNING)

What if this whole crusade's a charade? ( antisemetic, evangelizing- FUCK YOU AND ALL YOUR BUTT BUDDIES IN BLUE)

And behind it all there's a price to be paid (Psalm 109)

For the blood which we dine

Justified in the name of the holy and the divine ( YOU ASSHOLES BELIEVE YOU ARE RIGHT, SO DID HITLERS MINIONS, AND THEIR ACTIONS WERE ALL "within the policy and procedures" of the German government and it was all fucking legal)

Did professor Wes Smith not say that it was legal to forge evidence and take a complaint from a meth head who was in prison at the time the work was done on her families home. Megan owns nothing of value, nor ever paid taxes ( except sales taxes), she is now pregnant with her 4th ward of the State.

Just how deep do you believe?

Will you bite the hand that feeds?

Will you chew until it bleeds?

Can you get up off your knees?  
Are you brave enough to see?  
Do you want to change it?

[Inaudible]

[Inaudible]

So naive, I keep holding on to what I want to believe  
I can see but I keep holding on and on and on and on

Will you bite the hand that feeds you?  
Will you stay down on your knees?  
Will you bite the hand that feeds you?  
Will you stay down on your knees?

Will you bite the hand that feeds you?  
Will you stay down on your knees?  
Will you bite the hand that feeds you?  
Will you stay down on your knees?

Will you bite the hand that feeds you?  
Will you stay down on your knees?  
Will you bite the hand that feeds you?  
Will you stay down on your knees?

Will you bite the hand that feeds you?  
Will you stay down on your knees?  
Will you bite the hand that feeds you?  
Will you stay down on your knees?

Song by  
TRENT REZNOR, Kabbalist, Artist and Genius

Sincerely,  
Rabbi Holcomb  
New Dawn Ministries

After the assistant solicitor read State's Exhibit No. 1 she was then asked to read the first ten verses of Psalm 109 from the bible. This was State's Exhibit No. 2 which read as follows:



ices of thanksgiving, and de- his works with rejoicing. They that go down to the sea bps, that do business in great s; These see the works of the and his wonders in the deep. For he commandeth, and h the stormy wind, which n up the waves thereof. They mount up to the heav- hey go down again to the s; their soul is melted be- of trouble. They reel to and fro, and stag- e a drunken man, and are at vits' end. Then they cry unto the Lord, r trouble, and he bringeth out of their distresses. He maketh the storm a calm, the waves thereof are still. Then are they glad because e quiet; so he bringeth them eir desired haven. Oh that men would praise the r his goodness, and for his ul works to the children of el them exalt him also; in gregation of the people, and him in the assembly of He turneth rivers into a ness, and the watersprings y ground; fruitful land into barren- or the wickedness of them ell therein. He overturneth the wilderness e standing water, and dry into watersprings. And there he maketh the e to dwell, that they may pre- city for habitation; and sow the fields, and vineyards, which may yield e increase. He blesseth them also, so that e multiplied greatly; and eth not their cattle to de- gain, they are diminished ight low through oppres- sion, and sorrow.

Ps. 9:11; 73:28  
110:17  
Isa. 42:10; cp.  
Jon. 1:3-16; Act.  
27:9-44  
Ps. 105:31-34  
Ps. 93:3  
Ps. 72:14  
Ps. 89:9; cp. Mic.  
8:26  
Ps. 22:22-25  
Ps. 35:18  
Ps. 74:15; Isa.  
50:2; cp. 1 Cor.  
17:1-7  
Cp. Gen. 1:9-13  
13:10-13; 19:25  
Ps. 114:8; Isa.  
41:10  
Or pool of  
Isa. 65:21  
Gen. 12:2  
17:16, 20; 22:  
1-7  
Or permeath  
Dt. 7:14  
Or ultimabed

40 He poureth contempt upon princes, and causeth them to wander in the wilderness, where there is no way.  
41 Yet setteth he the poor on high from affliction, and maketh *him* families like a flock.  
42 The righteous shall see it, and rejoice; and all iniquity shall stop her mouth.  
43 Whoso is wise, and will observe these things, even they shall understand the lovingkindness of the LORD.

*Steadfast praise*

A Song or Psalm of David.

108 O God, my heart is fixed; I will sing and give praise, even with my glory.  
2 Awake, psaltery and harp: I myself will awake early.  
3 I will praise thee, O LORD, among the people; and I will sing praises unto thee among the nations.  
4 For thy mercy is great above the heavens; and thy truth reacheth unto the clouds.  
5 Be thou exalted, O God, above the heavens; and thy glory above all the earth;  
6 That thy beloved may be delivered: save with thy right hand, and answer me.  
7 God hath spoken in his holiness; I will rejoice, I will divide Shechem, and smete out the valley of Succoth.  
8 Gilead is mine; Manasseh is mine; Ephraim also is the strength of mine head; Judah is my lawgiver;  
9 Moab is my washpot; over Edom will I cast out my shoe; over Philistia will I triumph.  
10 Who will bring me into the strong city? who will lead me into Edom?  
11 Will not thou, O God, who hast cast us off? and wilt not thou, O God, go forth with our hosts?  
12 Give us help from trouble: for vain is the help of man.

13 Through God we shall do valiantly: for he it is that shall tread down our enemies.  
*A cry for vengeance and judgment*  
To the chief Musician, A Psalm of David.

109 Hold not thy peace, O God of my praise;  
2 For the mouth of the wicked and the mouth of the deceitful are opened against me: they have spoken against me with a lying tongue.  
3 They compassed me about also with words of hatred, and fought against me without a cause.  
4 For my love they are my adversaries: but I give myself unto prayer.  
5 And they have rewarded me evil for good, and hatred for my love.  
6 Set thou a wicked man over him: and let Satan stand at his right hand.  
7 When he shall be judged, let him be condemned: and let his prayer become sin.  
8 Let his days be few; and let another take his office.  
9 Let his children be fatherless, and his wife a widow.

Cp. Phil. 4:13  
Ps. 137:1  
Ps. 27:12; 52:4  
120:2; cp. Num.  
26:59-62; Lk.  
23:1-5  
m Ps. 35:7; 69:9  
In. 15:25  
n Ps. 69:13  
o Ps. 35:12; 38:20  
p Prov. 17:13; cp.  
In. 10:32  
q vv. 6-15; cp. In.  
69:22-20  
r Cp. In. 17:12  
2 Th. 2:3  
s Satan: v. 6; Gen.  
14:12 (Gen.  
3:1; Rev. 20:1  
note)  
t Prv. 20:5  
u Ps. 55:23; cp.  
ML 27:3-5  
v Ps. 69:25; Acts  
1:20  
w Ex. 22:24

THE IMPRECATORY PSALMS

The Imprecatory Psalms (Ps. 35; 52; 55; 58; 59; 79; 109; 137) are cries to God to avenge. Believers in the Word of God explain such invocations of God's vengeance either (1) on the basis of the progressiveness of revelation (in which such prayers were part of Israel's life prior to the giving of God's full and final revelation); or (2) by calling attention to such matters as (a) vengeance is placed in God's hands, not the psalmist's (compare Dt. 32:35); (b) it is true that unrepentant and unbelieving sinners must face the terrifying punishment of God; (c) ultimately, it is the honor of God which is at stake, the righteousness of God which must be vindicated (compare Ps. 139:21-22); and (d) the righteous indignation of those who love God is justifiable against injustice, malevolence, lawlessness, and especially against apathy toward or rebellion against Him. God's servants await the day when righteousness will be rewarded and unrighteousness will be punished—in short, the day of the vindication of the moral nature of God (Ps. 72:1-9; Hab. 2:14; Lk. 18:7-8; 1 Cor. 15:25-28; 2 Th. 1:7-10; Rev. 11:17-18; 15:3-4; 19:5-7).

at their wits' end. Literally all their wisdom is up. 108:6 Verses 6-13 are almost identical with Ps. 137:1-8.

10. Let his children be continually vagabonds, and beg: let them seek their bread also out of their desolate places.

11 Let the extortioner catch all that he hath; and let the strangers spoil his labour.

12 Let there be none to extend mercy unto him: neither let there be any to favour his fatherless children.

13 Let his posterity be cut off; and in the generation following let their name be blotted out.

14 Let the iniquity of his fathers be remembered with the LORD; and let not the sin of his mother be blotted out.

15 Let them be before the LORD continually, that he may cut off the memory of them from the earth.

16 Because that he remembered not to shew mercy, but persecuted the poor and needy man, that he might even slay the broken in heart.

17 As he loved cursing, so let it come unto him: as he delighted not in blessing, so let it be far from him.

18 As he clothed himself with cursing like as with his garment, so let it come into his bowels like water, and like oil into his bones.

19 Let it be unto him as the garment which covereth him, and for a girdle wherewith he is girded continually.

20 Let this be the reward of mine adversaries from the LORD, and of them that speak evil against my soul.

21 But do thou for me, O God the Lord, for thy name's sake: because thy mercy is good, deliver thou me.

22 For I am poor and needy, and my heart is wounded within me.

23 I am gone like the shadow when it declineth: I am tossed up and down as the locust.

24 My knees are weak through fasting; and my flesh falleth of fatness.

25 I became also a reproach unto them: when they looked upon me they shook their heads.

26 Help me, O LORD my God: O save me according to thy mercy.

27 That they may know that this is thy hand; that thou, LORD, hast done it.

28 Let them curse, but bless thou: when they arise, let them be ashamed; but let thy servant rejoice.

29 Let mine adversaries be clothed with shame, and let them cover themselves with their own confusion, as with a mantle.

30 I will greatly praise the LORD with my mouth; yea, I will praise him among the multitude.

31 For he shall stand at the right hand of the poor, to save him from those that condemn his soul.

The psalm of the King Priest

A Psalm of David.

110 The LORD said unto my Lord, Sit thou at my right hand; until I make thine enemies thy footstool.

2 The LORD shall send the rod of thy strength out of Zion; rule thou in the midst of thine enemies.

3 Thy people shall be willing in the day of thy power, in the beauties of holiness from the womb of the morning: thou hast the dew of thy youth.

4 The LORD hath sworn, and will not repent, Thou art a priest for ever after the order of Melchizedek.

q Ps. 102:11  
r Heb. 12:12  
s Ps. 22:6  
t Or shook Ps. 22:7; Mt. 27:3  
u Ps. 119:85  
v Job 37:7  
w 2 Sam. 16:1  
x Isa. 65:14  
y Ps. 35:26; 132:18  
z Ps. 22:25  
aa Ps. 15:8; 73:23; 121:5  
bb Deity (name oft. v. 1; Mt. 2:16; (Gen. 1:1; Mal. 3:18; note)  
cc Christ (second advent); v. 1; Isa. 9:7; (Dt. 30:3); Acts 1:11; note  
dd 1 Cor. 15:25  
ee Ps. 45:6  
ff Rom. 11:26; 27  
gg Ps. 2:9; Dan. 7:13-14  
hh Jud. 5:2  
ii Ps. 96:9  
jj Num. 23:19; see Zech. 8:14; note  
kk Zech. 6:13  
ll Heb. 5:6; 6:20; 7:21

5. The Lord at thy right hand strike through kings in the wrath of his wrath.

6 He shall judge among the heathen, he shall fill the earth with the dead bodies; he shall wound the heads over many tries.

7 He shall drink of the brook of life: therefore shall he lift up his head.

Praise for God's wonderful works

111 Praise ye the LORD. Praise the LORD with whole heart, in the assembly upright, and in the congregation.

2 The works of the LORD are great, sought out of all them that have pleasure therein.

3 His work is honourable and glorious: and his righteousness dureth for ever.

4 He hath made his works to be remembered; they are glorious and full of compassions.

5 He hath given men a sign and a wonder: they that fear him, he will be mindful of his covenant.

6 He hath shewed his power of his works, that he might make them the heritage of the elect.

7 The works of his hands are truth and judgment; all his commandments are sure.

8 They stand fast for ever, and are done in truth and righteousness.

9 He sent redemption unto his people: he hath commanded his covenant for ever: his name is precious above all.

10 The fear of the LORD is the beginning of wisdom: a good understanding have all they that do his commandments: his praise dureth for ever.

Ps. 25; 12; Rom. 2:5; 11:33; 13:11; 15:13; 16:26; 17:19; 18:27; 19:11; 20:11; 21:11; 22:11; 23:11; 24:11; 25:11; 26:11; 27:11; 28:11; 29:11; 30:11; 31:11; 32:11; 33:11; 34:11; 35:11; 36:11; 37:11; 38:11; 39:11; 40:11; 41:11; 42:11; 43:11; 44:11; 45:11; 46:11; 47:11; 48:11; 49:11; 50:11; 51:11; 52:11; 53:11; 54:11; 55:11; 56:11; 57:11; 58:11; 59:11; 60:11; 61:11; 62:11; 63:11; 64:11; 65:11; 66:11; 67:11; 68:11; 69:11; 70:11; 71:11; 72:11; 73:11; 74:11; 75:11; 76:11; 77:11; 78:11; 79:11; 80:11; 81:11; 82:11; 83:11; 84:11; 85:11; 86:11; 87:11; 88:11; 89:11; 90:11; 91:11; 92:11; 93:11; 94:11; 95:11; 96:11; 97:11; 98:11; 99:11; 100:11; 101:11; 102:11; 103:11; 104:11; 105:11; 106:11; 107:11; 108:11; 109:11; 110:11; 111:11; 112:11; 113:11; 114:11; 115:11; 116:11; 117:11; 118:11; 119:11; 120:11; 121:11; 122:11; 123:11; 124:11; 125:11; 126:11; 127:11; 128:11; 129:11; 130:11; 131:11; 132:11; 133:11; 134:11; 135:11; 136:11; 137:11; 138:11; 139:11; 140:11; 141:11; 142:11; 143:11; 144:11; 145:11; 146:11; 147:11; 148:11; 149:11; 150:11

110:1 The importance of the 110th Psalm is attested by the remarkable prominence given to it in the N.T.

(1) It affirms the Deity of Jesus, thus answering those who deny the full divine meaning of His N.T. title of Lord (v. 1; Mt. 22:41-45; Mk. 12:35-37; Lk. 20:41-44; Acts 2:34-35; Heb. 1:13; 10:12-13).

(2) It announces the eternal priesthood of Messiah—one of the most important statements of Scripture (v. 4; Gen. 14:18; note; In. 14:6; 1 Tim. 2:5-6; Heb. 5:6; note; 7:1-28).

(3) Historically, Ps. 110 begins with the ascension of Christ (v. 1; In. 20:17; Acts 7:56; Rev. 3:21). And

(4) prophetically, it looks forward (a) to the time when Christ will appear as the Rod of the LORD's strength, the Deliverer out of Zion (Rom. 11:25-27), and to the conversion of Israel (v. 3; Joel 2:27; Zech. 13:9; see Dt. 30:1-9, and note at v. 3); and (b) to the judgment upon the Gentile powers which precedes the setting up of the kingdom (vv. 5-6; Joel 3:9-17; Zech. 14:1-4; Rev. 19:11-21). See Armageddon (Rev. 16:16; 19:17; note); Israel (Gen. 12:2-3; Rom. 11:26; note); Kingdom (Zech. 12:8; and 1 Cor. 15:24; notes). See Ps. 118; last Messianic Psalm.

Melchizedek: King of righteousness. The priest-king of Salem (Jerusalem) who blessed Abraham. The title of the book of Hebrews stated that Melchizedek was a type of Christ.

112:9 horn: The words "horn" and "horns" (G. N.T. keros) are used in Scripture both literally and figuratively. In the latter sense at least three meanings are given: (1) strength in general (Dt. 33:17); (2) arrogant power (Isa. 40:5); and (3) political and military power (Dan.

She admitted that the Psalm had a box explain what it meant. She testified that she felt intimidated, scared, and threatened. She left town and went to Texas to visit her sister (Tr. p. 189, line 8 – p. 190, line 22).

On cross-examination the assistant solicitor made it clear that appellant did not send her the email. Appellant sent it to Investigator Martin and Martin forwarded it onto her. (Tr. p. 196, lines 11-18; Tr. p. 281, lines 5-19). Psalm 109 was also sent to Investigator Martin. (Tr. p. 358, lines 7-20).

At the conclusion of the State's cases defense counsel moved for a directed verdict which the court denied. (Tr. p. 648, line 5 – p. 649, line 12). That ruling was in error.

Due process as guaranteed by the Fourteenth Amendment requires “that no person shall be made to suffer the onus of a criminal conviction except upon sufficient proof—defined as evidence necessary to convince a trier of fact beyond a reasonable doubt of the existence of every element of the offense.” Jackson v. Virginia, 443 U.S. 307, 316, 99 S.Ct. 2781, 2787 (1979).

Our Court has held:

[T]he trial judge is concerned with the existence or non-existence of evidence, not with its weight; and, although he should not refuse to grant the motion where the evidence merely raises a suspicion that the accused is guilty, it is his duty to submit the case to the jury if there be any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced. [Emphasis added].

State v. Littlejohn, 228 S.C. 324, 89 S.E.2d 924, 926 (1955); State v. Edwards, 298 S.C. 272, 379 S.E.2d 888 (1989), cert. denied, 493 U.S. 895, 110 S.Ct. 246 (1989).

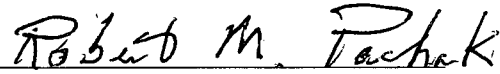
In applying this standard, our Court has held that evidence which is “sufficient to raise a strong suspicion of the guilt of the accused” is not sufficient to constitute “any evidence from which the

guilt of the accused may be fairly and logically deduced.” State v. Totherow, 263 S.C. 275, 210 S.E.2d 228, 230 (1974). See, also, State v. Turner, 117 S.C. 470, 109 S.E. 119, 120 (1921). The motion for a directed verdict should be granted, therefore, “where evidence merely raises a suspicion of guilt, or is such to permit the jury to merely conjecture or to speculate as to the accused’s guilt.” State v. Brown, 267 S.C. 311, 227 S.E.2d 674, 677 (1976), citing State v. Matarazzo, 262 S.C. 662, 207 S.E.2d 93, cert. denied, 420 U.S. 945 (1974). “If the evidence is consistent with both innocence and guilt it cannot support a conviction.” United States v. Varoz, 740 F.2d 772, 775 (10<sup>th</sup> Cir. 1984); United States v. Ortiz, 445 F.2d 1100, 1103 (10<sup>th</sup> Cir 1971). Guilt is only to be found when there is a “rationally supportable state of near certitude.” Evans-Smith v. Taylor, 19 F.3d 899, 906 (4<sup>th</sup> Cir 1994).

It is true that appellant sent the email and Psalm 109 to Investigator Martin. But he did not send it to assistant solicitor Sylvia Harrison. While appellant did use some vulgar, crude, and offensive language, he did not intimidate Sylvia Harrison as a court official. Psalm 109 did not even mention her name.

CONCLUSION

A directed verdict should have been granted to the charge of intimation of a court official.



Robert M. Pachak  
Appellate Defender

ATTORNEY FOR APPELLANT

This 25th day of September, 2018.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Greenville County  
Honorable John C. Hayes, Circuit Court Judge

**RECEIVED**  
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DEAN ALTON HOLCOMB,

APPELLANT

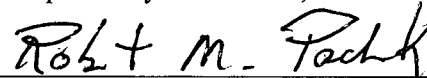
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Dean Alton Holcomb states:

1. He is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge John C. Hayes, which was held on June 12-16, 2017, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, He asks the Court to relieve him as counsel for Dean Alton Holcomb.

Respectfully Submitted,



Robert M. Pachak  
Appellate Defender  
ATTORNEY FOR APPELLANT

This 25th day of September, 2018.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Greenville County  
Honorable John C. Hayes, Circuit Court Judge

**RECEIVED**  
SEP 26 2018  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DEAN ALTON HOLCOMB,

APPELLANT

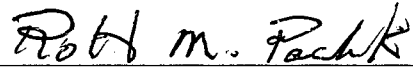
**DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) True-billed indictment(s):
- (2) Trial Transcript dated June 12-16, 2017.

I certify that this designation contains no matter which is irrelevant to this appeal.

September 25, 2018



Robert M. Pachak  
Appellate Defender

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

**CERTIFICATE OF COUNSEL**

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

September 25, 2018.

*Robt M. Pachak*

Robert M. Pachak  
Appellate Defender

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
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ATTORNEY FOR APPELLANT

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**RECEIVED**

SEP 26 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

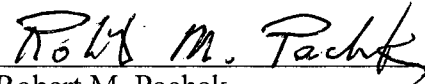
V.

DEAN ALTON HOLCOMB,

APPELLANT

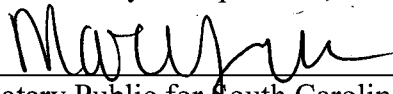
\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned hereby certifies that a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Anders Brief of Appellant and Designation of Matter have been served on Dean Alton Holcomb, 369696, at Tyger River Correctional Institution, 200 Prison Road, Upper Yard, Enoree, SC 29335-9308, this 25th day of September, 2018.



Robert M. Pachak  
Appellate Defender  
ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 25th day of September, 2018.

 (L.S)  
Notary Public for South Carolina  
My Commission Expires: May 12, 2027.