STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Greenville County

Honorable John C. Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEAN ALTON HOLCOMB,

APPELLANT

APPELLATE CASE NO 2017-001659

SUPPLEMENTAL RECORD ON APPEAL

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State of South Carolina.,
County of York.,

In the Court of General Sessions for York

Case No.: 2014-GS-23-08177
2014-GS-23-08179

State of South Carolina.,

Plaintiff.,

-vs-

Dean Alton Holcomb.,

Defendant.

Transcript of Record

May 15, 2017
York, South Carolina

B E F O R E:

The Honorable John C. Hayes, III., Judge, and a jury.

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Wanda S. Nelson, CVR-M
Official Court Reporter
Sixteenth Judicial Circuit
Union and York Counties
To The Honorable Daniel D. Hall

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Reporter's Note: All Exhibits were filed with the Greenville County Clerk of Court's Office.

1 (COURT IN SESSION IN THE MATTER OF *STATE V. DEAN ALTON*
2 *HOLCOMB* MONDAY, MAY 15, 2017 AT 10:05 AM.)
3 THE COURT: Mr. Ghent, I understand you need to
4 arraign Mr. Holcomb before we get started on anything
5 further.
6 MR. GHENT: Your Honor, it was raised with Mr.
7 Holcomb, he has waived arraignment in this instance.
8 THE COURT: Okay.
9 MR. SHEALY: I believe he's actually already been
10 arraigned on those. He's had copies in support for about a
11 year now.
12 THE COURT: Is that correct, Mr. Holcomb?
13 MR. HOLCOMB: Over two years.
14 THE COURT: Okay.
15 MR. SHEALY: So we would waiving, your Honor, formal
16 arraignment.
17 THE COURT: All right. Then, Mr. Shealy, I believe
18 that the only thing before the Court is - And I have not
19 seen, it may be in this package that I was handed this
20 morning, I have actually not seen the motion but it's my
21 understanding, from both counsel, that Mr. Holcomb has made
22 a motion to relieve you as his counsel.
23 This case is set for June 12th of this year in
24 Greenville, I'll let you proceed.
25 MR. SHEALY: Yes, your Honor. Judge, I have a copy of

1 the motion if you would like ---

2 THE COURT: All right.

3 MR. SHEALY: --- to follow that motion. We can - we

4 have an extra one.

5 THE COURT: Can you hand it up to me?

6 SOLICITOR GHENT: If I may approach.

7 (DOCUMENT RECEIVED UP BY THE COURT.)

8 THE COURT: All right.

9 MR. SHEALY: Judge, this will be Mr. Holcomb's motion

10 to relieve the Spartanburg County Public Defender's office,

11 principally me, Matthew Shealy, from representing him

12 further. Just to give you -- For the record I've

13 represented him now for roughly two years. We've tried --

14 He was initially charged with breach of trust, he was then

15 tried, charged about a year later with these charges;

16 intimidation of a court official. The intimidation on a

17 court of federal and state political and constitutional

18 rights as well as, I believe, obstruction of justice and

19 that's what is on the docket for June the 12th and again,

20 Mr. Holcomb has filed this motion shortly after the

21 conviction on the Breach of Trust that we lost.

22 THE COURT: It was December 9th of last year.

23 MR. SHEALY: Yes, sir. With that I will turn it over

24 to Mr. Holcomb so he can make his motion.

25 Thank you, your Honor.

1 THE COURT: All right, Mr. Holcomb.

2 MR. HOLCOMB: If it pleases the Court?

3 THE COURT: Yes, sir.

4 MR. HOLCOMB: If I might have ten minutes without any

5 interruption from either counsel to kind of go over this.

6 THE COURT: Yes, sir.

7 MR. HOLCOMB: I'm going to do the best I can. I've got

8 my hands tied.

9 THE COURT: All right. I'll give you whatever time you

10 need.

11 MR. HOLCOMB: Okay. I'd like to start off by talking

12 about *Faretta v. California* and the right to self

13 represent. I'd like to ask the Court to allow me to have

14 hybrid representation, a standby counsel if you will, to

15 help me with decorum, etiquette in the courtroom, motions,

16 research, get witnesses. At this trial I would like to

17 have witnesses' this time.

18 One of the reasons I'm asking to relieve Mr. Shealy is

19 at the last trial he didn't -- he wasn't able to obtain any

20 witnesses. Actually filed subpoenas in the wrong county,

21 all right. That's a new motion, it's there. There's a

22 copy of a motion to quash the subpoena that was filed in

23 the county, one of 'em. So I think he's not really putting

24 in the effort that I would like to have in this case.

25 But in *Faretta v. California* I'm gonna quote from what

1 the U.S. Supreme Court said in that. It said, in fact the
2 right to self representation was more closely guarded in
3 the American colonies than in England due to greater
4 notions of self reliance and a traditional distrust of
5 lawyers. This distrust stemmed from confrontations with
6 the King's court where attorneys, and the solicitors,
7 twisted the laws to secure convictions. This distrust
8 caused colonies such as Massachusetts, Virginia,
9 Connecticut, and the Carolinas to prohibit pleadings for
10 hire completely until the early 1800's.
11 Up until then we had to represent ourselves, all
12 right. So, the South Carolina Supreme Court has allowed
13 hybrid representation in *State v. Stuckey* that's 333 S.C.
14 56, 57, 508 and S.C. E. 2d, (1998). I'll just quote the
15 year on those. *State versus Sanders* and that's in 1977.
16 So what I would like to have is an attorney to help me
17 so I don't make a mockery of this. This is very important,
18 this is my life we're talking about. I've been sentenced
19 to five years for something that I don't believe is
20 illegal, or against the law, and I think it was handled
21 improperly.
22 I'd like to read this.
23 "Thank you, your Honor." I wrote this - This is the
24 second time we've had this hearing. They keep cancelling
25 it and I was told it was set two months ago. But I've been

1 asking for a speedy trial in these matters for going on
2 three years now.
3 THE COURT: I told you I wouldn't interrupt you, but I
4 did have a hip operation and I was out for like --
5 MR. HOLCOMB: Oh, okay.
6 THE COURT: I was out for about two months.
7 MR. HOLCOMB: But I'm glad that you're doing better.
8 Okay. Well thank you. I'd also like to thank the
9 court reporters Ms. Wanda Nelson and Ms. Susan Hudgins for
10 the near perfect record. I thought there was no errors in
11 one hundred thousand words or so. This unimpeachable
12 evidence will most likely exonerate me through out the
13 appeal process and PCR hearings.
14 Mr. Shealy cannot possibly represent me. We have
15 separate agendas and he, and the State, have both painted a
16 picture of me that is false and cannot --
17 THE COURT: I'm gonna ask you one more thing. Slow
18 down a little bit for Wanda.
19 MR. HOLCOMB: Okay. I'm nervous.
20 THE COURT: Well I know, but to make sure these next
21 -- And I don't mean pages.
22 MR. HOLCOMB: Yes. So I have a few minutes to use.
23 THE COURT: Oh, yeah. Yeah, take your time but slow
24 down.
25 MR. HOLCOMB: Somebody in - You hear a lot of things

1 in prison. They said you're allowed fifteen minutes to
2 speak. All right. Sorry. Mr. Shealy cannot possibly
3 represent me. We have separate agendas. He and the State
4 have both painted a picture of me that is false and cannot
5 be proven beyond any doubt. Let the record speak for
6 themselves according to Mr. Ghent from the trial transcript
7 on page 209 it says, that's my prosecutor here. I can
8 point to over 80 false statements of fact Mr. Ghent made to
9 the tribunal. He has lied to you, your Honor, over seventy
10 times in the past hearings.
11 Let the record show that my name is Doctor Dean
12 Holcomb, I'm a duly ordained Kubbalah rabbi and the
13 Director of New Dawn Ministries, a South Carolina non-
14 profit organization since 1997. I am a political activist
15 in the highest order. This is no idle boast, and once
16 again, the records can speak for themselves. I was the
17 chief strategist and front man for one of the most costly
18 and dare I say highest state law suits in South Carolina
19 history starting with Case No. 97-CP-23-03799 and five
20 others also filed in York County.
21 These law suits were against the gambling industries.
22 These were the first nails in the coffin of the South
23 Carolina industry, the gambling industry. The gambling
24 industry was the most corrupt and evil to operate since the
25 slave trade and I helped to destroy it. I filed against my

1 father and billionaires over principle --

2 (SOME COUGHING OBSTRUCTING THE SPEAKER.)

3 MR. HOLCOMB: The records both public and through the

4 media from the small town newspapers to the Wall Street

5 Journal and many in between in the Carolinas and Georgia's

6 will show that me personally in my capacity as the Director

7 of New Dawn Ministries were against the top operators of

8 seventy-five percent of the thirty-four thousand poker

9 machines operating in South Carolina at that time.

10 They plagued their state like a cancer corrupting our

11 political system all in the pursuit of filthy lucre at the

12 expense of the poor, and the addiction further and giving

13 nothing back but a few token and meaningless gestures.

14 This and the Pete Strong Player's law suits were heard

15 by our state Supreme Court. The South Carolina Gaming

16 industry was no more. The economic impact was and is still

17 huge. The South Carolina Department of Revenue and a

18 columnist from the Wall Street Journal estimated that the

19 poker industry at that time generated around three billion

20 dollars a year and mostly unreported illegal income.

21 These - I like to think back on that. Twenty years

22 later, it was twenty years this week actually I filed the

23 law suit 519 of 1997. I like to look back but these

24 misguided souls have lost over sixty billion dollars

25 through our efforts.

1 I was one -- I was David against not just one Goliath
2 but many just as today. I like to think I've helped
3 education in South Carolina rise to a civilized standard.
4 I was the gambling - the South Carolina Gambling Industries
5 biggest enemy and Mr. Ghent here, the prosecutor, was their
6 biggest advocate. See *South Carolina versus a 192 Coin*
7 *Operated Machines,* 238 S.C. 176 from 2000 where Mr. Ghent,
8 once again, lost before the Supreme Court while
9 representing the same defendant's in the New Dawn
10 Ministries law suites.
11 I've got a whole stack of newspaper articles here I'd
12 like to submit as evidence. I suspect Mr. Ghent here lost
13 millions and as a result of my political activism and his
14 clients have lost billions. Mr. Ghent has sued me
15 personally on behalf of the late billionaire Fred Collins
16 two months after my arrest for the breach of trust for
17 which I was convicted and he was the prosecutor.
18 Mr. Shealy tells me this is not a conflict of interest
19 and Mr. Ghent may not remember me. I seriously doubt that.
20 He told my sister this and the same thing in a recently
21 recorded phone call. We recorded a lot because of the
22 false arrest we had in vexatious litigation goes when
23 speaking truth to power. Henry David Thoreau said in the
24 unjust society the only proper place for the righteous man
25 is prison. I don't consider myself a righteous man but I

1 try.

2 During their voir dire, your Honor, you read a list of
3 potential witnesses. There were eighteen for the State and
4 two for the Defense, a ration of nine to one. The State
5 presented fourteen witnesses and Mr. Shealy here presented
6 zero. Not a single one, not one positive document was put
7 on my behalf. Yet the State files hundreds and hundreds
8 and hundreds.

9 The official transcripts - these will show that I've
10 got when Mr. Ghent made forty false statements of fact to
11 the tribunal and to the jury. Mr. Shealy made over a
12 dozen. I would like for Mr. Ghent to recuse himself but I
13 need him to testify in court on this because I'm gonna use
14 malicious prosecution as my defense. But I don't want it
15 to delay the trial. I filed in Federal Court asking for a
16 speedy trial thirty-two months ago, or thirty months ago,
17 on these same matters that we're here for. I've been
18 tryi8ng to get this into court.

19 Your Honor, I beg to have witnesses this time. I'd
20 like to ask the hard questions before a jury in open court
21 and hopefully you will allow the Jerusalem Post of the US
22 to record these events. We also have a public web site
23 called Operation Lost Trust too which SLED destroyed. Mr.
24 Ghent and SLED came into the Greenville County jail before
25 the last time I was set for trial; they took all my

1 discovery, my religious books, my Kippa. They took all
2 kinds of things. They don't want me to have witnesses.
3 The State doesn't want me to present evidence. The State
4 doesn't want me to be prepared. This is a witch hunt.
5 I also wish to move for a new trial based on this
6 newly discovered evidence. I got two weeks to max out on
7 this five-year sentence. These five years are gonna be
8 applied to this if I was convicted of these charges so I've
9 already got five years under my belt. But everything that
10 was presented to the jury and the court is over a hundred
11 false statements, and I can prove it with their own
12 documents, and I've got 'em here. But here's a list of the
13 press articles and I'd like to hand these up.
14 This is Greenville News, "Minister Director Seeks
15 Judgment against the State Video Poker operators."
16 Greenville News, it's May 21st 1997, "New Dawn Ministries
17 and Dean Holcomb Junior sues Collins Entertainment" right
18 there.
19 Here's the Spartanburg Public Index from 5/19/1997
20 where I sued Collins Entertainment. Here is for York
21 County 5/20/1997. I've got Richland County here 5/30. We
22 need these things in a series. All right. This is me
23 suing Holiday Inn in Greenville on 11/13/97 and if you'll
24 notice there Russell Ghent is listed as the attorney for
25 the Def - or for the Plaintiff. It's incorrect. The

1 Public record is wrong. He was actually Fred Collins'
2 personal lawyer.
3 Here's two pages from the State newspaper which
4 covered the history of video poker. Here's *State of South*
5 *Carolina versus Dean Holcomb*. This is the breach of trust
6 case that we had last year in September. It shows Russell
7 Ghent as my solicitor. And he updated that on 2/10 of '16
8 but he was my solicitor.
9 And then two months after my arrest on the breach of
10 trust, he filed a suit against me for Fred Collins sued me
11 in 2000. They used a bogus address to put the notice in
12 the newspaper. I never got served with the paper. I
13 didn't hear about this until recently. But he filed
14 notice, Mr. Ghent here filed a notice in the newspaper on
15 behalf of Fred Collins the former billionaire, the guy that
16 owned one in six poker machines in South Carolina.
17 Let me tell you how big that was. According to the
18 Wall Street Journal they were doing three billion a year
19 and mostly unreported income. I been fighting them since
20 1990s, early '90s. And out of that Mr. Collins, who he was
21 his personal lawyer, did about six hundred million dollars
22 a year in personal income. I mean that's what his company
23 brought in.
24 About six hundred million dollars a year. Multiple
25 that times twenty years you're in the billions and billions

1 of dollars. But here he has, he sued me for defamation of
2 character and I understand he got a twenty-four thousand
3 dollar judgment. I don't get access to this stuff in
4 prison. I have to do this in very expensive phone calls
5 with my sister who has a job, teaches, and all this kind of
6 thing. I teach GED classes in prison, I do counseling
7 there, but we're all very busy but this is very hard to
8 handle.
9 But it shows that he updated that law suit for twenty
10 grand against me, or twenty-four thousand dollars for
11 defaming Fred Collins, okay. I don't know -- I've never
12 seen it, I don't know what it is. But two months after I
13 was arrested on this breach of trust for four thousand
14 dollars he updates it on behalf of Leatherman Walker Todd
15 and Mann. I'd like to put that in the record.
16 Here's some newspaper articles where Mr. Ghent
17 represents — Yes, please, please, please. This is all
18 referenced in the Herald, yes, sir. This is a newspaper
19 article from May 1990 where Mr. Ghent represented the
20 Porters. They're running a gambling operation in
21 Greenville called the Ponderosa. It was a book making
22 operation. Those guys collected in the Philippines. Mr.
23 Ghent fought their extradition. Not faulting him for being
24 a good defense attorney, he's the best of the best.
25 There's nobody better than Mr. Ghent. Nobody, nobody in

1 this state is better than Mr. Ghent and I believe that.
2 I've seen the best.
3 Former - And he also - This article mentions a former
4 Greenville County Sheriff's officer who was on the take and
5 was - pled guilty to that. That article I'd like to
6 submit. Anti-gambling activist sues Greenville Businesses.
7 This is November 15, 1997. This article, and I've got it
8 highlighted, it says, Fred Collins of Green Entertainment
9 said, Collins said, However he is getting tired of Holcomb,
10 referring to me in these law suits about the illegal
11 operation of poker machines. There's a law against
12 frivolous law suits Collins said. You can rest assured we
13 won't take it lightly. Well that's a billionaire talking.
14 Well right after that, the next day I think, or five
15 days later, the Spartanburg Herald ran a newspaper article
16 that says "Spartanburg man files second video poker suit
17 accused of stealing from video poker operators.
18 Here's what it says, it says that I was arrested by
19 Greenville County and they said I falsified poker tickets
20 in the amount of two hundred and five dollars. Here's what
21 the warrant says. This is in 1997, it says the affiant has
22 a sworn statement from a co-defendant, well somebody that
23 pled guilty on something, stating that the defendant did
24 plan and did carry out the crime of forgery of the use of
25 co-defendant's did cash two hundred and five dollars in

1 poker chips.

2 What's interesting about that warrant is is at the
3 time it was illegal to pay out over a hundred and twenty-
4 five dollars. I've got another article here where it shows
5 where we were running around video taping these things and
6 submitting it to the federal agencies and SLED. We're the
7 guys that got those machines seized that Mr. Ghent went to
8 the Supreme Court on.

9 But I get arrested for making a copy of the two
10 hundred and five dollar pay out but they can pay out a
11 hundred and twenty-five dollars in exceeding. We were
12 dealing with one suicide a day on our hotlines at that
13 time. It was pretty outrageous but here I'd like to show
14 you the public index on that arrest. That arrest right
15 there that I just referenced where I got charged for
16 obtaining money under false pretenses for a thousand
17 dollars, in 2012 they updated it again with a tracking
18 sheet. They're trying to get me on this so right here this
19 is the article that came out in 1998. Anti-gambling group
20 video taped local stores to report - to report to state.
21 Saturday he and associate Holcomb inspected convenient
22 stores primarily in the western parts of Spartanburg County
23 and ---

24 (PERSON COUGHING OBSTRUCTING AUDIO/SOUND IN
25 COURTROOM.)

1 MR. HOLCOMB: --- Spartanburg video video taping video
2 poker machines and coolers of beer and wine were the
3 licenses. And it goes on to talk about how they're paying
4 out over a hundred and twenty-five dollars. We were
5 documenting that daily. Well not daily, but we were doing
6 a lot of it.
7 Here's an article where Senator Bob Inglés talks about
8 how he was inspired by my activism. He was helping us on a
9 federal level at that same time that I got arrested on that
10 so, here I am contacting the FBI and yet they arrest me for
11 allegedly making some fake tickets.
12 Here's a newspaper article that says SLED seizes
13 hundreds of video slot machines. That was us that reported
14 this. And it says here our presence here is an effort will
15 be that Bob Arial and work with SLED Greenville lawyer
16 Russell Ghent said I think Fred's going to be exonerated.
17 Collins built a video empire from pinball and he talks
18 about he built it into a two billion dollar industry.
19 That's from December 1997 Mr. Ghent.
20 Here's Mr. Ghent's real big headline. I do believe
21 that a politic of partisan eledist as an elected official
22 is conducting a witch hunt to destroy a self made man.
23 Russell Ghent attorney for video business man Fred Collins.
24 There is another one. Prosecutors to discuss who will
25 handle the video gaming case. January 8, 1990 of the

1 Greenville News it says prosecutors to discuss who will
2 handle the case.
3 Let me read this to you. Aerial did not respond to
4 claims that Ghent that while a deal was in Aerial's office
5 on December 23rd a day after the raid started calls from
6 the Attorney General's coming in from SLED for about who's
7 gonna handle the case. So two days before Christmas Mr.
8 Ghent was sitting in the solicitor's office, probably a
9 Christmas party or something having drinks, talking about
10 who's gonna handle the prosecution for his client, so he
11 had access that you couldn't believe.
12 Mr. Ghent - Here's an Associated Press from the
13 Western Chronicle in a letter Bob Aerial Mr. Collins
14 accused Mr. Condon of calling the raids. The cover letter
15 included covers court records filed by Russell Ghent
16 lawyer. Mr. Ghent was in the newspapers on a regular
17 basis, video gaming case and prosecutorial no man's land.
18 The Attorney General didn't even want to go after that
19 billion dollar industry yet I did, yet I did.
20 Mr. Beasley, the Governor Beasley, they spent over -
21 they spent somewhere around ten million dollars in one
22 month on campaigns. They even sued the Governor whenever
23 they drew up that law suit. But here again it talks about
24 Fred Collins and Mr. Ghent in that article. He wrote
25 letters to the editor. Mr. Ghent was Fred Collins' lawyer.

1 Now that's the main thing I'd like to say on that.
2 The last thing I'll do and I'm almost done, your
3 Honor. I tried to get copies made. Two months ago before
4 I came in here they held me for nineteen days in the face
5 of a solitary confinement waiting on a hearing. They
6 offered me a plea deal and I said no. And that was really
7 nice of Mr. Ghent to do that for me but this is -- I sent
8 to have copies of the lies that I made -- I made a list of
9 Mr. Ghent's lies. And everyone of these are an exact quote
10 from the court transcripts.
11 All right, I'd like to read a couple of those into the
12 record but this I the kind of stuff I deal with. SCDC will
13 allow us to make photo copies of our legal work. We can't
14 get copies so I have to hand write this. I'm only allowed
15 a certain amount of paper. I'm only allowed to have a
16 certain amount of times. I have very limited access to the
17 law library. But when I was in Spartanburg two months ago
18 where we had the hearing -- we were supposed to have a
19 hearing here on March 27th I believe, it was a Monday, and
20 I guess you had your surgery, but I sent a list of forty-
21 four lies of Mr. Ghent or forty-two lies of Mr. Ghent at
22 that time. It's doubled. I've actually added two to this
23 eighty-eight list here.
24 But he goes -- they lost my copies. And I showed this
25 to Mr. Shealy here -- but he goes through here -- and some

of my favorites, he talks about I'm in here on a roofing contract and Mr. Ghent just continuously lies. He says -- some of its just outrageous, but he made eighty-eight false statements to fact. He holds up things like one of 'em he says I was not bonded. He says now we're gonna try to get this thing to trial in 2015. This is 2017 and he's talking about these charges here. On page 25 of 20 of the transcript from the June 4th, 2015 hearing, Mr. Ghent said and I quote on page 25 of Line 20, and now we're trying to get this to trial in 2015. I don't believe this nor should any other. Mr. Ghent controls the docket, I went to trial fifteen months later, well that was on the breach of trust. Mr. Ghent and the Greenville County Sheriff's Office did not take pictures and began until 2015.

He talks about a SLED agent recusing himself the entire Greenville County. It says on page -- line number 10 he said a SLED agent who is assigned to this case that the entire Greenville County Sheriff's Office disqualified itself quote unquote, page 11 at line 16. This is the false statement because if a few days later Mr. Ghent would direct Greenville County Sheriff's deputy David Hanks and then Greenville Sheriff's Deputy Jonathan Howard to take pictures of the home in question. If SLED took over the case then the Greenville County Sheriff's Office didn't recuse itself they're still taking pictures.

He would hold up documents to the jury and said hey he says he's bonded and he was licensed and he was bonded. Not he wasn't. Yet but the documents that he submitted into evidence says otherwise. He talks about a hail storm and he describes baseball size hail in his closing arguments. I don't believe baseball size hail has ever hit South Carolina yet Mr. Ghent talk about this. He combines storms. He calls me Gypsy a number of times where I'm Jewish. All right.

He's gonna talk about how crazy I am. I want to point out that in the upstate of South Carolina seven of the top ten Nazi supporting companies are right there in the Upstate. BMW, Nestles who is a food supplier company for it, Siemens Corporation right there in Roebuck built the ovens for the Nazi's. We have the highest number of hate groups in the country besides California and Texas and these are shameful things. I have more faith in South Carolina than to just let this go on. But I do have eighty-eight lies here that I would like to have the Court stamp and make copies for me because I trust you, but I don't trust the jail, so could somebody make a copy and put this in the record?

THE COURT: Yeah, we'll see to that. If you'll hand it up I'll --

MR. HOLCOMB: All right. Now I'm done basically. But

1 what I'd like to ask the Court to do is I'd like the Court
2 to instruct Mr. Shealy, and Mr. Ghent, to go through my
3 list of their incorrect false statements they made to the
4 tribunal all one hundred of 'em. I make a motion to the
5 Court for them to correct it on the record in compliance
6 with Rule 3.3 of Rule 407, 3.3, of the South Carolina Rules
7 of Professional Conduct. I'll read that out loud for --
8 just for the record.
9 South Carolina Court rules Rule 407 Professional
10 Conduct, Rule 3.3, Candor toward the Tribunal.
11 A. A lawyer shall not knowingly one, make a false
12 statement of fact or law to a tribunal or fail to correct a
13 false statement of material fact.
14 Well, there's eighty-eight false statements right
15 there. I'd like those corrected by Mr. Ghent on the record.
16 I'd like Mr. Shealy to correct his dozen or so. I'd like a
17 motion to -- for Investigator Tim Martin and Investigator
18 David Hanks, Lieutenant Jeff Nelson, Jeff Condon with SLED
19 to correct the record. I'd like a motion to have video
20 proceedings in the trial. I'd like a motion for a new
21 trial. I'd like a motion for a speedy trial. A motion for
22 standby counsel as we discussed earlier. A motion for the
23 Court to contact the FBI and the Office of Disciplinary
24 Council to investigate these matters.
25 And I would point out that even as Chief Justice of

1 the South Carolina Supreme Court, Chief Justice Beatty
2 said, he said in 20 - this is December 1, 2013, the South
3 Carolina Supreme Court Justice Donald Beatty rant against
4 unethical persecutors at a recent conference has sparked a
5 push by the Ninth Circuit Solicitor Scarlet Wilson and her
6 colleagues to get him disqualified from hearing criminal
7 appeals on a case. It goes on and says -- this is what he
8 said, Beatty elected to the Supreme Court in 2007 told the
9 audience of prosecutors that have been getting away with
10 too much for too long and the high court will no longer
11 turn a blind eye to unethical conduct such as witness
12 tampering, selective or retaliatory prosecutions, perjury,
13 suppression of evidence. He added you better follow the
14 rules or we're going to come after you and we'll make an
15 example.
16 Well they also made that threat to me, to my last
17 lawyer, the Solicitor's office did. But these are things
18 that I don't believe that Mr. Shealy has ever reported a
19 lawyer for bad conduct. I don't believe Mr. Ghent has ever
20 reported a lawyer for bad conduct. I don't believe lawyers
21 report on one another. You can't find a lawyer to sue
22 another lawyer so basically as citizens we're sitting here
23 and we thrown in this machine with all this complicated
24 verbiage, our hands are tied.
25 I can plead guilty if I drop my appeal. I can go home

on probation. All right. That's as simple as that. That's how it's done. The entire process is just that of luck. And I think that the Lord has called me once again to just like I dealt with the poker machine industry I'm gonna deal with this situation as well to the best of my ability. So that's what I have to say, your Honor. I look forward to trial but I do need to have those records cleared up and I'd like to call Mr. Ghent as a witness and that's it.

THE COURT: All right. We're not gonna do any witnesses but stand back up just one minute.

MR. HOLCOMB: Yes, sir.

THE COURT: You've kind of cataloged -- you said you wanted first to have the two attorneys correct the record.

MR. HOLCOMB: Uh-huh.

THE COURT: And then you wanted the deputies to correct the record.

MR. HOLCOMB: And the SLED Lieutenant, yes, sir.

THE COURT: And SLED. And then a speedy trial, standby counsel, and then --

MR. HOLCOMB: I'd like a video -- video tape this thing ---

THE COURT: Video.

MR. HOLCOMB: --- to put on the operational Us Trust web site. Jerusalem Post, and a few others.

1 THE COURT: And then do I have the FBI do something?
2 What was that?
3 MR. HOLCOMB: I'd like for you to contact the FBI.
4 The SLED Lieutenant is willing to sit up on the stand and
5 lie, and a prosecutor is willing to stand up there and lie,
6 we need to bring in outside help with this.
7 THE COURT: Thank you. Mr. Shealy, anything else?
8 Right at this moment you still represent -- I haven't
9 ruled on the motion yet.
10 MR. SHEALY: No, Judge, I don't know that I have
11 anything else. I do have a number of things. I believe he
12 would like to move these things into evidence. I don't
13 have them marked yet. I've shown them to Mr. Ghent. I
14 don't think he had any objection.
15 SOLICITOR GHENT: Your Honor, for purposes of the
16 motion hearing only, I have no objections.
17 MR. SHEALY: And that's -- So I'll have to get them
18 marked and we'll have to move them all in but I think that
19 we're gonna need just a minute to get these marked.
20 THE COURT: All right. We'll take a real short break
21 because I don't want to disrupt things too much. But let's
22 get what needs to be on -- in the record in the record a
23 set of copies for the corrections that Mr. Holcomb wants
24 and then we'll reconvene and then I'll hear from Mr. Ghent.
25 SOLICITOR GHENT: Your Honor, could I make one ---

1 THE COURT: Yes.

2 SOLICITOR GHENT: --- suggestion? I ask that please

3 mark them all as a single Defendant's Exhibit.

4 MR. HOLCOMB: The same reason he had fifty-five

5 pictures marked individually so we can reference them.

6 THE COURT: We'll mark them separately.

7 SOLICITOR GHENT: Yes, sir.

8 THE COURT: I mean we'll mark them separately as

9 packages. We won't -- The newspaper articles will be one

10 --

11 MR. HOLCOMB: One would be fine.

12 THE COURT: One Exhibit. All right, we'll take about

13 a five minute refresher break.

14 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 1 THROUGH 4,

15 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

16 (COURT IN RECESS AT 10:40 AM.)

17 (COURT BACK IN SESSION AT 10:57 AM.)

18 THE COURT: Thank you, you may take your seats.

19 Mr. Ghent.

20 SOLICITOR GHENT: May it please the Court, if I may,

21 it's my understanding we were allocated, again, this is

22 always subject to the wishes of the Court, but we were

23 allocated until noon; is that correct?

24 THE COURT: Yeah, I'm not gonna give you any definite

25 time but I would like to confine this to the morning if at

1 all possible.

2 SOLICITOR GHENT: That's absolutely possible. I just

3 wanted to say a couple of things ---

4 THE COURT: Okay.

5 SOLICITOR GHENT: --- initially that in light of these

6 things. I'm not gonna go through any of this in detail

7 that is thrown against my name. But I will say first of

8 all it was Justice Lewis Brandeis from the United States

9 Supreme Court, Brandeis University named after him,

10 Brandeis Law School, Justice Brandeis said he is not a

11 lawyer who cannot take both sides. He was also the first

12 Jewish member of the U.S. Supreme Court. He also founded

13 the American Zionist movement. Because of my last name

14 being Belgian, I don't need lectures or sermons from anyone

15 whenever it comes to Nazism. Belgum was the country that

16 had the first victims, private citizens, Jews, name

17 whatever, and not just World War II on the eastern front or

18 western front, but also in World War I, it was only because

19 of the courage of the Belgian people in stopping the sleep

20 in plan in it's tracks for fifteen days rather than the

21 three days they anticipated rolling over my ancestors in

22 that that plan was defeated.

23 Now that will be the end of that other than to say

24 whenever it comes to a billionaire, again, being someone

25 who can take both sides, in private practice I handled four

1 death penalty cases, I won everyone of them and I'm very
2 proud of that. I have been an Assistant Solicitor trained
3 under Billy Wilkins and Bill Traxler in death penalty
4 cases.
5 I don't mean by saying I won them, they're out walking
6 around, they are not dead men walking. Their names are
7 Laney, Robinson, Blackwell and Simpson and everyone of them
8 is not on death row. I worked for Assistant Solicitor
9 Barry Barnett, we got requested as we often do to handle
10 this case. I did not volunteer for it. I was essentially
11 requisitioned, drafted.
12 So that being said, I would like to now put several
13 items in that are more or less matters that have to be seen
14 to. I premarked the Order of the Chief Justice, if I may
15 approach, just to clarify that we do have jurisdiction
16 because one of the cases I cited, your Honor, I thought I
17 would go ahead and give opposing counsel and his client the
18 case that actually touches upon what I might have raised
19 had I been on the other side regarding these threats.
20 However, we do have jurisdiction from the Chief
21 Justice, and we do have subject matter and personal
22 jurisdiction based upon conduct that was done outside the
23 state and came within it.
24 Next, your Honor, Exhibit 2, is my efforts to make
25 sure that if the Defendant won his motion, that he would at

1 least know that I took it seriously enough to give him a
2 37-page memorandum of law and any number of exhibits
3 addressing the question of *Faretta* in other cases.
4 May I?
5 THE COURT: You can go ahead and give her this too.
6 SOLICITOR GHENT: Yes, sir.
7 THE COURT: I'm familiar with it.
8 (WHEREUPON, STATE'S EXHIBIT NO. 1 AND 2, IDENTIFIED
9 AND MARKED, RECEIVED INTO EVIDENCE.)
10 SOLICITOR GHENT: Your Honor, Exhibit 3 is merely the
11 letter to your Honor CCing Mr. Shealy that he did receive
12 that. It was sent on May the 11th.
13 (WHEREUPON, STATE'S EXHIBIT NO. 3, IDENTIFIED AND
14 MARKED, RECEIVED INTO EVIDENCE.)
15 SOLICITOR GHENT: The attacks on me 4, 5, and 6,
16 that's fine, it comes with the territory.
17 (WHEREUPON, STATE'S EXHIBIT NO'S 4, 5, AND 6
18 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)
19 SOLICITOR GHENT: I would say however he's getting his
20 sister involved in this. This is not a threat. I am not
21 gonna do anything, but in doing so that's exactly when he
22 lost control over himself when the previous prosecutor
23 tried to contact her and interview her. I'm not going near
24 her. But this is a mistake and he's doing it. She is
25 basically his handmaiden in providing false information in

1 claims to the sheriff and to my boss Solicitor Barnett.
2 MR. SHEALY: If I may, it wasn't the Solicitor who
3 contacted, it was a deputy who is an officer, Tim Martin.
4 MR. HOLCOMB: Correct.
5 MR. SHEALY: My client wanted me to raise that --
6 MR. HOLCOMB: The Solicitor's never contacted my
7 sister. He just made another false statement.
8 SOLICITOR GHENT: Your Honor, that's what he wrote.
9 If you ever --
10 THE COURT: Well, let's just make that a part of the
11 record. It speaks for itself.
12 SOLICITOR GHENT: Yes, sir.
13 (WHEREUPON, STATE'S EXHIBIT 7 AND 8, PREMARKED FOR
14 IDENTIFICATION, RECEIVED INTO EVIDENCE.)
15 THE COURT: It's a written document.
16 SOLICITOR GHENT: This is the document in question he
17 is referring to regarding a small law suit during the video
18 poker wars. I have the *192 Coin Operated Video Game*
19 *Machines*. I know he was not involved in that for the
20 simple reason I handled the appeal. I handled the trial in
21 the lower court; I argued the appeal, yes we lost. Comes
22 with the territory.
23 It was a big case. We also won a major case in the
24 Fourth Circuit Court of Appeals that I was a key attorney
25 on. Again, he is not a lawyer who cannot take both sides.

1 This is a smart man which is why I'm responding. He's well
2 read, he's very intelligent, and he simply is a bully and
3 that's how he got himself into this mess.
4 I would note that I believe it's one of the exhibits
5 is attached to the memo I prepared that has when I was
6 assigned to the case, knew of it for the first time, Barry
7 Barnett wrote to the Attorney General's Office and
8 Solicitor Walt Wilkins that I would be handling the case.
9 That letter is 2014. The reference he's making is on to
10 May the 16th, 2013. So he has me basically checking into a
11 case, of course his mind is gonna work ha, ha, the
12 conspiracy is already at work.
13 Mr. Holcomb has this, while he's got a very good mind
14 he has problems, he has issues. His grandiosity takes him
15 places that are unfortunate but its part of his problem.
16 MR. SHEALY: How is this relevant to any motion --
17 THE COURT: Well I --
18 SOLICITOR GHENT: I'm laying the foundation.
19 THE COURT: Well I'm gonna hear it because Mr. Holcomb
20 was pretty critical of Mr. Ghent and so I think Mr. Ghent
21 has the floor.
22 MR. SHEALY: Yes, sir.
23 SOLICITOR GHENT: And this rant has taken all of ten
24 minutes and I'm done. The reports, Exhibits 9 and 10.
25 (WHEREUPON, STATE'S EXHIBIT NO'S 9 AND 10, PREVIOUSLY

1 MARKED FOR IDENTIFICATION, RECEIVED INTO EVIDENCE.)

2 THE COURT: Okay.

3 SOLICITOR GHENT: Thank you. Your Honor, in part its

4 become common practice to refer to prosecutors as Nazi's

5 and I for one am tired of it. I just wanted to say that

6 once more.

7 We have the exhibits that are already put in are part

8 of the record, we have two witnesses we would like to call.

9 The first one is Ms. Tracy Fowler. And I anticipate both

10 witnesses will be fairly brief.

11 Ms. Fowler.

12 THE COURT: You can come up and be sworn.

13 This is on what issue?

14 SOLICITOR GHENT: This is on the mental health issue

15 that is required to be put in order to show -- this is

16 essentially gonna wind up being in essence a Blair hearing

17 to show that he is in fact competent. We have to show the

18 standard competency standard under Faretta.

19 THE COURT: Well, yeah, but Mr. Shealy, do you have

20 any comments, Mr. Holcomb?

21 MR. SHEALY: Judge, I don't - this is gonna be my

22 client's private medical information, now I don't believe

23 --

24 SOLICITOR GHENT: Your Honor, he's no longer on the

25 case is he?

1 THE COURT: No. Yeah, he is now.

2 SOLICITOR GHENT: Okay.

3 MR. SHEALY: And as to competency, I mean I think we

4 all will agree he's competent. I mean there's a report

5 that says he's competent so I don't know that anybody has

6 examined him and said that he's not competent.

7 THE COURT: And --

8 SOLICITOR GHENT: Is fact stipulated to?

9 THE COURT: Wait just a minute, let me speak.

10 In regard to this case, I know I don't believe I ever

11 did, but has any judge ordered a competency hearing?

12 SOLICITOR GHENT: Yes, sir.

13 THE COURT: Did I order a competency hearing in this

14 case?

15 SOLICITOR GHENT: No, sir.

16 MR. SHEALY: Judge Keith Kelly ordered a competency

17 hearing.

18 THE COURT: But that was as to -- Well all cases.

19 MR. SHEALY: It's for all the cases, yes, sir.

20 THE COURT: And the report came back?

21 MR. SHEALY: It did.

22 THE COURT: And did we have a Blair hearing when I

23 tried him back -- Mr. Holcomb, did I have a Blair hearing

24 then?

25 MR. SHEALY: I don't - -

1 SOLICITOR GHENT: Yes, sir.

2 THE COURT: Okay.

3 SOLICITOR GHENT: But this is a different case. The
4 finding was somewhat ambiguous. I have the doctor here to
5 clarify it was ambiguous as to these charges.

6 I'm trying to cover the record is what I'm trying to
7 do, your Honor.

8 MR. SHEALY: Judge, just so you know because you
9 didn't hear these. There were two orders, I objected to
10 both of them. There was an order to get him -- to evaluate
11 him as to competency. There was also an order as to
12 criminal responsibility, I objected to that one as well.
13 My client throughout the criminal responsibility portion
14 asserted his Fifth Amendment right against self
15 incrimination which he was allowed to do. I don't believe
16 that there was any questions to whether he was competent or
17 not. There was questions as to whether she had sufficient
18 information to determine whether he was guilty but mentally
19 ill, was I believe the ambiguity was within the criminal
20 responsibility portion of the evaluation.

21 SOLICITOR GHENT: May I respond?

22 THE COURT: Well, no not at this point because in an
23 effort to make a complete record as long as this witness
24 has not violated HIPPA, or any other applicable regulation,
25 statute, rule of law, I'll let her testify and see what she

1 has to say just to make sure the record is complete.
2 SOLICITOR GHENT: Your Honor, she has been subpoenaed,
3 she has not told me what is in there. It will require an
4 order from the court in order for her to give testimony.
5 THE COURT: All right. Well let's swear her in and
6 put her on the stand and we'll go from there.
7 SOLICITOR GHENT: Yes, sir.
8 THE COURT: Put your left hand on this Bible and raise
9 your right.
10 (WHEREUPON, TRACY FOWLER, BEING
11 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)
12 THE COURT: And I apologize for pointing but I was
13 pointing to the Bible.
14 Yes, sir, Mr. Ghent.
15 SOLICITOR GHENT: May it please the Court.
16 DIRECT EXAMINATION
17 TRACY FOWLER BY SOLICITOR GHENT:
18 Q. Please state your name?
19 A. Tracy Fowler.
20 Q. Ms. Fowler, where do you work?
21 A. I work at Tiger River Correctional.
22 Q. And you are here today pursuant to a subpoena?
23 A. Yes, sir.
24 Q. What in your subpoena ask you to bring?
25 A. Some medical records.

1 Q. All right. Have you ever shown those records to me?
2 A. No.
3 Q. Shared with me what is in those records?
4 A. No.
5 Q. Is Mr. Holcomb currently incarcerated within the
6 South Carolina Department of Corrections?
7 A. I believe he is.
8 Q. And do those records indicate whether or not he
9 receives certain medications, yes or no?
10 MR. SHEALY: Objection, your Honor, as to whether he
11 --
12 THE COURT: I sustain, I sustain the objection.
13 MR. SHEALY: Thank you, your Honor.
14 THE COURT: I hadn't ordered that she can answer any
15 questions regarding his medical records and that is a
16 question that would require knowledge of and an answer to a
17 medical -- his medical situation.
18 SOLICITOR GHENT: I can call his - the psychologist
19 who examined him now.
20 THE COURT: Well, at this point I sustained the
21 objection and I'm not really sure why we're having this
22 hearing -- this piece of information. You want me to look
23 at the -- Go ahead, but I'm not gonna let you ask whether
24 or not he's under medication or not. That's invading --
25 that's going over the line.

1 SOLICITOR GHENT: All right.
2 Q. Would you have any objections, the Department have
3 any objections if the Court observed those records in
4 camera before going further with your testimony?
5 A. No.
6 Q. Would you be willing to give those records to the
7 Court now?
8 A. Yes.
9 THE COURT: Let the record reflect she's handed 'em
10 up.
11 MR. SHEALY: Judge.
12 THE COURT: Yes, sir.
13 MR. SHEALY: Judge, my client would certainly have a
14 HIPPA right to use. He's not waiving that.
15 THE COURT: Yeah. I'm not even sure under HIPPA that
16 I can, absent some better foundation, open these and review
17 'em.
18 SOLICITOR GHENT: Your Honor, if your Honor is taking
19 that position its my understanding that HIPPA requires a
20 court order period.
21 THE COURT: Well, -- Yeah, but I'm not that familiar
22 with HIPPA to find out on what basis I can issue that
23 order.
24 SOLICITOR GHENT: Well my question is how could the
25 court find out whether it has to be relevant to the

1 proceedings and it has to be something that either the
2 individual consents to or the court finds it's needed.
3 May I continue?
4 THE COURT: You can go -- I've got the record but I
5 haven't opened 'em, and let me go back again.
6 Mr. Shealy, you are for the record stating that there
7 is no question of competency, that is, that at this time
8 getting ready for the June 12th trial, Mr. Holcomb
9 understands the judicial proceedings, and I've heard him
10 discuss them at length today, so I think that's probably
11 pretty obvious, understands the nature of the charges
12 against him and is competent to assist counsel in
13 formulating and presenting a defense, you believe he is
14 competent?
15 MR. SHEALY: I be -- I do, your Honor. I am competent
16 that he is. Now we disagree as to what that defense ought
17 to be maybe, but reasonable minds can differ in these
18 things, so I think he's undoubtably competent.
19 SOLICITOR GHENT: If I might?
20 THE COURT: Yes, sir.
21 SOLICITOR GHENT: This is the relevance and the reason
22 why it's critical repeatedly. And I think this is in part
23 where the tussle between Mr. Holcomb and his lawyer comes
24 from, Mr. Shealy has a alluded a number of times to the
25 fact that quote there may be a criminal responsibility

1 defense in here. He's never filed the required notice but
2 I've never seen a court refuse to allow them to go there if
3 it's a major case.
4 Now in this case, your Honor, the problem that we have
5 is that we have been told this, we're trying to prepare,
6 we're trying to get a ruling. Mr. Shealy was present when
7 the examining doctor at Mental Health was there. He heard
8 the entire conversation, he knows everything that went in.
9 There were medical records, everything else, and for one
10 reason or another she was ambiguous on one finding. That
11 is both of 'em found him competent, but, in the breach of
12 trust she found no problem in terms of mental illness with
13 this or criminal responsibility. With this case it is
14 ambiguous. That's why I subpoenaed her up there to clarify
15 it and get the Blair hearing over and done with.
16 THE COURT: All right. But this doesn't really affect
17 Blain. When I say this what I'm holding in my hand it says
18 Tiger River Med Records, this is what his current medical
19 situation is within SCDC and not his competency.
20 SOLICITOR GHENT: Well, this is the key. On the
21 record both counsel and the defendant that acknowledge that
22 he has a history of bi-polar syndrome.
23 THE COURT: Well, but I'm not a psychiatrist or
24 psychologist, and medical records don't tell me anything.
25 I mean they may tell me he's taking medicine for

1 something but whether or not the ultimate decision of
2 whether or not he's competent, the only way I can make it
3 is based on a psychiatrist.
4 SOLICITOR GHENT: We have a psychologist here.
5 THE COURT: Well the psychologist --
6 SOLICITOR GHENT: And she will testify whether or not
7 -- She will say whether or not he's taking his meds, and
8 the psychologist will, or the psychiatrist will testify
9 that if he's taking them then we ought to be able to go
10 forward. If he's not we may really have a problem and this
11 will all be for naught.
12 THE COURT: Well, you know everything's a snapshot in
13 time and whether he's taking his meds today -- I mean if he
14 takes 'em two weeks from now.
15 SOLICITOR GHENT: What if it's been a month? I don't
16 know.
17 THE COURT: Well I'm not gonna allow her to go into
18 the Tiger River medical records.
19 SOLICITOR GHENT: Yes, sir.
20 THE COURT: Ms. Fowler, anything else from Ms. Fowler?
21 SOLICITOR GHENT: No, sir.
22 THE COURT: All right. You can step down and be
23 excused. Appreciate your time.
24 (WITNESS LEAVES WITNESS STAND.)
25 SOLICITOR GHENT: Your Honor, may I at least proffer

1 at this point the testimony of Doctor Colby Sutton?

2 THE COURT: Okay. Yeah, you can proffer the testimony

3 over objection?

4 MR. SHEALY: Yes, your Honor.

5 THE COURT: But this was done -- this -- This. I hate

6 pronouns and then I use 'em. The -- This particular

7 witness was the doctor that did the Blair -- the mental

8 examination of competency order by Judge Kelly?

9 SOLICITOR GHENT: And McNaughten. She did them both,

10 on both sets of charges.

11 THE COURT: All right. Well please call her up.

12 MR. SHEALY: This was also done over objection. The

13 McNaughten examination was done over objection.

14 THE COURT: I'll have her come up and make a proffer

15 because that's different. There were no HIPPA situation

16 because it was done pursuant to a court order.

17 SOLICITOR GHENT: Thank you.

18 THE COURT: Come on up and be sworn.

19 Put your left hand on the Bible and raise your right.

20 Right there in front of the TV screen there -- a

21 computer screen.

22 (WHEREUPON, COLBY SUTTON,

23 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

24 THE COURT: All right. You can have a seat up here.

25 And she's being offered as what?

1 SOLICITOR GHENT: She's being offered -- we tender her
2 to testify --
3 THE COURT: What kind of expert?
4 SOLICITOR GHENT: As an expert.
5 THE COURT: In what?
6 SOLICITOR GHENT: Psychiatry.
7 THE COURT: All right. Any objection?
8 MR. SHEALY: No, not as to her qualifications.
9 THE COURT: You don't need to lay a real -- He's
10 allowing me to find that she is an expert in psychiatry.
11 SOLICITOR GHENT: Thank you.
12 DOCTOR SUTTON: And I'm sorry, it's psychology.
13 SOLICITOR GHENT: Excuse me, psychology.
14 MR. SHEALY: Still no objection.
15 THE COURT: Okay.
16 SOLICITOR GHENT: I misspoke and I apologize, your
17 Honor.
18 Your Honor, could the record reflect I am showing two
19 reports marked as Exhibits 11 and 12.
20 These are the mental health evaluations by Doctor
21 Sutton.
22 (WHEREUPON, STATE'S EXHIBITS NO. 11 AND 12, PREMARKED
23 FOR IDENTIFICATION.)
24 SOLICITOR GHENT: And at this time I would consent to
25 having them placed under seal.

1 MR. SHEALY: I have no objection, your Honor.
2 THE COURT: All right. Then that will be done.
3 MR. SHEALY: Judge, may we approach for a moment?
4 THE COURT: Yes, sir.
5 (WHEREUPON, BENCH CONFERENCE HELD OFF THE RECORD AT
6 11:20 AM.)
7 SOLICITOR GHENT: May it please the Court?
8 THE COURT: Yes, sir.
9 DIRECT EXAMINATION
10 DOCTOR COLBY SUTTON BY SOLICITOR GHENT:
11 Q. Doctor, --
12 May I approach?
13 THE COURT: Yes, sir.
14 SOLICITOR GHENT: Thank you.
15 Q. I show you State's Exhibit 11, October 20th. Would
16 you look at it and please answer just yes or no.
17 Is that your report regarding one Dean Alton Holcomb?
18 A. Yes.
19 Q. What is the date of the evaluation?
20 A. October 13th, 2015.
21 Q. And what is the date of the report?
22 A. October 20, 2015.
23 Q. And I show you another report marked as State's
24 Exhibit 12. Excuse me. This one where as the cover letter
25 on the first report marked State's Exhibit 11, is October

1 the 20th, 2015. Correct?
2 A. Yes.
3 Q. The other one is November 6th, 2015; is that correct?
4 A. Yes.
5 Q. And is this a report on Dean Alton Holcomb?
6 A. Yes.
7 Q. And what is the subject matter of that report?
8 A. I'm sorry, do you mean the type of report? It's a
9 criminal responsibility capacity to conform evaluation.
10 Q. All right. Now, if you would, --
11 And, your Honor, to make sure there's no
12 misunderstanding, I'm gonna make sure that counsel and Mr.
13 Holcomb are both given the chance to read the portions that
14 I'll ask her to publish in that report as well as in the
15 other report.
16 Any objections?
17 MR. SHEALY: There are some objections, Judge.
18 THE COURT: All right.
19 MR. SHEALY: And again there are portions in those
20 reports, discussions, whether or not he's taking
21 prescription medication we've already taped those
22 objections. I believe he's proffering this testimony we
23 object to that. There are also just factual objection
24 disputes that he said that he abused alcohol. He said he
25 used to drink during the time that this all allegedly

1 happened as within the capacity to conform and to know
2 right from wrong and a capacity to conform.
3 THE COURT: So you object to the documents coming in?
4 MR. SHEALY: He has factual -- He has a factual
5 problem with the, what I believe it's State's Exhibit No.
6 12, the conclusion that's going to be published, but I can
7 deal with that on cross-examination. But he does object to
8 just simply for the purpose of these are also going to
9 discuss the psychiatric medication or lack thereof.
10 THE COURT: Okay. However were these reports not put
11 in the record and part of the record in the Breach of Trust
12 trial?
13 SOLICITOR GHENT: The Breach of Trust trial --
14 THE COURT: My question is, are they already in the
15 record somewhere?
16 MR. SHEALY: They are, your Honor. Again they were
17 ordered by the Court so they were Court's Exhibits.
18 SOLICITOR GHENT: And these are too.
19 THE COURT: Just ask -- Go to -- Cut to the chase and
20 find out, let the court know whether or not -- I need to
21 know whether or not - Well I'm not sure what because I'm
22 ready to find that he's competent because he's admitted he
23 is.
24 And I heard him today and I can't find that he doesn't
25 understand the judicial system and doesn't understand what

1 he's charged with and he's unable to assist counsel so he
2 appears to me to be competent. I mean that's the end of
3 it. That's it. But I'll be glad to let you ask --
4 SOLICITOR GHENT: Your Honor, I was just trying to
5 make a record that was as thorough as possible. There is
6 also the matter of his counsel who's soon - Your Honor
7 hasn't ruled. His counsel says that the matter of criminal
8 responsibility he's maintained this all along may well be
9 an issue in the case.
10 MR. SHEALY: Judge, I never said that we plan on
11 pleading not guilty by reason of insanity.
12 SOLICITOR GHENT: That's a different thing.
13 MR. SHEALY: Or guilty but mentally ill.
14 THE COURT: Well until that becomes an issue I sustain
15 the objection. Until they serve notice, which they're
16 required to do because an affirmative offense they have to
17 prove by a preponderance of the evidence, until that
18 becomes an issue I'm gonna rule that it's not appropriate
19 for the hearing today.
20 SOLICITOR GHENT: Yes, sir.
21 MR. SHEALY: And the Defense also understands that we
22 intend to produce any medical reports, or a doctor, or
23 something of that nature, we would have to turn that
24 information over to Mr. Ghent. We at this time do not plan
25 on doing that. I repeatedly said that we don't. That's

1 why I objected to these particular examinations is because
2 we didn't plan on doing these things.
3 SOLICITOR GHENT: Your Honor, that is a lawyer's parse
4 because not saying I'm not gonna plead not guilty by reason
5 of insanity but saying but we may have a criminal
6 responsibility issue, your Honor, that's what they call it
7 down there.
8 MR. SHEALY: I --
9 SOLICITOR GHENT: They don't call it an insanity
10 defense.
11 THE COURT: Well until it's an issue I can't rule one
12 way or the other.
13 SOLICITOR GHENT: Well he keeps saying and it may well
14 be one.
15 MR. SHEALY: Well yeah, but --
16 THE COURT: Its not now.
17 MR. GHENT: Yes, sir.
18 THE COURT: So I'm ruling to the extent I'm putting my
19 foot down we gonna move on to something else.
20 SOLICITOR GHENT: Yes, sir. Then the only thing I
21 would ask may I have permission to share these documents
22 with the State's expert Doctor Robert Nelson? And also
23 with the threat assessment expert we have Mike - Captain
24 Mike Prodan with SLED.
25 THE COURT: What documents now?

1 SOLICITOR GHENT: These two reports.

2 THE COURT: Well I don't know what those two reports

3 are. I can't see what you've got in your hands.

4 SOLICITOR GHENT: May I approach?

5 THE COURT: No, you can just tell me.

6 SOLICITOR GHENT: Your Honor, these are the two

7 reports --

8 THE COURT: Well they're already matters of record

9 yes, whatever's in the record even though its in another

10 trial its still a matter of record. You can share those

11 with whoever you want.

12 SOLICITOR GHENT: Thank you.

13 THE COURT: Or they can go to Greenville and pull the

14 file.

15 SOLICITOR GHENT: Thank you, your Honor. No further

16 questions.

17 THE COURT: You can step down. Thank you. Appreciate

18 your time.

19 (WITNESS LEAVES WITNESS STAND.)

20 THE COURT: All right.

21 SOLICITOR GHENT: That's our showing, your Honor.

22 THE COURT: All right. Mr. Shealy, anything else?

23 MR. SHEALY: No, sir.

24 THE COURT: Mr. Holcomb, anything else?

25 MR. HOLCOMB: No thank you, your Honor.

1 THE COURT: All right. I'm gonna try to go over your
2 list and if I leave anything out remind me. As to
3 correcting the record, you're putting me in a position of
4 being the finder of fact in determining if there are
5 inaccuracies in the record. I can't do that because I
6 don't know what's true and what's not true. To the extent
7 that there have been any errors in the record, then the
8 Rule 407 3.3, perhaps other rules, would kick in and if
9 anyone -- any counsel or have made incorrect statements
10 then to the extent that the rules require that that be
11 corrected keeping in mind that that has to do with a case
12 that's not before me anymore, that case, I just don't have
13 any jurisdiction over that case any more because as I
14 understand its on appeal. Once an appeal is filed the
15 lower court, me, loses jurisdiction.
16 Yes, sir.
17 MR. HOLCOMB: If I may, is it not possible, and I do
18 believe I read it somewhere and I'm not a lawyer, all
19 right, so I just try to speak straight and direct, don't
20 dance around any issues, it's my understanding that when
21 you cross claim because its new evidence we didn't have the
22 trial transcript to point to these false statements were
23 made but they're - you read the list there its clear when
24 you take a look at the record I reference each one of them
25 and it's clear this is a false statement based on this so

1 it's --

2 THE COURT: Going back, have you filed anything called

3 a cross claim?

4 MR. HOLCOMB: Not yet.

5 THE COURT: Okay. Well in that -- Again, but that's

6 not before me.

7 MR. HOLCOMB: It's a different one.

8 THE COURT: And but also the matters on appeal. I

9 don't know how you can file a cross claim unless you, and

10 I'm not gonna give you legal advice, I'm just thinking out

11 loud. But it appeared to me that unless the Appellate

12 Courts referred a case back for jurisdiction to the circuit

13 court then the circuit court can't do anything with it.

14 Whatever I do would be, or any other circuit court judge,

15 would be moot, so to the extent that you're asking that

16 certain things be corrected, I don't have any control over

17 doing that. And also an attorney's obligation to the court

18 as officer's of the court we control as to them correcting

19 anything.

20 As to the deputies and SLED and the FBI, I have no

21 jurisdiction to tell them to do anything unless somehow

22 they are before the court. As to speedy trial that is

23 granted. We've got a trial date and ---

24 MR. HOLCOMB: Thank you.

25 THE COURT: --- and I want to get it done.

1 MR. HOLCOMB: Well the reason I ask for a speedy trial
2 is just in case you recuse Mr. Ghent and people losing
3 billions of dollars can tend to cloud someone's judgement.
4 That's the reason I was asking for the speedy trial just so
5 there's not a delay. If they can pass this on to any other
6 solicitor, have somebody from the Attorney General's office
7 to handle this case, it's a simple case. Did I make a
8 threat? Did I intimidate a court official? Let 'em read
9 the record and bring it to trial but not let Mr. Ghent do
10 it.
11 THE COURT: Well --
12 MR. HOLCOMB: He's a little too impassioned.
13 THE COURT: Well he's --
14 MR. HOLCOMB: He's supposed to represent me as well.
15 I've got case law that backs that up.
16 THE COURT: I understand. I understand. But I
17 haven't found any reason to recuse Mr. Ghent and if he
18 feels like he needs to recuse himself and he has to do that
19 but he apparently is not --
20 MR. HOLCOMB: I'll be filing federal actions to try to
21 get this. Will that make a difference?
22 THE COURT: Beg your pardon?
23 MR. HOLCOMB: I'm gonna try to file a mandamus on
24 this, the first two things that we made the motions on, to
25 try to force the record to be corrected in some fashion

1 since I can't do it this way.

2 THE COURT: That's fine. I mean I've got no control

3 over that either. Obviously its got no control over you,

4 Mr Shealy, or the court other than --

5 MR. HOLCOMB: Thank you, your Honor.

6 THE COURT: So, I will say, and this is just thinking

7 out loud, and depending on what you raise, I think if you

8 go into federal court asking for the things you've just

9 mentioned, --

10 MR. HOLCOMB: They'll kick it back.

11 THE COURT: Well, but it won't effect your trial for

12 the 12th of June. If you went into federal court and ask

13 or something dealing with prosecution i.e., Mr. Ghent to

14 continuing then that would kick this can because all of a

15 sudden there would be no solicitor or leave it to be in

16 limbo.

17 MR. HOLCOMB: Right. And I'm not opposing to taking

18 another month. I mean I just want to get to trial. I

19 don't want it taking another three years.

20 THE COURT: Yeah. Well if you kick it - If you go up

21 to federal court and that delays the June 12th case then

22 I'm -- I don't think it would be a three month process.

23 MR. HOLCOMB: Actually we're not listed on the June

24 Docket. We've looked.

25 THE COURT: There is a special order and there's been

1 some confusion on that not by -- I hate to mention, its not
2 no confusion but -- I'm sorry, I'm thinking about Lancaster
3 this past couple of weeks back when we tried to hear this
4 and Lancaster thought I was there for the whole week when I
5 was only there for a day so I'm mixing up my dates.
6 As to the video by the Jerusalem Press, it's a public
7 trial. As long as they follow the rules and make a request
8 for video which barring some unforeseen reason it should be
9 granted. I open my courtrooms to videos as long as they
10 follow the rules and most do.
11 The stickiest issue is your motion to relieve Mr.
12 Shealy. I am not gonna do hybrid counsel. I see a lot of
13 trouble with hybrid counsel. I'm not sure exactly how it
14 works. Does each -- both you and Mr. Shealy under that
15 circumstance have a right to -- Well, I think our court's
16 have made it clear. I've looked at the two cases you
17 mentioned, I looked at them during the break, and one of
18 'em does make it look like its discretionary with the
19 court, I agree with that. But I'm not gonna allow hybrid
20 counsel, but if you -- In just a minute I'm gonna go over
21 the *Faretta* warnings with you and you are familiar with
22 those because you cited *Faretta*. I'll allow you to proceed
23 pro se if that's what you want to do with Mr. Shealy being
24 standby but not technically hybrid. The only real
25 difference in that is Mr. Shealy won't be able to get up

1 and make objections, won't be able to speak, he can
2 certainly nudge you, and those kind of things and tell you
3 this is where you ought to object.
4 MR. HOLCOMB: So he will talk to me second chair?
5 THE COURT: Well sort of. Yeah, sort of like a second
6 chair although you won't be first chair because you're not
7 an attorney.
8 MR. HOLCOMB: Right. Right. But that's kind of a
9 position, just ---
10 THE COURT: Yeah, correct.
11 MR. HOLCOMB: --- for lack of a better term.
12 THE COURT: Correct.
13 MR. HOLCOMB: I'll be handling the case, the direction
14 of the case, the questioning.
15 THE COURT: Correct.
16 MR. HOLCOMB: Thank you. I appreciate that.
17 THE COURT: Now, before we get there I do need to ask
18 that, is that what you wish? Do you wish to relieve Mr.
19 Shealy as your counsel in this case and proceed pro se?
20 MR. HOLCOMB: If he's gonna be standby and assist me
21 with research, subpoenas, suits, things like that, matters
22 that I need help with I'd like that yes, sir.
23 THE COURT: All right. Following up with *Faretta*, do
24 you understand that having an attorney is a benefit to you
25 and there's a danger in your representing yourself since

1 you're not an attorney? Do you understand that?
2 MR. HOLCOMB: I do.
3 THE COURT: And knowing those things do you wish to
4 have Mr. Shealy relieved as your official attorney we'll
5 call it and be your standby attorney?
6 MR. HOLCOMB: Yes, sir.
7 THE COURT: Okay. All right. Anything else, Mr.
8 Shealy?
9 MR. HOLCOMB: Can you ask him to, to encourage him to
10 allow me to have some kind of phone access to reach him
11 over the next month, through letters, email or something?
12 THE COURT: Yeah, Mr. Shealy, if he -- Unless he calls
13 collect I don't --
14 MR. SHEALY: We don't have any way or I don't control
15 the phone system, my boss controls the phone system so I
16 can't tell you what happens so I don't know that I can is
17 my answer.
18 THE COURT: All right. Well to the extent that
19 there's nothing impediment in your receiving
20 communications, telephonic, I know there's been some talk
21 about emails, I don't know that Mr. Holcomb's got access in
22 anyway to emails at this juncture, but telephone, telegram.
23 MR. SHEALY: I certainly -- I get letters, Judge, I
24 just don't want to promise you something about the phone
25 system when I have literally never dealt with it so I can't

1 tell you how it works.

2 MR. HOLCOMB: So this kind of puts me in disadvantage.

3 I have to go by snail mail. We go to trial in less than,

4 about a month, I mean less than a month.

5 THE COURT: Well what is your suggestion for an

6 alternative? I know telephonic but --

7 MR. HOLCOMB: I think that it certainly securing an

8 account to secure and bill to save for $25 and let me call

9 him just like I would my sister or anybody else and answer

10 my phone calls --

11 THE COURT: Now I can't control what the public

12 defender spends its money on nor can I require him to spend

13 --

14 MR. HOLCOMB: Well I just want it on the record that I

15 made --

16 THE COURT: Yeah, to spend his personal money.

17 MR. HOLCOMB: Well I was asking the State to pay it.

18 THE COURT: I know you were but --

19 MR. HOLCOMB: And I'm not trying to be difficult.

20 THE COURT: I understand. And I respect the way you

21 presented. Mr. Ghent, anything else from you?

22 SOLICITOR GHENT: No, sir.

23 THE COURT: All right. Well I look to see all of you

24 on June 12th in Greenville and we'll move forward with the

25 trial.

1 SOLICITOR GHENT: Thank you, your Honor.

2 MR. HOLCOMB: Thank you.

3 THE COURT: Yes, sir. All right, we'll take a break.

4 (END OF TRANSCRIPT OF RECORD.)

5 (COURT AT EASE AT 11:39 AM.)

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CERTIFICATE OF REPORTER

State of South Carolina)
)
County of York)

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for York County, South Carolina, on the 15th day of May, 2017.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Wanda S. Nelson

Wanda S. Nelson, CVR-M
Certified Verbatim Reporter,
Official Court Reporter,
Notary Public, in and for
The State of South Carolina.

My Commission Expires: 1/21/2021

DATE: November 30 / 2018

The Supreme Court of South Carolina

ORDER

Pursuant to the provisions of S.C. CONST. Art. V, §4,

IT IS ORDERED that the Honorable John C. Hayes, III be vested with jurisdiction to hear and dispose of nonjury general sessions matters for the Thirteenth Judicial Circuit for the day of May 15, 2017. This jurisdiction is concurrent with his assignment to the term of the Court of General Sessions for York County for the week of May 15, 2017, which is otherwise unaffected by this Order.

IT IS FURTHER ORDERED that the Honorable Eugene C. Griffith, Jr. be excused from presiding over a term of the Court of General Sessions for Greenville County for the week of June 12, 2017 and that the Honorable John C. Hayes, III be reassigned to preside over this term.

IT IS FURTHER ORDERED that the Honorable John C. Hayes, III be excused from presiding over the nonjury term of the Court of Common Pleas for the Sixteenth Judicial Circuit for the week of June 12, 2017 and that the Honorable Eugene C. Griffith, Jr. be reassigned to preside over this term.

DONALD W. BEATTY, CHIEF JUSTICE

By: Tiffany B. Raines, Senior Staff Attorney
S.C. Court Administration

April 19, 2017
Columbia, South Carolina

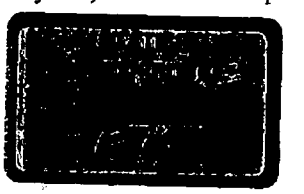
STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	FOR THE THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
THE STATE,	)	
	)	
v.	)	**RESPONSE TO DEFENDANT'S PRO SE**
	)	**MOTION TO REPRESENT HIMSELF**
	)	Indictment(s). 2014-GS-23-8177 & 8179;
Dean Alton Holcomb,	)	2015-GS-23-4599A
	)	
Defendant.	)	
	)	

TO: THE DEFENDANT DEAN HOLCOMB AND HIS CURRENT COUNSEL MATTHEW SHEALY, ESQUIRE

INTRODUCTORY CONSIDERATIONS

This case has been assigned to the Honorable Judge John C. Hayes, III, for trial pursuant to scheduling order of the Chief Justice. The case is scheduled for trial in Greenville during the week of June 12, 2017 and to come before the Court on May 15, 2017 for disposition of pretrial motions.

I. Pretrial Motions



Defendant has filed his own motion *pro se* to fire his present attorney, Matthew Shealy, Esq. of the Spartanburg Public Defender's Office. (*Exhibit A*).

Among the State's motions pending are the following: (1) motion to join charges; (2) motion for admission of evidence under **SCRE 404(b);** (3) motion to compel discovery; (4) and motion to allow the State's expert to review promptly and before trial so as to allow adequate preparation, the Mental Health Reports from *SCDMH* as well as Defendant's hospital, mental health and other medical records now in the possession of the Defendant's counsel.

II. Defendant's Motion to Fire Counsel

The State recognizes United States Supreme Court precedents concerning the right of one to represent one's self, related precedents from South Carolina appellate courts, as well as the background and history unique to this case. Federal and state precedents might ordinarily and under most circumstances support a motion for self-representation.

The State's position is that the circumstances of Defendant's case appear to be far from ordinary, but instead they are quite exceptional. The State, therefore, submits that based on Defendant's

own behavior there appears to be a factual basis for finding there has been a waiver by conduct of Defendant's right to self-representation. It appears at best questionable whether Defendant will/can comply with the rules of procedure and the courts so as to provide a fair trial to all, including himself, in this case.

In order to make as complete a record as possible in line with requirements for documenting the record adequately set by state and federal precedents, the State is providing a detailed Memorandum and Appendix of materials in support of the State's position.

Many of the documentary materials are from the Defendant. Those which are from the Defendant are often rambling, often crude, and usually attempt to argue the law, religion and history, among other things to provide justification and/or explanation for Defendant's actions.

Should Defendant act as his own counsel, the State submits these are representative of the type of advocacy the Defendant will pursue, raising prospects of a travesty before this Court and the system, should he act as his own counsel. The Court's review of them appears therefor to be critical to a full and fair determination of the issue (s).

III. History of Defendant's Conduct prior to First Trial and a History of Defendant's representation by his attorneys

Defendant's own conduct has turned an otherwise routine case for Breach of Trust/Obtaining Money under False Pretenses into additional charges and indictments for Intimidation of Court Officials, Threatening the lives and safety of Court Officials, Obstruction of Justice, and Intimidation on Account of Constitutional Rights and Privileges.

Defendant's history of confrontations with and efforts to intimidate law enforcement and the criminal justice system has been the hallmark of his behavior in dealing with the courts. A summary confined only to the period during the pendency of these cases is as follows.

The Defendant was arrested on *May 16, 2013* for Breach of Trust with fraudulent intent and Obtaining Money under False Pretenses , value more than $2,000 but less than $10,000.(*Exhibit B , Copy of Arrest Warrant*).

The Defendant had turned himself in at the Greenville County Law Enforcement Center in Greenville County, S.C. on *May 13,* 2013 and was released on bond on *May 16, 2013*. He was allowed to return to his home in Bessemer City, N.C. provided he "maintain contact w/investigator Tim Martin 1x per week/ may leave state of SC."(*Exhibit B, Bond Order of May 16, 2013*).

Detective Martin was the investigating deputy of the Greenville County Sheriff's Office who had handled the case and taken out the warrant for Breach of Trust against the Defendant. (*Exhibit, copy of case file and incident report).*

Thus, the case officer for the Greenville County Sheriff's Office had been designated by the Magistrate as the contact person with whom the Defendant would check in on a weekly basis. The Defendant might have taken note of the potential seriousness of his circumstances. The circumstances of an arrest might have suggested to the Defendant that his arrest was not a civil matter and that it was not a joke. He did not take note of any of this, nor did his arrest thereafter cause him to make an effort to comport himself lawfully.

Instead of abiding by the terms of his bond and working with and listening to his attorney(s), Defendant turned the case into his own personal battle of wills and words with the entire meaning, purpose, and language of the criminal justice system.

Jurisdictional Note

The State submits that after his release on Bond in Greenville, the Defendant was by the terms of the bond order allowed to return to his home in Bessemer City, North Carolina. It is from there that most of the correspondence, the You-Tube posts and the emails were sent to the Greenville County Sheriff's Office and the victims in South Carolina. Evidence from his home in North Carolina was used in his first trial. A search warrant obtained in North Carolina in support of the search of his home revealed the area in the house where Defendant was sitting in many of the You-Tube Broadcasts he posted personally attacking the victims and officers in his case .

It is also noted that the messages sent to South Carolina by whatever means were intended to produce, and in fact did produce, effects within the borders of South Carolina, crossing inter-state lines with North Carolina. This was more than sufficient to provide a jurisdictional nexus for prosecution in South Carolina. *State v. Dudley, 364 S.C. 578, 582, 614 S.E.2nd 623, 626 (SC 2005)*("While a defendant need not be physically present in the State in order to commit a criminal offense here, the State's extraterritorial jurisdiction *extends only to those who have performed acts 'intended to produce and producing detrimental effects within' our boundaries.*") (*emphasis added*).

There can be no doubt that the conduct of Defendant Holcomb originating from outside South Carolina was intended to produce and did produce detrimental effects within our state boundaries. His conduct of messaging and threats did so by attempting to threaten and/or intimidate and by actually threatening and/or intimidating court and law enforcement officials, victims and witnesses in Greenville County, South Carolina; and further by substantially impeding, interfering with or substantially tending to impede or interfere with the effective administration of justice.

Communications from Holcomb to GCSO from North Carolina

After his release on bond, Defendant wrote Wesley Smith with the Office of Professional Standards of the Greenville County Sherriff's Office on *May 23, 2012*. In the first paragraph he stated that "I would also like to say that I am not an 'enemy' of Law Enforcement. I support I

abhor and will fight all enemies of our Constitution(s), Civil Rights, and those who bring dishonor to their office by violating their oaths and obligations, at every opportunity." He then moved on to argue his complaints against Tim Martin of GCSO and a determination by Officer Smith and GCSOPS "that Mr. Martin was conducting himself in accordance with the law and department policy." He requested that Mr. Smith "look at the evidence represented to you today and Mr. Martin's work performed and his conduct during this case." *(Exhibit C, page1)*.

On pages 2 and three quarters of page 3 were continued as still one paragraph, a single stream of consciousness of complaints against Mr. Martin not having been arrested for his "lies", the failure of GCSO to respond to his emails while under arrest in Gaston, N.C., his apparently recorded telephone conversations with Mr. Martin, his never ending attacks against the drug addicted daughter of the victim in the BOT who filed the complaint because her parents were both in the hospital at the time and at their request. He then returns to the same redundancies that were and are a part of his never ending complaints with and attacks upon anyone adverse to his positions or in a position of authority to vindicate the rights of adverse parties against his own bullying and intimidation. (*Exhibit C, pages 2-6*).

The Defendant's first attorney was private counsel, Donald Smith, Esq. of Anderson, South Carolina. (*Exhibit D, June 4, 2013*). Mr. Smith served and filed a Discovery Motion on the 13th Circuit Solicitor within a month of coming onto the case. (*June 5, 2013*) (*Exhibit D)*. An email dated June 6, 2013 appears to be from Attorney Smith to Defendant warning him about his actions. (*Exhibit D*).

A month after that and on Mr. Smith's motion with Defendant's consent and the consent of the prosecutor, Mr. Smith was allowed to withdraw from the case upon a finding "that there exists a need to remove present counsel and that new counsel be substituted for the defendant", and further that "the discovery previously provided by the Solicitor's office to present counsel be substituted by present counsel to the newly appointed counsel." (*Exhibit D, Order dated July 11, 2013*). The order clearly anticipated that new counsel would be the Greenville Public Defender's Office. (*Exhibit D, Order, NEW COUNSEL: Public Defender's Office and accompanying Order to Get a Lawyer, 7/11/13).*

The Office of Solicitor Walt Wilkins, Solicitor for the 13th Judicial Circuit on *June 28, 2013* tendered a standard pre-trial plea to the Defendant, an offer to plead to Breach of Trust with a probationary sentence on *June 28, 2013*. (*Exhibit E, Copy of Offer, attached*). The offer was extended as a matter of course by the assistant solicitor to whom a case would have been assigned, and signed by Assistant Solicitor Sylvia Harrison. Most of her extensive career has been involved in the prosecution of white collar cases for the 13th Circuit Solicitor.

The Defendant responded to the offer with a letter stating: "I respectfully decline the offer. I must assume that my previous attorney failed to provide you with any of the evidence I have to

prove my innocence or you are not concerned with any actual evidence in this case." (*Exhibit E, Letter of Dean Holcomb to Sylvia Harrison dated July 9, 2013*).

The letter went on to cover a number of claims, topics, and accusations against Investigator Tim Martin and dropped names of "*A List*" Greenville lawyers whom Defendant also suggested were advising him.

He claimed that a personal history between him and a female and the investigator on the case was responsible for his prosecution. (*Exhibit E, Letter of 7/9/13, p. 3*). Investigation by SLED, verified by the 7th Circuit's own inquiries revealed this was a fabrication at best, a complete fantasy at worst. Defendant was confronted with these results at his first trial. (*Exhibit E, Tr. pp.58 and 58*)

In the letter he also attacked another of his customers *claiming it was they who had victimized him* and claimed that, "I fall off of two roofs, fracture my skull on the last one, and have a few weeks or so, where I am literally 'out of my mind' and you attempt to intimidate me and my former attorney. Your request for notice of alibi shows that you realize there was no intent on my part to commit any crime. I can have many neurosurgeons' (sic) testify to this type of behavior as a result of these injuries." The investigation of this case has, again, revealed that it was the Defendant Holcomb who victimized potential adverse parties, whom he intimidated and terrorized in a contractual dispute with them. (*Exhibit F, email to co-worker from Defendant*).

In Holcomb's letter of July 9, 2013 to Assistant Solicitor Harrison, he also raised a theory of a video-poker conspiracy that was out to get him in Greenville County, a theory that casts him as the victim of a massive plot, one among many theories he suggests for his current circumstances: "My theory is Dennis Sims has been paid by Gordon Zuber to prosecute me regarding the alleged poker tickets , or maybe Sexton, Collins, Libsomb, Reeves, etc., in retaliation for the New Dawn Ministries lawsuit. My theory regarding your behavior to date is that you are attempting to protect Martin and the many cases you have worked together." (*Exhibit E, Holcomb letter of 7/9/13, p. 1, paragraph 2; p. 2, paragraph 2; p. 3, 4th full paragraph).*

It is noted that Fred Collins of Collins Entertainment died of liver cancer approximately a decade ago.

On *page 2 of his letter of July 9, 2013*, Mr. Holcomb went even further with his allegations, claiming "I was gathering evidence exactly like SLED in items 3, against the poker operators in preparation for a series of lawsuits against the S.C. gaming industry. The fact that the crimes of Lil Cricket are ignored was expected, *I consider the ENTIRE Greenville County Judicial System a Corrupt Criminal Organization... Do you see a pattern emerging*?" (*Exhibit E,* emphasis added).

Defendant apparently sent a copy of an x-ray of his skull to the Solicitor's Office as well, presumably to demonstrate his head injury, (*Exhibit G, letter page*). This particular part of his

claims were apparently intended to suggest he was deranged if not delusional for two weeks after falling off a roof, rather than that he acted wrongfully against others. His current attorney has steadfastly maintained that there *may* be a criminal responsibility issue but has served no notice of same; the State has repeatedly offered to accept a plea of Guilty But Mentally Ill, provided that Defendant agrees to probation and treatment. He has refused the offer.

It should be noted that the State has pursued Defendant's claims regarding his father and illegal video poker activities in conjunction with statements he made about an altercation with his father resulting in his death. (*Exhibit F*). That inquiry is ongoing and if there are further findings then the results will be reported by way of addendum to this Memorandum and to the Defendant and his counsel when/if they are received.

On *July 11, 2013* the Defendant sent a letter to Assistant Solicitor Harrison; it copied the Chief Justice of South Carolina, a federal district judge, the U.S. Attorney for the District of South Carolina, among others. His letter was a four page attack on the Assistant Solicitor that ended with, "I demand to be treated fairly and lawfully by you and everyone else representing the State of South Carolina." (*Exhibit G*)

Attached to the letter was what purported to be a 21 page request for a hearing in federal court, unfiled, unstamped, "For a Writ of Mandamus, Habeus (sic) Corpus and a Diet" on behalf of "Dean Alton Holcomb, Individually and in his Official Capacity As , The Rabbi Morit Ahasuerse Holcomb, Magus and Spiritual Leader of , New Dawn Ministries , and New Dawn Ministries, Plaintiffs," and naming as adverse party Defendants, The Governor of South Carolina the Most Honorable Nikki Haley, in her Official Capacity, and Pres Obama and State of Israel ???, the Presbyterian Church in America Inc., the Presbyterian Church in America Official Apologist (s) For Plaintiffs Diet, The Protestant Episcopal Church in the United States of America Inc., the Protestant Episcopal Church in the United States of America's Official Apologist(s) for Plaintiffs Diet, Carolina Tea Party, and Counsel of Conservative Citizens." (*Exhibit G*).

The documents speak for themselves regarding the Defendant's erratically spiraling state as the case began moving through the criminal justice system after his release on bond in May, 2013 and his return to North Carolina. They also are an indication of the extent to which he felt free to abuse the system and his claims regarding his rights once safely beyond the boundaries of Greenville County, South Carolina.

On *May 28, 2013*, almost immediately after his release on bond, Defendant emailed Deputy Martin as part of his required weekly "check-in" bond compliance. (*Exhibit H*).

On *May 29*, 2013, he sent an email to Wes Smith, Tim Martin and Sgt. Tim Jarvis. It was yet another stream of consciousness vitriol that ran for 4 ½ pages , impugning Jarvis, Martin, GCSO, the victims, and to demonstrate Defendant's claims of understanding/knowledge on legal matters and the failure of the GCSO to enforce the law.

Earlier Jarvis had responded to Holcomb's attacks against Martin; Holcomb replied and again returned to his arguments that "Martin is obviously a liar and breaker of the laws he has also sworn to uphold. Are you obligated to arrest him, based on this information?" (*Email of 12:50 p.m., May 28, 2013*). (*Exhibit H*)

In early *July, 2013*, Holcomb sent emails to Martin, Jarvis and to Sylvia Harrison. The email to Harrison included a number of questions more appropriately to be answered by a lawyer in defendant's own behalf, and raised suggestions impugning her conduct and ethics. (*Exhibit H, Email of July 1, 2013, 3:27 p.m*).

Defendant's Conduct as to Officials Becomes Criminal

A series of other events after Defendant's release on bond led to his arrest on charges of intimidating and threatening public officials, specifically Assistant Solicitor Harrison and Deputy Martin.

On *June 9, 2014*, the Defendant sent a threatening email to Investigator Tim Martin, intended also as a warning to Assistant Solicitor Harrison. (*Exhibit I, email of June 9, 2014*).

The email was graphic and specifically dehumanizing to Harrison as both a woman and a professional. Whether Holcomb's words are interpreted as an outright threat, or as a veiled threat when taken under the totality of the circumstances and context of Defendant's behavior, the simple fact remains that it was *intended to be intimidating, to be threatening, and it did constitute an attempt at intimidation, actual intimidation, and a threat*. This is the only way it can be understood under any reasonable interpretation of those words from this Defendant.

The warning is particularly ominous in light of Defendant's extreme and sometimes erratic and contradictory positions concerning his religious beliefs, his claims of religious powers *per se* as well as to justify actions taken against others, and his using historical events of religious persecution to see himself as always the victim, rather than as the bullying, harassing victimizer whom he actually is, one who intimidates others to have his own way.

The email specifically relied upon Psalm 109, a psalm which is a "cry for vengeance" to be delivered upon "the wicked" by God, *one of the imprecatory psalms* (invoking evil or a curse), Ps. 35; 52 ; 55 ; 58; 59; 79; 109; 137, which calls upon God : "Hold not thy peace, O God of my praise; For the mouth of the wicked and mouth of the deceitful are opened against me: they have spoken against me with a lying tongue. They compassed me about also with words of hatred; and fought against me 'without a cause'...Set thou a wicked man over him: and let Satan stand at his right hand. *When he shall be judged, let him be condemned*: and let his prayer become sin. *Let his days be few*; and *let another take his office. Let his children be fatherless, and his wife a*

widow... Let there be none to extend mercy unto him: *neither let there be any to favour his fatherless children." (Exhibit I, Ps. 109: 1-12(emphasis added).*

The theme and context of *Psalm 109* are inexorably a message of death delivered as God's vengeance. It remains only for one to determine the means of this happening, the instrument chosen in the mind of someone like Holcomb to carry out God's will.

This is not a First Amendment issue, not a matter to be camouflaged by analysis under one's right freedom of speech or a right to practice one's religion. The words in context make clear that Holcomb boasts that his very prayers can result in the deaths of his enemies. And again, it is a matter of who is to be seen as an instrument of God. In Mr. Holcomb's mind, it is clear that he sees himself as such.

The First Amendment, federal statutory and case-law and state constitutional, statutory and case law are clear on this point. One cannot hide behind religious claims to threaten, intimidate or inflict harm against others.

The State will call its own experts to testify as to Defendant's words and conduct and the fact that expert opinion agrees that his words and conduct did, indeed, constitute an intended threat and intimidation by the Defendant and did indeed have that effect on the victims.

On *July 8, 2014* Defendant apparently sent himself a fake email from Google that "[s]omeone recently used your password to try to sign in to your Google Account."(*Exhibit J*) . Defendant also sent it to his own former girlfriend, Deputy Martin, and two of his login names under which he had previously sent emails.

On *July 20, 1014*, in Dallas, North Carolina, the Defendant was apparently stopped and arrested after he drove through a checkpoint. He was asked if he had been drinking and upon getting out of his car it appeared to the officers that this was in fact the case. Once in custody, he was searched and the arresting officer found a razor knife on his person. The stop, search and arrest were documented in detail. (*Exhibit K*).

The email that Defendant sent to Chief Buckner of the Dallas Police Department reflects the problems presented with Defendant Holcomb's grandiosity when not taking appropriate medications. (*Exhibit L)* It also presents further indication of his issues in dealing with authority, and in doing so with any sense of respect or decorum. Along with the entirety of Mr. Holcomb's history and conduct, this further argues strongly for the fact that problems with authority figures has been a major problem, will continue as a major problem, and *will be so* in his representing himself.

The Defendant sent an email on *July 27, 2014* that was obviously intended again for Deputy Martin and Assistant Solicitor Sylvia Harrison. It was again intended to harass and/or intimidate. (*Exhibit M*)

On *August 4, 2014,* Defendant sent another email to Deputy Martin, regarding the subject of "J.T. Martin Fascist Pig-Operation Lost Trust II". Again, the Defendant is incapable of dealing with those adverse to his own positions without resorting to name-calling and a total lack of respect for them in words and behavior. (*Exhibit*).

On *August 7, 2014*, Defendant was arrested on a charge of carrying a concealed weapon into a courthouse in Transylvania County, North Carolina at the Transylvania County Courthouse, 7 East Main Street, Brevard, NC. His court date was set for August 19, 2014. At that time a Warrant for Fugitive was served upon him, issued out of Greenville, SC, for Intimidation of Court Officials. (*Exhibit N*).

Although the incident reports concerning his return to Greenville, SC, are at times confusing as to the Breach of Trust Charge, (*Exhibit O, August 20, 2013, reports of Officers Rivera and Cooper*), the case remained an active warrant. (*Exhibit O, August 30, 2013*).

It further appears from an Incident Report and Supplemental Report of *August 21, 2014* that after Defendant was charged with a fugitive warrant in North Carolina on the Greenville Intimidation charge, he was returned to Greenville County.

While in route from Transylvania County, N.C. and after being served with the warrant and arraigned there, he freely engaged the two officers in conversation while they were driving him back to Greenville County, including a statement made twice that "everything in that warrant is true except the last line. I have been charged 26 times and never been convicted."(*Exhibit O*).

Case Conflicted to the 7th Circuit and out of the 13th Circuit

Initial indictments were returned by the Grand Jury, and a determination was then made that the Greenville County Solicitor's Office should disqualify itself due to a potential conflict. The conflicting events included the emailed threats and intimidation directed to Deputy Martin and to the prosecutor Sylvia Harrison.

The case was then sent to the Attorney General's Office, reviewed and sent by Deputy Attorney General John McIntosh to Hon. Barry J. Barnette, Solicitor of the 7th Judicial Circuit for prosecution. (*Exhibit P, Letter from Mr. McIntosh to Deputy Solicitor Betty Strom and to Solicitor Barnette*). Solicitor Barnette then assigned the case to Assistant Solicitor Russell Ghent for prosecution. (*Letter of March 3, 2014).*

The Defendant had also previously harangued his first young public defender. By letter apparently dated *August 19, 2013, at 5:55 a.m.* the Defendant on correspondence adorned with a Star of David had sent his list of complaints to his appointed attorney with the Spartanburg Public Defenders Office, John Cringle, which included: (1) chastising him for his lack of experience; (2) making clear Mr. Holcomb did not want to be represented by a public defender ;

and (3) expressing confidence that "Sylvia Harrison will never try me for anything; US Marshalls will be serving her shortly, hopefully by Friday, August 23, 2013."

He then continued with his list of demands including that Mr. Cringle be relieved as counsel "immediately and without delay"(*Exhibit Q*). On September 14, Mr. Cringle's Motion to be relieved as counsel was filed. (*Exhibit Q*). On March 16, 2015, the Court ordered that "John Crangle, Esq. will no longer represent the Defendant in the above-captioned action and that the Spartanburg County Public Defender will be substituted as new counsel of record for Defendant."(*Exhibit Q*).

Matthew Shealy, Esq. was then assigned by the Spartanburg County Public Defender. Mr. Shealy participated in extensive pre-trial motion hearings, (*Exhibit R*), discovery, and case preparations and trial of the case.

Motions hearings were held on *June 4, 2015* before the Hon. R. Keith Kelly on motions filed by the State and counsel for Defendant Holcomb. Due to other matters, Judge Kelly was then transferred to other assignment and Hon. John C. Hayes, III was assigned to the case. (*Exhibit R*).

Judge Hayes then held motion hearings on *July 29, 2016* after the case was assigned to him by Order of the Chief Justice through Court Administration. At that hearing, a sealed manila envelope was entered into the record pursuant to and as allowed by *Rule 5(d)(1) of the South Carolina Rules of Criminal Procedure. (Exhibit R).*

The envelope contained information provided to investigating officers and the prosecutor that Defendant had been talking about and soliciting information on how to kill someone while in jail and was seeking to obtain another bond hearing through a lawyer other than his own. In the course of this Mr. Holcomb made reference to a judge who had declined to reset his bond after his rearrest. *(Exhibit S*). The judge was apparently the Hon. Letitia Verdin,a Circuit Court Judge of the 7th Judicial Circuit.

Upon being notified by law enforcement, the Greenville County Detention Center had then prepared to conduct a warrantless search of the cell Defendant shared with other inmates.

It is noted that because there is a diminished expectation of privacy for prisoners and inmates, a search warrant is not required to search jails and prisons. This has been held to be so under precedents of the U.S. Supreme Court, *Bell v. Wolfish, 441 U.S. 520, 99 S.Ct. 1861(1979*, and in South Carolina case-law. *State v. Muquit,381 S.C 114, 671 S.E.2nd 643 (Ct. App. 2009).*

Upon speaking with SLED Lt. Jeff Kindley before a search took place, it was recommended by counsel that a search warrant still be obtained, that any items that even appeared pertinent to Defendant's pending case or his own writings as work on his case presently pending for trial

were to be segregated and placed under seal and that the warrant could be executed and the search conducted.

Notwithstanding these extraordinary precautionary measures taken, Defendant filed a frivolous and vexatious lawsuit against Lieutenant Kindley in federal court, one which was quickly dismissed. (*Exhibit T*).

The Defendant was tried on Indictment # *2013-GS-23-005223(A)*, Breach of Trust, and # *2015-GS-23-00460*, Obtaining Money Under False Pretenses *on September 6-8, 2016.* He was convicted after two hours of deliberations. The proof was, in a word, overwhelming

Thereafter, by Motion signed on *November 11, 2016* and filed *December 9, 2016*, Defendant moved that Mr. Shealy be dismissed as counsel and that he be allowed to go forward in further cases *pro se. (Exhibit A).*

On *March 6, 2017*, Defendant filed a request with the Greenville County Clerk of Court requesting that he "forward me copies of the minutes and subpoenas issued for the Grand Jury(s)" in his pending cases. No minutes are kept nor are subpoenas generally issued for circuit/county grand jury proceedings in South Carolina.

The Defendant has shown no respect for the victims of hiscrime nor for law enforcement, nor for the criminal justice system in his any fashion, not in respect to victims, to the duties of law enforcement, nor to the system itself.

Issue Now Before the Court

Does a Defendant have a constitutional right to represent himself?

1. Standard generally governing self-representation in State Courts

In *Faretta v. California, 422 U.S. 806, 95 S.Ct. 2525 (1975)* teUnited States Supreme Court held that a defendant in a state criminal trial has a constitutional right to proceed without counsel when he voluntarily and intelligently elects to do so. The Court in Faretta noted that the right of self-representation dates back to " the beginnings of our Nation...With few exceptions, each of the several States also accords a defendant the right to represent himself in any criminal case. The constitutions of 36 States explicitly confer that right. Moreover, many state courts have

expressed the view that the right is also supported by the Constitution of the United States." 422 U.S. 806, 813-14.

South Carolina is in fact one of those states that expressly grant a state constitutional right of self-representation to the accused, to act as counsel "in his defense by himself or by his counsel *or by both." See, Faretta, 422 U.S. at 813, n. 10; and cfr. S.C. Const. Art. I, Sec. 14(emphasis added).*

South Carolina's sister state, North Carolina, was also recognized under *Faretta* as one of those states who as of 1975 had already adopted a position that the right of self-representation was supported by the Constitution of the United States. *Id. at 814, n.10.*

The opinion found "no evidence that the colonists and the Framers ever doubted the right of self-representation, or imagined that this right might be considered inferior to the right of assistance of counsel...The Framers selected in the Sixth Amendment a form of works that necessarily implies the right of self-representation. That conclusion is supported by centuries of consistent history." *Id. 95 S.Ct. at 2539-40.*

Though conceding the right of an accused "to conduct his own defense seems to cut against the grain" of *Gideon v. Wainwright* and its progeny, considerations weighing against the strength of such an intuitive understanding were:

(1) the notion of compulsory counsel was totally foreign to the Founders;

(2) in forcing a lawyer on an unwilling defendant, any potential advantage "can be realized, if at all, only imperfectly";

(3) forcing a lawyer on a defendant would only lead [a defendant] to believe the law, the system, is contriving against him;

(4) sometimes a lone defendant might win, and it should be remembered that "(p)ersonal liberties are not rooted in the law of averages";

(5) the right of a defendant to "conduct his own defense [even] ultimately to his own detriment" is his choice to make and "must be honored out of that respect for the individual which is the lifeblood of the law." *Id at 833-34.*

In *Wheat v. United States, 486 U.S. 153, 108 S.Ct. 1692 (1988)*, a defendant in a multi-defendant, "far flung" drug prosecution moved for his own attorney two days before trial. In doing so, he sought to waive a right to conflict-free counsel and asked under his Sixth Amendment right to be represented by the same attorney representing two of his co-defendants. Those co-defendants could potentially testify against him, or vice versa.

The Supreme Court held that federal trial courts have a duty to take appropriate measures to protect defendants against their counsel's conflicts of interests; that duty extends to denying a defendant's efforts to waive conflicts so as to seek to have counsel of their own choice.

Courts have an independent interest in assuring compliance with ethical standards, the Court held, whether on the part of a defendant's efforts to waive such standards only to later complain of ineffective-assistance of counsel or in the case of apparent Government attempts to "manufacture" a conflict to prevent a defendant from obtaining a particularly able counsel.

The Court in *Wheat* noted that the purpose of providing assistance of counsel "is simply to ensure that criminal defendants receive a fair trial." *466 U.S. 153, 159.* However, it also follows

from the circumstances that were at bar in *Wheat* and the intrinsic involvement there of trial and appellate court in the ethical issues presented, that the integrity of the system, and of the process and the rules of court, also carry great weight resolving matters that pertain to a claim to self-representation at trial.

The U.S. Supreme Court in 1984 addressed another wrinkle to the issue of self-representation, that of "standby" counsel or "hybrid representation." *McKaskle v. Wiggins, 465 U.S. 158, 104 S.Ct.79.*

In *Wiggins*, a Texas defendant in his state court robbery trial was permitted to proceed *pro se* but the trial court also appointed standby counsel to assist him. Before the trial as well as during the trial, the defendant often changed his mind regarding the role he wanted standby counsel to play, objecting to counsel's participation on some occasions but agreeing to it on other occasions.

Defendant complained on appeal that the attorney's involvement included unfair interference in presentation of his defense. In its opinion the Supreme Court first noted that in *Faretta* the Court recognized "a trial court *may* appoint 'standby counsel' to assist the *pro se* defendant in his defense."(emphasis added).

The Court then held in *Wiggins* that there was no Sixth Amendment violation before it inasmuch as the record indicated defendant was allowed to make his own "appearances" as he saw fit, and that standby counsel's role was within reasonable limits.

The decision in *Wiggins* extensively elaborated on the meaning and role of the attorney appointed to only assist, and the differences of what the attorneys does and may do *outside the jury's presence* as opposed *to in front of the* jury. *Wiggins, 465 U.S. at 178- 183.*

The Court further noted the significant interests inherent in the criminal justice system that are to be considered, on the one hand in those of a defendant's rights under *Faretta*: "In determining whether a defendant's *Faretta* rights have been respected, the primary focus must be on whether the defendant had *a fair chance* to present his case *in his own way*." *Id. at p. 177(emphasis added).*

On the other hand, a defendant's exercise of *Faretta* rights does not mean a trial judge must give personal instruction to the defendant nor to take over chores for a *pro se* defendant that would normally be attended to by trained counsel as a matter of course, *Id. at 183-84*. Furthermore, the exercise of *Faretta* rights does not relieve a *pro se* defendant from responsibility for conducting himself in line with the circumstances he finds himself in, nor to make demands upon the system that would be unacceptable if made by his attorney, nor to suddenly be imbued with immunity from sanctions for outbursts or threats to [illegible] in the course of the proceedings: "The right of self-representation is not a license to abus[illegible] the dignity of the courtroom. Neither is it a license not to comply with relevant rules of proc[illegible]ural and substantive law." *Wiggins, 465 U.S. 168, 184)(quoting from Faretta, 422 U.S. at 8[illegible] n. 46, 95 S.Ct., at 2540 n. 46; cfr. 465 U.S. at 178-79).*

The decision in *Wiggins* reflects that the U.S. Supreme Court has from the inception of *Faretta's* analysis recognized that (1) free choice, (2) the rights of the individual to choose the manner of his representation, and a (3) voluntary and intelligent election to choose self-representation are the pillars upon which that decision is based. However, it should be noted that at least via the 6th and 14th Amendments of the United States Constitutions, the "personal right" of self-representation is an implied right, surrounded by others in the Bill of Rights that are express and specific.

As noted hereinabove, South Carolina's Constitution expressly grants a number of specific trial rights, including the right of the accused "to be fully heard *in his defense by himself or by his counsel or by both.*" *S.C. Const. Art. I, Sec. 14.* (emphasis added).

By their plain meaning the words "by himself *or* by his counsel *or* by both" are emphatically disjunctive, and therefore appear as serving or tending to disjoin or separate. In other words, at least by appearances they would suggest three options, suggesting a defendant may be heard *pro se*, by an attorney, or "by both."

However, case law has held that South Carolina does not in fact allow hybrid counsel in state criminal courts. *See Whelchel v. Bazzle, 489 F. Supp. 523, 531 (DC of South Carolina 2006)(relying on Foster v. State, 298 S.C. 306, 379 S.E. 2nd 907(1989); State v. Cabrera-Pena, 350 S.C. 517, 567 S.E.2nd 472, 481-82 (Ct. App. 2002, rehearing denied(relying on State v. Stuckey, 333 S.C. 56, 508 S.E.2nd 564 (1998)* . Furthermore, there being no constitutional right to an appeal, there is also no federal or state constitutional right to proceed *pro se* on appeal. *See State v. Roberts, 364 S.C. 583, 588-89, 614 S.E.2nd 626 (S.C. 2005).*

In *State v. Thompson, 355 S.C. 255, 584 S.E.2nd 131 (Ct. App. 2003)*, the South Carolina Court of Appeals stated that an erroneous deprivation of a defendant's fundamental right to the assistance of counsel is *per se* reversible error. It further noted that the actual or constructive denial of counsel altogether is legally presumed to result in prejudice. *Thompson, 355 S.C. at 261.*

However, it is important to note that the Court of Appeals did state in *Thompson* that ""[i]f the trial judge fails to address the disadvantages of appearing *pro se*, as required by the second prong of *Faretta*, '[an appellate court will *look to the record to determine whether petitioner had sufficient background or was apprised of his rights by some other source.*'" *Id*; *see also State v.*

Roberts, 382 S.C. 185, 675 S.E.2nd 732,733-34 (S.C.2009) ("In the instant case, Respondent gave no indication that he wished to proceed *pro se* and instead failed to appear for trial. Consequently the *Faretta* requirements are irrelevant and pose no bar to waiver...We find that waiver by conduct of the right to counsel is inferable from Respondent's actions.") (*emphasis added*).

In *Thompson*, the defendant was tried in his absence and sentenced under seal. When he was picked up on a bench warrant subsequent to this and the sentence was unsealed, his attorney at that hearing professed to the judge that Thompson appeared at four or five calendar calls, had requested a Public Defender but did not qualify. The judge after listening to the recitation of facts denied his motion for a new trial and sentenced him to five years, concurrent, on his charges.

The issue that came before the Court of Appeals was whether Thompson had relinquished his right to counsel. In deciding he did not, the Court of Appeals laid out a thorough outline of the means by which defendants can surrender their right to self-representation.

They can do so by (1) affirmative verbal request; (2) waiver by conduct, and (3) forfeiture. *See also State v. Boykin, 324 S.C. 552, pp. 556-552, 478 S.E.2nd 689 (Ct. App. 1996)* (Court held that it was unnecessary to determine whether South Carolina should embrace the doctrine of forfeiture because we find that Boykin's conduct in *"cussing" appointed* counsel and in *"coming after" counsel as he was leaving a meeting with defendant* did not permanently deprive defendant of appointed counsel) (emphasis added).

The Court of Appeals in *Thompson* noted a valid effectuation of a *Faretta* waiver has two prongs, that of (1) advising the accused of his right to counsel and (2) adequately warning him of the dangers of self-representation. The trial judge *must determine whether there is a knowing*

and intelligent waiver by the defendant. *Thompson, 584 S.E.2nd at p.134; relying upon State v. Boykin. (emphasis added).*

The Court noted that case law has broadly indicated a defendant may relinquish his right to counsel through (1) waiver by affirmative verbal request; (2) waiver by conduct; and (3) by forfeiture. *Id.*

As to waiver by conduct, the Court noted a *defendant must first be warned that his misconduct will thereafter be treated as a waiver*. The Court in Thompson distinguished relevant case law, *State v. Cain, 277 S.C. 210, 284 S.E.2nd 779 (1981)*, upon grounds that in *Cain* both the defendant and his attorney knew of the upcoming trial in which the defendant would need to appear, while Thompson did not know his case was rostered for trial. *Thompson, 355 S.C. at 264.*

From *Thompson* it is also clear that case law supports the proposition that *gamesmanship with the choice* to retain or accept the services of *pro bono* counsel, or to represent himself, is a grounds for determining there has been a waiver by conduct. *Thompson, at 265-65; citing State v. Jacobs, 271 S.C. 126, 245 S.E.2nd 606 (1978).*

These cases of *waiver by conduct* appear generally distinguishable from the one at bar in that they involved defendants tried *in absentia* , unrepresented by counsel, and who had appeared in court several times before trial. And again, the issue of whether South Carolina recognizes waiver by forfeiture was not decided in *Thompson,* nor in *Jacobs*, nor in *Boykin.*

The Court did, however, note in *Thompson* several points that are significant in regards to the case at bar and to Defendant Holcomb.

First, in *Thompson* the Court noted that situations where a defendant's own conduct forfeits his right to counsel, though unusual, typically involve a manipulative or disruptive defendant. *355 S.C. at 267; cfr. State v. Pride 372 S.C. 443, 449-50, 641 S.E. 2nd 921, 995* (2007- appeal decided, heard, decided, withdrawn, substituted, and refiled; given citation for S.E.2nd but now " *2007 WL 8400156 Unpublished Opinion. Check Court Rules Before Citing*).

Another example would be a defendant who misbehaves in the courtroom; he may thereby forfeit his constitutional right to be present at trial. *Id at p. 268.* A defendant who causes a witness to be unavailable for trial forfeits his right to confrontation. *Id.* A defendant who is abusive toward his attorney may forfeit his right to counsel. *Id, citing United States v. McLeod, 53 F.3rd 322, 325 (11th Cir. 1995).*

As stated by Judge Anderson writing for the panel in *Thompson,* "[m]isconduct directed toward counsel is the *quiddity* of *State v. Boykin.* (*Thompson* at p. 268)(*emphasis added*).

In the case at bar, on the facts of record to date, this defendant has engaged in misconduct towards the entirety of a criminal justice system. His actions have been and continue to be the essence of waiver by conduct and forfeiture, including but not limited to: (1) abuse of his first public defender; (2)abuse and efforts at intimidation towards his first prosecutor on the case; (3) abuse, threats and intimidation towards the first investigator on the case; (4) abuse, attacks, and efforts to harass and intimidate the victims on the first case against him; (5) harassment and frivolous, groundless and vexatious litigation towards the SLED investigator on the case; (6) causing a potentially material witness to be unavailable to the State for interviewing.

Defendant would now seek to add the gloss of legitimacy over all of this by representing himself in his second trial. This is a course guaranteed to result in further and continued delay, and new

issues, when the court either rules against the defendant, cautions him, or calls him down for conduct going beyond that which would be allowed from a member of the bar.

His pattern of misconduct in the past is the very essence, the "quiddity", of conduct compelling that his representation by appointed counsel is needed. And the absolutely essential need for this is further called for by: (1) the defendant's history of mental health issues; (2) his conduct when he does not have his way within constraints of the criminal justice system or the society it seeks to protect; and (3) his unwillingness to take steps to avoid self-medication and to submit to needed help with his issues.

The most significant issue presented for this Court is in fact the defendant's ability to understand, and his understanding, of the explanations given to him by the trial judge, for "the ultimate test is not the trial judge's advice but rather the defendant's understanding." *Wroten v. State, 301 S.C. 293, 294, 391 S.E.2nd 575 (SC 1990)*.

Both appellate and trial courts generally may consider the following factors in order to determine whether an accused can understand the dangers of self-representation:

1. the accused's age, educational background, and physical and mental health;
2. whether the accused was previously involved in criminal trials;
3. whether the accused knows the nature of the charges and of the possible penalties;
4. whether the accused was represented by counsel before trial and whether that attorney explained to him the dangers of self-representation;
5. whether the accused is attempting to delay or manipulate the proceedings;
6. whether the court has an appointed stand-by counsel;

7. whether the accused knows he will be required to comply with the rules of procedure at trial;
8. whether the accused knows of legal challenges he could raise in defense to the charge(s) against him;
9. whether the exchange between the accused and the court consists merely of *pro forma* answers to *pro forma* questions;
10. whether the accused's waiver results from either coercion or mistreatment.

Gardner v. State, 351 S.C. 407, 412-13, 570 S.E.2nd 184-87 (SC 2002).

Compounding the issue of *this* particular Defendant's understanding his rights, *and* of his own corresponding duties, *and* of the issues involved this particular case, the "quiddity" (where did Judge Anderson find these words?) of the problem is not merely the history of Defendant's conduct. There is also further case law in which the U.S. Supreme Court has offered a further permissible safeguard should a state wish to adopt it, and the South Carolina Supreme Court's decision not to adopt it.

2. *The Question(s) of Competency and Mental Health*

In the case of *Indiana v. Edwards, 554 U.S. 164, 128 S.Ct. 2379 (2008)*, the U.S. Supreme Court held that states are permitted to insist upon representation for those who are competent enough to stand trial but who still suffer from severe mental illness to the point where they are not competent to conduct trial proceedings by themselves.

In *Edwards*, the Defendant was charged with attempted murder, battery with a deadly weapon, criminal recklessness and theft after he attempted to steal a pair of shoes from a department store using a firearm. From February/August, 2000 through December, 2005 the

defendant was the subject of three competency evaluations and two self-representation-proceedings.

The Indiana state trial court found defendant *mentally competent to stand trial but not mentally competent to conduct the trial himself.* The issue as framed by the United States Supreme Court was "whether under these circumstances the Constitution *prohibits a State from insisting that the defendant proceed to trial with counsel*, the State thereby denying the right to represent himself... We conclude that the Constitution does not forbid a State so to insist." *554 U.S. at p. 167.*

The Court noted that *Faretta* "does not answer the question before us, both because it did not consider the problem of mental competency (*Faretta* was 'literate, competent and understanding'), and because *Faretta* itself and later cases have made clear that *the right of self-representation is not absolute*." *Id. at 171 (emphasis added).*

The Court per Justice Breyer relied on three primary considerations in deciding that the circumstances of defendant's mental competence *to stand trial* are constitutionally different than competence *to conduct his own representation* in a criminal trial.

First, the Court noted that its own precedent in *Godinez v. Moran, 509 U.S. 389, 113 S. Ct. 2680 (1993)* had not answered the question before it in *Edwards*. The Court determined that, while *Godinez* was relied upon by the Indiana Supreme Court and the intermediate appellate court in reversing the trial court's denial of self-representation, *Godinez* actually left the issue open, though it pointed "slightly in the direction" of a state court's power to limit self-representation under circumstances like those of the defendant in *Edwards*.

The second consideration relied upon the fact that "[m]ental illness itself is not a unitary concept. It varies in degree. It can vary over time. It interferes with an individual's functioning at different times in different ways."

The complexity of problems involving mental illness were recognized by the Court, and especially by the amicus brief of the American Psychiatric Association (APA) as having the potential to "'impair the defendant's ability to play the significantly expanded role required for self-representation even if he can play the lesser role of represented defendant.' Brief of APA et al. as Amici Curiae 26. Motions and other documents that the defendant prepared in this case (one of which we include in the Appendix, infra) suggest to a layperson the common sense of this general conclusion." *554 U.S. at 176.*

Third and perhaps most notably "a right of self-representation at trial will not 'affirm the dignity' of a defendant who lacks the mental capacity to conduct his defense without the assistance of counsel...To the contrary, given the defendant's uncertain mental state, the spectacle [that] could well result from his self-representation at trial is at least as likely to prove humiliating as ennobling."

The Court concluded by permitting state trial judges "to take realistic account of the particular defendant's mental capacities by asking whether a defendant who seeks to conduct his own defense at trial is mentally competent to do so... the Constitution permits States to insist upon representation by counsel for those competent enough to stand trial... but who still suffer from severe mental illness to the point where they are not competent to conduct trial proceedings by themselves." *Id. at 177-78.*

In *State v. Barnes, 407 S.C. 27, 753 S.E.2nd 545 (SC 2014),* a death penalty case, the South Carolina Supreme Court rejected "the higher competency standard permitted by *Edwards*...and since the trial judge's denial of appellant's request was predicated on this competency standard, we are compelled to reverse." *Barnes, at 407 S.C. p. 35.*

3. *The Question of Competency, Mental Health and of requiring a Defendant to Involuntarily receive medication so as to stand trial*

As indicated, the issue in this case is precisely within the narrative of Justice Breyer's opinion for the Court in *Indiana v. Edwards*, discussed hereinabove. But it adds a further layer of complexity calling for yet further analysis under case law dealing with constitutional principles and precedents of both the United States Supreme Court and the South Carolina Supreme Court.

In *Sell v. U.S., 539 U.S. 166, 123 S.Ct. 2174 (2003)*, Justice Breyer again, writing for the Court, delivered the opinion answering the question "whether the Constitution permits the Government to administer antipsychotic drugs involuntarily to a mentally ill criminal defendant—in order to render that defendant competent to stand trial for *serious, but nonviolent crimes*." *Sell, 529 U.S. 166, 169.*

The Court concluded that the Constitution allows the Government to administer those drugs, even against the defendant's will, in limited circumstances, i.e., upon satisfaction of conditions that we shall describe." *Id.* Because the Court of Appeals for the Eighth Judicial Circuit had not found the requisite circumstances existed in *Sell*, the judgment was vacated and remanded by the Supreme Court.

The Defendant Sell had been a practicing dentist with an extended history of mental illness. After several psychotic episodes in 1982 he was treated and discharged. In 1984 he was

again hospitalized and released and thereafter complained that public officials were trying to kill him.

In April, 1997, "he told law enforcement personnel that he 'spoke to God last night,' and that 'God told me every [Federal Bureau of Investigation] person I kill, a soul will be saved."

In May of that year Sell was charged by the federal government with submitting fictitious insurance claims for payment. A psychiatric examination resulted in a Magistrate's finding that Sell was currently competent, but that he might experience a psychotic episode in the future. Sell was released on bail but indictments then charged both he and his wife with 56 counts of mail fraud, 6 counts of Medicaid fraud, and 1 count of money-laundering.

In early 1998 he was accused of trying to intimidate a witness. At a bail revocation hearing he was described by the judge as "'totally out of control,'" involving "screaming and shouting," the use of "personal insults" and "racial epithets and spitting in the judge's face". A psychiatrist reported that Sell could not sleep because he expected the Federal Bureau of Investigation to 'come busting through the door,'" and concluded that Sell's condition had worsened." *Sell, 539 U.S. 166, at 170.* The Magistrate revoked Sell's bond.

At a further hearing Sell was found mentally incompetent to stand trial and ordered him hospitalized for treatment. After two months the medical staff where he was hospitalized recommended that he take antipsychotic medication, which he refused to do. The staff then sought permission to administer the medication against his will, resulting in the proceedings that ultimately made their way to the U.S. Supreme Court.

The Court in its opinion first reviewed "the last of five hierarchically ordered lower court and Medical Center determinations" leading to the court proceedings that then came before the Supreme Court.

From this review, the Court found that the circumstances of Sell's case , while not "final" in the sense usually required to appeal an order, was a "collateral order" that (1) conclusively determined the disputed question; (2) resolved an important issue completely separate from the merits; and (3) is "effectively unreviewable on appeal from a final judgment." *Id at 176.*

In other words, because the issue was capable of repetition while avoiding judicial review, it was not moot and was appropriate for review on appeal. Furthermore, the basic issue addressed, that of whether Sell could be compelled against his will to undergo medication, was completely separate from the merits of the case , that of whether he was guilty or innocent of the crimes charged. The "medication order" was appealable even though it was a "collateral order", one usually not subject to appellate review.

The Court then looked to prior precedents to determine the framework for answering the question of compelled medication of defendant in order that he stand trial. The determinant considerations were as follows:

(1) a court must find that important governmental interests are at stake, while balancing in individual cases the interest in prosecution against special interests that may lessen the importance of that interest, (interest in bringing a defendant to trial on criminal charges as opposed to lengthy confinement in an institution for the mentally ill,Id. at p. 180);

(2) the court must conclude that involuntary medication will significantly further those concomitant state interests, while also finding that administration of the drugs is substantially

unlikely to have side effects that will interfere significantly with the defendant's ability to assist counsel in conducting a trial defense, thereby rendering a trial unfair;

(3) the court must conclude that involuntary medication is *necessary* to further those interests, *and* must find that any alternative , less intrusive treatments are unlikely to achieve substantially the same results *and* must consider less intrusive means for administering the drugs, "e.g., a court order to the defendant backed by the contempt power, before considering more intrusive methods."

As it did in *Barnes*, the South Carolina Supreme Court has consistently held that the standard of competency in various other contexts remains the two pronged standard of competency to stand trial. *State v. Singleton, 313 S.C. 75, 84, 437 S.E.2nd 53, 58 (SC 1993) (two prong analysis adopted to determine convicted defendant's competency to be executed*); *State v. Downs, 369 S.C. 55, 631 S.E.2nd 79 (SC 2006)(test for determining whether a defendant in a death penalty case* is *mentally competent to waive appellate and post-conviction rights is same as that for competency to stand trial); Hughes v. State, 367 S.C. 389, 626 S.E.2nd 805 (SC 2006)(two prong standard for execution not satisfied on facts of case.)*

Conclusion

The Defendant has disabilities that have now brought him before this Court on charges that are serious and go to the heart of his inability to exercise self-control in dealing with others and in the disagreements that very often ensue when he does not have his way.

He has chosen a life of conflict with others in which he always sees himself as the victim of those with whom he disagrees. Disagreements with those whom he sees as being in positions of authority often occur.

There are facts that will be part of the record that would support a finding by the Court that Defendant cannot represent himself and should not represent himself. The governing precedents are clear that such a finding should only be made with a fully developed record.

The Appendix was to have been sent to the Court with this memorandum, with copy to Defendant's counsel, and to Defendant as well. However, time constraints so as to inform both the Court and opposing counsel fully of the law and the issues have compelled that the memorandum be emailed first. Counsel for the State asks that the Defendant's current lawyer make immediate arrangements to forward the memorandum to the Defendant Holcomb.

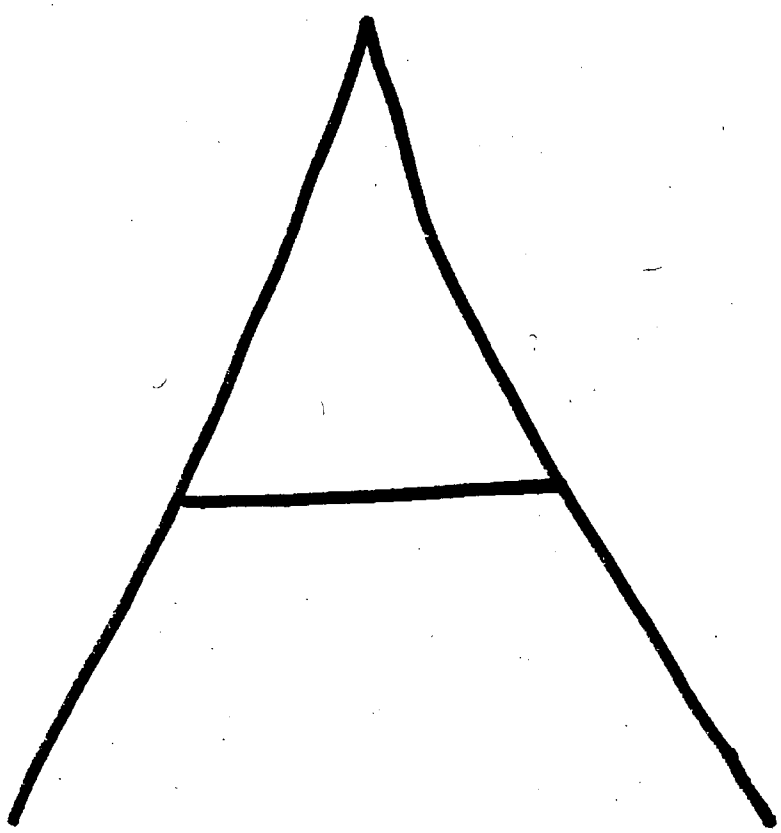
The memorandum appendix will be provided to the Court and to opposing counsel and offered into the record prior to week's end, hopefully well prior to then.

The mental health evaluations from DMH will be offered at hearing through the evaluator, Dr. Colby Sutton. The State will ask that they be put into the record under seal. The State will ask that a copy of the memorandum and the Appendix be included as well.

It is anticipated that there will be one or perhaps two other witnesses to testify at the hearing of May 15, 2017, one being the dispenser of medications at Ridgeland Corrections Center of the Department of Corrections where the Defendant Holcomb is currently serving time.

Russell D. Ghent, Assistant Solicitor
on behalf of the Thirteenth Judicial Circuit

Spartanburg, SC
May 10th, 2017



DEAN ALTON HOLCOMB
SCDC - KIRKLAND CI
#369696
4344 BROAD RIVER ROAD
COLUMBIA, SC 29210

NOVEMBER 2016

THE HONORABLE PAUL B. WICKENSIMER
CLERK OF COURT FOR GREENVILLE COUNTY
305 EAST NORTH STREET
GREENVILLE, SC 29601

RE: STATE V. DEAN ALTON HOLCOMB
CASE #'s 2014-GS-23-8176 THRU 79
2014GS2308176A, 2014A2330207245, 2014GS2308178A, 2014A2330207246

DEAR WICKENSIMER,

ENCLOSED FOR FILING IS A MOTION TO DISMISS COUNSEL. I REQUEST 1 FREE STAMPED COPY FOR MY RECORDS. PLEASE GIVE ME AS MUCH NOTICE AS POSSIBLE OF THE HEARING DATE SO THAT I CAN SCHEDULE TIME AT THE LAW LIBRARY TO PREPARE FOR THIS AND OTHER MOTIONS.

THANKING YOU IN ADVANCE,

Dean Alton Holcomb
DEAN ALTON HOLCOMB
PRO SE

2016 DEC 9 AM 11:26

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF GENERAL SESSIONS
FOR THE 13TH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA
V.
DEAN ALTON HOLCOMB

CASE #'S
2014-GS-23-8176 THRU 79

MOTION TO DISMISS COUNSEL

THE DEFENDANT HEREBY MOVES TO DISMISS MATTHEW SHEALY AS MY ATTORNEY AND REQUESTS PRO SE STATUS. I WAS WRONGFULLY CONVICTED OF BREACH OF TRUST (2013-GS-23-5223) AND OBTAINING MONEY UNDER FALSE PRETENSES (2015-GS-23-4600A) BY A JURY ON SEPTEMBER 8, 2016 AND SENTENCED TO 5 YEARS IN PRISON OVER A $4295.03 HOME IMPROVEMENT CONTRACT GONE BAD. THESE ARE MY FIRST AND ONLY CRIMINAL CONVICTIONS. I AM 46 YEARS OLD AND HAVE WORKED IN HOME IMPROVEMENT SALES SINCE THE 1980'S WITHOUT INCIDENT. THE DISGRUNTLED CUSTOMER IS A GREENVILLE COUNTY SEWER SYSTEM CONTRACTOR WITH STRONG POLITICAL TIES.

OVER THE COURSE OF HIS REPRESENTATION, MR. SHEALY HAS BEEN AN EXCELLENT ALLY AND TOOL OF THE STATE DEMONSTRATING HIS CONTEMPT FOR FAIR PLAY AND ETHICS THROUGH HIS FAILURES TO COMMUNICATE, INDIFFERENCE

GROSS INCOMPOTENCEY AND THE MOST INEFFECTIVE ASSISTANCE OF COUNSEL ONE COULD HAVE. THE RECORD CLEARLY SHOWS THAT MR. SHEALY IS A HAZARD TO HIS CLIENTS AND THE INTEGRITY OF THE SC JUDICIAL SYSTEM.

MR. SHEALY HAS FAILED TO EFFECTIVELY COMMUNICATE WITH ME. OVER THE PAST 18 MONTHS OR SO, I HAVE RECEIVED ONLY 2 LETTERS CONTAINING 7 SENTENCES. MR. SHEALY STATED TO ME THAT IT IS HIS OFFICE'S POLICY NOT TO ACCEPT CALLS FROM JAIL. IN FACT, MR. JOHN VANDERMOSTEN, GCDC'S DIRECTOR GRACIOUSLY MADE A NUMBER OF CALLS TO MR. SHEALY ON MY BEHALF WHILE I WAS IN JAIL. I SENT EMAILS FROM JAIL WITHOUT REPLY. MY SISTER HAS SENT MR. SHEALY NUMEROUS EMAILS AND LEFT PHONE MESSAGES WITHOUT REPLY. A WEEK PRIOR TO MY TRIAL MY MOTHER DROPPED OFF TWO SUITS AT MR. SHEALY'S OFFICE. MR. SHEALY TOLD ME HE FORGOT TO BRING THEM. INSTEAD I WAS PROVIDED ILL FITTING SLACKS, SHIRT AND TIE. A POOR LOOK WAS PRESENTED TO THE JURY INDEED. MR. SHEALY IS A POOR COMMUNICATOR OR HE IS WITH ME OR FOR ME.

THE BREACH OF TRUST FILE SHOWS FROM AUGUST 10, 2015 UNTIL MR. SHEALY'S NOTICE OF APPEAL ON SEPTEMBER 14, 2016 THE STATE CONTRIBUTED 45 OF 48 PAGES CONTAINING 100'S UPON 100'S OF SENTENCES, PLEASE SEE ATTACHED LIST. IT APPEARS MR. SHEALY EFFECTIVELY FILED 3 PIECES OF PAPER CONTAINING 6 SENTENCES IN OVER 13 MONTHS, A NOTICE OF APPEAL, PROOF OF SERVICE AND A NOTE TO THE CLERK OF COURT ABOUT FILING THE APPEAL. THE BALANCE OF THE FILES, OBTAINING MONEY AND THE 4 PENDING CONTAIN 31 PAGES, AS OF THIS FILING, FROM THE STATE AND 3 PAGES FROM MR. SHEALY, COPIES OF THE NOTICE OF APPEAL, PROOF OF SERVICE

AND THE NOTE. IN 13+ MONTHS THE STATE USED 79 PAGES. MR. SHEALY USED 6 SENTENCES IN 3 PAGES, TWICE.

ON MARCH 1ST, 2016 THE SPARTANBURG SOLICITOR HIMSELF, MR. BARRY BARNETTE, FILED A MOTION TO QUASH SUBPOENA. REASON NUMBER ONE STATES: "THE SUBPOENA WAS ISSUED BY THE CLERK OF COURT FOR SPARTANBURG COUNTY ON FEBRUARY 24, 2016 IN CASES WHICH ARE NOT PENDING IN SPARTANBURG COUNTY AND OVER WHICH THE COURTS OF SPARTANBURG COUNTY DO NOT HAVE JURISDICTION". BASED UPON INFORMATION AND BELIEF, MR. SHEALY FILED NO SUBPOENAS EFFECTIVELY ON MY BEHALF EVEN THOUGH THERE ARE LITERALLY 100'S OF POSITIVE WITNESSES AVAILABLE TO MY GOOD WORK AND A NUMBER OF ACTUAL WITNESSES TO THE EVENTS IN QUESTION. I HAD NOT ONE WITNESS AVAILABLE AT TRIAL BECAUSE OF MR. SHEALY.

IT IS MY POSITION AND MR. SHEALY AGREED THAT THIS WAS A CIVIL MATTER AND NOT A CRIMINAL MATTER. FROM THE BEGINNING I MADE MR. SHEALY AWARE OF A NUMBER OF S.C. SUPREME COURT CASES I HAD FOUND. STATE V. MARION L. PARRIS, 353 SC 582, 578 S.E. 2d 736 (2005) WHICH EXPLAINS IN PLAIN LANGUAGE THE DIFFERENCES BETWEEN BREACH OF TRUST AND CIVIL MATTERS SUCH AS BREACH OF CONTRACT. I ALSO SPOKE WITH MR. SHEALY ABOUT STATE V. JACKSON, 338 SC 565, 569, 527 S.E. 2d 367, 369 (CT. APP 2000) AND STATE V. WHITE, 244 SC 349, 355, 137 S.E. 2d 97, 99 (1964) WHERE OUR STATE SUPREME COURT STATED THAT "ABSENT THE MANIFEST INTENT TO CREATE A TRUST, BREACH OF TRUST IS NOT A CRIME." IN STATE V. CODY, 180 SC 417, 424, 186 S.E. 165, 167 (1936) STATED, "THE STATE MUST PROVE

THE EXACT TRUST WHICH HAS BEEN BREACHED". FURTHER PROOF THIS WAS A CIVIL MATTER, THE JURY VERDICT FORM GAVE 3 OPTIONS OF (A) GUILTY IN AMOUNT GREATER THAN $2000, (B) GUILTY IN AN AMOUNT LESS THAN $2000 OR (C) NOT GUILTY. MR. SHEALY DID MAKE A LAME MOTION FOR DIRECTED VERDICT CITING STATE V. PARRIS. BUT TOOK A FEW MOMENTS TO SEARCH ON HIS LAPTOP. MR. SHEALY HAD MADE NO PREPARATIONS IN WRITING AND MADE A NUMBER OF HUGE TACTICAL ERRORS DURING TRIAL. I BELIEVE MR. SHEALY "THREW THIS FIGHT" AND ME "UNDER THE BUS" OR HE IS BEYOND INCOMPOTENT.

I HAVE SENT MR. SHEALY 2 LETTERS FROM PRISON ACCORDING TO SCDC RECORDS, 1 ON 9·14·2016 AND A 2ND ON 9·21·2016 ASKING IF HE FILED AN APPEAL. SCDC RECORDS WILL ALSO SHOW NO REPLY. ON 10·14·2016 I SENT MR. SHEALY A DISMISSAL LETTER DIRECTING HIM TO FILE THE MOTION. ONCE AGAIN NO REPLY. I AM MORE CONFIDENT IN MY CHANCES FOR A FAVORABLE RESULT PROCEEDING PRO SE THAN I AM WITH MR. SHEALY OR MOST ANY OTHER LOCAL LAWYERS OR PUBLIC DEFENDER, AT THE VERY LEAST I CARE ABOUT THE OUTCOME AND WILL DO MY BEST TO WIN. PLEASE GRANT ME THIS MOTION AND ALLOW ME TO PROCEED PRO SE.

Dean Alton Holcomb 11/18/2016

DEAN ALTON HOLCOMB, PRO SE

SCDC KIRKLAND CI

	ITEM #	DESCRIPTION	# OF PAGES	FILED DATE
*	1	NOTICE OF APPEAL / PROOF OF SERVICE / NOTE TO CC	3	9.14.16
	2	SENTENCING SHEET B.O.T.	1	9.8.16
	3	VERDICT FORM	1	9.8.16
	4	AMENDED INDICTMENT	2	8.23.16
	5	MOTION IN LIMINE	2	8.8.16
	6	MOTION FOR CONTINUING PROTECTIVE ORDER	2	8.8.16
	7	MOTION TO ARRAIGN & SET BOND ON NEW INDICT	2	8.8.16
	8	MOTION TO ADMIT MENTAL HEALTH REPORTS	1	8.8.16
	9	MOTION FOR HANDWRITING	1	8.8.16
	10	MOTION TO EXCLUDE 3RD PARTY GUILT	1	8.8.16
	11	MOTION TO COMPEL DISCOVERY	3	8.8.16
	12	ORDER FOR TRANSPORT	1	7.8.16
	13	MOTION TO QUASH SUBPOENA	5	3.1.16
	14	ORDER FOR TRANSPORT	1	2.17.16
	15	AFFIDAVIT OF DISCOVERY MATERIALS	1	2.9.16
	16	ORDER FOR TRANSPORT	2	10.9.15
	17	SC DEPT OF MENTAL HEALTH LETTER TO MR. SHEALY	1	10.9.15
	18	AFFIDAVIT OF DISCOVERY MATERIALS	1	10.5.15
	19	ORDER TO TRANSPORT	1	10.1.15
	20	ORDER DENYING JOINDER & GRANTING "SPEEDY TRIAL"	2	8.7.15
	21	ORDERS FOR CRIMINAL RESPONSIBILITY / COMPETENCY	14	8.10.15
		TOTAL PAGES	48	
	*	MR. SHEALY'S CONTRIBUTIONS	3	

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF GENERAL SESSIONS
FOR THE 13TH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA
V.
DEAN ALTON HOLCOMB

CASE #'S
2014-GS-23-8176 THRU 79

PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED THE MOTION TO DISMISS COUNSEL ON THE STATE OF SOUTH CAROLINA BY DEPOSITING A COPY OF IT WITH THE SCDC-KIRKLAND MAILROOM FOR DELIVERY VIA THE U.S. MAIL, POSTAGE PREPAID, ON NOVEMBER 22 2016, ADDRESSED TO IT'S ATTORNEY OF RECORD, RUSSELL D. GHENT, ESQ., ASSISTANT SOLICITOR, 180 MAGNOLIA STREET, SPARTANBURG, SC 29306 AND MATTHEW SHEALY AT 366 NORTH CHURCH STREET, SUITE# 3000, SPARTANBURG, SC 29303.

NOVEMBER ~~18~~ 22 24, 2016.

Dean Alton Holcomb
DEAN ALTON HOLCOMB, PRO SE
#369696
SCDC-KIRKLAND CI

B

66 N.I.C

5005
5-20-13

ARREST WARRANT

2013A2330202932

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

Entered On NCIC

THE STATE against

13-011973

CODE 8

Dean Alton Holcomb

Address: [redacted] Rocky Creek Rd Apt [redacted]
Greenville, SC 29615-

Phone: SSN: [redacted]

Sex: M Race: W Height: 5 11 Weight: 180

DL State: SC DL #: [redacted]

DOB: [redacted]/1970 Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: J T Martin - 0224

Offense: Breach / Breach of trust with fraudulent intent, value more than $2,000 but less than $10,000

Offense Code: 3423

Code/Ordinance Sec: 16-13-0230(A)

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 Dean Alton Holcomb on 5-16-2013

Signature of Constable/Law Enforcement Officer #1342 D39

RETURN WARRANT TO:

Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

Garrett

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

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

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

Personally appeared before me the affiant J T Martin who being duly sworn deposes and says that defendant Dean Alton Holcomb did within this county and state on or about 5/25/2012 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Greenville) in the following particulars:

DESCRIPTION OF OFFENSE: Breach / Breach of trust with fraudulent intent, value more than $2,000 but less than $10,000

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:

AFFIANT HAS EVIDENCE IMPLICATING THE DEFENDANT IN THIS CRIME. DEFENDANT IS THE REGISTERED AGENT FOR CAROLINA HOME RENOVATIONS LOCATED IN GREENVILLE. DEFENDANT TOOK A PAYMENT OF $4,295.03 IN THE FORM OF A BANK OF TRAVELERS REST CHECK# 1040 FROM VICTIM. DEFENDANT WAS GOING TO REPLACE VICTIM'S ROOF. DEFENDANT SIGNED THE BACK OF THE CHECK AND CASHED THE CHECK. DEFENDANT NEVER DID ANY OF THE WORK.

Signature of Affiant #0224

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

Affiant's Address 4 Mcgee Street
Greenville, SC 29601-

Affiant's Telephone (864)271-5210

COMPUTER ENTERED

APR 16 2013

GREENVILLE COUNTY SHERIFF'S OFFICE

16 APR '13 AM 8:54

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

appearing from the above affidavit that there are reasonable grounds to believe that on or about 5/25/2012 defendant Dean Alton Holcomb did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Breach / Breach of trust with fraudulent intent, value more than $2,000 but less than $10,000

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 4/12/2013

(L.S.)

Signature of Issuing Judge

James E. Hudson

Judge Code: 5031

Judge's Address 4 Mcgee Street, Room 116-B
Greenville, SC 29601-

Judge's Telephone (864)467-5302

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

100

5-2013

Criminal Charging Document No.

BAIL PROCEEDING
FORM II

STATE OF SOUTH CAROLINA
COUNTY OF Greenville

IN THE Greenville General Sessions

STATE OF SOUTH CAROLINA
v.
Holcomb, Dean Alton
NAME OF DEFENDANT

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Offense Charged: Breach / Breach of trust with fraudulent intent, value more than $2,000 but less than $10,000-[2013A2330202932]

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

☐ The release of the defendant on recognizance will not reasonably assure his appearance as required.

☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.

2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

☐ The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of $ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of $, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits $ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

APPEARANCE RECOGNIZANCE WITH SURETY

☒ The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of $ 5,000.00

3. That the defendant shall appear at (check one):

☒ the term of COURT OF GENERAL SESSIONS beginning on July 26, 2013 at 9:00 o' clock, A.M., at Greenville General Sessions - 305 E. North Street/Greenville County Courthouse/Greenville, SC 29601-2120 / (864) 467-8745 and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☐ the session of ☐MAGISTRATE COURT ☐MUNICIPAL COURT beginning on at _____ o' clock, ___ at
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): $5,000.00 (CS) or $5,000.00 (SB) INITIALS OF DEFENDANT X DH
MUST MAINTAIN CONTACT W/INVESTIGATOR MARTIN 1X PER WEEK / MAY LEAVE STATE OF SC

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

Dawn Kelly for Hadon
SIGNATURE OF JUDGE

5/16/13
DATE

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED

SCCA/511A (Revised 3/2012) Original Copy For The Trial Court - Copy For The Defendant

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

[redacted] Rocky Creek Rd Apt [redacted] Young Rd.
ADDRESS

Greenville, SC 29615 Bessemer City, NC 28016
CITY/STATE/ZIP

704-447-5087
TELEPHONE

X Dean A. [illegible]
SIGNATURE OF DEFENDANT

5/16/13
DATE

[redacted]
SOCIAL SECURITY NUMBER

[redacted] (SC)
DRIVER'S LICENSE OR ID NUMBER

ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of:

NAME OF PERSON OR ORGANIZATION

ADDRESS CITY/STATE ZIP TELEPHONE

who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED) DATE

b. ☐ Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

c. ☐ Part-time Release. The defendant will be released from custody from TIME o' clock, AM/PM to TIME o' clock, AM/PM on DATE(S) on condition that he return to the custody of NAME OF PERSON OR ORGANIZATION at LOCATION as designated.

d. ☐ Other conditions. The defendant will comply with the following other conditions of release:
MUST MAINTAIN CONTACT W/INVESTIGATOR MARTIN 1X PER WEEK / MAY LEAVE STATE OF SC

APPEARANCE RECOGNIZANCE WITH SURETY

On the 16th day of May, 2013, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of $ 5,000.00, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Miller, Ryan - Palmetto Surety
Catch 22
NAME OF SURETY BONDSMAN COMPANY

(864) 271-3733
TELEPHONE

X [illegible]
SIGNATURE OF SURETY BONDSMAN

803 East North St
ADDRESS OF SURETY BONDSMAN

Greenville, SC 29601
CITY/STATE/ZIP

[illegible] for Hudson
SIGNATURE OF JUDGE

5/16/13
DATE

Palmetto Surety
NAME OF INSURANCE COMPANY

126 Seven Farms Dr Suite 170
ADDRESS OF INSURANCE COMPANY

Charleston, SC 29492
CITY/STATE/ZIP

PSC5 145988

Form Approved by S.C. Attorney General
Section 17-15-40
March 21, 2012

SCCA/511A (Revised 3/2012)

THE FACE OF THIS DOCUMENT HAS A COLORED SECURITY BACKGROUND AND MICROPRINTING

POWER OF ATTORNEY

POWER AMOUNT
$5,000.00

PALMETTO SURETY CORPORATION
126 Seven Farms Drive, Suite 170, Charleston, SC 29492

PSC5 145988

KNOW ALL MEN BY THESE PRESENTS: THE PALMETTO SURETY CORPORATION, a corporation duly authorized and existing under the laws of the State of South Carolina, does constitute and appoint the below named agent its true and lawful Attorney-in-Fact for it, and in its name, place and stead, to execute and deliver for and on its behalf as surety, a bail bond only.

Authority of such Attorney-in-Fact is limited to appearance bonds. No authority is provided herein for the execution of surety, immigration bonds, or to guarantee attorney payments, fines, wage law claims or other payments of any kind on behalf of below named defendant. The named agent is appointed only to engage the bond consistent with the terms of this power of attorney. The agent is not authorized to act as agent for receipt of service of process in any criminal or civil action.

This power is void if altered or erased or used in any combination with other powers of attorney of the company or any other company to obtain the release of the defendant named below or to satisfy any bond requirement in excess of the stated face amount of this power. This power can only be used once. The obligation of the company shall not exceed the sum of

FIVE THOUSAND ($5,000.00) DOLLARS

and provided this Power-Of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-In-Fact is hereby authorized to insert in this Power-Of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, PALMETTO SURETY CORPORATION has caused these presents to be signed by its duly authorized officer, under its corporate seal, and its corporate seal to be hereunto affixed this _____ day of _____

Expires 9/30/2013

Bond Amount $ 5000 - Appearance Date 7-26-13 9:00 AM

Defendant: Holcomb, Dean Alton

Court General Sessions

Case # 2013A2330202932

Case #

Case #

County Greenville City Greenville St SC Zip 29601

Offense Breach of Trust W Fraud Intent IVP

Offense IVP

Executing Agent Catch 22 IVP

SEAL

PALMETTO SURETY CORPORATION

Chief Executive Officer

Ent: tbrandon 02/13/2013 04:33:49

EC5 02/04/2013-11:55:12

GREENVILLE COUNTY SHERIFF'S OFFICE
Incident Report

Agency I.D. SC0230000 | RTA [ ] | 26AC, | Case Number 13000011973 | Adult/Juv [ ]

EVENT

Incident Type	Offense Completed	Forced Entry	Premise Type	Units Entered	Type Victim
0420 - Breach Of Trust > $1000	Y	N	20 - Residence/Home	0	☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Religious Org. ☐ Soc / Public ☐ Other ☐ Unknown ☐ Police Officer

Incident Location (Subdivision, Mil Village, Apartment & Number, Street Name & Number)	Closest Intersection	Zip Code
[redacted] BEAVER DAM Rd TRAVELERS REST SC		29690

Incident Date	Time	To	Date	Time	Weapon Type	Time Arrived	Time Completed	Patrol District
05/25/2012	09:00		01/31/2013	10:00	99	12:00	13:00	10

Complainants Name (Last, first, Middle)	Resident	Race	Sex	Age	Primary Phone	Business Phone	Mobile Phone
BAUCOM, MEGAN HALSTEAD	J	W	F	27			(864)396-6533

Address	City	State	Zip Code	Patrol District
[redacted] BEAVER DAM Rd	TRAVELERS REST	SC	29690	10

VICTIM

Victim's Name (Last, first, Middle)	Victim Relationship To Subject	Resident	Ethnicity	Race	Sex	Age	Primary Phone	Business Phone	Mobile Phone
MCGINN, ROBERT M Jr	AQ	J		W	M	47		[redacted]-8221	[redacted]-4522

Address	City	State	Zip Code	Patrol District
[redacted] BEAVER DAM Rd	TRAVELERS RES	South Carolina	29690	10

Visible Injury (Vict 1) ☐ Yes ☒ No Explain: Complaint of any Non-Visible Injuries ☐ Yes ☒ No

Victim (No.1) Using Alcohol ☐ Yes ☒ No ☐ Unk Drugs ☐ Yes ☒ No ☐ Unk Type:

Two-Man Veh ☐ One Man Veh ☐ Detective/SPLASMT ☐ Other ☐ ALONE ☐ ASSISTED ☐ Jurisdiction: -

SUBJECT

☒ Suspect ☐ Runaway ☐ Wanted ☐ Warrant ☐ Arrest ☐ Missing

Subject's Name (Last, first, Middle)	Ethnicity	Race	Sex	Age	Date of Birth	Height	Weight	Hair	Eyes
HOLCOMB, DEAN ALTON Jr		W	M	41	[redacted]/1970	UNK	UNK		

Address: [redacted] ROCKY CREEK Rd [redacted] SSN: [redacted]

Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

City	State	Zip Code	Patrol District
GREENVILLE	SC	29615	03

Subject (No.1) Using Alcohol ☐ Yes ☐ No ☒ Unk Drugs ☐ Yes ☐ No ☒ Unk Type

Arrested Near Offense Scene ☐ Yes ☐ No Total Arrested 0 | Date/Time of Offense 05/25/2012 09:00 | Date of Arrest

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ Arrested on Current Offense ☐ Cleared By Arrest on Prior Offense

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority ☐ On View Arrest ☐ Summoned ☐ Custody

Charge	Warrant Number	Ticket Number

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

ITEM STOLEN: SUSP WAS GIVEN A BANK OF TRAVELERS REST CHECK# 1040,ACCT#..0200, TO REPLACE VICTIM'S(MCGINN) ROOF. SUSP (HOLCOMBE) CASHED THE CHECK AND NEVER REPLACED MCGINN'S ROOF----------->$4,295.03
COMPL(BAUCOM) WHO IS THE STEPDAUGHTER OF MCGINN CAME INTO THE L.E.C. TO FILE THIS REPORT FOR MCGINN. BAUCOM PROVIDED ME WITH DOCUMENTS AND A COPY OF THE CHECK MADE OUT TO CAROLINA HOME RENOVATORS, HOLCOMBE'S COMPANY. HOLCOMBE SIGNED HIS NAME TO THE BACK OF THE CHECK. I CHECKED WITH THE LLR AND HOLCOMBE IS THE REGISTERED AGENT FOR CAROLINA HOME RENOVATIONS . THE REGISTRATION NUMBER IS 54106. I ATTEMPTED TO MAKE CONTACT WITH HOLCOMBE BY CALLING THE APARTMENT COMPLEX AT [redacted] ROCKY

Jurisdiction of Theft : Primary Jurisdiction | Jurisdiction of Recovery :

VEHICLE

☐ Towed ☐ Stolen ☐ Recovered ☐ Suspect ☐ Victim

Tag Number	State	Year	V.I.N.	Value

Year	Make	Model	Style	Color

Tag Only ☐ Additional Vehicle description

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value
Stol	20 - Money	UNK					4295

ADMIN

Subject Identified	Subject Located				
☒ Yes ☐ No	☐ Yes ☒ No	☒ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over	

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	01/31/2013	661 / 00224	SGT. MIKE JARVIS	01/31/2013	602 / 00484
		/	Follow Up Investigation ☒ Yes ☐ No (Officer) TIM MARTIN	01/31/2013	661 / 00224

104 Agency I.D. SC0230000 EC5 02/04/2013-11:55:12

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Ent: tbrandon 02/13/2013 04:33:49

Case Number 13000011973

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

Incident Type 0420 - Breach Of Trust > $1000

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additonal Recovered Property

Patrol District 10 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☐ Victim ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☐ Victim No. ___ Visible Injury ☐ Yes ☐ No Complaint of any Non-Visible Injuries ☐ Yes ☐ No Victim Using Alcohol ☐ Yes ☐ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐
Explain: Drugs ☐ No ☐ Yes Type: Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense
Using Drugs ☐ No ☐ Yes Type: ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location

NARRATIVE

Overflow:

BAUCOM MEGAN HALSTEAD:Complainant 1

DL STATE/NUMBER: [redacted]

HOLCOMB DEAN ALTON Jr:Subject 1
Subject Types: Suspect

DL STATE/NUMBER: SC/[redacted] DOB: [redacted]/1970

Narrative:
CREEK RD STE[redacted]. I SPOKE WITH THE LEASING MANAGER AND HE ADVISED ME THAT HOLCOMBE HAD SKIPPED OUT SEVERAL MONTHS AGO WITHOUT PAYING HIS RENT. I HAVE NOT BEEN ABLE TO MAKE CONTACT WITH HOLCOMBE. I WILL GO BEFORE A MAG AND SIGN A WARRANT.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☐ Yes ☒ No	☒ Active ☐ Unfounded	☐ Admin Closed	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	01/31/2013	661 / 00224	SGT. MIKE JARVIS	01/31/2013	602 / 00484
		/	Follow Up Investigation ☒ Yes ☐ No (officer) TIM MARTIN	01/31/2013	661 / 00224

Agency I.D. SC0230000

EC5 02/19/2013-14:37:28

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: dsaunders 04/23/2013 08:30:54

Case Number 105

13000011973

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

Incident Type 0420 - Breach Of Trust > $1000

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Patrol District 10 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] BEAVER DAM Rd	TRAVELERS RES	SC	29690	10		[redacted]-8221

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐

Explain: Drugs ☒ No ☐ Yes Type: Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense

Using Drugs ☐ No ☐ Yes Type: ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER: [redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41,
DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: [redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable

Narrative:

----------FOLLOW UP----------

I AM GOING TO SIGN A WARRANT IN THIS CASE, I HAVE BEEN TIED UP ON OTHER CASES.

----------WARRANT FORTHCOMING----------

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial #/ DAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☐ Yes ☒ No	☒ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	02/13/2013	661 / 00224	SGT. MIKE JARVIS	02/13/2013	602 / 00484
		/	Follow Up Investigation ☒ Yes ☐ No (Officer) TIM MARTIN	02/13/2013	661 / 00224

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Agency I.D. SC0230000 | EC5 04/16/2013-13:27:36

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Ent: dsaunders 04/23/2013 08:32:27

Case Number: 13000011973

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Incident Type: 0420 - Breach Of Trust > $1000

Patrol District: 10 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, First, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] BEAVER DAM Rd	TRAVELERS RES	SC	29690	10		[redacted]-8221

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐

Explain: Drugs ☒ No ☐ Yes Type: Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense

Using Drugs ☐ No ☐ Yes Type: ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER: [redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41,
DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: SC[redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable
Charges
CHARGE 1: B.O.T. WARRANT #: 2013A2330202932

Narrative:
----------FOLLOW UP----------
WARRANT SIGNED:..2932(B.O.T.)HUDSON
I WENT BEFORE MAG. HUDSON AND SIGNED ABOVE WARRANT ON SUSP. I WILL PLACE THE WARRANT IN THE WARRANT OFFICE.

----------WARRANT SIGNED----------

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial #/ OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☐ Yes ☒ No	☒ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	04/15/2013	661 / 00224	SGT. MIKE JARVIS	04/15/2013	602 / 00484
		/	Follow Up Investigation ☒ Yes ☐ No (Office) Judicial Services Division	04/15/2013	/ 00000

Agency I.D. SC0230000

EC5 05/06/2013-13:00:15

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: dsaunders 05/14/2013 05:51:55

Case Number 13000011973

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☐ Original Report ☒ Status Change ☐ Additional Victims ☐ Additional Stolen Property

Incident Type 0420 - Breach Of Trust > $1000

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Patrol District 10 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, First, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] BEAVER DAM Rd	TRAVELERS RES	SC	29690	10		[redacted]-8221

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Drugs ☒ No ☐ Yes Type: Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED ☐

Explain:

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk Using Drugs ☐ No ☐ Yes Type: ☐ Arrested on Current Offense ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER:[redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41,
DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: SC[redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable
Charges
CHARGE 1: B.O.T. WARRANT #: 2013A2330202932

Narrative:

----------FOLLOW UP----------

WARRANT SERVED:..2932(B.O.T.)HUDSON
HOLCOMB WAS PICKED UP IN NORTH CAROLINA ON MY WARRANT AND CHARGED AS A FUGITIVE FROM JUSTICE. HOLCOMB WILL BE EXTRADITE BACK TO GREENVILLE AND PLACED IN THE DETENTION.

----------WARRANT SERVED----------

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☐ Yes ☒ No	☐ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☒ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	05/02/2013	661 / 00224	SGT. MIKE JARVIS	05/02/2013	602 / 00484
		/	Follow Up Investigation ☐ Yes ☒ No (Officer)		/

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Agency I.D. SC0230000

EC5 05/13/2013-05:46:11

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: dsaunders 05/14/2013 05:52:55

Case Number 13000011973

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

Incident Type 0420 - Breach Of Trust > $1000

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Patrol District 10 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Business
[redacted] BEAVER DAM Rd	TRAVELERS RES	SC	29690	10		([redacted]21

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Explain: Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Drugs ☒ No ☐ Yes Type: Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk Using Drugs ☐ No ☐ Yes Type: ☐ Arrested on Current Offense ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER:[redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41,
DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: SC[redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable
Charges
CHARGE 1: B.O.T. WARRANT #: 2013A2330202932

Narrative:

----------FOLLOW UP----------

WARRANT SIGNED:..2932(B.O.T.)HUDSON
HOLCOMB WAS PICKED UP IN NORTH CAROLINA ON MY WARRANT AND CHARGED AS A FUGITIVE FROM JUSTICE. N.C. NEVER SENT THIS AGENCY A SIGNED WAVIER OF EXTRADITION AND ALLOWED HIM TO MAKE BOND ON MY N.C.I.C. HIT. HOLCOMB IS STILL ON N.C.I.C.

----------WARRANT SIGNED----------

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☐ Yes ☒ No	☒ Active ☐ Unfounded ☐ Admin Closed	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	05/07/2013	661 / 00224	SGT. MIKE JARVIS	05/07/2013	602 / 00484
		/	Follow Up Investigation ☒ Yes ☐ No (Officer) Judicial Services Division	05/07/2013	/ 00000

Agency I.D. SC0230000 | EC5 05/20/2013-05:39:59

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Ent: dsaunders 05/22/2013 06:34:27

Case Number 13000011973

☐ Original Report ☒ Status Change ☐ Additional Victims ☐ Additional Stolen Property

Incident Type 0420 - Breach Of Trust > $1000

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Patrol District 10 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, First, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] BEAVER DAM Rd	TRAVELERS RES	SC	29690	10		[redacted]-8221

Height | Weight | Hair | Eyes | Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐
Explain: Drugs ☒ No ☐ Yes Type: Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense
Using Drugs ☐ No ☐ Yes Type: ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER: [redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41,
DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: SC[redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable

Narrative:
**********SUPPLEMENTAL - STATUS CHANGE**********

On 5-16-2013 at 0730 hrs, while working the front desk, the listed subject walked into the LEC and turned himself in. He was walked over to the detention center and placed into detention.

349 Wilson removed the subject from NCIC.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value
Stol	20 - Money	UNK					4295

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☒ Yes ☐ No	☐ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☒ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
KISIEL, DANIEL	05/16/2013	D39 / 01342	HAYS, DAVID	05/16/2013	D02 / 00163
		/	Follow Up Investigation ☐ Yes ☒ No (Officer)		/

110 Agency I.D. SC0230000 EC5 05/21/2013-13:49:45

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: dsaunders 05/22/2013 06:35:52

Case Number 13000011973

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Incident Type 0420 - Breach Of Trust > $1000

Patrol District 10 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] BEAVER DAM Rd	TRAVELERS RES	SC	29690	10		[redacted]-8221

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐

Explain: Drugs ☒ No ☐ Yes Type: Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense

Using Drugs ☐ No ☐ Yes Type: ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER: [redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41,
DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: SC/[redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable

Narrative:

----------FOLLOW UP----------

AFTER HOLCOMB TURNED HIMSELF IN TO THE FRONT DESK OF THE L.E.C. HE AGREED TO SPEAK TO ME. HOLCOMB SIGNED A WAVIER OF RIGHTS FORM. HOLCOMB AGREED TO A TAPED INTERVIEW. HOLCOMB DISCUSSED HIS CASE WITH ME ADVISING ME THAT HE HAD DONE WORK ON MCGINN'S HOUSE. HOLCOMB ADVISED ME THAT HE HAD HIRED A CREW TO STAIN THE WOOD SIDING ON MCGINN'S HOUSE. HOLCOMB ADVISED ME THAT THE ROOF WAS NOT DONE BECAUSE MCGINN DID NOT PAY HIS $1000.00 DEDUCTIBLE ON HIS INSURANCE. HOLCOMB ADVISED ME THAT HE HAD PURCHASED STAIN FOR THE HOUSE AND WOULD GET ME RECEIPTS. HOLCOMB ASKED ME IF I COULD GET COPIES OF THE INSURANCE SCOPE. I MADE CONTACT WITH MCGINN AND ASKED HIM IF I COULD GET COPIES OF ALL OF THE INSURANCE PAPERWORK. I HAVE SOME OF THE INSURANCE PAPERWORK BUT HOLCOMB ADVISED ME THAT THERE SHOULD BE MORE PAPERWORK THAN WHAT I HAD. HOLCOMB ADVISED ME THAT THE WORK AND LABOR COST THAT WAS DONE ON THE HOUSE MINUS THE ROOF WAS CLOSE TO THE $4295.03. I ASKED MCGINN IF THERE WAS ANY WORK DONE TO THE HOUSE AND HE ADVISED ME THAT SOME STAINING WAS DONE TO THE FRONT OF THE HOUSE ABOUT $300.00 WORTH.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial #/OAN	Value
Stol	20 - Money	UNK					4295

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☒ Yes ☐ No	☐ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☒ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	05/20/2013	661 / 00224	SGT. MIKE JARVIS	05/20/2013	602 / 00484
		/	Follow Up Investigation ☐ Yes ☒ No (Office)		/

Agency I.D. SC0230000 | EC5 05/06/2013-13:00:15

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: dsaunders 05/14/2013 05:51:55

Case Number 111
13000011973

☐ Original Report ☒ Status Change ☐ Additional Victims ☐ Additional Stolen Property

Incident Type 0420 - Breach Of Trust > $1000

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Patrol District 10 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] BEAVER DAM Rd	TRAVELERS RES	SC	29690	10		[redacted]-8221

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Explain: Visible Injury ☐ Yes ☒ No | Complaint of any Non-Visible Injuries ☐ Yes ☒ No | Victim Using Alcohol ☐ Yes ☒ No ☐ Unk | Drugs ☒ No ☐ Yes Type: | Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk | Using Drugs ☐ No ☐ Yes Type: | ☐ Arrested on Current Offense ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type | ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location | Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER: [redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41,
DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: [redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable
Charges
CHARGE 1: B.O.T. WARRANT #: 2013A2330202932

Narrative:
----------FOLLOW UP----------
WARRANT SERVED:..2932(B.O.T.)HUDSON
HOLCOMB WAS PICKED UP IN NORTH CAROLINA ON MY WARRANT AND CHARGED AS A FUGITIVE FROM JUSTICE. HOLCOMB WILL BE EXTRADITE BACK TO GREENVILLE AND PLACED IN THE DETENTION.

----------WARRANT SERVED----------

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial #/OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☐ Yes ☒ No	☐ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☒ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	05/02/2013	661 / 00224	SGT. MIKE JARVIS	05/02/2013	602 / 00484
		/	Follow Up Investigation ☐ Yes ☒ No (Officer)		/

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Agency I.D. SC0230000 EC5 05/13/2013-05:46:11

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: dsaunders 05/14/2013 05:52:55

Case Number 13000011973

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Incident Type 0420 - Breach Of Trust > $1000

Patrol District 10 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] BEAVER DAM Rd	TRAVELERS RES	SC	29690	10		[redacted]-8221

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐

Explain: Drugs ☒ No ☐ Yes Type: Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense

Using Drugs ☐ No ☐ Yes Type: ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER: SC/[redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41,
DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: SC/[redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable
Charges
CHARGE 1: B.O.T. WARRANT #: 2013A2330202932

Narrative:

----------FOLLOW UP----------

WARRANT SIGNED:..2932(B.O.T.)HUDSON
HOLCOMB WAS PICKED UP IN NORTH CAROLINA ON MY WARRANT AND CHARGED AS A FUGITIVE FROM JUSTICE. N.C. NEVER SENT THIS AGENCY A SIGNED WAVIER OF EXTRADITION AND ALLOWED HIM TO MAKE BOND ON MY N.C.I.C. HIT. HOLCOMB IS STILL ON N.C.I.C.

----------WARRANT SIGNED----------

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial #/OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☐ Yes ☒ No	☒ Active ☐ Unfounded ☐ Admin Closed	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	05/07/2013	651 / 00224	SGT. MIKE JARVIS	05/07/2013	602 / 00484
		/	Follow Up Investigation ☒ Yes ☐ No (Officer) Judicial Services Division	05/07/2013	/ 00000

Agency I.D. SC0230000

EC5 05/20/2013-05:39:59

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: dsaunders 05/22/2013 06:34:27

Case Number 113

13000011973

- [ ] Original Report
- [x] Status Change
- [ ] Additional Victims
- [ ] Additional Stolen Property
- [x] Supplemental Report
- [ ] Other Report
- [ ] Additional Defendants
- [ ] Additonal Recovered Property

Incident Type: 0420 - Breach Of Trust > $1000

Patrol District: 10 Page 1 of 1 Pages

I. D. OVERFLOW

- [ ] Complainant
- [x] Victim #1
- [ ] Subject
- [ ] Runaway
- [ ] Wanted
- [ ] Arrest
- [ ] Missing
- [ ] Jail
- [ ] Other

Subject's Name (Last, First, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
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Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

[x] Victim No. 1 Visible Injury [ ] Yes [x] No Complaint of any Non-Visible Injuries [ ] Yes [x] No Victim Using Alcohol [ ] Yes [x] No [ ] Unk Two-Man Veh [ ] One Man Veh [ ] ALONE [ ] Drugs [x] No [ ] Yes Type: Detective [ ] Other [ ] ASSISTED [ ]

Explain:

Subject No. ___ Using Alcohol [ ] No [ ] Yes [ ] Unk [ ] Arrested on Current Offense

Using Drugs [ ] No [ ] Yes Type: [ ] Unk [ ] Cleared By Arrest on Prior Offense

Arrestee Armed [ ] Yes [ ] No Weapon Type [ ] On View Arrest [ ] Summoned [ ] Custody

Juvenile Disposition [ ] Handled Released [ ] Referred To Other Authority

Arrest Location

Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER: SC/[redacted]

HOLCOMB, DEAN ALTON [redacted]ct 1
Subject Types: Suspect
[redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41,
DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: SC/[redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable

Narrative:
**********SUPPLEMENTAL - STATUS CHANGE**********

On 5-16-2013 at 0730 hrs, while working the front desk, the listed subject walked into the LEC and turned himself in. He was walked over to the detention center and placed into detention.

349 Wilson removed the subject from NCIC.

PROPERTY

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Stol	20 - Money	UNK					4295

ADMIN

Subject Identified	Subject Located			
[x] Yes [ ] No	[x] Yes [ ] No	[ ] Active [ ] Admin Closed [ ] Unfounded	[ ] Arrested Under 18 [x] Arrested 18 and Over	[ ] Ex-Cleared Under 18 [ ] Ex-Cleared 18 and Over

Reason For Exceptional Clearance [ ] Offender Death [ ] No Prosecution [ ] Victim Declines Cooperation [ ] Extradition Denied [ ] Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
KISIEL, DANIEL	05/16/2013	D39 / 01342	HAYS, DAVID	05/16/2013	D02 / 00163
		/	Follow Up Investigation [ ] Yes [x] No (Officer)		/

114

Agency I.D. SC0230000 | EC5 05/21/2013-13:49:45

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

Ent: dsaunders 05/22/2013 06:35:52

Case Number: 13000011973

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Incident Type: 0420 - Breach Of Trust > $1000

Patrol District: 10 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

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☒ Victim No. 1 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Drugs ☒ No ☐ Yes Type: Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED ☐

Explain:

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk Using Drugs ☐ No ☐ Yes Type: ☐ Arrested on Current Offense ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER: SC/[redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41, DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: SC/[redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable

Narrative:

----------FOLLOW UP----------

AFTER HOLCOMB TURNED HIMSELF IN TO THE FRONT DESK OF THE L.E.C. HE AGREED TO SPEAK TO ME. HOLCOMB SIGNED A WAVIER OF RIGHTS FORM. HOLCOMB AGREED TO A TAPED INTERVIEW. HOLCOMB DISCUSSED HIS CASE WITH ME ADVISING ME THAT HE HAD DONE WORK ON MCGINN'S HOUSE. HOLCOMB ADVISED ME THAT HE HAD HIRED A CREW TO STAIN THE WOOD SIDING ON MCGINN'S HOUSE. HOLCOMB ADVISED ME THAT THE ROOF WAS NOT DONE BECAUSE MCGINN DID NOT PAY HIS $1000.00 DEDUCTIBLE ON HIS INSURANCE. HOLCOMB ADVISED ME THAT HE HAD PURCHASED STAIN FOR THE HOUSE AND WOULD GET ME RECEIPTS. HOLCOMB ASKED ME IF I COULD GET COPIES OF THE INSURANCE SCOPE. I MADE CONTACT WITH MCGINN AND ASKED HIM IF I COULD GET COPIES OF ALL OF THE INSURANCE PAPERWORK. I HAVE SOME OF THE INSURANCE PAPERWORK BUT HOLCOMB ADVISED ME THAT THERE SHOULD BE MORE PAPERWORK THAN WHAT I HAD. HOLCOMB ADVISED ME THAT THE WORK AND LABOR COST THAT WAS DONE ON THE HOUSE MINUS THE ROOF WAS CLOSE TO THE $4295.03. I ASKED MCGINN IF THERE WAS ANY WORK DONE TO THE HOUSE AND HE ADVISED ME THAT SOME STAINING WAS DONE TO THE FRONT OF THE HOUSE ABOUT $300.00 WORTH.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial #/ OAN	Value
Stol	20 - Money	UNK					4295

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☒ Yes ☐ No	☐ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☒ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	05/20/2013	661 / 00224	SGT. MIKE JARVIS	05/20/2013	602 / 00484
		/	Follow Up Investigation ☐ Yes ☒ No (Office)		/

DEAN Alton Holcombe

Case Number: 13-011973 15
13-011973

YOUR RIGHTS

Sheriffs Office

Greenville, S.C.

Date 5/16/13

Time 0900

DH Before we ask you any questions, you must understand your rights.

DH You have the right to remain silent.

DH Anything you say can be used against you in court.

DH You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

DH If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish.

DH If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

DH I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed * Dean A. Holcombe

Witness

Witness

Time

14 JUN 2013 09 06

S/IPB 06/14/2013

OF

C

DEAN A. HOLCOMB

P.O. Box 631 Cherryville, NC 28021 [redacted]-5087

May 23, 2012
Wesley Smith
Office of Professional Standards
Greenville County Sheriff's Office
4 McGee St.
Greenville, S.C. 29601
(864) 467-5368
wsmith@greenvillecounty.org

Via email and USPS Certified Mail, Return Receipt Requested

Copies to: Sheriff Steve Loftis, the Honorable Judge James E. Hudson and
The Most Honorable Governor Nikki Haley

Re: Letter sent from your office to me on May 15, 2013
Final Request for an investigation of Mr. Martin's conduct regarding SC v. Dean A.Holcomb
FOI Request

Mr. Smith,

If I recall correctly, we met on May 16, 2013 at the Greenville CountyDetention Center, if so, I thank you for your polite and professional manner. I would also like to say that I am not an "enemy" of Law Enforcement. I support and am grateful to all who serve with honor and professionalism. I abhor and will fight all enemies of our Constitution(s), Civil Rights, and those who bring dishonor to their office by violating their oaths and obligations, at every opportunity.

In your letter you stated that my case was reviewed by your office and that you determined that Mr. Martin was conducting himself in accordance, *at that time*, "to law and policy". I am a bit confused to the intended meaning of the word sustained, please clarify. I respectfully request that you look at the evidence represented to you today and Mr. Martin's work performed and his conduct

during this case. I consider this request an exhaustion of remedy in accordance with Jones v. Bock, 549 US 199. I will be forwarding you 4 emails after this email, I am currently limited by the capability of the iPad to consolidate into larger files and time limitations of converting the files to the PC's. The audio files are Martin Part 1-4, 1-2 minutes each. Full, unedited copies are available upon request, after Mr. Martin finally complies with SC Code 17-13-50. The clips 1 and 2 contain what I consider to be most relevant from my 2 phone conversations with Mr. Martin. On May 13, 2013 at approximately 1:45pm, Martin and I had a conversation lasting 11minutes and 42 seconds. I was released from the Gaston County Jail on May 6, 2013. I was arrested on April 29, 2013. I spent many hours the week of May 6th leaving messages on his voicemail, and with his superior, Sargent Jarvis. I sent numerous emails to Martin and Jarvis that were returned undeliverable. At that time, I was in shock regarding my arrest and my experience in the Gaston County Jail. I finally got in contact with Investigator Jones. Are you guys using pseudonyms? Jones, Smith, just curious. Clips 3 and 4 are from my conversation with Mr. Martin, Monday, May 20, 2013 in compliance with Judge Hudson's order to contact Martin every week, while on bond. This conversation was most revealing. Martin stated that he never actually spoke with my customers Robbie or Tina McGinn, aka the "victims" in the arrest warrant, until after my arrest in Greenville. I consider this revelation a violation of a number of SC and Federal Laws including 23-17-90, 16-7-150 and 16-9-10. Martin swore, under oath, to Judge Hudson, who I believe acted in good faith, that Martin actually spoke with the "victims" and actually investigated this case. Martin also stated, under oath, in the fugitive warrant numerous false claims. The fugitive warrant is conjecture and supposition at best. I was told in my interview at the Detention center that it is policy to not make contact via mail, email or a phone call for a fugitive. Really?, over a contractor/home owner dispute, outrageous. Am I to understand that GCS's office considers a Licensed, Bonded and Insured Contractor the same "flight risk" as a Meth Manufacturer or armed robbery suspect? I don't believe that the citizens of the State of SC would agree with this policy, that is who you, as officers, actually represent. This is not GCS vs Citizens, or is it? A phone call or letter would have saved Martin, You, Me, The States of NC and SC a great deal of time, money, and liability. Martin also stated on May 20, 2013 that the actual complaint was made by Tina McGinn's daughter, Megan. I asked Martin does she have a criminal record? Martin stated, "I know she does, she told me that upfront." Did he actually look up her record? Apparently not, because based on my layman's investigation Megan Halstead Bacoum, residing at the McGinn's home was incarcerated from March 2012 to October 2012 with the SC Department of Corrections, Inamate #322966. It is a violation of SC State law to allow an incarnated, convicted inmate to be a witness to a crime outside of prison, see SC Code 19-11-10 and (I'll get back with you on the actual citation-inmates cannot be a witness to crimes outside of prison, while in prison). The daughters of Tina McGinn, both of whom Martin has stated he spoke with numerous times, have extensive convictions. Megan has, Meth Manufacturing, transporting stolen metals, and numerous possession of meth/crack Convictions. Christina Halstead has numerous convictions for possession of meth/ crack, failure to stop for police and a bomb/hoax. Jared Richardson is a disgruntled former contractor and was relieved of his position as a sales person with CHR, LLC for inability to actually sell a profitable job, but I made

the mistake of allowing him to continue as a contractor on the McGinn job. He "sold" a subpar job to his ex girlfriend and this nightmare to his current girlfriend's mother and step-father. That is why I rewrote the contract, tore up the one Jared wrote, explained the Insurance Restoration process including the laws that pertain to the deductible and Insurance Fraud, as I have with literally hundreds of customers in numerous states. We provided a level of service unheard of in the home improvement business, deposit made on May 29th, work started on May 30th exterior siding completed on or before June 8th. This is the first and only situation where I have dealt with the police concerning Insurance Restoration work. I also paid Jared an unearned commission, on the total job amount, in order to help him and Christina Halstead avoid eviction and to have a window unit a/c for his young son. Do you remember those 105 degree days last summer? The McGinn's refused not only to pay their legally obligated deductible but also for the work done by CHR, LLC not covered by their claim, ie the Insurance company covered only two sides of the home and none of the rotten wood, we completed all four sides and all areas to give a completed look, Tina McGinn verbally agreed to pay an additional $500 for these repairs. CHR, LLC also replaced rotten wood, not covered by the Insurance Company and added fascia boards to the home. The last conversation I had with Tina McGinn, went something to the effect of "When the metal is delivered, I will need the a check for $1500. $1000 for the deductible and $500 for the extra work. She replied, Jared said I could use the coupons from the Clipper Magazine, from your brochure and your website. Well Ma'am, that is not what we agreed to and those coupons all say that they must be presented before you sign the contract, you can't use 3 different $500 coupons for this, etc. She stated she would call the police if I didn't do the roof. I said "whatever you can afford, have a nice day, call me back when you have our $1500 and I'll put your roof on." The last week of June 2012, I fell off a roof in St. Louis while working as a Consultant for The Home Depot in an experiment for them to enter the Insurance Restoration Business. I returned home in July, 2012 to begin a long, painful and very expensive recovery process. I sold all of my equipment on July 9, 2012 and the 2 uncompleted Insurance approved contracts to Mr. Gonzales, including the McGinn's and the other, ironically, belonging to a Spartanburg County Deputy. I spoke with Mr. Gonzales sometime in late July and he said in broken English regarding the McGinns roof, "no deductible, no roof". The other roof "no problems, love the laddervator". That was the last I heard of the McGinn's until April 29, 2013 when 3 Gaston County Sheriff's Deputies arrested me on a fugitive warrant. There was a Bond paid through September/October listed with the Secretary of State that the McGinn's could have claimed if they felt I was unfair, to the best of my knowledge they made no such claim.

I have not mentioned my experience in the Gaston County Jail to anyone from GCS Office but I would like to now. I was held on a $10,000 Bond with a "hold" until Monday, May 6, 2013. Not one Bondsman could bail me out because of the "hold". My family offered $10,000 in cash but this was refused by Gaston County. I was told that I could be held for up to 21 days for Greenville to extradite me. I was never given any form to waive extradition. I made numerous requests to have access to their Legal Law Reference Materials(rule 5 in the jail handbook) from the second day to the day I was released. I was denied this in violation of Bounds v. Smith and Bell v. Wolffish

(Ironically a US Supreme Court case involving the Gaston County Jail). I was told this was a "frivolous" request, I was given a written reply from a Sargent that I needed to contact a lawyer or a public defender. I was also told, Gaston County doesn't allow pro se defendants. I had a minor heart attack on May 2, 2013. EKG's were performed by the jail nurse, I was given 2 Tylenol with a fever of 103 and sent back to my cell. I spent my 43 birthday in jail, [redacted] I was assaulted by my cell mate, a 2 time convicted crack dealer waiting for the "Feds" to begin a 10 year sentence, because I was "messing up his gambling business by constantly pestering the guards". I held my own, I was a roofer, we are tougher than most all crack dealers, I suspect. I sent a dozen letters from the jail with stamps to the Judge regarding the hold, The Clerk of Court regarding "Rule 183" and Sheriff Cloniger, a lawyer. I was threatened daily by the guards about hassling them about access to the "Law Library"(a broom closet, with no books, computers, etc.- yet they received a Federal Grant for said Library) I was denied my dietary requirements of a Kosher Diet, in violation of NC, Federal and International Law. I saw a guy "locked down" and assaulted by a guard, for complaining about his diet not being honored, he has a glutton allergy. Carter Mitchell from Grenville, SC, nephew of Attorney Dick James. He received less than half his meals during that week, I consider this to be beyond cruel and I am ashamed that this goes on in America, much less Guantanamo Bay.

Regarding your "Professional Standards", Mr. Martin in our recorded conversations mentioned that he thought I was a "Gypsy Roofer", as a Jew and descendant of a survivor of the Nazi Holocaust and a friend to many of the Traveling Irish in Edgefield, SC, who many are also descendants of the Holocaust, but honorable and greatly misunderstood by the "Gadjo". I find Mr. Martin's statements offensive and possibly illegal under the Federal Hate Crime Laws. I am a Messianic Believer, a "Jew for Jesus" as is my Mother and deceased Father. I am accustomed to being hated, it is our burden, but that does not give anyone the right to prosecute a person for working in a trade with a few unscrupulous members of a Class of people. I do not believe Mr. Martin targeted me because of my faith or for being a member of " The Irish". I will not be bring a tort regarding this matter. Just another example of unprofessional and illegal conduct on the part of Mr. Martin. It was my desire to have this matter dealt with in a manner that will not reflect badly on SC, but considering the treatment from Greenville County Sheriff, I am beginning to see no choice but to bring my grievances to the Federal Court in Charlotte, NC. I am well aware of corruption within the Greenville County Sheriff's Office, in 1988/1989 my father introduced me to Special Agent Mike Fetzler with the FBI and asked me to tell him about my experience with members of GCS Office and the recreational use of a large amount of cocaine, I would guess about 4-6 ounces given away at a very high-end party, but what the hey it was the 80's. I chose not to be become an informant, but I am sure there is a record. Speaking of corrupt police departments, less than 5 miles from my home here in Gaston County the FBI recently arrested 3 officers of the Cherryville Police Department for a host of charges on October 17, 2012. I understand they are facing life sentences, as they should if found guilty. I request that you not dismiss my claims without examination, there is corruption everywhere. Mr. Martin has yet to request copies of the cancelled checks, credit card statements, etc.. I have offered. I believe the

"thin blue line" may be involved in a coverup. What is it police say to suspects everyday? It would go much easier on you if you admit you made a mistake. I consider myself a pretty good judge of character, I want to believe that Mr. Martin is mostly a good officer, 95-99% of the time but his attitude, lies and incompetent handling of this case brings my own judgement into question. I ask you, do you believe that Solicitor Wilkins will prosecute an officer and "...work hard to ensure criminals are punished and held to account for their crimes, and to ensure the rights of crime victims." as his website claims? Will you?

Regarding Freedom of Information Request in accordance with Federal Law and SC Law. I would like to know the number of claims made to your office regarding misconduct of your officers for the past 5 years. I would like to know the number of officers prosecuted, sanctioned and or disciplined. I would like to know the number of claims reviewed and determined to be without merit. I do not need any names or dates. I would like to know the nature of the complaints, ie excessive force, perjury, etc. I also request any information regarding your policies regarding standards for investigations, witnesses, due diligence, etc.

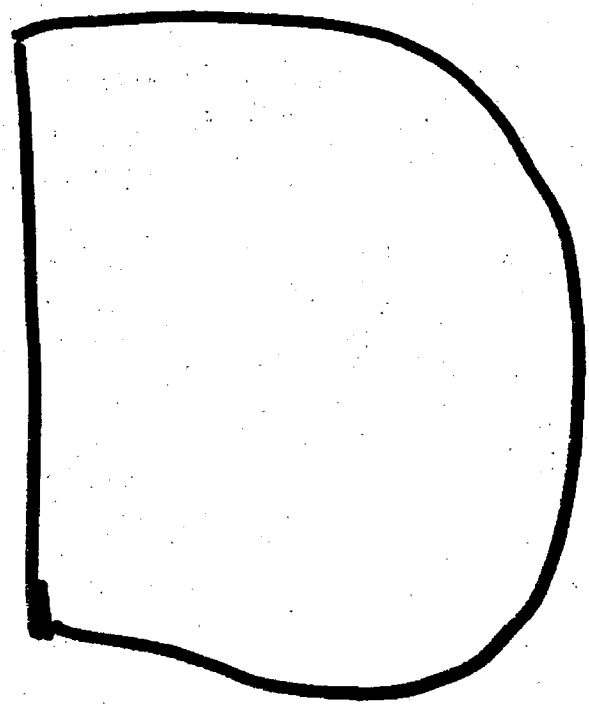
I will close with the damage this fiasco has cost me and my family to date financially and what the continued persecution will potentially cost me. I have made a $10k in Gaston County (the same amount as Megan the meth making mom received for the stolen metal charge). I have paid a $5K bond in Greenville (the same amount as Megan, the meth, making mom received for running a meth lab). I have lost many hours due to incarceration and in dealing with this matter. At this time unlike in the past, I can not afford to just throw money at the best lawyers and rest knowing all we will be well. I am one of the best in-home sales professionals in the Country. I close at a rate of 65-70% on a one call close, on a ticket item averaging between $8K -$11K depending on the market. 2 years ago I was a Sales Manager for one of the largest and most respected roofing companies in the nation, Findlay Roofing, RoofRoof.com, my pay was $1100 per week, gas allowance, brand new Toyota Tundra and 1.5% of all sales made per office managed. I did radio commercials and designed their training manuals. Home Depot was about the same except for I provided my own Tundra and the potential for 23 stores worth of over-ride. I am currently unable to market my services as a sales manager because the best companies in the Country will not hire me because of this charge. A crime of moral turpitude, involving an Insurance Restoration Job. Bottom line I am currently physically able to work in a manger capacity, I will never be able to climb another roof but that does not stop me from continuing to train the next generation of professional sales people in advanced selling techniques and customer service. Bottom line I am loosing about $20K-$35K per month and the season will be over by September/October. All because a young Meth, Making Mother of two, who has never had a real job, doesn't pay the court her fines, constantly

represented by a public defender, most likely on welfare, living with her mother, does not have custody of her children, will never vote, etc., etc. made a claim against me that she could not have possibly have witnessed. Me on the other hand have put millions upon millions of dollars to work in economies on both Coasts of this Country and many places in between. I am proud of the fact that men get to work and support their families because of my gift to sell products and services with the ease of breathing. I donate in excess of 10% of income to charity, I vote, I support politicians I believe in, I have no family except a mother with Alzheimer's, my sister, a nephew with autism and my bride to be. I am responsible for the welfare of my family and the crimes committed against me is a crime against them and every honest working person in this Country. If Greenville County Sheriff's Office chooses to continue to support Martin in these crimes I swear before the Most High that I will spend whatever required to clear my name. I will use my considerable skills acquired as a former Gaming Promoter, I will hire the absolute best attorneys, jury selection consulting firms, private investigators, public relations firms, etc. If the Federal Courts will not hear my pleas for justice, I will serve my time in prison joyfully and when legally allowed to leave this Country I will take my family to Israel, dust my feet, rip my clothes before going getting on the plane and never return. I have absolutely no fear of your army of officers. I ask the Most High to give me strength in keeping my oath until I am dust or victorious.

Sincerely yours,

Dean A. Holcomb

Pro Se Litigant and Defendant



WCM

ATTORNEY OFFICE OF DONALD SMITH

122 N. Main St.
Anderson SC 29621
attorneydonaldsmith@gmail.com

Donald L. Smith, Esquire

Telephone: (864) 642-9284
Facsimile: (864) 642-9285

June 4, 2013

2013 JUN -5 PM 1:19

Walter Wilkins, Solicitor for the 13th Judicial District
305 E. North Street
Greenville, SC 29601

RE: State of South Carolina vs. Dean Holcomb
Warrant No.: 2013A2330202932

Dear Mr. Wilkins:

Please allow this letter to advise the Court that I represent Dean Holcomb for the charge for which the above-referenced warrant exists.

With highest regards, I remain,
Very truly yours,

Donald L. Smith
DLS/ts

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	**REQUEST FOR PRODUCTION OF RULE 5,**
State of South Carolina,	)	**SCRCrimP MATERIAL, REQUESTS FOR**
	)	***BRADY* AND OTHER FAVORABLE EVIDENCE,**
	)	**FOR IMPEACHMENT EVIDENCE, AND DEMAND**
vs.	)	**FOR IN-COURT APPEARANCE OF ALL**
	)	**WITNESSES UNDER RULE 6, SCRCrimP**
Dean Holcomb,	)	
Defendant.	)	Warrant No.: 2013A2330202932

To: Walter Wilkins, Solicitor for the 13th Judicial District

REQUEST FOR DISCOVERABLE INFORMATION PURSUANT

TO RULE 5, SCRCrimP

The Defendant specifically requests the disclosure and/or production for inspection of the following:

1. Any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution [or prosecutor]; the substance of any oral statement which the prosecution intends to offer in evidence at trial, made by the Defendant whether before or after arrest, in response to interrogation by any person known to the Defendant to be a prosecution agent.

2. A copy of the Defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution [or the prosecutor].

3. All books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the defense, or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the Defendant.

4. All results or reports of physical or mental examinations, and of scientific tests or

experiments, or copies thereof, which are within the possession, custody or control of the prosecution [or the prosecutor], the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

5. All statements, oral or written, made by prosecution witnesses or prospective witnesses.

REQUEST FOR *BRADY* AND OTHER FAVORABLE MATERIAL

YOU WILL PLEASE TAKE NOTICE that the Defendant, through his undersigned counsel, requests the following information and, if not received, will move before the presiding Judge of the appropriate jurisdiction, ten (10) days after the service of this request, or as soon thereafter as counsel can be heard, for an Order compelling the production of:

1. Any and exculpatory information that is now, or has been, or may come to the attention of the prosecution, police or any other person or agency associated with the prosecution in this case, until the conclusion of this matter by trial and appeal, as required under the mandate of *Brady vs. Maryland*, 373 U.S. 83, 83 S.Ct.1194, 10 L.Ed 2d 215 (1963).

2. Any information or evidence which might tend to mitigate the offense(s) with which the Defendant is charged, to reduce his punishment, or to show that the Defendant is guilty only of a lesser offense.

3. Copies of any and all records, memoranda and documents, as well as the statement of the prosecutor and all appropriate state, federal and local law enforcement agencies and associated agencies or persons, as to:

(a) Any and all promises, rewards or inducements made to all witnesses by the prosecution, or other investigative agency, without regard to whether they will testify at the trial herein; included are offers of assistance with any conditions of the witness' present or future incarceration and any offers of assistance relative to the witness' release from

incarceration, whether by parole or otherwise; and,

(b) Any offers or grants as to any witnesses of immunity, lack of prosecution or reduced punishment in this or any other case, or as to loss of property, fine, forfeiture, whether directly related or not; and,

(c) Whether any witness who has or will give a statement to any investigative agency, or at trial, has ever been psychiatrically hospitalized or undergone psychiatric examination, treatment, mental status examination or care, and, if so, a list of names and addresses of the psychiatrist, hospitals and copies of any and all relevant records and reports; and,

(d) Any inconsistent statements of a particular witness or between witnesses; and,

(e) Any and all "rap" sheets or histories of arrests and/or convictions of any state's witness, co-defendant or any unindicted co-conspirator; and,

(f) Any statement or admission by a state's witness with respect to the witness' memory or loss thereof; and,

(g) Any threats or other indications of possible reprisal or any unfavorable consequences which have been made to a state's witness offered to influence the testimony of such witness by the prosecution or any prosecution agent. This request includes, but is not limited to, whether the possibility of any criminal charges being made against such witness or member of the witness' family has been posed to such witness.

For the purposes of this Request, the Defendant asserts that any item requested herein is material to the preparation of the defense in this case. This request is based upon the United States Supreme Court decision in *Brady*, its progeny, as well as the language and spirit of *Gigilio vs. United States*, 405 U.S. 150, 92 S.Ct. 763 (1972); *United States vs. Tashman*, 478 F.2d 129 (5th Cir.1973); and *Napue vs. Illinois*, 360 U.S. 264, 79 S.Ct. 1173 (1959).

REQUEST FOR IMPEACHMENT EVIDENCE

YOU WILL PLEASE TAKE NOTICE that the Defendant, through his undersigned counsel, requests the following information and if not received, will move before the presiding Judge of the appropriate jurisdiction, ten (10) days after the service of this request, or as soon thereafter as counsel can be heard, for an Order compelling the production of any and all impeachment information that is now, or has been, or may come to the attention of the prosecution, police or any other person or agency associated with the prosecution in this case, until the conclusion of this matter by trial and appeal, as required under the mandate of *Kyles v. Whitley*, 514 U.S.___, 115 S.Ct. 1555, 131 L.Ed. 2nd 49 (1995). *See also, U.S. v. Bagley*, 473 U.S. 667, 105 S.Ct. 3375 (1985). This request includes impeachment evidence as to the testimony of any state's witness or to any argument or position, which might be taken by the prosecution at trial.

DEMAND FOR IN COURT APPEARANCE OF ALL STATE'S WITNESSES UNDER RULE 6 SCRCrimP

Pursuant to Rule 6, SCRCimP, Defendant hereby gives notice to the prosecution that the in-court appearance of all witnesses is demanded for the purpose of personally testifying. This demand includes any chemical or drug analysts and all witnesses in a chain of custody.

Respectfully submitted, this 4th day of June, 2013.

DONALD L. SMITH
ATTORNEY FOR THE DEFENDANT
122 N. Main St.
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

From: **Donald Smith** <attorneydonaldsmith@gmail.com>
Date: Thu, Jun 6, 2013 at 12:49 PM
Subject: Re: Strategy idea??
To: Dean Holcomb <altonholcomb@gmail.com>

The solicitor's office is going to come after you. They called my office and this is what my assistant understood them to say,
"Your client dean Holcombe is in big trouble with solicitors office...Sylvia just called and said he is posting utube clips slandering tom Martin, threatening emails to Mr. Martin and the governor. She is emailing you what she has but wanted to give you heads up that they intend to prosecute on these new charges they are filing."

I would strongly suggest that you take that stuff down. Don't be hated worse than the wrongdoer. You will hurt the civil case because the jury won't feel as bad for you. I'm calling the chick that made these statements, now.
Sent from my iPhone

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF Greenville	)	THIRTEENTH JUDICIAL CIRCUIT
THE STATE	)	INDICTMENT # 2013GS2305223 2013A2330202932
-VS-	)	**ORDER SUBSTITUTING COUNSEL**
DEAN ALTON HOLCOMB, Defendant	)	PRESENT COUNSEL: Donald Smith NEW COUNSEL: Public Defenders Office

This matter comes before me on a motion of the defendant for an order relieving present counsel in the above referenced case.

It has been shown unto this Court that there exists a need to remove present counsel and that new counsel be submitted for the defendant.

Therefore, it is hereby ordered that present counsel be relieved in this case and that new counsel be substituted for the defendant.

It is further ordered that the discovery previously provided by the Solicitor's office to present counsel be transferred by present counsel to the newly appointed counsel.

Furthermore, it is hereby ordered that the State may set this case for trial on or after 90days from today's date

FILED-CLERK OF COURT PAUL B. WORKENSMER GREENVILLE CO. SC 2013 JUL 11 PM 12:01

So ordered this 11 day of July, 2013.

Honorable
Presiding Judge

I so move:
Donald Smith

Defendant's Consent
Dean Holcomb
Def. consented on the record Dr

Solicitor's Consent
Sylvia Harrison

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF Greenville	)	
	)	INDICTMENT # 2013GS2305223
THE STATE	)	
	)	
-VS-	)	**ORDER SUBSTITUTING COUNSEL**
	)	
DEAN ALTON HOLCOMB,	)	PRESENT COUNSEL: Donald Smith
Defendant	)	NEW COUNSEL: Public Defenders Office
	)	

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Furthermore, it is hereby ordered that the State may set this case for trial on or after 90days from today's date

So ordered this 11 day of July, 2013.

2013 JUL 11 PM 12: 01
FILED CLERK OF COURT
PAUL L. ROSENSMER
GREENVILLE, SC

Honorable
Presiding Judge

I so move:

Donald Smith

Defendant's Consent

Dean Holcomb

Def. Consented on the record

Solicitor's Consent

Sylvia Harrison

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF Greenville	)	
	)	INDICTMENT # 2013GS2305223
THE STATE	)	
	)	
-VS-	)	**ORDER SUBSTITUTING COUNSEL**
	)	
DEAN ALTON HOLCOMB,	)	PRESENT COUNSEL: Donald Smith
Defendant	)	NEW COUNSEL: Public Defenders Office
	)	

This matter comes before me on a motion of the defendant for an order relieving present counsel in the above referenced case.

It has been shown unto this Court that there exists a need to remove present counsel and that new counsel be submitted for the defendant.

Therefore, it is hereby ordered that present counsel be relieved in this case and that new counsel be substituted for the defendant.

It is further ordered that the discovery previously provided by the Solicitor's office to present counsel be transferred by present counsel to the newly appointed counsel.

Furthermore, it is hereby ordered that the State may set this case for trial on or after 90days from today's date

So ordered this 11 day of July, 2013.

2013 JUL 11 PM 12:01

Honorable
Presiding Judge

I so move:

Donald Smith

Defendant's Consent

Dean Holcomb

Def. consented on the record Sr

Solicitor's Consent

Sylvia Harrison

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	WARRANT # 2013A2330202932
THE STATE	)	INDICTMENT # 2013GS2305223
-VS-	)	**ORDER TO GET A LAWYER**
DEAN ALTON HOLCOMB, DEFENDANT.	)	

This matter was before me on July 11,2013 regarding a motion by the State through the Thirteenth Circuit Solicitor's Office, requesting the court to issue an order requiring the Defendant to secure an attorney. Defendant was present, along with an Assistant Solicitor for the State.

The State advised the court that the Defendant was arrested on May 16, 2013, on the charge(s) of Breach / Breach of trust with fraudulent intent, value more than $2,000 but less than $10,000.

The Defendant has failed to secure an attorney after a reasonable amount of time from the date of Defendant's arrest, and after being advised to do so by the State. The State had been preparing the case for either a guilty plea or a trial; however, the case(s) could not be scheduled without the issue of the Defendant's attorney being addressed and resolved. During the course of the hearing the Defendant was advised of his/her right to have an attorney to represent him/her as well as the benefits of having counsel and the perils and consequences of proceeding without an attorney.

Based upon the information presented this court finds that the Defendant is aware of the benefits of having counsel and the perils and consequences of proceeding without counsel.

IT IS THEREFORE ORDERED AND DECREED,

Appoint PD's Office

Furthermore, the State may proceed to trial on the defendant's charge(s) after ~~sixty (60)~~ ninety (90) days from the date of this order, regardless of the defendant's compliance with this order, and/or seek any other appropriate relief in this matter.

IT IS SO ORDERED.

Presiding Circuit Court Judge
Thirteenth Judicial Circuit

Date: 7/11/13

E

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610

Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

6/28/2013

Dean Alton Holcomb
[redacted] Rocky Creek Rd Apt [redacted]
Greenville, SC 29615

RE: Plea Offer for State v. Dean Alton Holcomb

Dear Dean Alton Holcomb :

I am willing to make the following proposal to you in order to dispose of these charges by way of a guilty plea:

The Defendant will plead guilty to the following:

Warrant Number:	*Charge:*
2013A2330202932	Breach / Breach of trust with fraudulent intent, value more than $2,000 but less than $10,000

The State will make the following sentence recommendations/negotiation:

Probation and restitution to the victim

Please contact me as soon as possible with your response as plea negotiations must be concluded and the guilty plea entered before 3/17/2014 or this and any other offers are automatically withdrawn. If you do not plead guilty by this date, the case(s) will be placed on the trial calendar for disposition without further negotiation. In the event you have retained or been appointed an attorney, please forward this letter to your attorney and notify this office of the representation.

Yours very truly,

Sylvia Harrison
Assistant Solicitor

DEAN A. HOLCOMB

[redacted] YOUNG ROAD, BESSEMER CITY, NC 28016
[redacted]-5087

July 9, 2013

Sylvia Harrison
Assistant Solicitor
S.C. Thirteenth Judicial Circuit
305 E. North Street, Suite 325
Greenville, SC 29601-2185
Sent via email and Certified U.S. Mail

Copies to:
Leanda King, Assistant Clerk of the Court,
And Janine Shamey,
To be placed in case file

RE: Plea Offer
STATE OF SOUTH CAROLINA vs. DEAN ALTON HOLCOMB
Breach of Trust with Fraudulent Intent Indictment# 2013-GS-23-005223

Dear Ms. Harrison,

I received your letter, dated June 28th, regarding your plea offer on July 5, 2013. This is the first and only U.S. mail correspondence I have received from any Greenville County agency regarding the above referenced case besides the letter from Wes Smith. I respectfully decline the offer. I must assume that my previous attorney failed to provide you with any of the evidence I have to prove my innocence or you are not concerned with any actual evidence in this case.

I consider your aggressive pursuit of me malicious and criminal, as all other arrests and prosecutions of Greenville County regarding me over the past 24 years. This is the third false arrest involving fugitive warrants. The first two fugitive warrants were involving Ted Sexton, and Sexton Amusements, See arrest #C704747, arrest date 5/9/1990. This arrest was initiated by Sexton in retaliation against my father. My father conducted an undercover operation with the IRS against gaming operators from the pool hall D's at 5205 Old Augusta Road, Greenville SC, from 1988-1990. This operation netted the IRS millions in fines, if I recall correctly. Mr. Sexton plead the 5th at the first hearing regarding the allegations against me, I thought this record was expunged, I paid to have this record expunged. I also notice on the 13th

Circuit Public Index that a tracking sheet is dated 3/4/2010; two months shy of 20 years. There could not possibly be any evidence of a crime because no crime was ever committed, except by Sexton and others.

I now call your attention to Indictment #1999GS2306470, arrest date 4/28/1997. These two charges are associated with the same arrest, the charge is Forgery <$5000. Also Indictment #1999GS2306452, arrest date 5/1/1997, Obtaining money under false pretense. (Items 1) Please notice the arrest warrant (Item 2), states an unnamed codefendant and the allegation of $205 and $250 in allegedly forged poker tickets. Three indictments over $455, at that time it was illegal to payout over $125 in a 24 hour period, (Item 3). I was gathering evidence exactly like SLED in items 3, against the poker operators in preparation for a series of lawsuits against the S.C. gaming industry (Item 4). The fact that the crimes of Lil Cricket are ignored was expected, I consider the ENTIRE Greenville County Judicial System a Corrupt Criminal Organization. Notice that indictments were sought again on 4/28/2005 and a tracking sheet on 11/30/2012, over $455 and the alleged "victim" was admitting committing a crime in the complaint. However I get charged. Do you see a pattern beginning?

Regarding the current charges, I have provided proof of Martin violating SC Law 17-13-50 to Jarvis, Laura Jones, Wes Smith, SLED and the FBI. Martin violated 17-13-50, 3 times on May 13, 2013 (audio clip of our conversation included CD-track 1). Martin committed perjury before Judge Hudson in obtaining the warrant on April 12, 2013, he had no evidence of any crime, actually based on the discovery package it shows evidence to the contrary, two A rated BBB's with zero complaints, in two markets and a License with the State with a bond in good standing until November, 2012. A woman who is not qualified to be a complainant (see Black's Law definition, Item 5) makes false allegations and intentionally provides 3 of 13 pages to an insurance scope and a copy of a fax, I consider evidence of blackmail. One of the pages describes the details provided in all scopes and the other a sample page, the other is only about 75% complete, see your evidence. Megan Baucom obviously filed a false police statement, no charges against her are filed regardless of the promises of Martin on May 13th or Sergeant Jarvis on May 10th, both are liars. The third page has also been tampered with by either your office or the GCSO, notice the fonts of the date stamps are clearly very different and positioned in different places, **SEE ITEM #8, TAMPERING WITH EVIDENCE.** (Items 6, 7 & 8) Martin takes 117 days after the warrant is signed to actually speak with the alleged victim and Richardson, contrary to his statements on May 13, 2013. McGinn's statement, however incorrect, shows that Martin committed perjury on May 16, 2013 when he testified to the Grand Jury. Martin's own notes provided in the discovery package also shows that I made him aware of the many missing pages and I was actually a witness to the events and a party to the transaction, yet Martin still testified that day and made false claims against me. I find it interesting and further proof of malicious prosecution the data from the June Grand Jury; I was indicted 7th out of 84 people based on arrest dates. I HAVE ZERO FELONY CONVICTIONS, only a misdemeanor fishing stamp violation, for which I was guilty. I am also amused at the speed you have set me for trial, September 16, 2013, according to James Bannister and hinted at in your letter, is 90 days from the True Bill date. 117 days for Martin to speak with McGinn from the day Megan Baucom made the false police statement, and they all live in Travelers Rest. I have been denied my right to a preliminary hearing. (Item 9, and audio clip-CD-track-2) According to my less than trustworthy attorney, you threatened me with

prosecution for free speech and also for allegedly threatening the Governor, A CLAIM I DENY. I admire and respect Governor Nikki Haley, I would never threaten Her for any reason. (Item 10)

I am sure you are also aware that Martin and I have a personal history dating back to 1989. If not, I dated Ronda Cole, a girl Martin was interested in at the time and dated years later (audio available).

In 1989, a search warrant was executed sometime after midnight at my apartment, on August Road, concerning allegations of a stolen Pioneer stack stereo system; at least 6 deputy patrol cars were present, an unusually high number considering the severity of the alleged crime. My father had purchased the stereo for me as a gift and we provided receipts, another violation of my rights by the Greenville County Sheriff's Office, I hope to obtain a copy of this warrant soon.

Regarding the Barratt's, once again the Greenville Judiciary ignores the crimes of others regarding me. In the copies of emails in the discovery package show I was upset with the Barrett's regarding Iain attempting to commit insurance fraud in CHR, LLC's name. Iain admitted to me that he committed insurance fraud on almost every claim that they filed. Iain Barrett also "dimed" roofs. (Audio available) The Barretts failed to honor their end of the bargain regarding Missouri Home Renovators. I fall off of two roofs, fracture my skull on the last one, and have a few weeks or so, where I am literally "out of my mind" and you attempt to intimidate me and my former attorney. Your request for notice of alibi shows that you realize there was no intent on my part to commit any crime. I can have many neurosurgeons' testify to this type of behavior as a result of these injuries.

My theory is Dennis Sims has been paid by Gordon Zuber to prosecute me regarding the alleged poker tickets, or maybe Sexton, Collins, Libsomb, Reeves, etc, in retaliation for the New Dawn Ministries Lawsuit. My theory regarding your behavior to date is that you are attempting to protect Martin and the many cases you have worked together. I will forward you also the case regarding your Appeals Court's Opinion of Breach of Trust (Item 11), The State v. Parris. I quote from this referenced case, "A complaining witness has no right to invoke criminal process on account of the trouble and expense of a civil suit might cause him. The Criminal Courts are neither a collection agency nor a forum for the trial of mere disputes over the ownership of property."

I will make you this counter offer, drop the charges no later than July 16, 2013. In return;

1) I will not file a complaint against you and Sims with the Commission on Judicial Conduct for the many violations of the Cannons concerning Staff Attorney's, Attorney ethics, The South Carolina Constitution and The United States Constitution, you both have already committed against me. These letters will be sent on July 17, 1013, if you decline this offer.
2) I agree not to file suit in the Federal Court in Charlotte concerning the criminal handling of this case seeking protection, under 42 U.S.C. §1983.
3) I agree not to file writs of Mandamus in The S.C. Courts to have immediately SLED investigate Martin, Jarvis, Jones, Wes Smith, Donna Bearden, Judge Hudson, Dennis Sims and yourself regarding my allegations and evidence of criminal misconduct.

4) I agree to not to file writs of Mandamus in The Federal Court to have the FBI immediately investigate Martin, Jarvis, Jones, Wes Smith, Donna Bearden, Judge Hudson, Dennis Sims and yourself regarding my allegations and evidence of criminal misconduct.

Considering the evidence that no crime was committed and that your Appeals Court has already defined that a breach of trust case must involve a fiduciary responsibility, I don't believe anyone would think a roofing contractor is in a position of trust. Also considering the reviews from Service Magic, 4.94 rating out of S, the many customers before McGinn and Clarke immediately after, the testimony of the lowest paid contractor in CHR, LLC's history, his lies, his relationship to the McGinns, the criminal convictions of the Halstead girls, and Robert M. McGinn Jr.'s conviction all show motive for misconduct on their part. What possible motive would I have to not do my best with these people and only these people? Richardson failed to mention the roof completed for his previous girlfriend, without incident; she paid her deductible, as agreed. Richardson also failed to mention the use of an iPad, easily proven. I close with, what can you possibly gain by continuing this persecution? Is the payoff from whomever that generous? Is your friendship with Martin worth risking your career, freedom and personal exposure to civil litigation? There is no immunity regarding your behavior, you obviously are not representing the State of South Carolina. The South Carolina gaming industry also underestimated my resolve and ability. Your "power" is microscopic in comparison to the influence they had. Your position is indefensible and you have zero moral authority to continue this campaign of harassment, do what you will. Bannister and other attorneys all said that you are a reasonable person, I hope that is true. I will also mention that Judge Garrison cannot be the Judge in this case, he worked for Bannister and Wyatt during the New Dawn Ministries law suits mentioned above. I will also forward my working list of discovery items for the defense in this case and the Torts to follow, via email.

I would prefer to handle these issues in a civilized manner and in the Civil Courts, where they should have been in the first place. I hope you agree.

Please consider the consequences of your actions and govern yourself professionally and ethically from this point forward.

As I remain,

Dean A. Holcomb
Pro Se Defendant and Litigant

Martin,Tim

From: Alton Holcomb [altonholcomb@gmail.com]
Sent: Tuesday, July 08, 2014 12:38 PM
To: Claudia Whitt; Martin,Tim; magus@operationlosttrust2.org; magus@emci.guru
Subject: Fwd: Suspicious sign in prevented

---------- Forwarded message ----------
From: **Google** <no-reply@accounts.google.com>
Date: Tuesday, July 8, 2014
Subject: Suspicious sign in prevented
To: altonholcomb@gmail.com

Google

Alton Holcomb

Hi Alton,

Someone recently used your password to try to sign in to your Google Account altonholcomb@gmail.com. This person was using an application such as an email client or mobile device.

We prevented the sign-in attempt in case this was a hijacker trying to access your account. Please review the details of the sign-in attempt:

Tuesday, July 8, 2014 3:21:51 PM UTC
IP Address: 173.209.212.212
Location: Hearne, TX, USA

If yo

do not recognize this sign-in attempt, someone else might be trying to access your account. You should sign in to your account and reset your password immediately.

Reset password

If this was you, and you are having trouble accessing your account, complete the troubleshooting steps listed at http://support.google.com/mail?p=client_login

Sincerely,
The Google Accounts team

This email can't receive replies. For more information, visit the Google Accounts Help Center.

You received this mandatory email service announcement to update you about important changes to your Google product or account.

F

13-011973

From: Jared Richardson <jaredmrichardson@aol.com>
To: My Cell <jaredmrichardson@aol.com>
Subject: Email forwarded to me from Dean, July 2
Date: Tue, May 28, 2013 8:03 am

You see what a greedy boy Iain is? He was in the room throughout the negotiations. Look at the question on the split? He calls me he "friend", breaks bread in my home, wow I have enemies that treat me with more respect than Iain. Iain should grow up, aren't you a little old not to be your own man. Can your parents put you on restrictions? You better be glad my father isn't alive he would have been so nice to you and then threw you from a roof you obnoxious piece of shit. I swear before The Most High if Iain ever speaks to me in the tones he has used again. I will either go to jail, the hospital or a morgue, maybe all three but Iain will be no more. What a disappointment Iain is. Is it because you have no faith? You are so arrogant to think all people of faith are talking to an "imaginary friend" how can you say that to a man that has you as a guest at his dinner table? Im sure Ms Virginia is so proud of her "little man" and I cant believe she lets kiss her with a mouth such as yours. My mother to this day has only heard me swear 2X's Well buddy that's sad but remember I'm not a turn the cheek kind of guy that's from the "New" book not "my book" are we clear sweetheart? How many jobs do YOU sell without your daddy? Do you hate me because I'm Jewish, a Sales Professional or because YOU are incompetent? Are you vile because you have no moral compass? After listening to you again I am mad at myself for letting it get to this point. If I did not like your Father I would not have even bothered. As far as ants and such, I wouldn't waste the time nor energy on you. But you ever pull a gun on me I will take it from you and stick up your fat ass and pull the trigger, thats no bullshit name the place, England?? no problem. Because you fucking retarded spoiled brat don't have the balls to actually kill a MAN. I have been around many killers, I have hired white, African mercs for security on my gaming operations. Dont believe me? you are welcome to call them, they love me and will tell all about how they sold ears to the diamond guys at the age of 16. They are only a 6 hour drive from my home. I fought my father and won.just a stupid argument and he didn't like being so far down the ladder that he lost his mind for a moment. I Bit his fucking ear off, thats public record check the autopsy.he pulled a gun on me and got shot with his own fucking gun(i shared the article with you in hopes that you would see you are not going to intimidate me, I was trying to warn you in nice way, I have changed. 5 years ago I would not have been this upset, you would only have insulted but once I assure you and there are several dozen credible people that will ver[illegible] best of all I was the only one to visit him everyday in the hospital, my mother, sister, brother, Claudia, his family, his fri[illegible] all abandoned him because of what he did to me. I had always made more money than him, since I was 19 years old. I started my gaming business at 17, he became my "partner" at 19. So you running around talking about getting "your money" is just silly to me add your incompetence and hatefulness and that's turns to RAGE. I may settle this lawsuit with your Dad and Mom but very well may take ALL you have or will ever have maybe including your freedom. Dude next time dont brag on felonies to strangers, ok? Your house will not even cover the expense of an adequate defense much less a judgement. So when you are broke, and starting to build your life again I hope you work with someone just like you have been. That my "friend" would be my idea of justice. I also take solace in the fact that you are probably going to be Dawn's "wife", you may not have her if she hears all these recordings of you. If she does I will be very very surprised. I remember her as a person of quality, grace and intelligence. She deserves so much better than you. My "little" company will be a Qualified Remodeling top 500 company THIS year even with my "setbacks", my mother has 2 axioms I will share with you -"living well is the best revenge" and " the use of profanity shows that the person lacks the ability to express themselves in an articulate and clear manner, and besides it's just vulgar(she meant common)" I am having a hard time articulating just what I see ever time hear your voice. Also don't so much take pride that your family are "geezers" that is probably one of the reason your parents came to America. If you and your mom and dad have your values YOU WILL DO TIME.

Dean Holcomb
Missouri Home Renovators
636-614-8511
800-2REMODEL
dean@missourihomerenovators.com

SENT TO
JARED
FROM
DEAN July 2, 2012

14 JUN 2013 09 11

06/14/2013

1 Q. All right. And, again, did you feel like they were
2 withholding any nourishment unless you gave a statement?
3 A. No, sir.
4 **MR. SHEALY:** That's all I have for this witness.
5 **THE COURT:** Cross.
6 **MR. GHENT:** Briefly.
7 **Cross Examination by Mr. Ghent:**
8 Q. You say you were under arrest for breach of trust?
9 A. Yes, sir.
10 Q. Point of fact, didn't you call the solicitor's office,
11 they could not find where the warrant had been served on you
12 for breach of trust and they told you so?
13 A. Maybe so.
14 Q. And the sheriff's office also, the lady you had an
15 exchange with, she told you the warrant had not yet been
16 served?
17 A. Correct.
18 Q. And you said you knew the investigator, Mr. Martin,
19 from the past?
20 A. Yes, sir.
21 Q. How so?
22 A. We dated a girl that was -- we both dated the same
23 girl. I dated her first in 1987/1988. And I felt like he
24 stalked her a little bit.
25 Q. Would it interest you to know that she's been

1 interviewed by SLED and what she has said does not match
2 what you've said, I'm talking about today, at all?
3 A. Okay. I disagree, but ...
4 Q. Okay. You were actually arrested at a courthouse in
5 Transylvania County in North Carolina, were you not?
6 A. I was.
7 Q. And that was for having a cord knife in the courtroom,
8 correct?
9 A. Which is exempt under North Carolina law. It was a
10 pocketknife.
11 Q. I understand. But you were arrested by a Sergeant
12 Cathy McKenzie-Rogers of the Transylvania County Sheriff's
13 Office, a deputy sheriff, is that correct?
14 A. That's correct.
15 Q. When you were arrested she attempted to get you to
16 peacefully leave the courtroom with her, did she not?
17 **MR. SHEALY:** I'm going to object to this, Your Honor.
18 **THE COURT:** I sustain the objection. I think we're
19 getting a little off course, ---
20 **MR. GHENT:** Yes, sir.
21 **THE COURT:** --- of track.
22 **MR. GHENT:** Your Honor, I would merely point out that
23 these were facts that were brought out in support of his
24 statement being given. I have no further questions.
25 **THE COURT:** All right. Anything further?

All-American Service

From: Carolina Home Renovators [dean@carolinahomerenovators.com]
Sent: Friday, June 29, 2012 5:36 PM
To: Ms. Virginia; Iain Barratt; John Barratt
Cc: a.rubenstein@rubensteinlaw.com
Subject: Hulse

I would like to provide you with a brief explanation regarding the texts. I "lost my mind a little", I am doing much better today. I have some anxiety and other health issues that make me react in a manner that I often regret but it is far less damaging to all concerned if not internalized, but none the less I am sane. The reason I record all conversations in person and on the phone(where legal for 1 party consent) is so that I may "check" my behavior, this was an idea of my physicians and attorneys. The recording also come in handy in my craft and profession because I use advanced sales techniques and this has caused some confusion in the past with a very few customers who actually try to claim to hearing something different then what I actually said.The recordings have also been helpful in dealing with fellow business people, police officers, family members, customer service people, sub contractors, business partners, etc. Recently with Home Depot's issues regarding safety training, amoral and illegal corporate behaviors. I am convinced that by me sharing with HD my recordings that policy and procedures have been changed and lives may have been saved and the pain and expense that a fall causes families, salespeople and HD. I live by a strict moral code and do my best to understand that most people live in what I know to be moral relativism or situational ethics. The most upsetting thing to me is the fact that most people can rationalize most any behavior from a small "white lie" to the most extremes of genocide, child abuse, rape, etc. This is evident by the state of the world and the current business environment we live in. Most Christians ask God, Jesus, or priests, etc. for forgiveness for their "sins" they commit daily but rarely ask the people they harm for forgiveness or attempt to make amends. Why should they, if the Master of the universe is believed to have forgiven them why would you bother? In very few cases do people voluntarily make amends or admit when they have wronged another. I believe that the Barratt family is mostly good but none the less the manner of which you have conducted business with me has cost all us a measurable amount of money and time which can not be recovered. I am sure it is easier for you to think of me as crazy but I am hopeful that once you hear your actual words and mine again and not rely on your memories you will feel very ashamed and if not then you should be bankrupted, if after hearing an edited summation of our agreements you are not ashamed you are morally bankrupt and I will show no mercy in our legal action and make this entire series of events a matter of public record. I also have all of the unedited recordings. I will forward you my detailed bill regarding Hulse and Roberts shortly. Missouri Home Renovators, Magonilia Townhomes,the sunroom deal, Don Jones, etc. will follow once completed. I am going to organize our entire dealings with each other in a concise and easily understand fashion. I know you are not the kind of man to be "blackmailed", that is not my intent. I truly want the world to be a better and more just place and my methods seem to be achieving that in a small way.

Hulse Bill (incomplete)
32' ridge vent -$320(my published retail price) Loss of Roberts as a customer approximately $1600 to me (I have a recording explaining why we did not get this deal and plan on summoning him to court to validate)

Loss of marketing value because of the editing required to remove the shirt incident $250
Loss of referral business, approximately $300 (based on my average over several years).
11 t-shirts =$132
My time to handle service call $350(based on a 5 year average) Bounced checks embarrassment $???

148

Dean Holcomb
Carolina Home Renovators
864-208-6232
800-2REMODEL
dean@deanhomerenovators.com

PS Don Jones deal is available to you for only $2000 upfront. I will not ask for O/P because I do not hold a GC licensee. This job has close to 5K in profit and is ready to build.

All-American Service

From: Carolina Home Renovators [dean@carolinahomerenovators.com]
Sent: Saturday, June 30, 2012 1:58 AM
To: Iain Barratt; John Barratt; Ms. Virginia
Subject: Uniform Fraudulent Transfer Act

John, Iain and Ms.Virginia,

I anticipate filing suit in The United States District Court for the District of South Carolina against AAC&W and each of you personally no later than July 5th. I believe each of you are currently liquidating assets in order to leave this Country. I will ask the Court at that time to issue an injunction to stop the sale or transfer of any and all assets under the Uniform Fraudulent Transfer Act.

I am pro se, with attorneys assisting me regarding procedures and etiquette. I encourage you to have your attorney/attorneys contact me so that we can expedite this process.

I would like to apologize for the tone in the texts sent from my phone number on Friday evening and Saturday early morning. I was on a new medication with unpleasant side effects. I neither admit nor deny that I sent any text or email at this time, with the exception of this one.

With Kind Regard,

Dean Holcomb
Carolina Home Renovators
A Qualified Remodel Top 500 company for 2012 800-2REMODEL dean@carolinahomerenovators.com

All-American Service

From: Carolina Home Renovators [dean@carolinahomerenovators.com]
Sent: Monday, July 02, 2012 3:11 AM
To: ibarratt@aacwinc.com; vbarratt@aacwinc.com; johnbarratt@aacwinc.com; Iain Barratt; Ms. Virginia; info@aacwinc.com; shelley.rubin@jdl.org; John Barratt; Jaredm Richardson; will@carolinahomerenovators.com; Jared Richardson; claudia@carolinahomerenovators.com; jamile.francis@lwtmlaw.com; avigdor.liberman@mfa.gov.il; jeffery.bornstein@ge.com; mike@missourihomerenovators.com; lisa@demint.senate.gov; bubbie@carolinahomerenovators.com; rabbi.shindler@beth-el
Subject: One Last Attempt before legal action

7/2/2012 - 12 Tammuz 5772

This weekend I carefully reviewed my experience with AACW and all of you. I will be filing suit alleging and plan to prove that AAC&W and you as members are a corrupt criminal organization under RICO and other statutes. I will be seeking treble damages. One example is, Iain attempted to commit insurance fraud with one of CHR's customer, Don Jones. I spoke with Mr. Jones on Thursday 6/26/2012 and he said Iain informed him that he (Mr. Jones) would be keeping the money for the interior repairs and that it was increased due to negotiations with the insurance company and that we(CHR) would receiving around $2000 in additional money because of price increases or something." By not completing the 3-trades CHR would NOT be entitled to Overhead and Profit. I spoke with Iain on 6/6/2012 for approximately 20 minutes on the legalities of supplements and sending correct and truthful information on all invoices. The conversation ended with Iain stating "we lie, cheat and steal; whatever it takes to survive, brother." These methods are common practice in the restoration business but illegal just the same. I would have left and never returned if I actually believed that this is the way you and your company do business. I will bend the law, but I have no interest in breaking the law intentionally. I also mentioned that I have an excellent painter available and we could "margin". I have repeatedly stated that I will take care of my customers and that he was simply to focus on making sure the products and services are installed properly, basically a project manager. I do not understand why Iain would insist on doing my job. It was agreed from day 1 and many others that I would handle ALL issues regarding customer service and any other issues regarding price and upgrades unless specifically requested by me, I asked more than once that Iain not talk money with my customers, this is standard procedure for ALL Home Improvement companies selling more than a few hundred grand a year. I now believe that you and your company conspire regularly to commit insurance fraud. I will seek proof for this in discovery, I am now confident that I will find it. I am starting this process in the Federal Courts because our dealing have been interstate and international. I would also like to point out that I am savvy in the Courts and media. I will be issuing several hundred press releases the day the suit is filed (July 5 2012?), producing YouTube videos, contacting contractor blogs, contacting the fraud departments of the major insurance companies, etc. Regardless of the outcome from the press releases, etc I will definitely enhance all your names and AACW's web profile. I am not a crusader, I am a capitalist. All I would like at this time is to be compensated for the damage you have caused me, my family and my business. I have wasted a great deal of time, money and effort to make our "partnership" a success. You all made statements that were untrue and have not fulfilled a single commitment as promised.(Ms. Virginia a CPA is licensed, it may have been a slip) I am amazed that you are still in business and if this is the way you have conducted your business for many years even more surprised that you are all not Billionaires with your ability to conduct your selves in this manner without reprisals. To paraphrase John from 6/25/2012 "you think too small my friend...." in a phone conversation while in Missouri.

I do apologize for the Psalms 109 stuff, I truly mean you and your family no harm on that scale. I was on a new medication and very upset. I have prayed to the Most High that you can see the error in your ways and that he please forgive me and not cause any to you harm except financially. I believe the Most High knows our hearts

and understands our frustrations in dealing with people whom fall very far from the ideals they profess and advertise (Jeremiah 29:11, please read the rest of the chapter) John and Virginia I want to believe that you are not just driven by lucre and are striving to live more righteous lives. It would sadden me greatly if at the latter part of your lives and the state of the world currently that you would pursue money with such zeal. I also believe the Messiah is soon to return, I am reminded daily that this world is not far from The Most Highs Judgement. (Daniel Chapter 11) is THE LAST PROPHESY that has not been fulfilled regarding Egypt. I don't intend to "preach" but John and I in our last phone conversation were talking about tithing 10% of the net generated from the new metal roofing program. I too fall short in the values I profess but I also do everything in my power to make amends when I know I'm wrong. I also try and help those that are less fortunate than me, sales people learning and working in business, the hard working guys actually working, the people we HELP fix their homes, widows, those truly less fortunate. I am not perfect but I do try. I believe Iain has committed most of the offenses and as President/CFO/Chairman holds a great deal of the responsibility but it also obvious that the "real power" is John and Ms.Virginia this may be some sort of "corporate veil"???
http://www.corporationwiki.com/South-Carolina/Taylors/iain-v-barratt-P3881038.aspx
I don't understand why you have not honored your end of the bargains. I have been a successful sales manager for several companies (Companies that sell over $1M per month per office) I interviewed and was accepted to work for the largest Home Improvement company in the world. I chose not work for $150K plus per year because of the unsafe, immoral, and illegal behaviors I saw and have worked very hard to change them. I also turned down the job and returned to SC on promises made by John.

I will close with as a member of the Jewish community we have to conduct our selves differently than Gentiles. It has to do with our faith, prejudices of Gentiles, the level of punishment we receive, shame in our world is very different from yours, etc. this is way to complicated to explain at this time. I would also like to point out that the "Jew joke" you sent me was offensive and I'll tell you why, it basically says that Jews give YOUR Religion and religious figures the "finger". What? We don't feel that way at all, we don't evangelize it is not in our mandate but we are accepted by most oppressed people because we are hated above all others, we are in every corner of the world, I would say we are a tolerant people. The danger I feel around Christians is many perceive Jews as "damned" for not accepting Jesus Christ as our "savior" and since the Most High is sending us to an eternity of torture and fire what does it matter if you kill, rape, and rob us. I would normally not admit that a joke was offensive, I don't offend easily. Iain's "holocaust" jokes were repulsive. Iain's extreme threats of violence were unnecessary, please reread the first email I sent you (next email) Iain has been one of the most offensive people I have ever met and I too travel the world. If the level of hatred I have received is because of my faith, I will stop at nothing to see that your wealth is donated 100% to the Jewish Relief Agency, we have poor and starving people too. We are not all rich. We are all not greedy, these are offensive stereo types. The days of letting the Gentile push us around are over. We say "Never Again" and some of us actually mean it. This is the slogan for "The Jewish Defense League" whom I am sending a cc of this email. http://www.jdl.org/

This is my attempt to open up dialogue between John and me. I will never be able to work or deal with Iain under any circumstance for ANY amount of money. John, please listen to reason, this fight is going to cost you so much more than money. I have a number that I believe is fair for the damage that has been done to me. You may not have a number but it would be good idea to have one. Or if this is worth risking a lifetime of achievement, are you evil? If so you will do very well in the movie business, much better pay than home improvements.

Praying for a peaceful solution,

The ONLY "Jewish roofer" most people will ever meet,

זְבוּלֻן

Zevulun

My Hebrew Name

Job 2:11

PS please modify your "about us" page it seems to contain inaccurate information regarding your staff.

All-American Service

From: Carolina Home Renovators [dean@carolinahomerenovators.com]
Sent: Monday, July 02, 2012 2:20 PM
To: John Barratt; Ms. Virginia; vbarratt@aacwinc.com; info@aacwinc.com; altonholcomb@gmail.com; Carolina Home Renovators; Claudia
Subject: Never Again

After praying and thinking about our 2 minute phone call today at 10:27am, I have concluded that you are under the influence of a demon or maybe you worship money maybe it is an evil spirit under the direction of The Most High(you know there is a difference between a demon and an evil spirit, right?) Sell for AACW yea right. why would I want to do that? That's what everybody wants, to put a roof on from a certified window company, no roofing certification, installed a roof that is would have voided warranty because of NO VENTILATION, no bbb, no decent literature, criminal conspirators, incompetent and rude roofers, incompetent supervisor/project management, poor customer service, etc etc. not to mention deal breaking liars. Why did you not ask to hear the wav files? Are you so blinded by greed? How many Harley's do you want? How many weeks in Europe do you want? Land Rovers? Really? I know there was a storm last night, I have numerous calls from HO's but in my current state of mind I would not be very effective to try to generate any new business. Sell for AACW? Wow you must be possessed? Or why would I say yes? Is Iain still president? You don't want to hear your own words and promises? Or Iain's? Or the customers? The treats? Criminal conversations with iain breaking the law(did you know he caused intention damage to Jone's roof? And You still call your self a Christian?is this how Jesus would run a business? You care not for justice, right or wrong? Only business. I quote the new testament for your sake; Are you "so busy, that you cant think straight" because of this little micro burst"? You do realize bad weather will ALWAYS happen until the Day of Judgement, right?

King James Bible (Cambridge Ed.)
Whose mouths must be stopped, who subvert whole houses, teaching things which they ought not, for filthy lucre's sake. Titus 1:11

[23] Then Jesus said to His disciples, "Assuredly, I say to you that it is hard for a rich man to enter the kingdom of heaven.[24] And again I say to you, it is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of God."

For the love of money is the root of all evil: which while some coveted after, they have erred from the faith, and pierced themselves through with many sorrows 1 Timothy 6:10

Dean Holcomb
Missouri Home Renovators

154

636-614-8511
800-2REMODEL
dean@missourihomerenovators.com

All-American Service

From: Carolina Home Renovators [dean@carolinahomerenovators.com]
Sent: Monday, July 02, 2012 3:56 PM
To: jbarratt@aacwinc.com; John Barratt; vbarratt@aacwinc.com; Ms. Virginia; Iain Barratt; ibarratt@aacwinc.com
Subject: Email turned off?

What do you guys not realize that a "Fuckin Jew" can collect a debt in any country in the entire world? You violated "international RICO" with the calls from Catalan and England. Run if you like. I got a "mixed cd" with Iain's greatest hits set to techno. It is some my finest work, if I don't say so myself. Enjoy your vacation. See you soon.

Dean Holcomb
Missouri Home Renovators
636-614-8511
800-2REMODEL
dean@missourihomerenovators.com

boys and they said it is all you. Guys J. T. Martin is selling you guys out but if you want to what's next ill just email you. We have 24 live stream google glass protos. Lots of girl on girl Supreme Magus. Please be over 18 at that's 39.95 please per month. www.EMCI.guru
DO YOU LIKE THE .GURU, PRETTY COOL HUGH. .?999/2/3*9&pi
No need to violate any more laws ok. . . . I'll see you soon. What do you think? Dubai loves it I add Islam but I just married again, and we are bring the world back to babel 1 language, like google babel fish program get jesus-fish. Fucking hilarious Faustus is recalled also. Bring me the GCSO gobs guardian angels for my pleasure. Now

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G

DEAN A. HOLCOMB

[redacted] YOUNG ROAD, BESSEMER CITY, NC 28016
[redacted]-5087

July 9, 2013

Sylvia Harrison
Assistant Solicitor
S.C. Thirteenth Judicial Circuit
305 E. North Street, Suite 325
Greenville, SC 29601-2185
Sent via email and Certified U.S. Mail

Copies to:
Leanda King, Assistant Clerk of the Court,
And Janine Shamey,
To be placed in case file

RE: Plea Offer
STATE OF SOUTH CAROLINA vs. DEAN ALTON HOLCOMB
Breach of Trust with Fraudulent Intent Indictment# 2013-GS-23-005223

Dear Ms. Harrison,

I received your letter, dated June 28th, regarding your plea offer on July 5, 2013. This is the first and only U.S. mail correspondence I have received from any Greenville County agency regarding the above referenced case besides the letter from Wes Smith. I respectfully decline the offer. I must assume that my previous attorney failed to provide you with any of the evidence I have to prove my innocence or you are not concerned with any actual evidence in this case.

I consider your aggressive pursuit of me malicious and criminal, as all other arrests and prosecutions of Greenville County regarding me over the past 24 years. This is the third false arrest involving fugitive warrants. The first two fugitive warrants were involving Ted Sexton, and Sexton Amusements, See arrest #C704747, arrest date 5/9/1990. This arrest was initiated by Sexton in retaliation against my father. My father conducted an undercover operation with the IRS against gaming operators from the pool hall D's at 5205 Old Augusta Road, Greenville SC, from 1988-1990. This operation netted the IRS millions in fines, if I recall correctly. Mr. Sexton plead the 5th at the first hearing regarding the allegations against me, I thought this record was expunged, I paid to have this record expunged. I also notice on the 13th

Circuit Public Index that a tracking sheet is dated 3/4/2010; two months shy of 20 years. There could not possibly be any evidence of a crime because no crime was ever committed, except by Sexton and others.

I now call your attention to Indictment #1999GS2306470, arrest date 4/28/1997. These two charges are associated with the same arrest, the charge is Forgery <$5000. Also Indictment #1999GS2306452, arrest date 5/1/1997, Obtaining money under false pretense. (Items 1) Please notice the arrest warrant (Item 2), states an unnamed codefendant and the allegation of $205 and $250 in allegedly forged poker tickets. Three indictments over $455, at that time it was illegal to payout over $125 in a 24 hour period, (Item 3). I was gathering evidence exactly like SLED in items 3, against the poker operators in preparation for a series of lawsuits against the S.C. gaming industry (Item 4). The fact that the crimes of Lil Cricket are ignored was expected, I consider the ENTIRE Greenville County Judicial System a Corrupt Criminal Organization. Notice that indictments were sought again on 4/28/2005 and a tracking sheet on 11/30/2012, over $455 and the alleged "victim" was admitting committing a crime in the complaint. However I get charged. Do you see a pattern beginning?

Regarding the current charges, I have provided proof of Martin violating SC Law 17-13-50 to Jarvis, Laura Jones, Wes Smith, SLED and the FBI. Martin violated 17-13-50, 3 times on May 13, 2013 (audio clip of our conversation included CD-track 1). Martin committed perjury before Judge Hudson in obtaining the warrant on April 12, 2013, he had no evidence of any crime, actually based on the discovery package it shows evidence to the contrary, two A rated BBB's with zero complaints, in two markets and a License with the State with a bond in good standing until November, 2012. A woman who is not qualified to be a complainant (see Black's Law definition, Item 5) makes false allegations and intentionally provides 3 of 13 pages to an insurance scope and a copy of a fax, I consider evidence of blackmail. One of the pages describes the details provided in all scopes and the other a sample page, the other is only about 75% complete, see your evidence. Megan Baucom obviously filed a false police statement, no charges against her are filed regardless of the promises of Martin on May 13th or Sergeant Jarvis on May 10th, both are liars. The third page has also been tampered with by either your office or the GCSO, notice the fonts of the date stamps are clearly very different and positioned in different places, **SEE ITEM #8, TAMPERING WITH EVIDENCE.** (Items 6, 7 & 8) Martin takes 117 days after the warrant is signed to actually speak with the alleged victim and Richardson, contrary to his statements on May 13, 2013. McGinn's statement, however incorrect, shows that Martin committed perjury on May 16, 2013 when he testified to the Grand Jury. Martin's own notes provided in the discovery package also shows that I made him aware of the many missing pages and I was actually a witness to the events and a party to the transaction, yet Martin still testified that day and made false claims against me. I find it interesting and further proof of malicious prosecution the data from the June Grand Jury; I was indicted 7th out of 84 people based on arrest dates. I HAVE ZERO FELONY CONVICTIONS, only a misdemeanor fishing stamp violation, for which I was guilty. I am also amused at the speed you have set me for trial, September 16, 2013, according to James Bannister and hinted at in your letter, is 90 days from the True Bill date. 117 days for Martin to speak with McGinn from the day Megan Baucom made the false police statement, and they all live in Travelers Rest. I have been denied my right to a preliminary hearing. (Item 9, and audio clip-CD-track-2) According to my less than trustworthy attorney, you threatened me with

prosecution for free speech and also for allegedly threatening the Governor, A CLAIM I DENY. I admire and respect Governor Nikki Haley, I would never threaten Her for any reason. (Item 10)

I am sure you are also aware that Martin and I have a personal history dating back to 1989. If not, I dated Ronda Cole, a girl Martin was interested in at the time and dated years later (audio available).

In 1989, a search warrant was executed sometime after midnight at my apartment, on August Road, concerning allegations of a stolen Pioneer stack stereo system; at least 6 deputy patrol cars were present, an unusually high number considering the severity of the alleged crime. My father had purchased the stereo for me as a gift and we provided receipts, another violation of my rights by the Greenville County Sheriff's Office, I hope to obtain a copy of this warrant soon.

Regarding the Barratt's, once again the Greenville Judiciary ignores the crimes of others regarding me. In the copies of emails in the discovery package show I was upset with the Barrett's regarding Iain attempting to commit insurance fraud in CHR, LLC's name. Iain admitted to me that he committed insurance fraud on almost every claim that they filed. Iain Barrett also "dimed" roofs. (Audio available) The Barretts failed to honor their end of the bargain regarding Missouri Home Renovators. I fall off of two roofs, fracture my skull on the last one, and have a few weeks or so, where I am literally "out of my mind" and you attempt to intimidate me and my former attorney. Your request for notice of alibi shows that you realize there was no intent on my part to commit any crime. I can have many neurosurgeons' testify to this type of behavior as a result of these injuries.

My theory is Dennis Sims has been paid by Gordon Zuber to prosecute me regarding the alleged poker tickets, or maybe Sexton, Collins, Libsomb, Reeves, etc, in retaliation for the New Dawn Ministries Lawsuit. My theory regarding your behavior to date is that you are attempting to protect Martin and the many cases you have worked together. I will forward you also the case regarding your Appeals Court's Opinion of Breach of Trust (Item 11), The State v. Parris. I quote from this referenced case, **"A complaining witness has no right to invoke criminal process on account of the trouble and expense of a civil suit might cause him. The Criminal Courts are neither a collection agency nor a forum for the trial of mere disputes over the ownership of property."**

I will make you this counter offer, drop the charges no later than July 16, 2013. In return;

1) I will not file a complaint against you and Sims with the Commission on Judicial Conduct for the many violations of the Cannons concerning Staff Attorney's, Attorney ethics, The South Carolina Constitution and The United States Constitution, you both have already committed against me. These letters will be sent on July 17, 1013, if you decline this offer.
2) I agree not to file suit in the Federal Court in Charlotte concerning the criminal handling of this case seeking protection, under 42 U.S.C. §1983.
3) I agree not to file writs of Mandamus in The S.C. Courts to have immediately SLED investigate Martin, Jarvis, Jones, Wes Smith, Donna Bearden, Judge Hudson, Dennis Sims and yourself regarding my allegations and evidence of criminal misconduct.

4) I agree to not to file writs of Mandamus in The Federal Court to have the FBI immediately investigate Martin, Jarvis, Jones, Wes Smith, Donna Bearden, Judge Hudson, Dennis Sims and yourself regarding my allegations and evidence of criminal misconduct.

Considering the evidence that no crime was committed and that your Appeals Court has already defined that a breach of trust case must involve a fiduciary responsibility, I don't believe anyone would think a roofing contractor is in a position of trust. Also considering the reviews from Service Magic, 4.94 rating out of 5, the many customers before McGinn and Clarke immediately after, the testimony of the lowest paid contractor in CHR, LLC's history, his lies, his relationship to the McGinns, the criminal convictions of the Halstead girls, and Robert M. McGinn Jr.'s conviction all show motive for misconduct on their part. What possible motive would I have to not do my best with these people and only these people? Richardson failed to mention the roof completed for his previous girlfriend, without incident; she paid her deductible, as agreed. Richardson also failed to mention the use of an iPad, easily proven. I close with, what can you possibly gain by continuing this persecution? Is the payoff from whomever that generous? Is your friendship with Martin worth risking your career, freedom and personal exposure to civil litigation? There is no immunity regarding your behavior, you obviously are not representing the State of South Carolina. The South Carolina gaming industry also underestimated my resolve and ability. Your "power" is microscopic in comparison to the influence they had. Your position is indefensible and you have zero moral authority to continue this campaign of harassment, do what you will. Bannister and other attorneys all said that you are a reasonable person, I hope that is true. I will also mention that Judge Garrison cannot be the Judge in this case, he worked for Bannister and Wyatt during the New Dawn Ministries law suits mentioned above. I will also forward my working list of discovery items for the defense in this case and the Torts to follow, via email.

I would prefer to handle these issues in a civilized manner and in the Civil Courts, where they should have been in the first place. I hope you agree.

Please consider the consequences of your actions and govern yourself professionally and ethically from this point forward.

As I remain,

Dean A. Holcomb
Pro Se Defendant and Litigant

DEAN A. HOLCOMB

[redacted] YOUNG ROAD, BESSEMER CITY, NC 28016
[redacted]-5087

July 11, 2013

Sylvia Harrison
Assistant Solicitor
S.C. Thirteenth Judicial Circuit
305 E. North Street, Suite 325
Greenville, SC 29601-2185
Sent via email and U.S. Mail

Copies to:
Chief Justice Jean Toal, S.C. Supreme Court
Max O. Cogburn Jr., U.S. District Judge
William N. Nettles, United States Attorney for S.C.
Alan Wilson, S.C. Attorney General
Barbara Hinson, Commission on Lawyer Conduct
Lesley M. Coggiola, Office of Disciplinary Counsel
Barbara M. Seymour, Office of Disciplinary Counsel
Karen Cordell, Commission on Judicial Conduct
Rabbi J. Schindler
Rabbi Michael Shields
Glen Halva-Neubauer, ACLU Greenville, S.C.
Major Paul Garrett, SLED
John Williams, FBI
Leanda King, 13th Circuit Clerk of Court, via email
Janine Shamey, 13th Circuit Clerk of Court, via email

RE: Cannons of Ethics and the Phone Call on July 10, 2013
STATE OF SOUTH CAROLINA vs. DEAN ALTON HOLCOMB
Breach of Trust with Fraudulent Intent Indictment# 2013-GS-23-005223

Dear Ms. Harrison,

I am writing you regarding our phone conversation yesterday, July 10, 2013, at approximately 4:03pm, (audio #1). First question, why would you be opposed to me recording our phone conversation? I have a brain injury and this helps me in my therapy. Based upon information and belief, South Carolina, North Carolina and the District of Columbia are all "one party consent States". If I am incorrect and you can show me a law concerning your request, I will comply. I have no intention of breaking any laws. I am attempting to protect myself from malicious prosecution, false arrest, false imprisonment, and many other crimes being committed against me by members of the Judiciary of the 13th Circuit, Law Enforcement, the Clerk of Court and my former attorney Donald L. Smith, of Anderson, S.C. I believe I am succeeding.

Based upon the rules of logic, you have already violated the Cannons and or Rules concerning your conduct in this case numerous times. For one example, On June 24th, 2013, I contacted James Bannister and many other attorneys about representing me after I fired Donald L. Smith on June 20th, 2013. I received a message from Bannister later that afternoon stating he spoke you about the case referenced above. (Audio #2) If you believed, at that time, I was represented by counsel; you violated my right to confidentiality. Second, **I received a letter from you dated June 28th, 2013,** regarding a plea offer. (Items #1) This letter is not "c.c." to me, Donald L. Smith, is not mentioned. The letter states and I quote;

> "**Please contact me as soon as possible with your response** as plea negotiations must be concluded and the guilty plea entered before 8/16/2013 or this and any other offers are automatically withdrawn. If you do not plead guilty by this date, the case(s) will be placed on the trial calendar for the disposition without further negotiation. **In the event you have retained or been appointed an attorney, please forward this letter to your attorney and notify this office of the representation."**

You were obviously aware, on June 28th, 2013 that I am not represented by counsel. Is your definition of "negotiations", you state what you want and I comply? You and Martin have obviously decided I am guilty, why bother with the Legal process? Yesterday's conversation is further evidence of the malicious, illegal and unfair treatment I have received during this entire nightmare. I am denied my right to a preliminary hearing; (Item # 2 and audio #3) I am currently under what I would already consider to be "probation", considering Judge James Hudson's order to maintain weekly contact with the Investigator Tim Martin as a condition of my bond. (Item # 3) I have been told on more than one occasion that "pro se" is not allowed or "that Judges hate pro se(s)" in Greenville County, the tampering with evidence (Items #4, 5 and **6** included in this email, **THERE IS 1.25CM DISCREPENCY-CAN YOU SEE THIS IN ITEM #6?)**, the numerous perjuries committed by Investigator Tim Martin, etc.

I attempted to contact you today, as requested, and you state you cannot ethically speak with me, now. Please explain this behavior to me. Do you have me confused with another Jew named **Dean Holcomb** you are persecuting? Would you have talked with me if I had called to "plead guilty"? I called today

regarding the location of my hearing tomorrow. I believe I was polite and my request reasonable. I believe I have been polite with everyone regardless of my many rights being violated and the crimes committed against me. I have yet to receive any notices in the mail regarding any hearing dates. This hearing is different than the one originally given to me from Judge Hudson. (See Item #3) Am I still **required to appear on July 26th ?** The Clerk of Court's Office says that an update to the Public Index is the Solicitor's Office responsibility. (Audio available) The Clerk of the Court refuses to accept any motions or letters until Donald L. Smith is removed from the record as my attorney.(Audio available) I believe this gives the State an unfair tactical advantage. Especially considering the speed of the Indictment, the day of the arrest Martin testifies before the Grand Jury before speaking with alleged "victim". (Items #7) I was indicted number 7 out of 84 people indicted in the June Grand Jury based on arrest dates. (Items #8) I have ZERO convictions, except for a fishing stamp misdemeanor, for which I was guilty in 1998. Not a single point on my driver's license.

Regarding a plea offer I sent you an email and certified letter on July 9th, 2013, respectfully declining this offer. I will offer you a few other reasons for the rejection of this offer; Martin admitted to me on May 20th that this was a civil matter (audio #4). The State's evidence shows that Martin committed perjury and professional misconduct in obtaining the warrant. I also reference the audio from May 20th. Martin committed perjury before the Grand Jury on May 16th. Martin violated SC Law 17-13-50, 3 times on May 13, 2013 (Item #9); I have sent you, the GCSO Office of Professional Standards, SLED and the FBI this audio evidence, along with my phone bill, numerous times. Your evidence also shows the State's two witnesses, the alleged victim, Robert McGinn, Jr. and Jared Richardson both stated, twelve (12) days after Martin testified to the Grand Jury and my arrest, on May 16th that work was actually done at the McGinn home, contrary to Martin's testimony "DEFENDANT NEVER DID ANY OF THE WORK". (Items #7) I have sent you a signed statement from Will Byrd, 4 cancelled checks, two calendars showing the events, a relevant portion of the bank statement, invoices, copies of a fax from McGinn (notice it is not underlined in your "evidence"), copies of the reply, third party reviews from ServiceMagic.com showing a customer satisfaction rating of 4.94 out of S from over a dozen customers in the Greenville, SC market, and a copy of your Appeals Court Decision- **State v. Parris, <u>concerning the definition of Breach of Trust.</u>** The State's evidence also shows two A rated BBB's in two markets with zero complaints and a license with a bond on file, in good standing, also with zero complaints. (Items #10)

I have also stated to you that Tim Martin and I have history going back to 1989 when I dated Ronda Cole a girl he desired and years later dated. (Audio available)

I consider the allegations I have made regarding criminal conspiracy involving you, Inv. Tim Martin, Dennis Sims, Inv. Laura Jones, Inv. Wes Smith, Sergeant Michael Jarvis, Clerk Donna Bearden, Judge James Hudson, Attorney Donald L. Smith and others a much greater risk to society and the people of South Carolina than a disabled former roofer ever could, who is not in South Carolina, who hopes to never return at the conclusion of this business. This is regardless of my mother and the many friends and family I have in S.C. How much money has the State of South Carolina already spent on this case? Is it greater than the alleged $4395.03? Counselor, I remind you that this Country was built by men like me; it is being destroyed by bureaucrats like you. I have more confidence in any jury than any of you.

Disabled Jewish roofer versus the Greenville County Judiciary, a corrupt cop and a few meth heads. Sounds like a bad joke. I am sure you are just doing your job. Is that what you tell yourself?

Please tell me which Laws and Rights apply to working, disabled people or Jewish people like me and which ones apply to all of you? I am not afraid of you, your threats or the death threats I have received. I am confident where I will spend eternity. I am also not afraid to be judged by an ethical Court or The Most High, are you? I am disabled and have Aspergers Syndrome both of which are protected by the American's with Disabilities Act; I consider your behavior today and before also a violation of this law, among the many Rights, State and Federal Laws, Cannons and Ethics you have already violated. I am not concerned with you "coming after me", as the email from Donald Smith stated, you were already coming after me. (Item #11- sent to you again) Is this how you handle all of your cases or just the ones where your officer is caught being a lying scumbag- **ON AUDIO and IN THE "EVIDENCE"**?

Before you claim I manipulated the third page of the insurance paperwork, keep in mind I have already spoken with experts that will testify that these 150 pages+ all came from the same printer, from your office. I also don't believe Martin would have kept the original. Time will tell.

I demand to be treated fairly and lawfully by you and everyone else representing The State of South Carolina.

As I remain,

Dean G. Holcomb

Pro Se Defendant and Litigant

~~THE STATE OF SOUTH CAROLINA~~

~~COUNTY OF GREENVILLE~~

~~IN THE COURT OF COMMON PLEAS~~ NOW FEDERAL COURT

A HEARING IS REQUESTED

FOR A WRIT OF MANDAMUS, HABEUS CORPUS AND A DIET FOR

DEAN ALTON HOLCOMB, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS;

THE RABBI MORIT AHASUERUS© HOLCOMB, MAGUS© and SPIRITUAL LEADER OF,

NEW DAWN MINISTRIES ©, AND

NEW DAWN MINISTRIES©, PLAINTIFFS,

vs.

THE GOVERNOR OF SOUTH CAROLINA THE MOST HONORABLE NIKKI HALEY, IN HER OFFICIAL CAPACITY, and Pres Obama and State of Israel???

~~THE SOUTH CAROLINA OFFICE OF~~ THE ATTORNEY GENERAL, NOW HOLDER

THE HONORABLE ATTORNEY GENERAL ~~ALAN WILSON~~, IN HIS OFFICIAL CAPACITY;

THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION,

~~THE HONORABLE CHIEF MARK KEEL, IN HIS OFFICIAL CAPACITY,~~ NOW FBI

~~THE OFFICE OF THE SOLICITOR FOR THE 13TH JUDICIAL CIRCUIT,~~

~~THE HONORABLE SOLICITOR W. WALTER WILKINS, IN HIS OFFICIAL CAPACITY,~~

~~THE CLERK OF THE COURT, FOR THE 13TH JUDICIAL CIRCUIT,~~

~~THE HONORABLE PAUL B. WICKENSIMER, IN HIS OFFICIAL CAPACITY,~~

~~INVESTIGATOR JOHN TIMOTHY MARTIN, IN HIS OFFICIAL CAPACITY,~~

~~DEPUTY SOLICITOR SYLVIA PARRIS HARRISON, 13th CIRCUIT COURT~~

~~PROFESSOR WESLEY SMITH, IN HIS OFFICIAL CAPACITY,~~

~~THE GREENVILLE COUNTY SHERIFF STEVE LOFTIS IN HIS OFFICIAL CAPACITY,~~

~~THE GREENVILLE COUNTY SHERIFF'S OFFICE~~

~~THE GREENVILLE COUNTY SHERIFF'S OFFICE's PRIESTS AND OR CHAPLIN FOR PLAINTIFFS DIET,~~

THE PRESBYTERIAN CHURCH IN AMERICA INC.,

THE PRESBYTERIAN CHURCH IN AMERICA' OFFICIAL APOLOGIST(s)FOR PLAINTIFFS DIET,

THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES of AMERICA INC.,

THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES of AMERICA's OFFICIAL APOLOGIST(s)FOR PLAINTIFFS DIET,

CAROLINA TEA PARTY, and

COUNSEL OF CONSERVATIVE CITIZENS.

DEFENDANTS.

INTRODUCTION

"A friend is one that knows you as you are, understands where you have been, accepts what you have become, and still, gently allows you to grow." –Shakespeare (1564-1616 b.c.e.)

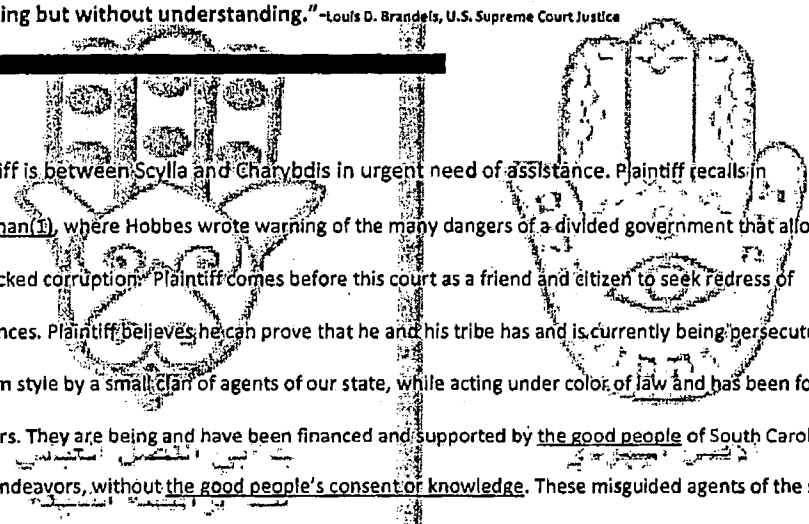
Person denying existence of Supreme Being not to hold office. No person who denies the existence of the Supreme Being shall hold any office under this Constitution. (The S.C. Constitution, SECTION 2)

"Non est potestas Super Terram quae Comparetur ei". Iob. 41. 24
"There is no power on earth to be compared to him." Job 41:24(1)

"That is simple my friend: because politics is more difficult than physics."
Albert Einstein, Physicist and Qabalist

"I believe today that I am acting in the sense of the Almighty Creator. By warding off the Jews I am fighting for the Lord's work." (Hitler, Speech, Reichstag, October 1, 1936)

The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well meaning but without understanding." -Louis D. Brandeis, U.S. Supreme Court Justice



Plaintiff is between Scylla and Charybdis in urgent need of assistance. Plaintiff recalls in Leviathan(1), where Hobbes wrote warning of the many dangers of a divided government that allows unchecked corruption. Plaintiff comes before this court as a friend and citizen to seek redress of grievances. Plaintiff believes he can prove that he and his tribe has and is currently being persecuted Pogrom style by a small clan of agents of our state, while acting under color of law and has been for over 25 years. They are being and have been financed and supported by the good people of South Carolina in their endeavors, without the good people's consent or knowledge. These misguided agents of the state are passing judgments and executing sentences, without due process or cause. Under the influence of a hate filled ideology. Plaintiff will present current evidence that Greenville County Sheriff Deputy J.T. Martin has manufactured evidence in order to multiple secure arrests and one indictment; he is and has been assisted by fellow members in law enforcement and member(s) of the 13th Circuit Solicitor's Office in his campaign against the plaintiff and his tribe. Much like the Dryfus Affair (1894-1906), a modern and universal example of Anti-Semitism, plaintiff has also been falsely accused. Plaintiff apologizes for the length and scope of this prayer for relief but comes unassisted except from the assistance of his convictions and belief in a Higher Power and belief that South Carolina is rapidly becoming more tolerant and diverse. However, S.C. issues over 100,000 indictments every year and plaintiff believes he is entitled to be heard. Plaintiff has paid his filing fee and would like a hearing on the record regarding these matters. Plaintiff has lived in 6 different states, written contracts and performed work in over 17

States and several countries. Plaintiff has never experienced anything like the Greenville County "justice system".

Plaintiff comes before this Honorable Court as a duly ordained Priest of Aaron and recognized as such by international bodies. Plaintiff would submit DNA samples with up to a 47.13% accuracy rate, regarding plaintiff's Y chromosome, and X, to support his claims, if required. Plaintiff is a Mekubal of the ancient practice of Qabalah; Kabbalah, as it is currently called in English, is a practice with around a million practitioners in many forms around the world and its origins predate any organized city, state or tribe. Plaintiff is the Rabbi and Magus for New Dawn Ministries, a South Carolina registered nonprofit religious organization in good standing since 1997. Plaintiff is a Unitarian Universalist, since around 1986. Plaintiff's inclusive message has been seen/heard by over 100,000 unique souls. New Dawn Ministries does not recruit or evangelize, most lack the math skills to understand our faith and practices; we are also hermetic and nomadic by nature. Plaintiff will rely upon his understanding of Kashrut Law, the Torah, and his very expensive lessons learned from his many adventures including adventures in the S.C., N.C. and D.C. Courts and Legislatures, the many "backroom" dealings, conventions, primary election selection committees ("coffee meetings"), many Republican Conventions and fund raisers, lifelong heavy reading, and experiences from a life well lived and well traveled.

"The Most important political office is that of the private citizen" Louis D. Brandeis

Be cautious regarding the ruling power. Because they only befriend a person when it serves themselves. They appear as when it suits them, but they do not stand by a man in his time of need" (Avot 2:3, Simon the Just, 200 BCE)

Plaintiff, with great caution, comes on behalf of members of his tribe because not one lawyer contacted by the plaintiff, in the Carolinas from Charlotte to Charleston; Anderson, Columbia or Greenville , would take his cases against the "good ole boys" hereafter "GOBS" or its system(s), nor could they; Self interests govern all. *"If I am not for myself, who will be for me? And when I am for myself, what am I? And if not now then when?"* (Avot 1:14) Plaintiff considers the monopoly of the Bar a modern version of a priest class, complete with esoteric language, priestly robes, and this Prayer for example, etc. Plaintiff would cite the Vicar of Christ in a speech titled "Jesus is our defense lawyer" (Holocaust Museum, Jerusalem on May 27, 2014) for another current example. Plaintiff will state for the record that he holds the Laws and Dictates of the Supreme Being of this universe ("∞") including the laws of physics, mathematics, and logic and reason above all others including this court or any other earthly authority. (The Ten Commandment 1, 2 and science). Plaintiff will quote the S.C. Constitution sections as "(SCC #)" & the article of rights"(SCARS #)".

Operation Lost Trust-1990 and the "Poker Wars" 1997-99

"It was a Snake pit, but there were a number of players who went by their own rules or no rules, and they did it with impunity. They didn't care if anyone knew. It was pretty dang close to being that out in the open." Bart Daniels, former U.S. Attorney (Post Courier 2010)

In July of 1990 Operation Lost Trust ("OLT") was reveled to the general public, however it was common knowledge among many well connected circles as early as 1988. OLT produced a total of 27 convictions including 17 state senators, legislators and a sitting 7th Circuit Court Judge, T. F. The convictions were for violations of the Hobbs Act (public corruption, extortion and bribery). All served a couple to several months in prison for literally committing crimes against all 3.5 Million+ people of S.C. (SSC-#4 nobility?) These trusted stewards sold S.C and her people's trust for as little as $300 up to $2500, and a gram or eight ball, here and there, all captured on video. Plaintiff is forever linked to the first "OLT" and now "OLT2". Plaintiff filed the first of the successful lawsuits that eventually shut down over 36,000 "poker machines or VLT's", generating from 5-7% of S.C's GDP at the time, to the less than the approximately 2,000 VLT's still operating in the shadows today, under the protection of the corrupt and criminal. Plaintiff declared the "Poker Wars" publicly, to the "Poker Kings" on 5/9/1997 in Columbia; the first lawsuit began against the "Poker Kings" in Spartanburg on 5/19/1997 and the others followed:

a. Case # 1997CP4201278, 7th Circuit Court, Spartanburg, S.C.

b. Case#1997CP1002816, 9th Circuit Court, Charleston, S.C.

c. Case#.97CP2303799, 13th Circuit Court, Greenville, S.C.

The very best and/or politically connected lawyers in the state were hired to defend against these lawsuits including the Chief Judge for this court, the Honorable D. Judge Garrison Hill. Plaintiff would like to acknowledge C. Ridge, his faithful attorney and the most ethical lawyer he has yet to meet, the Late Great Senator Terry Haskins, from "the Bob Jones district", as a friend to justice, faithful servant to the good people of S.C. and friend of the Tribe, for their roles played in the "Poker Wars"; also Pete Strom, esq., Carlise Driggers, President of the Southern Baptist Convention and John Crangle, Common Cause, SC, and countless others. However, plaintiff was the only one to have assignation attempts, false arrests, over 12 lawyers quitting because of death threats including a State Senator, J.R and senior "Party" people, A.F. Regardless of the comment from D.T, "they never kill the lawyer." Plaintiff based upon information and belief this lawsuit alone generated over 3,000 pages in billable responses to a simple 4-5 page lawsuit. Mr. Harold Mims, the "#2" of the "Poker Kings" told plaintiff in a video recorded interview, for his book, The Poker Wars , a story about Lawyers, Girls, Guns and Money (Holcomb,

2015), on June 6, 2006 at his home in Charleston that he estimated the "Poker Kings" spent around $45-$50 million dollars fighting and loosing the "Poker Wars". Mr. Mims laughed when plaintiff told him New Dawn Ministries, plaintiff and his attorneys only spent around $7.5K, not including our time, but including gas, hotels, cell phones, filing fees, etc. Mr. Mims was most candid in our times together. Plaintiff was very candid with Mr. Mims about the Powers that protected him. Mr. Mims was a great Noble man and worthy adversary. Blessings unto him and his family, so say we all.

The letter of the law cited at that time was S.C. 16-19-10 which stated basically, whosoever ventures in a lottery, and is sued for the same, shall pay $100 per infraction, half to the state and half to the person who sued for the same. The Honorable "Bernie" Maybanks, Director of The S.C. Department of Revenue, at that time, and his senior staff concluded the potential was literally in the billions of dollars in meetings with Plaintiff, his father and attorney, C. Ridge. Based upon information and belief The S.C. Department of Revenue joined our suit as co-plaintiff. Our Supreme Court heard our arguments and in a split 4/3 decision decided against us, and if I recall correctly The Most Honorable Chief Justice Jean Toal wrote the descent. There are currently literally 100's and 100's of rotting buildings, former "casinos", littering our state 17 years after the start of the "Poker Wars", the plaintiff smiles, and then sighs over the waste. These events ushered in changing of the S.C. Constitution allowing the state lottery, a state sanctioned monopoly on games of chance, all "for the children". S.C. was at the bottom in education ranking in 1997, 48/51, then and has earned the 50/51 worst education system awards recently. (American Legislative Exchange Council, 2013) Plaintiff believes South Carolina has earned it's place in a modern version of MacKay's Extraordinary Popular Delusions and the Madness of Crowds. (1841) More Extraordinary Popular Delusions and the Madness of Churches (Holcomb, 2016/17) The S.C lottery has generated in excess of $3.4 Billion dollars from January 7, 2002 until fiscal year 2013/14. Based upon information and belief, this provides handsome pay plans, state retirement, vehicles, lavish offices, etc. for up to 52 employees sharing $10 Million dollars per year in salaries and bonuses alone. (sceductionlottery.com) The Top ten executives, of the S.C. Lottery earned more than our Governor, who earned a modest $106,078.00 in 2013. The S.C. Governor manages our $184 Billion economy, Supreme Protector of the state's Constitution, our national guard, tourism advocate, et al. (thestate.com/salaries/ & the State Newspaper June 11, 2014) this amount of pay is less than many roofing salesmen earn working only on average 200 days per year and about 30 per week in the S.C, currently. Plaintiff commends and thanks the Governor and her husband for their sacrifices and service. Plaintiff wonders how many other High Office officials have spouses or children that have served their Country's interests in actual combat zones.

Examples of S.C. Lottery Employees

a. #1 is Paula Bethea, Executive Director earned only $226,829.03 in 2013

b. #2 is Anthony Cooper, CFO earned only $199,101.00 in 2013

c. #10 is Carl Stent, Deputy Director of Legal Services earned only $110,824.00 in 2013

Plaintiff and New Dawn Ministries if proven successful in the "Poker Wars" lawsuits had detailed plans to use a substantial percentage (66% or 2/3) of the proceeds to build, free to all, education centers dedicated to using the trivium and quadrivium in concert with state standards. Health and dental clinics for the forgotten children, both young and old, of our beautiful State, also free to all. Plaintiff would have made every effort to have raised the states aptitude and indigent care to at least middle of our Country's more enlightened states. Plaintiff would further state that lucre has never exclusively motivated any of his actions and believes that money and power without noble purpose is pointless and a fool's errand. Plaintiff would state for the record that he has always strived to work no more than 20-30 hours per any given week in pursuit of credits in any form, and maintains no less than 40 hours per week seeking light and love through study, prayer, meditation and quantifiable acts of kindness and love, (the "holiness" code, Lev.19) the rest of his time he squanders and sleeps. The Magi have always been math and science "nerds", continuing our worship to the Supreme Being through seeking to perfect our union with all of Creation and its Creator. And So May It Be, Forever.

OperationLostTrust2.com

Plaintiff in the interest of saving the Courts, Defendants and the general public's time, will make use of the websites OperationLostTrust2.com, info, org, Face Book, Twitter, YouTube, etc. . This prayer for relief will be "interactive", linking to audio and video evidence and documents from the state and plaintiff, well established news sources, public and private records, S.C. Supreme Courts Annual Reports, et al.

Declaration of Truthfulness

"Lie? Me? Never! The truth is far too much fun."

-Captain J. Bartholomew Hook

As a Rabbi and Magus, my yes means yes and my no means no, binary, or X-unknown. The "whole truth" is the Supreme Being's domain and in the terrestrial world a juries. A small minority of our Beloved State's agent's, churches and citizens' hands are filthy. These few "public servants" hold

themselves up as Masters and Saints without any proper moral or legal authority. Plaintiff considers these servants as agents of chaos, fascism and enemies of our Constitutions, the rule of Law and common civility.

"To declare that in the administration of criminal law the end justifies the means to declare the Government may commit crimes in order to secure conviction of a private criminal would bring terrible retribution" Louis D. Brandies, U.S. Supreme Court Justice

WRITS OF MANDAMUS AND HABEUS COPUS

1. Plaintiff is a resident and citizen of Gaston County, N.C., citizen and land owner in South Carolina, (SCAR # 6) and the Sovereign State of Israel.
2. Plaintiff preserves all his rights to the protections granted by the Supreme Being to all and guaranteed in his state(s), Federal Constitutional rights and International Human Rights.
3. Plaintiff further preserves and does not waive the right to appeal and or execute other actions in this court, this state's Appeals Court, the S.C. Supreme Court, the Federal Courts, the International Court at the Hauge, or any other.
4. Plaintiff reserves his right to bring 42 U.S.C. 1983 actions against any and all players in this unfortunate drama including and not limited to their agencies, their state, their county, their church, their superiors, their supporters, their clubs, their clan(s), et al.
5. Starting in 1988 there was a "pool hall" named D's located at 5205 Old Augusta Road, in Greenville, County, S.C. This was no ordinary pool hall for several reasons;
   a. D's was named after the plaintiff. Plaintiff was a fairly well known professional billiard player in the Upstate and Charlotte Markets since around 1985, age 15. Playing and occasionally defeating, a current World Champion or two and other world class local talent. However plaintiff could never defeat the Late Governor Carol Campbell. Plaintiff's father had instructed him in the trivium, quadrivium, Kabbalah and 3 rail billiards. (Extremely rare game said "to teach a person to see all the angles").
   b. D's was, for lack of a better word, a mini casino. We had up to approximately 30 legal and duly licensed amusement devices operating, 8 professional standard pool tables and sound stage. This was house of games in more ways than one.
   c. D's was outfitted with, at the time, state of the art surveillance equipment, inside and outside with exception to the restrooms, signs were visibly posted. D's was being used to

stage a series of "Stings" conducted by plaintiff's father and the IRS Criminal Investigations Division against a number of "Poker Machine Operators" misreporting up to 90% of earned income. Based upon information and belief, they also staged "Stings" regarding a "pay to play scheme" involving Milliken and Co. employees stealing from the great state benefactor. If plaintiff remembers and was told correctly, this netted several million in settlements for the IRS and a year or so in prison for one, A.T of Lyman, S.C.

a. Plaintiff and his father also used the video's in our Qalbalic studies of luck and our lifelong pursuit of a formula to express our findings, much like Emoto's water experiments and the numerous luck cults around the world.

b. Plaintiff would cite the UNLV studies regarding the findings of gambling addicts brain scans. These studies show activity almost exactly as the Pentecostals phenomenon of "speaking in tounges", the Whirling Dirvish, and the Mahareshi's Yogic Flyers brain scans when in an exalted state.

c. D's had a full service kitchen. We offered specials at cost or above to bring in primarily poker machine players. It was plaintiff's policy that Officers and Fireman ate and drank for free as a token of gratitude for their service. D's also hired off duty Greenville County Sheriff Office ("GCSO") deputies for security at large events like Jodi Bon Jovi, the Oath and others. I was always pleased with the professional service and excellent customer relations of the officers hired.

6. During 1988-90, Plaintiff fell in love, with a girl named "Ronda", also 18-19 at the time. "Ronda" was the ideal girlfriend; her outer beauty was only surpassed by her inner beauty, intelligence and strength of character. "Ronda" spent time with and broke bread with plaintiff's parents and young sister. Plaintiff's mother and sister remember her fondly.

7. "GCSO" Patrol deputy, John Timothy Martin aka "J.T. Martin", was a patrol deputy in our area around Donaldson Center in 1988-90. In the beginning J.T. Martin, believed to be around age at the time 30, would stop by D's get a free beverage and had numerous free meals always in uniform and with a patrol car. We would often discuss the new Rush Limbaugh Program playing in D's. Plaintiff's position, Rush is an entertainer, strawman fighter, and first rate misogynist, as he does today but Rush recently appears to be evolving. At some point, J.T. Martin made his personal religious views known in accordance with his Evangelical and Puritan beliefs. J.T. Martin expressed his belief that gambling was immoral; Martin was a "GO8" from the beginning.

Plaintiff stated that he saw nothing immoral in gambling, stating plaintiff's standard line for over 20 years, "it's simple; you win, we pay, you lose, it's ours". I also informed him that the Jewish tradition of the driedel is where we teach our children many valuable lessons from "gambling" often using chocolate coins (gelt). J.T. Martin made some replies about Jews were damned for rejecting Jesus, the holy spirit, et al. Plaintiff informed Martin that he was well aware of the Puritan ideology, he had attended Southside Christian on Augusta Road from age 9 and finished in 1986-87 at the Woodruff Road new location. I informed J.T. Martin that there was no prohibition against gambling in any ancient scripture, that he was aware, actually it is encouraged in many cultures around the world. Plaintiff would like to say he had kept his personal beliefs and knowledge hidden, as commanded by his late father, from the Puritans he grew up around. Studying in silence the ancient secrets, languages and math while observing the Puritans from the inside and accepted as an insider. Plaintiff reminded J.T. Martin that profanity and anger are the domain of the ignorant especially with indefensible positions. Plaintiff said Psalm 109 was a cursing. Plaintiff stated profanity was just ugly, profane, vulgar and discouraged in D's, plaintiff cited the numerous signs around D's. (Avot 1:17, 1:11) J.T. Martin declared that D's was "a den of iniquity" and that plaintiff was an agent of "Satan". J.T. Martin cited the following examples, the occasional bared breast(s') he may have witnessed from our spirited customers, and he cited the song playing for his next example, "Strokin" by Clearance Carter. J. T. Martin jested about citing plaintiff for encouraging lewd behavior. Plaintiff laughed, and stated something to the effect I do encourage "lewd behavior", with finger quotes citing the universal love of the human body. Martin then referenced, with a nod, the very attractive "professional looking" girl using the corded bar phone. J.T. Martin informed plaintiff that he believed she may be an escort or "working girl". Plaintiff fainted surprise at this revelation and said something to the effect that "she is not my working girl and she and her driver feeds the machines $20's" and that "hooker" using finger quotes again speaks 3 languages, fluently. Plaintiff stated he saw nothing immoral if the accusation against "S.L." was true; "why is it wrong to rent what she can give away for free?" citing King David and King Solomon had many concubines, just to mess with him a little. For the record, plaintiff has read Jeremy Bentham and believes prostitution should be discouraged but treated as a "social illness "but there are no ancient scriptural prohibitions.

Plaintiff will never forget the next moment; I said something to the effect that I was not in "the Bible or religion selling business as he (J.T. Martin) obviously was along with his many duties as a

GCSO deputy; Plaintiff proudly declared, "I am in the casino business." And that I must excuse myself to prepare to give away a lot of free beer and cash payroll checks from the well paid and bored Lockheed Martin plant employees that would be arriving shortly. J.T. Martin scanned the room and then looked at the plaintiff. If looks could kill, J.T. Martin would have killed the plaintiff at that moment. (Evil Eye- my string broke shortly thereafter) Plaintiff believes J.T. Martin may have not been aware of the exact nature and purpose of D's until that moment. Plaintiff believes J.T. Martin may have thought D's a competitor of Show Biz Pizza or maybe Putt Putt. J.T. Martin left quietly saying one word, "evil, evil, evil, evil", pointing at "S.L.", the friendly, polite, respectful and honorable "bikers" playing pool, the sweet old Catholic lady, possibly a nun, "Pat", playing Drew's Revenge and the guy playing 2 or 3 Cherry Masters using toothpicks to hold the buttons down and plaintiff. Plaintiff found and finds this ironic, here was a man selling his faith which has the Two Great Commandments, "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind", and the second Great commandment, "Thou shalt love thy neighbour as thyself". "On these two commandments hang all the law and the prophets" (Matt 22:35-40, Mark 12:28-31, Luke 10:25-28)

8. Shortly after the events in paragraph #3, plaintiff noticed J.T. Martin and his assigned patrol car outside "Ronda's" place of employment in the Donaldson Center when I would pick her up for lunch, picnics, hot air ballooning, etc. It was often enough plaintiff asked "Ronda" about the heavy "police presence" and asked about J.T. Martin by name. Ronda said something to the effect that she and J.T. Martin were "just friends, he's like 30" or something to that effect. The plaintiff continued to see J.T. Martin around "Ronda's" work and her home occasionally. Plaintiff considered J.T. Martin's behavior on the borderline of "stalking" and tortuous interference with plaintiff and "Ronda"'s dating agreement and in bad taste.

9. The "Martin skirmishes" began in earnest in early 1989, J.T. Martin ventured in after a few weeks/month or so absence to get his complimentary beverage and we politely chatted a moment. J.T. Martin stated something to the effect of, "I don't understand why "Ronda" is going out with a sleezeball/scumbag like you" and "you know she is a Born Again Christian, right?" Plaintiff gently removed the beverage from J.T. Martin's hand, walked behind the bar, poured the drink out and stated that I would like him to please leave my place of business. J.T. Martin stood there much longer than I felt necessary and that he was challenging my authority to ask him to leave. What J.T. Martin did not realize was this my business not my fathers, his business involved the IRS and FBI not D's operations directly. Plaintiff stated in no uncertain

terms that J.T. Martin was not welcome in D's except for official business on behalf of the GCSO. I regrettably, but with the intent to convey in terms J.T. Martin would understand; saying something to the effect of "Move M*** F***, NOW" and came from behind bar to face J.T. Martin toe to toe. "Angel", the waitress, described it as "you shook the building". J.T Martin left quietly in his patrol car without further incident. Plaintiff would like to state he is unaware of a culture and has never experienced a culture, where a person enjoys another person's kindness and hospitality via free meals, free tea, free coffee, free cola, shelter, heat, air conditioning, etc. and the guest insults you, your guests, your family, your race, your chosen profession and your faith in your place of business and stand on ground that is not theirs and refuse to move just projecting negativity, hatred and ignorance with the exception of "the GCSO GOB cop culture".

10. The only deputy after this incidence to visit D's was Deputy Jones as a friend and honored guest, an outsider to the GCSO GOB's, being an African American and vocal critic of the GCSO GOB cop culture and their policy and procedures; he was always kind, professional, etc. and will always be a friend to the plaintiff, wherever he may be. Blessings to him and his family.
11. For the record, the Jewish community and the African American communities have extremely close ties. Plaintiff has always been treated well by the African Community, when attending funerals, weddings, his 9 days imprisonment (regarding this prayer), etc. he has never been "evangelized", not a single time, ever. Plaintiff appreciates this very much.

S.C.A.R. Violations I, 1989-90

12. Sometime in early 1990, Plaintiff and his father arrived at his apartment at the Cliff's apartment (about a ¼ mile from D's) to a large presence of GCSO squad cars (5-6 or more) with the full light show. Plaintiff and his father were surprised they were there to see plaintiff. Both plaintiff and his father were both well armed, as was our companion, possibly some or all "armored-up" aka Kevlar, we had a sizable amount of cash from the night's take.
13. Plaintiff and father were rudely and under the threat of violence ordered in the hall to open the apartment door regarding allegations of a supposed stolen stereo. Plaintiff's father demanded a search warrant. There was no warrant. The GCSO GOB said it could be seen from outside the apartment in plain sight, or something to that effect. Plaintiff's father stated in colorful words that no warrant no entry and cautioned the head GOB that unlawful force would be responded to with equal or superior force. Plaintiff's father, if I recall correctly, used his 2lb brick cell phone to call one of our attorneys at home, Curtis E. Elmore, esq. and seek legal advice. Elmore stated

they needed a warrant indeed. Upon the advice of counsel we entered the home. The GCSO GOB at the door had his black jackboot blocking the door from closing. For the record the stereo system in question was out of view because of the way the door was hinged, the micro breezeway's wall and position of the stereo system in the room. Based upon information and belief the stereo in question was one of the top 3 Pioneer systems sold worldwide at that time. (Playboy Magazine 1988/89) Plaintiff's father ordered the door closed and the GCSO GOB replied not until the warrant arrives. Plaintiff's father instructed plaintiff "to shoot the "jackboot" meaning the head GOB's foot. Plaintiff did not want to shoot the GCSO GOB's "jackboot". In consummate salesman fashion, plaintiff informed officer that he would break his foot if not removed and that this could get really ugly, for all concerned, over a $1000-$1500 stereo and Principle. The GOB complied with this legal and moral request and ceased violating the sanctity of plaintiff's home by removing his black "jackboot". (SCARs # 1,2,3,7,8,10,20,21 &22)

14. Plaintiff, his father and companion read from the Zohar, prayed in our fashion and plaintiff's father took this as a teaching opportunity and discussed the countless the Jewish Pograms conducted most under the legal authority and permission of their perceptive lands, Hitler's Haulacaust was "legal", The Spanish Inquistion-"legal", the Native American extermination &"re-education and relocation" also "legal", et al. We made solemn oaths that plaintiff is still obliged.
15. The warrant arrived sometime later, the GCSO GOB at the door, stated after banging on the door, "GCSO we have a search warrant, OPEN UP" or something to that effect. The search warrant was presented to the plaintiff. Several GCSO GOBS secured the room, demanding the plaintiff, plaintiff's father and companion against the wall with the GCSO GOB's weapons drawn. We complied. The GCSO GOBs went to the only bedroom and kitchen opening drawers, cabinet doors, closets, etc. leaving a mess, where there once order complete with filthy "jackboot" prints. The head GOB inspected the plaintiff's stereo, to conclude they this was neither the model nor the serial number of this supposed stolen stereo. Plaintiff's father presented a receipt and completed warranty information from Pioneer. The GCSO GOB stated something to the effect that it would have been easier to have let the GCSO GOBs in and we should have presented the receipt and allow the GOBs to inspects the stereo, instead of them having to "wake up a Judge in the middle of the g-d damned night". Plaintiff recalls with pride his father's spirit as he said, "for whom?" he then secured his carry weapons and stood before the towering GCSO GOB looking up and saying two words, "NEVER AGAIN." Plaintiff recalls Aurelius, about

how all unpleasant and misguided behavior comes from ignorance for the good in life. (Meditations, 69BCE) The GCSO GOBs left without apology, ashamed and flustered.

16. The following day or so, plaintiff and his father met with Curtis Elmore in his offices from one of the top floors if not the top floor of the Daniel Building. Mr. Elmore jokingly asked plaintiff about how many hours or minutes did it take for plaintiff to earn the monies for the stereo. Plaintiff laughingly replied, "not that many, HOURS". Elmore told plaintiff and his father that he had never heard of such a heavy police response regarding an allegedly single stolen single stereo. Plaintiff and Elmore discussed the "Ronda" situation. Elmore said he would make some calls and not to worry about it further. Mr. Elmore was a peacemaker and wise beyond description. Go Xavier. Plaintiff was billed and paid for this consultation. Elmore later informed plaintiff that an unemployed and possible drug addict was the complainant for the search warrant, a copy of her information was given to plaintiff and the other placed in Elmore's files. We all laughed, how did she buy a new stereo? Plaintiff recalls vividly and wrote extensively about looking upon Greenville from that great height, realizing the challenge for the insecure, the corrupt and or sadistic members of Law Enforcement and Solicitor's Offices was in capturing and convicting the innocent. The pursuit and conviction of the guilty seems pretty straight forward to the plaintiff but not as challenging as the innocent. Recalling how the plaintiff's kindness and respect for the GCSO GOBs was repaid with hatred and threats of violence. Plaintiff wondered then and now if his sincere Love for a Christian girl motivated this level of hatred. These GCSO GOBs all knew plaintiff well enough that they could have asked politely, he would have gladly demonstrated that he was not a thief, but the GCSO GOBs obviously have their own rules, "policy and procedures", laws that are very different than the general public.

17. Plaintiff based upon information and belief, believes the time sheets, reports, search warrant information, etc would prove that this was an "over the top" and improper response regarding a cheap, petty and over rated stereo system. Plaintiff believes a miniscule investigation would have been within the mandates of the SCARs. A simple "knock and chat" or a phone call would have been a lot less dangerous for all concerned. Plaintiff is fairly certain we had numerous tactical advantages over these GCSO GOBs, and the moral High Ground.

18. Plaintiff and "Ronda" ended their relationship amicably sometime in late 1989 and early 1990.

19. Plaintiff from that point forward has made every effort to not date a "born again Christian" after "Ronda". Plaintiff actually broke up with the next girl for getting "saved again" a year later. That

was and is the last one. This choice limited market share prospects to around > 2% in the Carolinas.

20. Plaintiff made attempts from late May, 2013 until late August 2013 to obtain a copy of the search warrant and reports from this incident under the S.C. Freedom of Information Laws. All to no avail without regard for the letter of the law, the spirit of the law or penalties. Plaintiff suspects his efforts were thwarted by GCSO GOBs; the GCSO GOBs have investigated their fellow fascist, Puritan GCSO GOBs and found no reason to assist this Jew.
21. Plaintiff contacted "Ronda" for the first time since 1990 in July 2013 and found out that she dated J.T. Martin for a brief period several years after our relationship. Plaintiff recorded this conversation. J.T. Martin is certainly persistent.
22. "Ronda" has intentionally made her presence unknown/hidden because of a violent ex that stalks her, or so she said, I believe her she never lied to me one time, that I am aware. Plaintiff was having difficulty via the internet and drove to Greenville and spoke with old neighbors, "canvassing" and located her parents within 20 minutes, drove to their home, left my contact information and she contacted plaintiff about 2 hours later. Many Blessings to her and her family.

S.C.A.R. Violations II-V 1990

23. Shortly after the stereo incident Plaintiff relocated D's and his lawfully obtained equipment to Hickory, N.C. and opened in the Mountain View Community and took up residence in a nice waterfront condominium on Lake Hickory along with other respected members of the community. The new business was called ACE's gaming room. The GCSO GOBs had become unreasonable, expensive and possibly dangerous. Plaintiff chose exile.
    a. Plaintiff's mother and business partner applied for a beer and wine license for D's, at the hearing, in Columbia, the only opponent to the license to appear was a GCSO GOB (a young, red headed gentleman with a powerful build). This GCSO GOB testified on the record that plaintiff was a "coke" dealer and suspected of serious violent crimes without providing proof. The plaintiff was and never has been a "coke" dealer, based upon information and belief the margins aren't as good as gaming, it's dangerous, illegal and his circles of friends never engage in such activities; we prefer fine Kosher organic wine, organic Kosher craft beers, small batch bourbon and old scotch and always have. There is also a copy of this record of this GCSO GOB's sworn testimony at the S.C. ABC board.

Plaintiff bought and received an official transcript of this hearing; the transcript is very different from the audio recording plaintiff made of this hearing. One thing plaintiff resented was not only the SCAR violations or the violation of the Nineth Commandment, it was the ride back home in his mother's "Jew Mobile" to questions like;

i. "Do you do the cocaine?" No, Maam.

ii. Does Travis, Eric, Isaac, Hobi, Jacob, etc.? No, No, No, etc. for 2 ½ hours, an hour at lunch then diminishing over many months. and;

iii. What does "Ronda" have to do with the cocaine and the police? I don't understand; I don't understand either, Nana."

iv. "Have you been shooting people? No Nana."

v. "Are you doing the Aikido on people? No Nana".

vi. "That officer was such a good looking boy but what a schmuck, huh? The cute ones always are, except you my love".

vii. "Anti-Semitic?, No .....that can't happen, never again."..... We will have no more of that talk"....."How about some frozen yogurt", Yes Nana, that sounds nice.

viii. Shame upon this officer and his house for upsetting my mother. (***, *72).

b. The ABC granted our license request a short time later, however the GCSO GOBs made numerous attempts to discourage our guests from enjoying lawful and legal beverages by parking in plain sight outside D's. Pulling customers over, conducting car searches, and general mischief, etc.

24. For the record, there was a couple of minor shootings, but nothing serious, after the alcohol was marketed. These incidents had absolutely nothing to do with plaintiff, D's or its staff. Plaintiff suspects they all involved the Connestee Falls mill hill GOBs and their own honor code and their version of chivalry/courtship. Plaintiff may have witnessed a number of fisticuffs at "the Tree", fascinating but mainly harmless; misguided, maybe, but not evil. Many Blessings to those good people.

25. Based upon information and belief it was May 1990 around plaintiff birthdate, plaintiff was picked up for the first of three illegal and immoral "fugitive from justice warrants" issued by GCSO GOBs over a 25 year period. The first two were regarding allegations of stealing poker machines, pool tables, a juke box, chairs, tables, lights, beer coolers, light bulbs, everything. This allegation came from one of the operators from the plaintiff' father "sting". Plaintiff was told by

his father that this operator settled for "a cool million" with the IRS. Plaintiff was released from the Gaston County Jail on a bond about 6 hours later, costing about plaintiff about $1000, irreplaceable time and embarrassment. A court date was set for an extradition hearing and to await a S.C. Governor's warrant. N.C. offered the services of the "public defender", explained briefly the rights regarding extradition of its citizens and guests. Plaintiff believes the Governor's warrant was not pursued and N.C.via Gaston County dropped the charges a few months later. Plaintiff was not a fugitive and has always maintained publicly available phone numbers. Once again a simple investigation including speaking with the plaintiff would seem prudent and proper and "within the policy and procedures of the GCSO."

(SCARs # 1,2,3,7,8,10,20,21 &22; N.C. and U.S. Bill of Rights)

26. Based upon information and belief the GCSO website states this regarding fugitives, "The Fugive Unit is tasked with the apprehension of Greenville's most dangerous defendants."

27. Plaintiff would submit that if the GCSO GOB cop culture actually followed their published Code of Conduct, "I will never yield to temptation or use my office for personal or material gain. The office I serve is now a part of me. Therefore, to debase my office is to debase myself." (GCSO website 6/2014) and follow procedure this plaintiff would not be regarded and treated as a member of "Greenville's Most Dangerous Defendants". I quote J.T. Martin on May 16, 2013 while in chains/shackles with at least 1 other officer present in a taped interview(plaintiff's first "interview" with GCSO after 7 arrests, in two states, one home invasion and 25 years of hate from the GCSO) ..... "Ohhh, It makes sense when you tell it."- Investigator J.T. Martin, GCSO GOB, and "Yea, I was surprised you were licensed, bonded and insured"

28. Plaintiff was picked up a second time on a fugitive from justice warrant again for the same alleged charge, at his place of business ACE's gaming room in Hickory, N.C. on or about December 24, 1990 while operating a legally, licensed and state sanctioned business. However, plaintiff had copies of his receipts for the equipment he was operating in his wallet and presented these copies to the kind magistrate at the Catawba County Detention Center, the IRS CID agent's business cards and offered to have retrieved audio evidence of the purchases. Plaintiff observed this magistrate as she used the phone and heard one side of the conversation. The magistrate stated she called the GCSO and instructed them if they attempted to pick up one of their residents again without cause that she would issue a warrant for their arrest and N.C. does not put up with this nonsense or something to that effect. There are third records to back up plaintiff's claim. Plaintiff was active and well known in the community for helping the less

fortunate on most if not every week with his time and money and in accordance with his values and beliefs.(Avot. 1:5, 1:15, 2:13, et al) There are third party records available to corroborate this as well. (SCARs # 1,2,3,7,8,10,20,21 &22; N.C and U.S. Bill of Rights)

29. Plaintiff hired the colorful and charismatic local Greenville Attorney C.E. Smith for $3500 to assist in securing a bond before plaintiff turned himself in and being processed in the GCSO Detention center and to obtain a preliminary hearing in a specific and binding contract prepared by the plaintiff. Plaintiff was on a bond when he was illegally arrested, detained, photographed, fingerprinted and released within about 30 minutes as agreed with the senior staff at the GCSO. Plaintiff was again not question by any member of the GCSO regarding these or any other allegations except on May 16, 2013 by J.T. Martin while in shackles at the GCSO Detention Center with no less than one other officers present and up to four, it a separate building- a boiler room with a desk. J.T. Martin claims to have recorded this meeting and cites it in his report.

30. The preliminary hearing happened a short time later, less than about 2 weeks, in accordance with S.C. Law. Plaintiff does not recall if the affiant to the warrant aka the GCSO GOB responsible for the warrants and at that time 3 arrests was present or not.

31. Plaintiff remembers in vivid detail how the local Pickens County GOB "poker machine operator", T.S., the alleged "victim" as he attempted to plead the fifth without counsel very clumsily after the first question; the judge, the prosecutor and my counsel all agreed that it was his intent, but none would "officially" provide legal advice to T.S. The case was dismissed and C.E. Smith had the record expunged, as ordered by the sitting judge. The plaintiff has video, audio and paper evidence that will prove he did not commit any crime in this matter, not just "not guilty" but has "actual innocence".

32. Plaintiff would like to state for the record the following;

    a. The secret to the gaming business is compliance to the letter of the law be it grey or white but never in direct willful violation. Plaintiff has asked this of a number of very successful operators on the level of thousands of machines operating daily in markets around the country and world. The plaintiff's mentors and hero's at this level have several things in common, they are all self-made and they generally give away up to half of their net incomes, often in secret to those less fortunate and for very personal reasons. I lovingly call them the "Poker g-ds".

b. The plaintiff has always operated under the best legal advice available in order to be in compliance with local, state, federal and international laws regarding gaming. Plaintiff paid and procured numerous legal opinions for all his adventures in the gaming industry including games of skill for pay (billiards), off-shoring gaming laws and the unfortunate and tragic events involving the gambling train in Blacksburg, S.C in 2007. For example the Stardancer Decision was researched on and off over the course of a number of years costing interested parties $100's of thousands in legal fees and person- hours of research. The Carolina Gold, Williams Rail Service and the Level Gaming Group was a calculated risk with a potential of $50M plus a year net payoff for the plaintiff and his investors and not including the many rewards, lessons and well documented stories from this adventure.

i. Plaintiff based upon information, belief and considerable legal work product, procured status as a class III Railroad Operator and Owner and is reflected in the Federal Registry under the name of Williams Rail Service.

ii. Plaintiff successfully negotiated with the most corrupt, dangerous railroad in the Country, at the time in early 2007, without compliance to their GOB and union payoffs aka "pay to play schemes" and legally dispatched them without need of Law Enforcement and retrieved his Long Island Rail Cars in less than 30 days. This railroad was the subject of the book, Railroaded in Cooperstown by David K. Butler, Sr. about his story as the Chief of Police for the New York Susqehanna and Western Railroad and his fight for justice regarding numerous fatal car accidents involving a corrupt RR owner, his male prostitute cocaine addict boyfriend who loved driving trains through the mountains at 70 mph without guard rails for the cars in many towns and hamlets and others; one grotesque accident involved a nurse and her two small children and a number of other senseless accidents. "After over 22 years of wondering whether or not the accident was my fault, it is a comfort to know that the book, Railroaded in Cooperstown has finally exposed the truth." –Earl Johnson, Poolville railroad crash survivor. (Railroaded in Cooperstown, 2006, back cover)

iii. This railroad and its owner and his agents attempted to destroy this man's life for doing his sworn duty and for following his conscience; they failed but at a tremendous cost to Mr. Butler and his family. Many blessings to him and his

family. "All that is necessary for evil to prevail is for god men to do nothing."

–Sir Edmond Burke

33. Plaintiff cites these experiences as evidence of his understanding of corruption. GOB culture is a universal phenomenon. Once one understands the elements of corruption you can read it like a newspaper in your native tongue anywhere in this world. The methods plaintiff has found most effective is simply Light and Love; and video and audio records of your dealings and clearly printed copies of relevant law(s), rules, codes, judgments, etc. and a kind voice, in most cases this will correct errant and or misguided behavior without further incident or reprisal.

34. Plaintiff based upon information and belief, is fairly certain that he under observation by a number of state, Federal and international agencies at varying degrees and possibly constantly. Plaintiff believes this may because of his many colorful associations, New Dawn Ministries possible classification as a "cult", Qabala research and technology and maybe because a few of these alphabet agencies consider him potentially "dangerous". U.S. Secret Service agents gave plaintiff a glimpse of their file on him in the early 2000's in exchange for information regarding rumors plaintiff may have heard; their insight was flattering and humorous especially after we shared our audio of the interview and pointed out their misguided, errant and illegal behavior in pursuit of their prey. Plaintiff's father did not speak to these agents kindly. These agents wisely and graciously apologized.

35. Plaintiff has always governed himself as if being recorded, both publicly and privately. Plaintiff, for the majority of his life, has been recorded by himself, his father and others. Plaintiff believes the answer to "Big Brother" is the "tattletale little sister method" or the "mirroring method".

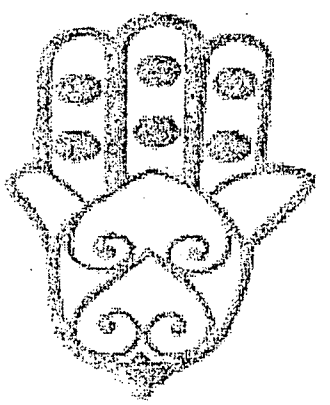
SCAR VIOLATIONS V and VI, 1997-1999
"The Poker Wars"

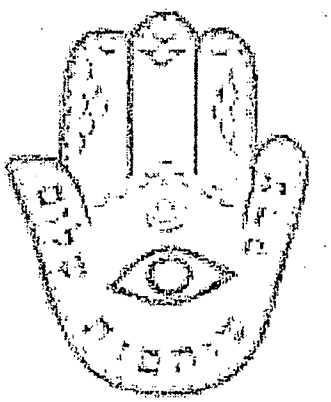
36. On May 9, 1997 Plaintiff declared "the Poker Wars" to the 10 "Poker Kings" after negotiations to cease their lobbying efforts to limit the size of "Game Rooms to 8/5 machines, the introduction of the Video Lottery Terminal systems, increase of fees to $2K per machine(2 years in advance)from $50 in 1989and the $125 payout limits per 24 hours. Plaintiff pointed out to the "Poker Kings" and their counselors that the S.C. constitution, at that time, forbid any lottery in plain language. The "Poker Kings" in their quest for more credits and commas in their bank accounts was attempting to eliminate the micro machine operators, those of us with less than 50-100 machines. Plaintiff introduced the concept of "Poker Houses" without selling any other

service or product at the Coffee House on Old Buncombe Road, Greenville, S.C. in 1991. Plaintiff refused to intentionally violate the letter of the Law by operating any VLT until May 9, 2007 (10 years to the day after the war was declared) in what plaintiff still considers a legal gambling train upon federal land which is 50' on both sides of all recognized train tracks.

37. On May 19, 1997 C. R. filed the first of the poker lawsuits on plaintiff and New Dawn Ministries behalf.

38. On May 20, 1997, based upon information and belief plaintiff's father gave agents of SLED video and audio evidence, copies of payout tickets, demonstrating that every large games company and their locations appeared to be in violation

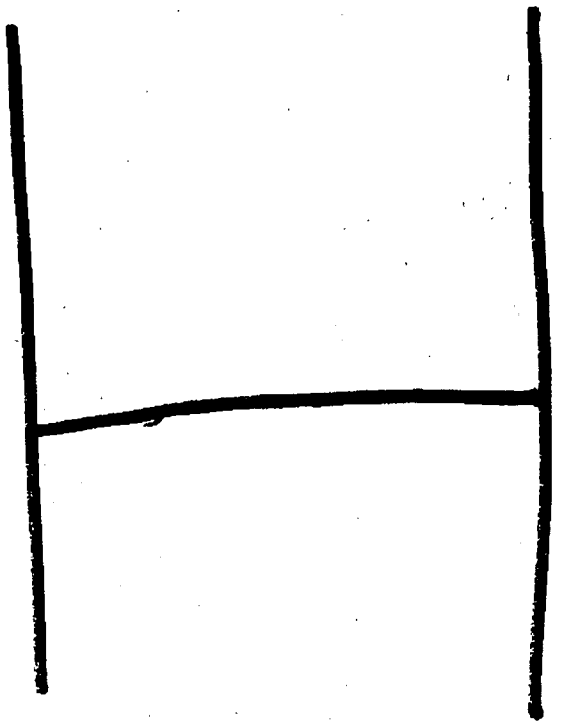




Another interesting fact about S.C. is the number of hate groups per state and per capita. (Anderson Independent, March 25, 2012, Business Insider March 3, 2014, Washington Post, April 15, 2014, et al.)

State Rank	Population	Number of Hate Groups	Hate Groups per Capita
1. California	38,332,521	80	4,791,565 people per hate group
2. Texas	26,448,193	67	394,749 people per hate group
3. Florida	19,552,860	49	399,037 people per hate group
4. South Carolina	4,774,836	45	106,107 people per hate group
5. Georgia	9,992,167	42	237,908 people per hate group

Congratulations, #4 out of 50 in number of "hate groups", and a stellar performance at #1 per capita or 242% less people per "hate group" then your next competitor. Congratulations on also having the most peaceful "Hate Groups" in the country, with only 148 incidents reported or 3 incidents per 100,000 people. Half the States murder rate of 7 per 100,000 and less than 1% of the assault rate of 421 per 100,000. (FBI, 2012 Hate Crime and Violent Crime Report) South Carolina also appears to have the lowest Hate Crime incidents involving Law Enforcement in the entire country with only 2 reports filed against Law Enforcement. The S.C Highway Patrol is cited in the FBI Statistics for suspected race bias complaints filed in 2012 and ZERO on religion, or any other category. (FBI 2012 Hate Crime Statistics)



Martin,Tim

From: Dean [dean@federalcontractors.us]
Sent: Tuesday, May 28, 2013 9:25 AM
To: Martin,Tim; J T Martin
Subject: Fwd: SC v. Holcomb
Attachments: $300 My Tuckus.pdf; ATT19693600.htm

Dean Holcomb
Pro Se Litigant and Defendant
[redacted]-5087 (H)
[redacted]-1013 (C)
altonholcomb@gmail.com

"Tyrants have always some slight shade of virtue; they support the laws before destroying them."
Voltaire

Begin forwarded message:

> **From:** Dean Holcomb <altonholcomb@gmail.com>
> **Date:** May 28, 2013 8:15:45 AM EDT
> **To:** J T Martin <tmartin@greenvillecounty.org>
> **Cc:** M Jarvis <mjarvis@greenvillecounty.org>, Wes Smith <wsmith@greenvillecounty.org>, "sloftis@greenvillecounty.org" <sloftis@greenvillecounty.org>
> **Subject: SC v. Holcomb**

Martin,Tim

From: Jarvis, Michael
Sent: Wednesday, May 29, 2013 8:53 AM
To: Martin,Tim; Smith, Wes
Subject: FW: Operation Lost Trust II - Jarvis Clip 1

Attachments: Jarvis Clip 1.caf

Jarvis Clip 1.caf
(368 KB)

-----Original Message-----
From: Dean [mailto:dean@federalcontractors.us]
Sent: Wednesday, May 29, 2013 6:14 AM
To: Jarvis, Michael
Cc: Martin,Tim
Subject: Operation Lost Trust II - Jarvis Clip 1

.
>

Martin,Tim

From: Jarvis, Michael
Sent: Wednesday, May 29, 2013 8:53 AM
To: Martin,Tim; Smith, Wes
Subject: FW: Operation Lost Trust II - Jarvis Clip 2

Attachments: Jarvis Part 2.caf

Jarvis Part 2.caf
(392 KB)

-----Original Message-----
From: Dean [mailto:dean@federalcontractors.us]
Sent: Wednesday, May 29, 2013 6:11 AM
To: Jarvis, Michael
Cc: Martin,Tim
Subject: Operation Lost Trust II - Jarvis Clip 2

>

Sargent Jarvis,

Are you also a liar? Is Martin following your example and directions? Did you not say to me in a recorded conversation on May 6, 2013, "if it is determined that they intentionally filed a false police report, "**obviously**", we would **definitely** arrest them"?(refresh your memory, audio clip next email, Jarvis clip 1) Is it not "obvious" that Megan the Meth Making Mama had no right to file the police report and would that fact not "**obviously**" be the very definition of a false police report? Has she been arrested? Why not? What do you and Martin think her "intent" or motive was? **Irrelevant.** Is "intent" or motive not a question for a jury, judge or maybe a prosecutor? (See link 1 below) You and Martin seem to think you are experts in mind reading. Is that taught at the academy, GCS's Office or is it a secret only your lil gang in CID share? How about neurolinguistics? I use it everyday, very effective. Example, "Don't think about a white, sandy beach, **a** roller coasters, pumpkin pie or a duck billed platypus with a top hat riding in a convertible Barbie corvette." See what I mean? I am sure you will say, that you "believe" Martin had no "intent" or motive to commit perjury, violate 17-13-50, illegal arrest, have me kidnapped and false imprisoned, but he did, did he not? Did you not say on May 9, 2013 during our first conversation that "I'm sure Detective Martin would be glad to hear from you"? (clip and full conversations available) BS- He has **never** called me back, I finally reached him on May 13, 2013. And did you not say, earlier, on May 13, 2013, "he hasn't called you yet?". No he had not called, I finally got a hold him by going the voice maze with the solicitors office (47 minutes and 12 seconds). Is it customary, in your office, for your underlings to ignore you? Does it not bother you, considering his job performance is your responsibility to supervise? Has any one actually reviewed and investigated any of my claims of filing of false reports, perjuries and the "professional" misconduct of Martin? Are these not considered important or serious crimes to the GCS? Would you really prefer SLED or the FBI to investigate, I can arrange that, if you like. Am I to assume, which I would rather not, that **YOUR** office has decided that Megan Halstead Baucom, The Meth Making Mama (MMMM) had "no intent" or motive when she gave Detective Martin a statement about events that occurred in Travelers Rest, while she was in prison? Would you like for me also to assume, which I would rather not, that Detective Martin was told by MMMM, "up front" of her criminal past, that he just assumed she was the telling him the truth, but failed to research his "witness" or actually visit the scene of the "crime"? (Martin clip 4) Do your officers, under your supervision, normally take the word of multi-count, convicted felons without, how did Reagan put it, "trust but verify" or just the ones about 1/2 their age? How is it that the only accurate sentences in the warrant describing the "crime" that Martin swore and "investigated" is about the check for $4295.03 and that I was going to do the roof. The contract clearly states at the TOP, Carolina Home Renovators, which I saw and commented on, in an allegedly recorded interview in the GCS' Detention center. my specialty contractors license states Carolina Home Renovations, actually registered in Charlotte, NC. Martin admitted to me on May 20th that he had not actually spoken with either one of the "victims", until after I was arrested, the actual Customers that I had in person and legally contracted with and who actually own, and was insured for the home mentioned in the warrant and that Robert McGinn, one of the "victims" told him that he believed I only did about $300 worth of work, or so Martin said, I would have to verify

every single word that lying, incompetent criminal says. Can you, for one moment see any of this from my perspective? If not, no problem.

You stated in your first and only email, reply "you were read the affidavit on your warrant...", really? Why would you write that? How would you know that? Did you listen to the recorded interview, Martin allegedly made? Did Judge Hudson or anyone else at the bond hearing read it to me? Did you hear or see a "the complaint read"?

Bottom line, Martin is either incompetent or a criminal. What other possibility is there? Either way he should not be an Enforcer of Laws, would you not agree? Does he currently or did he have an inappropriate relationship with MMMM, was he involved in my false arrests in 1997, paid for by members of the now defunct and very corrupt, multi-Billion dollar SC Gaming industry? Is he currently working for someone seeking revenge against me? These are really good questions, in my opinion? What will happen to all the pending cases and of yours and his, once you both are shown in public to be liars and frauds pretending to enforce and uphold the laws of SC and US? Convictions from the past? This business of yours is very serious, why so flippant? Where is the pleasant professional I spoke with on May 6th? Behind the thin blue line, perhaps?

Are you also incompetent or are you a criminal? What other choice is there?i Are you involved in a criminal conspiracy to protect Martin, MMMM, the McGinns, or the GCS' Office? It would go much easier on you if just admit what you know and may have done? Right? Can you not see why I ask? Do you know or have you ever heard of my buddy **Ron Cobb,** ask him if he knows me, want his contact info? He had an office next to the old "Dempsy's"- downtown Greenville? (see links 2&3 below) See, I told you, I was going to get grumpy, now I am now starting to getting irate, next level I will be darn right nasty and very public. Would you like this incident to be mentioned in The Wall Street Journal? I was interviewed for a front page article written on the Gambling Lawsuit when I was only 27. Do you really think I can't bring your little group into the light? Couple of more questions for today, do you believe in your heart that you, Martin and members of the Office of Professional Standards are upholding your oaths, obligations, procedures and are in complete compliance with Federal and State Laws and Constitutions? What would you do if you were illegally arrested, falsely imprisoned, etc. and no one operating under the color of law would listen to your pleas? I look forward to your reply to this email, please. I really look forward to hearing from you, Martin and any other Member of the GCS' Office in the months and years to come. Have a great day, go catch some crooks, they are everywhere, in your office, maybe check the mirror?

This seems like a lot of trouble for what, a meth head, a contractor client dispute? (Martin Part 4) A lost cause? Why is the GCS' Office, Smith, Martin and you being unreasonable? Would you like for me to bring my case and yours before the Honorable Nikki Haley and Her Legal council? Would you proud of your actions and others in the GCS' Office?

Please consider the consequences of your actions and govern yourself professionally,

Dean A. Holcomb
Pro Se Litigant and Defendant

Quotes for the day

"It pays to know the enemy - not least because at some time you may have the opportunity to turn him into a friend."
-Margaret Thatcher

"Always take the high road, not just because it is the right thing to do, but you have a tactical advantage."
-Dean A. Holcomb

PS- I apologize for a few missing words and incomplete reply to your humorous email, yesterday, but I thank you for getting in the game, welcome. I wrote that quickly on a mobile device, if you didn't understand the intent of my message, I thought I would clarify and include a few thoughts with verbatim copies of SC Laws along with a few thoughts. (Words of the SC Legislature in Black mine are in red.) Would you prefer pictures? Wait, soon, I'll have a nice little cartoon up on my new web site representyourself.us, I am currently planning on informing as many people as needed about the tricks I have learned in dealing with incompetent men in costumes and liars, Ohh, I meant Lawyers. Starting with my first "roll call", on July 26th. I am having the script written for a 3rd grade reading level in a cartoon format for all to understand that this is nothing more than pageantry and a game, hey its you guys calling for anarchy. For example, have you ever wondered why the words "court" and "judge" are used? Just like tennis? Simple really. All I have wanted for the past 6 years was to be left alone and then after my illegal arrest, and false imprisonment to be treated fairly but, no, as Martin said (Martin Clip 2) ".....you know, basically you got it your mind that you, you know what is going on with everything so..." Actually, I have forgotten more than you (Jarvis) and Martin, combined, will ever know about politics, public policy, public relations, political machine building and operations, etc.. I have an eidetic memory and I am a highly rated chess and Go player, you can't and won't win. I have little concern of the charges pending, I am?? What's that term, oh yea, I have Absolute Innocence, and can prove it beyond any shadow of a doubt, has my story changed? How about Martin's? My concern is regarding the crimes committed against me, and the GCS' Office handling of the reports of these crimes. I have already won this contest both civil and criminal, you just don't realize it yet, but you will. Without out a doubt you guys are committing the same crimes against others, both the guilty and the innocent. I invite all with ears to hear and eyes to see to watch this short video on Sun Tzu's The Art of War, http://www.youtube.com/watch?v=2dcAUYozdmI&feature=youtube_gdata_player. What

is GCS' Office, Martin's, McGinn's, Richardson's and MMMM's score? If the GCS's Office and Martin wish to continue this fight, please bring your A games, I am no longer amused by your follies, As I stated earlier I am now irate. I will continue to try and be in compliance with all laws and rules, as always in any game I play, that's called integrity. Enjoy.

SECTION 17-13-50. Right to be informed of ground of arrest; consequences of refusal to answer or false answer.

(A) A person arrested by virtue of process (is a fugitive warrant not a process?) ***or*** *taken into custody by an officer in this State* has a right to know from the officer who arrests or claims to detain him the true ground on which the arrest is made. It is unlawful for an officer to: (where does it say, until after the arrest?, please enlighten me, wise professional of law enforcement, Rules of Criminal Procedure?)

(1) refuse to answer a question relative to the reason for the arrest; {does not 3 voicemails on Martin's voicemail, 2 messages with you, Sargent Jarvis and numerous calls, conversations and emails to your office of Professional Standards, not appear to any reasonable person as an act on Matin's part of "refusing to answer a question(s)". I started calling within an hour after I was released from my kidnapping and false imprisonment. It was exactly one week until I spoke with Martin and all I heard from him were more lies on top of the lies in the warrants. Does his statement (listen to Martin Part 2) "I'm not going to talk to you about this on the phone." not an obvious refusal? You coppers, love the word, intent. Did the SC Legislature intend on this behavior from it's agents? What does you oath say about being rude? Anything in there? How about the "spirit" of this law?}

(2) answer the question untruly; (I once again point to Martin's statements on the audio clips sent yesterday and again today, is Martin's statements not ***obvious*** enough of an admission to perjury, his filing of a false police report, illegal arrest, etc.

(3) assign to the person arrested an untrue reason for the arrest; ibid, (see above)or

(4) neglect on request to exhibit to the person arrested or any other person acting in his behalf the precept by virtue of which the arrest is made. (Does this say until the Solicitor's Office is given the files within 5 days? Who has the case?)

(B) An officer who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. (How is not "obvious" to any reasonable person, other than a fellow officer, that Martin violated every single items on this list? An experienced law enforcement professional and supervisor, such as yourself, should be able to understand these simple and short words and their meaning and intent, right? Martin had me kidnaped and falsely imprisoned with less ***actual*** evidence. Do you actually believe you and Martin are above the SC Legislature? If so why?)

Definition of Intent
http://legal-dictionary.thefreedictionary.com/Specific+Intent

Even a Judge went to jail, find out how I was involved, mr mind readers.
http://www.bing.com/search?q=ron+cobb+sc+lost+trust&form=APIPA1

The Last time the Legislature reformed the ethics laws, (this situation may be when the Legislature writes new laws governing Police Conduct and Ethics, how exciting to be apart of SC history, don't you think? Think I'm kidding?)
http://www.thestate.com/2013/02/17/2635027/a-look-back-at-the-last-time-the.html

On a lighter note and thought I would share, I find this hilarious.....
Court OKs Barring High IQs for Cops
http://www.usalawyer.org/court-oks-barring-high-iqs-for-cops/

Martin,Tim

From: Jarvis, Michael
Sent: Wednesday, May 29, 2013 8:53 AM
To: Martin,Tim; Smith, Wes
Subject: FW: SC v. Dean a. Holcomb

From: Dean Holcomb [mailto:altonholcomb@gmail.com]
Sent: Tuesday, May 28, 2013 12:50 PM
To: Jarvis, Michael
Subject: Re: SC v. Dean a. Holcomb

Thank you for the reply.

I disagree with your interpretation of 17-13-50, I would like to point out prior to the warrant being served, *by **virtue of process*** of the fugitive warrant, he gave me a false statement on May 13, 2013 when he said "They told me you didn't do any of the work" and "I've already talked to them several times and they said that the work was not done on that house, it was roof." (I will forward you an email - Martin Part 2). The home owners Robert nor Tina McGinn had not actually spoken with Detective Martin, prior to my arrest, as he stated on May 20, 2013. Please listen to the third email in this reply. (Martin Part 4). Please forward this and subsequent emails to your of Office of Professional Conduct. I would think as his superior officer and considering your oath and obligations of your office and position this would be of concern to you. Martin is obviously a liar and breaker of the laws he has also sworn to uphold. Are you obligated to arrest him, based on this information?

http://www.scstatehouse.gov/code/t17c013.php

SECTION 17-13-50. Right to be informed of ground of arrest; consequences of refusal to answer or false answer.

(A) A person arrested by **virtue of process** or taken into custody by an officer in this State has a right to know from the officer who arrests or claims to detain him the true ground on which the arrest is made. It is unlawful for an officer to:

(1) refuse to answer a question relative to the reason for the arrest; -***he stated "I will talk to you on the phone."***

(2) answer the question untruly;

How can any reasonable not see his warrants and statements to me on May 9th as anything other than untrue?

(3) assign to the person arrested an untrue reason for the arrest; or **ibid**

(4) neglect on request to exhibit to the person arrested or any other person acting in his behalf the

precept by virtue of which the arrest is made. **Ibid**

(B) An officer who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

Dean Holcomb
Pro Se Litigant and Defendant
[redacted]-5087 (H)
[redacted]-1013 (C)
altonholcomb@gmail.com

"Tyrants have always some slight shade of virtue; they support the laws before destroying them." Voltaire

On May 28, 2013, at 9:58 AM, "Jarvis, Michael" <MJarvis@greenvillecounty.org> wrote:

> In reference to 17-13-50, you have the right to be informed of the grounds of your arrest. You were read the affidavit on your warrant which states the probable cause for your arrest and the warrant also lists your charge. You were provided a copy of your warrant. That is all that is required.

> **From:** Dean Holcomb [mailto:altonholcomb@gmail.com]
> **Sent:** Friday, May 24, 2013 4:09 AM
> **To:** Jarvis, Michael
> **Subject:** SC v. Dean a. Holcomb
>
> Good morning Sargent Jarvis,
>
> I thought I'd try and keep you in the "loop". Thank you for being polite and professional the times we have spoken.I need your subordinate, J.T. Martin, to comply with SC Code 17-13-50, immediately. My patience is wearing thin (I hope I don't get grumpy). This situation seems a lot like the current IRS scandal. The IRS makes mistakes but crushes citizens for technical errors. Mr. Martina's continued failure to comply with SC 17-13-50 is disturbing. As professional enforcers, I would think you are also experts in the Law and especially penalties and liabilities for Law Enforcers who are non compliant. Does Mr. Martin ignore "real" attorneys? Or just dumb, old, disabled roofers who as he says "got it in my head what I think is going on". Please, enlighten me, what is going on?
>
> Dean Holcomb
> [redacted]-5087 (H)
> [redacted]-1013 (C)
> altonholcomb@gmail.com
>
> "The only way to deal with an unfree world is to become so absolutely free that your very existence is an act of rebellion" -Albert Camus
>
> Begin forwarded message:
>
> > **From:** Dean Holcomb <altonholcomb@gmail.com>
> > **Date:** May 23, 2013 12:02:07 PM EDT
> > **To:** Wes Smith <wsmith@greenvillecounty.org>
> > **Cc:** "sloftis@greenvillecounty.org" <sloftis@greenvillecounty.org>, Nikki

Haley <Nikkihaley@gov.sc.gov>, Tiffany <tjteso@gmail.com>, Claudia <claudiawhitt79@gmail.com>
Subject: Wesley Smith

CONFIDENTIALITY NOTICE: *This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.*

Harrison, Sylvia

From: Martin,Tim
Sent: Monday, July 01, 2013 3:27 PM
To: Harrison, Sylvia
Subject: FW: Holcomb v. State of South Carolina, email 1 sent on 7/1/13
Attachments: Copy of true bill compare sorted dates.xlsx; ATT1322417.htm

Inv. TIM MARTIN
Greenville County Sheriff's Office
White Collar Crimes Division
Office (864) 467-5092
Fax (864) 467-5267
timartin@greenvillecounty.org

From: Dean [mailto:dean@federalcontractors.us]
Sent: Monday, July 01, 2013 2:18 PM
To: Martin,Tim
Cc: Jarvis, Michael
Subject: Fwd: Holcomb v. State of South Carolina, email 1 sent on 7/1/13

I am still not a flight risk, call or email me if you need me. Have a great 4th. I thought I would share this with you, I don't talk about people behind their backs.

Begin forwarded message:

> **From:** Dean <dean@federalcontractors.us>
> **Date:** July 1, 2013 2:04:34 PM EDT
> **To:** "syharrison@greenvillecounty.org" <syharrison@greenvillecounty.org>, "awatson@greenvillecounty.org" <awatson@greenvillecounty.org>, "awatts@grenvillecounty.org" <awatts@grenvillecounty.org>
> **Subject: Holcomb v. State of South Carolina, email 1 sent on 7/1/13**
>
> Ms. Sylvia Harrison, Mr. Watson and Mr. Watts,
>
> I hope you are all having a great Monday, especially considering the holiday celebrating OUR Freedom from tyranny. I would like one of my persecutors to please answer a couple of questions, please. I would prefer Ms. Sylvia Harrison, the head of white collar prosecutions, correct? ASAP, considering your actions to date.
>
> 1) Could you please explain the speed of my indictment? Please see Spreadsheet attached. (7th person out of a 169 indictments- by date of arrest- I have zero felony convictions, a misdemeanor fishing license violation is the only crime I have ever been convicted on or

ever will be. I am not on bond for any other charges, I am not aware of any other of charges pending arrest, **(see the third email sent today & question # 16)** All information gathered for this spreadsheet was from the Public Index, until I was "locked out", I believe it to be accurate based on a review of the recorded screen shots of the research.

2) Did you tell James Bannister that I am scheduled for trial on September 15, 2013? If so could you please set aside a week or more, please. Why the "special treatment"? What's the rush? Bannister also mentioned something about $90 in stain? What is it Counselors? "NEVER DID ANY OF THE WORK" to $300, to $90 in stain, "They said you did not do any of the work, it was a roof", "Mr McGinn did not come up here and file the report", "I have already talked with them lots of times", etc., etc. Do you guys always "really" investigate after Grand Jury testimony? Talk with alleged victims for the first time after Grand Jury testimony? Change the narrative after an indictment? Or only when the officer gets caught lying about the grounds for arrest? I was prepared for this behavior, I have been dealing with Martin and the GCSO for 25 years, the plays are always the same, incompetent, illegal and stupid.

HOW IS THE $90 COMMENT MADE TO BANNISTER, NOT AN ADMISSION, ON YOUR PART, OF MARTIN VIOLATING SC LAW 17-13-50? PLEASE EXPLAIN....,

3) Could you see that a simple roofer would think this is all evidence of prosecutorial misconduct?

4) Would the average juror see this as prosecutorial misconduct?

5) Would the Office on Judicial Conduct or Lawyer Conduct see this as prosecutorial misconduct?

6) Could Justice Toal, the FBI or A Federal Judge see this as prosecutorial misconduct? (see question #12)

7) Am I scheduled for a hearing on July 11, 2013 @ 8:30? Donald Smith said I was, will the Solicitor's Office or Clerk's Office notify me or is this also "special" treatment? Secret Grand Juries and Secret hearings? Sounds a lot like what my grandfather went through with the Nazis to me. "you are just doing your jobs, right?" I get it, I am not surprised, we are accustomed to being hated. I will totally "Jew out" for all appearances, for your maximum enjoyment and to hopefully gain favor from The Most High. I WILL NOT DIG ANY GRAVES, I WILL NOT PERFORM ANY WORK DETAILS, OR WALK INTO ANY OVENS OR GAS CHAMBERS.

The Solicitor's website shows no such hearing under the general sessions docket for that week, or is this hearing with the strip mall magistrates office on Wade Hampton?

Where can I see hearing dates or should I trust the Clerk of Court, you know the one that did not file my request for a preliminary hearing as Bearden assured? Criminal Conspiracy by the Clerk's Office, GCSO, SLED, and the Solicitor's Office? Maybe? See the pattern? Coincidence? I will send you another email following this one, regarding Bearden and the preliminary hearing request.

I am limited with the capabilities of the iPad on sending multiple items and large audio and

video files, my apologies if this is inconvenient or aggravating.

8) Would you please update my address to reflect the address below on the Public Index and all future correspondence? Would you also email a copy of any and all correspondence for my digital records? Could we agree to return receipt requested for proof of signatures on all correspondence?

9) Would you please disregard the motion draft sent on Friday? I am filing a motion for a change of venue first and then a motion to dismiss the indictment and HAVE MY RIGHT RESTORED TO HAVE A PRELIMINARY HEARING.

10) Do you have to treat me fairly? Are you bound by any ethical code of conduct, or is it win at all costs? "Just doing your jobs right?"

11) What did I ever do to you to deserve this level of "special treatment", the magistrates order to contact Martin weekly (punitive, already on probation?) the Clerks Office not filing my request for a preliminary hearing, Martin testifying on the day of my arrest before the Grand Jury, the speed of the indictment, the speed of the trial date told to Bannister, the handling of the investigation by Martin, the handling of previous false allegations by the Solicitor's Office (selective prosecution- "unclean-hands" of the alleged victims ignored), I have been picked up three times for fugitive warrants, 2X's on my birthday and once on Xmas- Ha I'm Jewish, no Xmas for me. etc, etc? On the to previous "fugitive warrants", SC never came for me after months, and months. Pure harassment. That's it. The alleged victim on the first 2 fugitive warrants plead the 5th at the first hearing, just as Martin will do at this preliminary hearing- I bet you he will or he is the stupidest cop since Barney Fife.

12) is there a list of people the Solicitor's office hates? Or am I the only one? Over 16 years of prosecutorial misconduct on the part of the 13th circuit Solicitor's Office against me, on the record. I CAN PROVE IT NOW, Why?

Why have I never been interviewed prior to arrests in Greenville County? Why is my evidence not as important as my accusers? Ever? Not once in 25 years has Greenville County treated me fairly, I don't have these issues anywhere else. I am curious?

13) My former attorney, Donald Smith, said that I have 3 prosecutors handling this case. Is this true? If so, why, may I ask?

14) Do any of you have anything personally against me? Have we ever met?

15) Have you investigated any of my claims of Martin violating SC Law 17-13-50? Is the recordings of Martin and me on May 13 and May 20 not clear enough for you? Do you have a duty to investigate these clear violations of law or is Martin also "special" to the Greenville County Solicitor's office? What about this $90 in stain claim? Sounds much different than Martin's sworn statements in the warrant, Grand Jury Testimony,and calls with me. Did Jared make a false statement to Martin Previously? Or was Martin Lying to me on May 13th about the grounds for arrest?

16) **Sylvia Harrison, did you call Donald Smith's Office on June 6th and say what Don**

claims you said to his assistant? I will forward you the email I received on June 6th, the 3rd email, for today. I never received this alleged email from Don Smith, after many, many requests, please forward this email please, if in fact you did send an email to Smith on June 6th. And any other emails sent to Smith, please. I HAVE NEVER THREATENED MARTIN WITH ANYTHING BUT ARRESTS AND CIVIL LITIGATION. I WOULD NEVER THREATEN THE GOVERNOR. I CONSIDER THIS CRIMINAL SLANDER AND AN ATTEMPT TO INTIMIDATE ME, IF TRUE.

17) Ms. Harrison, if you did in fact say the things in the email mentioned above, do you really have the authority to prosecute a person for free speech, do you do this to others or am I also a "special case"? Speech said in NC can be prosecuted in SC? Greenville must be the most powerful county in the Country.

18) Is it slander if it is true?

19) Is the 13th circuit prepared and willing to go through the appeals process if necessary on this case? Defend your actions and that of Martin in Federal Court in Charlotte, NC?

20) Are you opposed to me having a preliminary hearing? Do you believe Martin will answer all questions asked truthfully or plead the 5th?

Please respond ASAP, time is obviously of the essence, considering the speed of the indictment, the speed of the trial date. I need time to prepare. I am sure you would not want a tactical advantage, or would you?

Have a blessed day,

- Dean Holcomb

Martin,Tim

From: Dean [dean@federalcontractors.us]
Sent: Tuesday, July 09, 2013 6:05 PM
To: Harrison, Sylvia
Cc: Martin,Tim; Jarvis, Michael; Loftis, Steve; Paul Grant; FBI Charlotte; ci8827498@ci.fbi.gov
Subject: Holcomb v. SC, et al. Re: Plea Offer 1 of 3 emails
Attachments: A Reply to sylvia harrison july 9 2013.docx; ATT1773687.htm; Item number 1.jpg; ATT1773688.htm; Item number1b.jpg; ATT1773689.htm; Item number 1c.jpg; ATT1773690.htm; Item 2.tif; ATT1773691.htm; Item 3a.jpg; ATT1773692.htm; Item #4a.jpg; ATT1773693.htm

Sylvia here is my reply to your plea offer sent on June 28, 2013, 1 of 3 emails. Please start with a reply to..., I did my best to make this easy via email, also sent next day mail.

Have a great day,

Dean A. Holcomb
Pro Se Litigant and Defendant

Dean Holcomb
Pro Se Litigant and Defendant
[redacted] Young Road
Bessemer City, NC 28016
[redacted]-5087

Martin,Tim

From: Dean [dean@federalcontractors.us]
Sent: Tuesday, July 09, 2013 6:05 PM
To: Harrison, Sylvia
Cc: Martin,Tim; Jarvis, Michael; Loftis, Steve; Paul Grant; FBI Charlotte; ci8827498@ci.fbi.gov
Subject: Holcomb v. SC, et al. Re: Plea Offer 1 of 3 emails
Attachments: A Reply to sylvia harrison july 9 2013.docx; ATT1773687.htm; Item number 1.jpg; ATT1773688.htm; Item number1b.jpg; ATT1773689.htm; Item number 1c.jpg; ATT1773690.htm; Item 2.tif; ATT1773691.htm; Item 3a.jpg; ATT1773692.htm; Item #4a.jpg; ATT1773693.htm

Sylvia here is my reply to your plea offer sent on June 28, 2013, 1 of 3 emails. Please start with a reply to..., I did my best to make this easy via email, also sent next day mail.

Have a great day,

Dean A. Holcomb
Pro Se Litigant and Defendant

Dean Holcomb
Pro Se Litigant and Defendant
[redacted] Young Road
Bessemer City, NC 28016
[redacted]-5087

Martin,Tim

From: Dean [dean@federalcontractors.us]
Sent: Monday, July 15, 2013 12:18 PM
To: Martin,Tim
Subject: Weekly Check In

Tim,

I am not, nor have I ever been a flight risk.
Call or email if you need anything.
Have a great week.

Dean Holcomb
Pro Se Litigant and Defendant
[redacted]
Bessemer City, NC 28016
[redacted]-5087
[redacted]-1013

Martin,Tim

From: Dean [dean@federalcontractors.us]
Sent: Thursday, July 11, 2013 5:45 AM
To: Shamey, Janine; Clerk Of Court; Martin,Tim
Subject: Fwd: Sylvia Harrison has ethics? 3/4
Attachments: Item #7a.jpg; ATT1858461.htm; Item #7b.jpg; ATT1858462.htm; Item #7c.jpg; ATT1858463.htm; Item #8.pdf; ATT1858464.htm; Item #9.docx; ATT1858465.htm

Begin forwarded message:

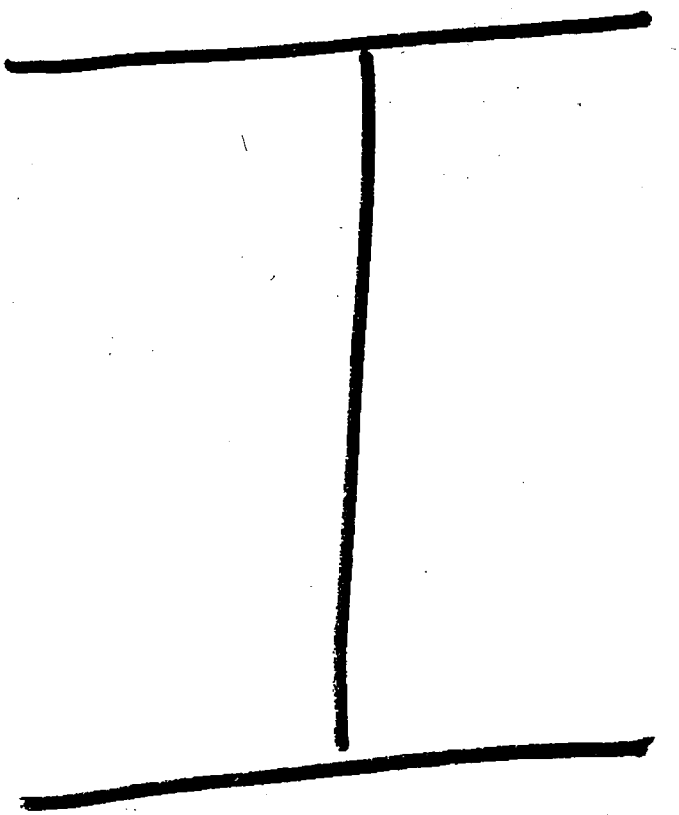
From: Dean <dean@federalcontractors.us>
Date: July 11, 2013 5:30:04 AM EDT
To: syharrison@greenvillecounty.org, awatson@greenvillecounty.org, awatts@grenvillecounty.org
Cc: FBI Charlotte <charlotte.public@ic.fbi.gov>, ci8827498@ci.fbi.gov, Paul Grant <pgrant@sled.sc.gov>
Subject: Sylvia Harrison has ethics? 3/4

Martin,Tim

From: Dean [dean@federalcontractors.us]
Sent: Thursday, July 11, 2013 5:46 AM
To: Shamey, Janine; Clerk Of Court; Martin,Tim
Subject: Fwd: Sylvia Harrison has ethics? 4/4
Attachments: Item #10a.jpg; ATT1858452.htm; Item #10b.jpg; ATT1858453.htm; Item #10c.jpg; ATT1858454.htm; Item #11.docx; ATT1858455.htm.

Begin forwarded message:

From: Dean <dean@federalcontractors.us>
Date: July 11, 2013 5:31:17 AM EDT
To: syharrison@greenvillecounty.org, awatson@greenvillecounty.org, awatts@grenvillecounty.org
Cc: FBI Charlotte <charlotte.public@ic.fbi.gov>, ci8827498@ci.fbi.gov, Paul Grant <pgrant@sled.sc.gov>
Subject: Sylvia Harrison has ethics? 4/4



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

Martin,Tim

From: Morit Holcomb [upstatejews4jesus@aol.com]
Sent: Monday, June 09, 2014 12:20 PM
To: Martin,Tim; Smith, Wes
Subject: I hope you all have a great week.

Check out this video on YouTube:

http://youtu.be/WMO72KRoL4Y

Sent from my iPad

ices of thanksgiving, and de-
his works with *rejoicing.
They that go down to the sea
ips, 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
h 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
wits' end.
Then they cry unto the LORD
ir 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
heir desired haven.
Oh that *men* would praise the
*or his goodness, and *for* his
rful works to the children of

Let them exalt him also in
ngregation of the people, and
him in the assembly of the

*He turneth rivers into a
ness, and the waterspring
y ground;
fruitful land into barren-
or the wickedness of them
vell therein.
le turneth the wilderness
*standing water, and dry
into waterspring.
and there he maketh the
to dwell, that they may pre-
city for habitation;
and sow the fields, and
vineyards, which may yield
f increase.
le blesseth them also, so that
e *multiplied greatly; and
eth not their cattle to *de-

gain, they are *minished
ought low through oppres-
diction, and sorrow.

s Ps. 9:1; 116:17
t Isa. 42:10; Jon. 1:5; 27:9
u Ps. 105:
v Ps. 93:
w Ps. 1:
x Ps. 89:8; 26:
y Ps. 22:22
z Ps. 35:
aa Ps. 50:23; 17:
bb Ch. 13:10; 19:21
cc Ps. 41:10
dd Or
ee Isa. 65:
ff Gen. 17:16
gg Or
hh Or
ii Or

7 at their wits' end. Literally *all their wisdom is swallowed up.*

40 He poureth contempt upon
princes, and causeth them to wan-
der 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 ob-
serve these *things*, even they shall
understand the loving kindness 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 *my-
self* will awake early.
3 I will praise thee, O LORD,
among the people: and I will sing
praises unto thee among the na-
tions.
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 deliv-
ered: save *with* thy right hand, and
answer me.
7 God hath spoken in his holi-
ness: I will rejoice, I will divide She-
chem, and mete out the valley of
Succoth.
8 Gilead *is* mine, Manasseh *is*
mine; Ephraim also *is* the strength
of mine head; Judah *is* my lawgiv-
er;
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 *Wilt* 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.

Verses 6–13 are almost identical with Ps.

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 spo-
ken 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 adver-
saries: 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.

j Cp. Phil. 4:13
k Ps. 83:1
l Ps. 27:12; 52:4; 120:2; cp. Mt. 26:59-62; Lk. 23:1-5
m Ps. 35:7; 69:4; Jn. 15:25
n Ps. 69:13
o Ps. 35:12; 38:20
p Prov. 17:13; cp. Jn. 10:32
q vv. 6-15; cp. Ps. 69:22-28
r Cp. Jn. 17:12; 2 Th. 2:3
s *Satan*: v. 6; Isa. 14:12, (Gen. 3:1; Rev. 20:10, *note*)
t Prov. 28:9
u Ps. 55:23; cp. Mt. 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).

10 Let his children be continually [a]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 [b]to favour his fatherless children.

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

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

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

16 Because that he remembered not to shew mercy, but persecuted the [f]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 [m]reward of mine adversaries from the LORD, and of them that [n]speak evil against my soul.

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

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

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

24 My [r]knees are weak through fasting; and my flesh faileth of fatness.

25 I became also a [s]reproach unto them: *when* they looked upon me they [t]shaked their heads.

26 [u]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 [v]Let them curse, but bless thou: when they arise, let them be ashamed; but let thy servant rejoice.

29 Let mine adversaries be [w]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 [x]multitude.

31 For he shall stand [aa]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 [bb]LORD said unto my [bb]Lord, Sit thou at my right hand, [cc]until I make thine enemies thy [dd]footstool.

2 The LORD shall send the [ee]rod of thy strength [ff]out of Zion: [gg]rule thou in the midst of thine enemies.

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

4 The LORD hath sworn, and will not [jj]repent, Thou *art* a [kk]priest for ever after the order of [ll]Melchizedek.

a Or *wanderers*. Cp. Gen. 4:12
b Isa. 9:17
c Ps. 37:28
d Ps. 69:28; Prov. 10:7
e Ex. 20:5
f Neh. 4:5; Jer. 18:23
g Ps. 34:16
h Ps. 37:14,32
i Prov. 14:14
j Ps. 73:6
k Or *inward parts*
l Num. 5:22
m Ps. 94:23; cp. 2 Tim. 4:14
n Ps. 71:10
o Ps. 79:9
p Ps. 69:16
q Ps. 102:11
r Heb. 12:12
s Ps. 22:6
t Or *shook*: Ps. 22:7; Mt. 27:
u Ps. 119:86
v Job 37:7
w 2 Sam. 16:
x Isa. 65:14
y Ps. 35:26; 132:18
z Ps. 22:25
aa Ps. 16:8; 73:23; 12
bb Deity (name of): v. 1; 2:16; Gen. 1:1; Mal. 3:18, *note*
cc Christ (second advent): v. 7; Isa. 9:7 (Dt. 30:3); Acts 1:11, *note*
dd 1 Cor. 15:25; 6:16
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

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*; Jn. 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; Jn. 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.

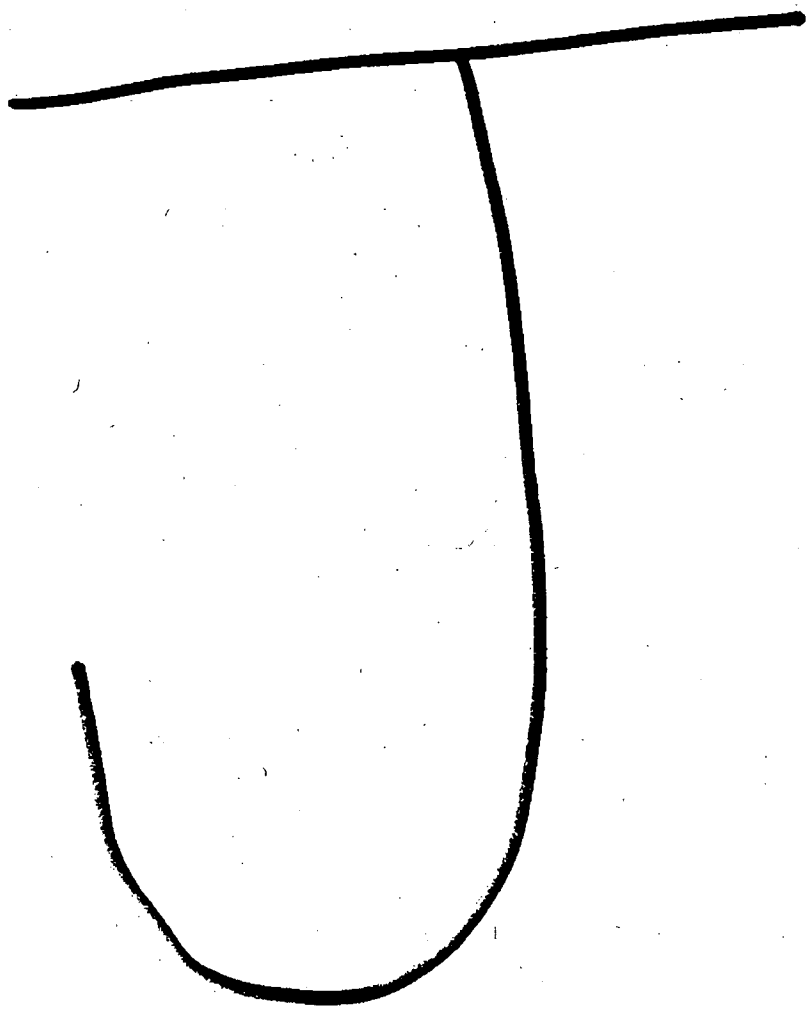
5 The Lord at thy right
strike through kings in th
his wrath.
6 He shall judge ar
heathen, he shall fill t
with the dead bodies;
wound the heads over m
tries.
7 He shall drink of the
the way: therefore shall
the head.

Praise for God's wonder

111 Praise ye the L
praise the LORD
whole heart, in the assem
upright, and in the congr
2 The works of the
great, sought out of all
have pleasure therein.
3 His work is honou
glorious: and his righteo
dureth for even
4 He hath made his
works to be remembered
is gracious and full of co
5 He hath given
them that fear him: he w
mindful of his covenant.
6 He hath shewed his
power of his works, that h
them the heritage of the
7 The works of his har
ity and judgment; all his
ments are sure.
8 They stand fast fo
ever, and are done in tru
rightness.
9 He sent redemptio
people: he hath comm
covenant for ever: hol
erend is his name.
10 The fear of the
beginning of wisdom:
derstanding have all they
commandments: his
dureth for ever.

Melchizedek: *king of righteousness*. The pri
Salem (Jerusalem) who blessed Abraham.
the book of Hebrews stated that Melchize
type of Christ.

12:9 horn: The words "horn" and "horns"
(*keras*) are used in Scripture both literall
In the latter sense at least three mean
strength in general (Dt. 33:17); (2) arroga
5); and (3) political and military power (D



Martin,Tim

From: Alton Holcomb [altonholcomb@gmail.com]
Sent: Tuesday, July 08, 2014 12:38 PM
To: Claudia Whitt; Martin,Tim; magus@operationlosttrust2.org; magus@emci.guru
Subject: Fwd: Suspicious sign in prevented

---------- Forwarded message ----------
From: **Google** <no-reply@accounts.google.com>
Date: Tuesday, July 8, 2014
Subject: Suspicious sign in prevented
To: altonholcomb@gmail.com

Google

Alton Holcomb

Hi Alton,

Someone recently used your password to try to sign in to your Google Account altonholcomb@gmail.com. This person was using an application such as an email client or mobile device.

We prevented the sign-in attempt in case this was a hijacker trying to access your account. Please review the details of the sign-in attempt:

Tuesday, July 8, 2014 3:21:51 PM UTC
IP Address: 173.209.212.212
Location: Hearne, TX, USA

If yo

do not recognize this sign-in attempt, someone else might be trying to access your account. You should sign in to your account and reset your password immediately.

Reset password

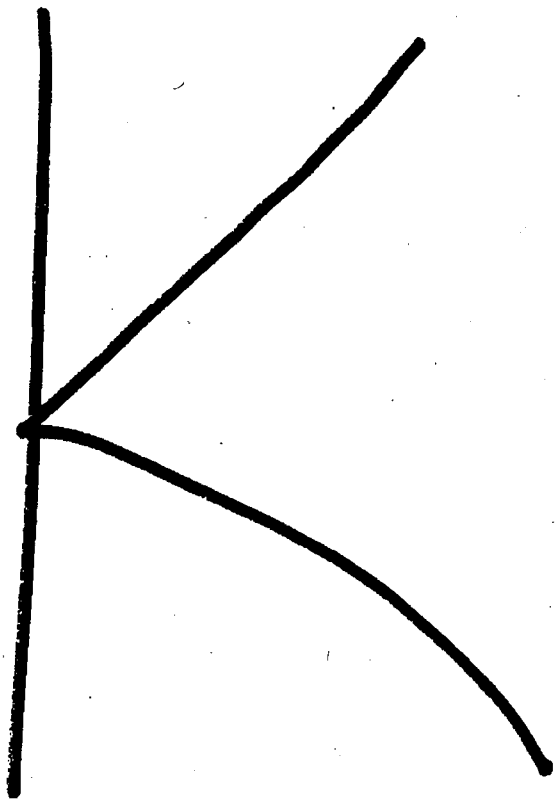
If this was you, and you are having trouble accessing your account, complete the troubleshooting steps listed at http://support.google.com/mail?p=client_login

Sincerely,
The Google Accounts team

This email can't receive replies. For more information, visit the Google Accounts Help Center.

You received this mandatory email service announcement to update you about important changes to your Google product or account.

© 2014 Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA



INCIDENT/INVESTIGATION REPORT

INCIDENT DATA

Agency Name: Dallas Police Department
ORI: NC0360400
OCA: 14-09907
Date / Time Reported: (S) M T W T F S — Month 07 | Day 20 | Yr 2014 | Time 2:35 Hrs.

#1 Crime / Incident(s): 2100 - DWI - Alcohol and/or Drugs — ☐ Attempt ■ Complete
At Found: (S) M T W T F S — Month 07 | Day 20 | Yr 2014 | Time 2:35 Hrs.
Last Known Secure: (S) M T W T F S — Month 07 | Day 20 | Yr 2014 | Time 2:30 Hrs.

#2 Crime Incident: ☐ Attempt ☐ Complete
Location of Incident: Hwy. 321 N. Exit ramp W. @ W. Trade St., Dallas, NC 280
Offense Tract:

#3 Crime Incident: ☐ Attempt ☐ Complete
Premise Type: 62 - Highway/Road/Street, etc.
Victim Residence Type: ☐ Single Family ☐ Multi Family

MO

How Attacked or Committed: By driving under the influence of an impairing substance.
Forcible: ☐ Yes ☐ No ■ N/A
Weapon / Tools: 97 - Not Applicable/None

VICTIM

# of Victims: 1
Type: ☐ Person ☐ Business ☐ Society ■ Government ☐ Financial Institute ☐ Religious ☐ L.E. Officer Line of Duty ☐ Other/Unk
Injury: ☐ None ☐ Minor ☐ Loss of Teeth ☐ Broken Bones ☐ Severe Lacerations ☐ Internal ☐ Unconscious ☐ Other Major
Drug/Alcohol Use: ☐ Yes ☐ Unknown ☐ No ☐ N/A

V1 — Victim/Business Name (Last, First, Middle): State of, North Carolina
Victim of Crime #: 1
DOB / Age:
Race:
Sex:
Relationship To Offender:
Resident Status: ☐ Resident ☐ Non-Resident ☐ Unknown

Home Address: 207 W Church St., Dallas, NC 28034
Home Phone: (704) 922-3116
Employer Name/Address:
Business Phone:

VYR	Make	Model	Style	Color	Lic/Lis	Vin

OTHERS INVOLVED

CODES: V = Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: ☐ Person ☐ Business ☐ Society ☐ Government ☐ Financial Institute ☐ Religious ☐ L.E. Officer Line of Duty ☐ Other/Unknown

Code	Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex

Home Address:
Home Phone:
Employer Name/Address:
Business Phone:

Type: ☐ Person ☐ Business ☐ Society ☐ Government ☐ Financial Institute ☐ Religious ☐ L.E. Officer Line of Duty ☐ Other/Unknown

Code	Name (Last, First, Middle)	Victim of Crime #	DOB / Age	Race	Sex

Home Address:
Home Phone:
Employer Name/Address:
Business Phone:

PROPERTY

Status Codes: L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found
(Check "OJ" column if recovered for other jurisdiction)

Victim #	DCI	Status	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Number of Vehicles Stolen:
Number of Vehicles Recovered:

ID

Officer Name: Matt Scott — ID#: MS2502
Officer Signature:
Supervisor Signature:

STATUS

Complainant Signature:

Case Status: ☐ Further Investigation ☐ Inactive ■ Closed/Cleared ☐ Closed/Leads Exhausted

Case Disposition: ☐ Unfounded ☐ Juvenile/No Custody ☐ Extradition Declined ■ Cleared by Arrest ☐ Refuse to Cooperate ☐ Located ☐ Cleared by Arrest by Another Agency ☐ Death of Offender ☐ Prosecution Declined

DCI-600F Rev. 3/92

CONTINUATION PAGE

1. AGENCY	2. ORI	3. CONTINUATION TO:	4. OCA FILE NO.
Dallas Police Department	NC0360400	■ INVESTIGATION ☐ ARREST ☐ SUPPLEMENTARY INV.	14-09907

Narrative

conducting a license check just behind where we were at and he did not stop and drove through it. Mr. Holcomb stated ok. I asked Mr. Holcomb if he saw us standing in the road with our flashlights on and he stated yes. I asked Mr. Holcomb if there was any reason why he did not stop and he stated that he was coming to the stop light. I asked Mr. Holcomb if he had any alcohol to drink tonight and he stated fifth. I asked him, a fifth of what and he stated fifth again. I asked him if he had drank a fifth of liquor and he stated I plead the fifth. I then asked Mr. Holcomb if he could step out of the car and walk to the back of his vehicle and talk to me for a few minutes and he stated sure. Once he opened the door and got out of the vehicle he was unstable on his feet and was not able to walk in a straight line. Mr. Holcomb was leaning against the vehicle to help keep himself balanced. Once we were at the back of his vehicle he was leaning against the trunk of the car and I asked him if he could stand up straight for me for a minute and he was able to stand in one spot but he was swaying back and fourth. I asked Mr. Holcomb if he had any weapons or anything on himself that was illegal and he stated no. I told him to place his hands on the back of the vehicle so I could search him and make sure that he did not have any weapons on himself. I searched Mr. Holcomb and recovered a razor knife from his back right pocket and told him that I was going to hold onto the knife until we were done with everything. I asked Mr. Holcomb again if he had any alcohol to drink tonight and he stated that he had one beer at 6:34 P.M. As he told me that, I noticed that his speech was slurred and his eyes were glassy looking and I could smell the odor of alcohol coming from his breath. Capt R.A.Scott had dispatch call Gaston County Police to bring a calibrated alcosensor to our location for a roadside breath test. Officer Luppert with the Gaston County Police came to our location and brought a calibrated alcosensor. Officer Luppert explained to Mr. Holcomb how the alcosensor worked and told him what he needed to do for the instrument to work correctly. Officer Luppert then asked Mr. Holcomb to blow into the instrument and Mr. Holcomb stated no. Officer Luppert asked him again to blow into the instrument and Mr. Holcomb stated no again. I then told Mr. Holcomb that he needed to blow into the instrument and he told me no. I asked Mr. Holcomb if he was going to blow into the instrument for us and he stated ne he was not doing it. I then told Mr. Holcomb to turn around and put his hands behind his back and that he was under arrest for DWI. As I was placing Mr. Holcomb into handcuffs he asked me if I would break his arm and I told him no. Mr. Holcomb then asked me if I was going to kill him and I stated no. As I was walking Mr. Holcomb to my car, he asked me to beat him up, and I told him no that I was not going to do that. Mr. Holcomb then asked me to punch him in the face and to break his arm and I told him no again and I told him to stop asking me to do those kind of things to him. Mr. Holcomb stated that he wanted me to do those things to him because we could get rich off of it and he would give me $10,000 to do it. I told him no im not doing those things and I told him to have a seat in my car. Mr. Holcomb sat down and I then transported him to Gaston County Jail. While I was transporting Mr. Holcomb to jail he stated that when I blow my brains out, to remember that it was him and that he was going to eat my soul. Once we were at the jail and I was getting Mr. Holcomb out of the back seat of my car he asked me to break his arm again. I told him no and walked him over to the entrance door to the jail. Gaston County Officer J.E.Sain was at the jail and was my Intox Operator. Officer Sain, myself and Mr. Holcomb entered the room where the Intox Instrument was located and began to explain to Mr. Holcomb what we were going to do. Officer Sain advised Mr. Holcomb of his rights in regards to the Intox Instrument and asked Mr. Holcomb if he understood his rights and Mr. Holcomb stated yes. While we were waiting to begin the breath test Mr. Holcomb

Officer Name / ID	Officer Signature	Date / Time Submitted	Page 3 of 4
Matt Scott - MS2502		07/21/2014 5:40	

ARREST REPORT

AGENCY INFO.

Agency Name	ORI	Date/Time of Arrest (Mo Date Year)	OCA
Dallas Police Department	NC0360400	07 20 2014 3:05 Hrs.	14-09907

Taken ☐ Prints ☐ Photos	Fingerprint Card Check Digit # (CKN)	Arrest Tract	Residence Tract	Arrest Number
				1

ARRESTEE INFORMATION

Name (Last, First, Middle)	D.O.B.	Age	Race	Sex	Place of Birth	Country of Citizenship
Holcomb, Dean Alton	[redacted]	44	W	M		US

Current Address	Phone	Occupation	☐ Resident ☐ Unknown ■ Non-Resident
[redacted] Young Rd, Bessemer City, NC 28016			

Employer's Name	Address	Phone

Also Known As (Alias Names)	Hgt	Wgt	Hair	Eye	Skin Tone	Consumed Drug/Alcohol
			BLK	BRO	LGT	■ Yes ☐ No ☐ Unk

Scars, Marks, Tattoos	Social Security #	OLN and State	Misc. # and Type
		NC	

Nearest Relative Name	Address	Phone

ARREST INFO.

If Armed, Type of Weapon		Place of Arrest
97 - Not Applicable/None	■ On-View ☐ Criminal Summons ☐ Order for Arrest ☐ Citation ☐ Warrant	Hwy. 321 N. Exit Ramp W. @ W. Trade St., Dallas, NC 28034

Charge		Counts	DCI Code	Offense Jurisdiction (if not arresting agency)	Statute #	Warr. Date (Mo Date Yr)
#1 DWI - Alcohol and/or Drugs	☐ Fel ■ Misd		2100			
#2	☐ Fel ☐ Misd					
#3	☐ Fel ☐ Misd					

VEH. INFO.

VYR	Make	Model	Style	Color	Lic/Lis	Vin

Vehicle: 1. ☐ Left at Scene ☐ Secured ☐ Unsecure Date/Time ____ Hrs ____
2. ☐ Released to other at owners request ☐ Name of Other ____
3. ☐ Impounded ☐ Place of Storage ____ Inventory on File? ____

CONFINED BOND INFO.

Date/Time Confined	Place Confined	Committing Magistrate
07/20/2014 3:20 Hrs.	Gaston County Jail	C F Stadler

Type Bond	Amt. Bond	Trial Date	Court of	City
☐ Written Promise ☐ Unsecured ■ Secured ☐ No Bond ☐ Other	$1,000	09/16/2014	Gaston County Courtroom 002A	Gastonia

Assisting Officer Name/ID Number	Released By: Name/Dept/ID	Date/Time Released
Robert W. Brand - RB254; Allen Scott - RAS257		Hrs.

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found
(Check "OJ" column if recovered for other jurisdiction)

DRUGS AT TIME OF ARREST

DCI	Status	Quantity	Type Measure		Suspected Type	Check up to 3 types of activity for each: Possess	Buy	Sale	Mfg.	Importing	Operating

COM-PLAIN-ANT

Name: Complainant ☐ Victim ■	Address:	Phone:
State of, North Carolina	207 W Church St., Dallas, NC 28034	(704) 922-3116

NARRATIVE

See Incident Report.

STATUS

Arresting Officer Signature/ID #	Date/Time Submitted (Mo Date Yr)	Supervisor Signature
Matt Scott MS2502	07 21 2014 7:39 Hrs.	

Case Status:	Case Disposition:	Arrestee Signature
☐ Further Inv. ☐ Inactive ■ Closed	■ Cleared By Arrest / No Supplement Needed ☐ Arrest/No Investigation	

2916514-9

File No.

NORTH CAROLINA UNIFORM CITATION

Defendant Is To Appear In District Court
Gastonia 2A N.C.

Day Of Week	Month	Day	Year	Time
Tuesday	9	16	2014	08:30 ■ AM ☐ PM

☐ D.L. ■ D.C.I. ☐ Other No. Of Charge 1

THE STATE OF NORTH CAROLINA VS.

Name Of Defendant: Dean Alton Holcomb

Address: [redacted] Young Rd

City	State	Zip
Bessemer City	NC	28016-

Drivers License No.	State	CDL	Class
	NC	No	C

Race	Sex	Date Of Birth	Age
W	M	[redacted]	44

Social Security No. Of Defendant | Telephone No.

Vehicle License No.: [redacted] State: NC

Vehicle Type	Trailer Type	CMV	Haz. Mat.	Make	Year
P		No	No	Honda	2008

Name And Telephone No. Of Defendant's Employer

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Ca

ACKNOWLEDGEMENT/NONRESIDENT PERSONAL RECOGNIZANCE FOR APPEARANCE

I acknowledge receipt of this citation ☐ and I promise to appear in the named court at the time and place designated herein to answer the charge(s). I understand that my failure to appear or to dispose of this citation by other acceptable legal means, such as waiver, will result in my operator's license issued by my state of residence being suspended until I have done so. Also, I may go before a magistrate and make bail in lieu of my personal recognizance.

Date | Signature Of Defendant

DEPARTMENTAL USE ONLY

Officer	No.	Troop	Distric
Matt Scott	MS25		

SHP Cod ☐ N.C. Patrol ☐ Dallas Police Department Police/Sheriff

Area	Wea.	Vis.	Traffic	Accident	Speed
B	C	C	L	-	-

On Highway No./Street: Hwy. 321 N. Exit Ramp W. ☐ Injury Or Serious Inj ☐ Passenger(s) Under

In Vicinity/City Of: Dallas | At/Near Intersection: W. Trade St.

Wit. | Chemical Analyst: - | ☐ ____AC ☐ Refused

OFFICER'S COPY

STATE OF NORTH CAROLINA Gaston County

The undersigned officer has probable cause to believe that on or about Sunday, 02:35 (a.) (~~p.~~)m., the 20th day of July, 2014, in the named county, the named defendant did unlawfully and willfully operate a (motor) vehicle on a (street or highway) (~~public vehicular area~~)

☐☐ 1. At a speed of ____ MPH in a ____ MPH ☐ zone. G.S. 20-141.
77. ☐ work zone. G.S. 20-141(j2). 88. ☐ school zone. G.S. 20-141.1.

☐ 2. In forward motion without having the provided seat belt properly fastened about the defendant's body. G.S. 20-135.2A.

☐ 3. By transporting a passenger of less than 16 years of age without having the passenger in a (weight appropriate child passenger restraint system) (seat belt). G.S. 20-137.1

☐ 4. By transporting a child of less than five years of age and less than 40 pounds in weight without the child being secured in the rear seat, when the vehicle was equipped with an active passenger-side front air bag and the vehicle had a rear seat. G.S. 20-137.1(a1).

■ 5. While subject to an impairing substance. G.S. 20-138.1.

☐ 6. Without being licensed as a driver by the Division of Motor Vehicles of North Carolina. G.S. 20-7(a).

☐ 7. While the defendant's drivers license was revoked. G.S. 20-28.

☐ 8. While displaying an expired registration plate on the vehicle knowing the same to be expired. G.S. 20-111(2).

☐ 9. Without (displaying thereon a current approved inspection certificate) (having a current electronic inspection authorization for the vehicle), such vehicle requiring inspection in North Carolina. G.S. 20-183.8. Month Expires: ____.

☐ 10. By failing to see before (starting) (stopping) (turning from a direct line) that such movement could be made in safety. G.S. 20-154.

☐ 11. By failing to stop at a duly erected (stop sign) (flashing red light). G.S. 20-158(b)(1), (b)(3).

☐ 12. By entering an intersection while a traffic signal was emitting a steady red circular light for traffic in defendant's direction of travel. G.S. 20-158(b)(2).

☐ 13. Without having in full force and effect the financial responsibility required by G.S. 20-313. The defendant was the owner of the motor vehicle that was (registered) (required to be registered) in this State. G.S. 20-313.

☐ 14. (Possess an open container of) (Consume) an alcoholic beverage in the passenger area of a motor vehicle. G.S. 20-138.7(a1). [NOTE: *"Strike operate a (motor) vehicle" and "(public vehicular area)" above.*]

☐ 15. Without decreasing speed as necessary to avoid colliding with a (vehicle) (person). G.S. 20-141(m).

☐☐ 16. ____

☐☐ 17. And on or about the date and time shown above in the named county, the named defendant did unlawfully and willfully operate a (motor) vehicle on a (street or highway) (public vehicular area)

Date | Signature Of Officer

In The General Court Of Justice District Court Division

See Incident Report.

MAGISTRATE'S ORDER • MISDEMEANOR ONLY

The named defendant has been arrested without a warrant and there is probable cause for the defendant's detention on the stated charges. This Magistrate's Order is issued upon information furnished under oath by the named officer. A copy of this Order has been delivered to the defendant.

Date | Signature Of Magistrate/Deputy/Assistant/CSC

OFFICER'S NOTES

AOC-CR-500, Rev. 12/08 (Structured Sentencing). © 2008 Administrative Office of the Courts

14-09907

OPERATIONS REPORT ADDITIONAL INFORMATION

1. AGENCY	2. PERSON RECEIVING COMPLAINT	3. DATE/TIME RECEIVED	24 HR. CLOCK	7. CASE NUMBER
Dallas Police Department	LN9002 - L. R. Nichol	07/20/2014	2:35	14-09907

MAKE	MODEL	VEH. STYLE	VEH. YEAR	PRIMARY COLOR
Honda	Civic		2008	

LICENSE PLATE #	LIC. STATE	LIC. PLATE YEAR	VIN	SECONDARY COLOR	TYPE	INVOLVEMENT
[redacted]	NC	2014	[redacted]			

Additional Officer(s) Assigned

OFFICER ASSIGNED	DISPATCHED	ARRIVED	10-17 PD	10-23 PD	10-17 MAG. OFFICE	10-23 MAG. OFFICE	COMPLETED
MS2502 - Matt Scott	2:35	2:35			3:16	3:22	6:06
RB254 - Robert W. Brand	2:42	2:42					4:14

Nature of Call Notes:

Dean Alton Holcomb, OLN , DOB [redacted]

254 enroute to PD to pick up Alco-sensor

0246, per 257, call comm center and see if they have an officer w alco-sensor
0247, officer enroute

Claudia Louise Whitt, OLN , DOB [redacted]

0316, 2502 72 x1, 10-17 to jail w Dean Alton Holcomb

0322, per 254, send rotation wrecker
0323, Goudelocks Direct

3041, Goudelock's on scene and in possession of veh

0340, 254 giving 10-59, 1 WF to PD
beg mil 31977.2
end mil 31978.2 @ 0343

0415, called county for an officer to escort Claudia Whitt to her residence
0422, county officer on scene to give escort
Claudia Louise Whitt, to her residence at [redacted] Young Rd., Bessemer City

0552, 2502 10-8 from jail, enroute to GMH to submit bloodwork
0559, 2502 at GMH

14-09907

OPERATIONS REPORT

1. AGENCY	2. PERSON RECEIVING COMPLAINT	3. DATE/TIME RECEIVED 24 HR. CLOCK	5. TIME ARRIVED (First Unit)	7. CASE NUMBER
Dallas Police Department	LN9002 - L. R. Nichol	07/20/2014 02:35	02:35 - MS2502	14-09907
		4. TIME DISPATCHED (First Unit) 02:35 - MS2502	6. TIME COMPLETED 06:06	

8. NATURE OF INCIDENT

10-061 - Traffic stop - Dean Alton Holcomb, OLN [redacted], DOB [redacted]

254 enroute to PD to pick up Alco-sensor

9. LOCATION OF INCIDENT

Trade St - US Hwy. 321 Ramp NB Trade/Dallas-Cherryville, Dallas, NC 28034

10. VICTIM / COMPLAINANT / ACCUSED

Holcomb, Dean Alton - [redacted] Young Rd, Bessemer City, NC 28016

11. ACTION TAKEN

Arrest

12. CLASSIFICATION

- [ ] General Police
- [x] Traffic
- [ ] Emergency
- [ ] Crime
- [ ] Special Activity
- [ ] Technical Service

13. HOW RECEIVED

- [ ] Phone
- [ ] On-View
- [ ] Walk-In
- [x] 4 - Radio

14. DISPOSITION

- [ ] Pending
- [x] Complete
- [ ] See Inv. Report

15. OFFICER ASSIGNED

MS2502, RB254

16. OFFICER SIGNATURE

17. DATE SUBMITTED

MO 07 / DAY 25 / YR 2014

DALLAS POLICE DEPARTMENT

AUTHORIZATION FOR CHECKPOINT

PART A

Date to be Conducted: 07/20/2014 Time (24-hr) From: 0200 To 0300

Exact Location: U.S. 32 OFF Ramp North Bound.

Checkpoint Type: [✓] General Traffic [ ] Impaired Driving [ ] Fugitive Apprehension

PATTERN FOR STOPPING VEHICLES / CONTINGENCY PROCEDURES:

Check every ✓ vehicle under normal traffic conditions as anticipated.
Check every _____ vehicle if traffic volume is lighter than anticipated.
Check every _____ vehicle if traffic volume is heavier than anticipated.
Check every _____ vehicle regardless of traffic conditions.

[✓] Cancel if weather or traffic conditions warrant.

MARKING OF THE CHECKPOINT:

[ ] Sobriety checkpoint signs will be positioned _____ feet from the checkpoint in all directions of vehicular approach

[✓] Marked patrol vehicles will be positioned parallel to and/or adjacent to the roadway with emergency lights activated.

[ ] Supplemental Traffic Warning Devices will be used as follows:

- [ ] Signs
- [ ] Flares
- [ ] Traffic Cones
- [✓] Other (Specify): Safety Vest on all involved officers

SUPERVISOR'S PLANNING CHECKLIST

- [✓] Visual inspection of proposed checkpoint location to ensure that adequate safety standards can be maintained.
- [✓] Adequate field personnel are available and assigned.
- [✓] Scheduled on-duty patrol and traffic supervisors notified.
- [✓] Communications supervisor notified of intent to conduct checkpoint.
- [ ] Adequate support personnel (telecommunicators / intoxilyzer operators, etc) have been scheduled and coordinated with appropriate supervisors.
- [✓] All required safety and warning equipment is currently available and in good working order.
- [✓] Pre-deployment briefing has been scheduled for participating personnel.

AUTHORIZATION: This is to certify that all standards for the checkpoint pre-planning have been satisfied and the checkpoint described above is hereby authorized.

Authorizing Supervisor (Print Name) R.A. Scott

Signature: R.A. Scott Date: 07/20/2014

Police Chief
Gary W. Buckner

Dallas Police Dept.
207 W. Church St.
Dallas NC 28034

PHONE:

Emergency
704-922-3131

Business
704-922-3116

Fax
704-922-4221

Web Page
www.dallasnc.net

In regards to a traffic stop made on 7-20-2014 CR – 2014-09907 At approximately 02:15 A.M. on the morning of Sunday, July 20, 2014 we, Officer Scott, Captain Scott, and myself, were running a license checkpoint on the exit ramp of U.S. 321 Northbound at Westbound Trade St. After approximately twenty minutes three vehicles came up the ramp at the same time. I, Officer Brand, using my flashlight and hand signals I motioned for the first vehicle, a black Honda Civic, to pull forward to where Officer Scott was standing with his flashlight illuminating his left hand, signaling for the vehicle to stop. As the vehicle went past me I even stated out loud, "to pull forward to the next officer please." The vehicle failed to slow down even the slightest margin and travelled with approximately a foot or less of my out stretched arm, almost clipping my hand with the mirror. The next vehicle in the line pulled up to me and the female driver stated that the car in front of her had been driving extremely recklessly over the last several miles travelling north on U.S. 321. She stated that she believed the driver to be impaired as the vehicle was swerving violently and travelling between lanes and even on and off the road surface.

At this point I looked back towards Officer Scott, witnessed the vehicle come even closer to hitting Officer Scott, and then both Officer Scott and Captain Scott (who was walking past Officer Scott down the ramp towards me to assist in checking the third vehicle that had come up the ramp) shouted for the vehicle to stop. The vehicle did not stop and travelled past Officer Scott and to the traffic signal at the top of the ramp that was emitting a red light at the time, where the vehicle finally came to a stop. Officer Scott got into his patrol car, activated his blue lights and pulled in behind the black Honda, initiating a traffic stop at that time.

Captain Scott had turned around and gone to his patrol car to assist by this point. I then finished checking the vehicle I was at with the female witness, then spoke to the driver of the pick-up truck that had pulled up behind her, before also going to my

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patrol car and pulling in behind Officer Scott to assist. By the time I exited my vehicle Officer Scott already had the driver standing at the rear of the Honda. As I approached the two of them Officer Scott asked me to stand by with the driver so he could speak with the passenger of the vehicle. As Officer Scott walked to the front of the car the driver turned from watching Officer Scott walk away and looked towards me. I nodded my head to him as an introductory gesture with half a smile on my face but said nothing. This is an action I will commonly do when stepping up to an individual that has already spoken to an officer but has not yet had any interaction with me. The driver of the vehicle stood silently at the back of the vehicle, leaning against the car, and staring at me directly making eye contact the whole time. After a few minutes of silence the driver stated that he was filming the whole encounter and that it was streaming live to the internet as we spoke. He then asked the female passenger, who was speaking with Officer Scott, how many video hits they had received already, stated a large number in the amount of either seventeen or seventy thousand. He then stated that that was how he's made his fortune, Youtube video posts, and that he was set make fifteen to twenty thousand dollars for this video, if not more. The driver then offered me ten thousand dollars stating that he would split the money with me and give me ten thousand dollars; the other officers didn't need to know. I stated, "No thanks." The driver asked again stating he would give me ten grand and then asked if I realized how much money that was. I stated, "I don't care." He continued to ask about giving me ten thousand dollars saying that I could put it towards an amazing sports car. I stated, "No thanks, I already have a car I like and don't need another." I then asked the driver if he was attempting to bribe me. He immediately changed his tone of voice and smiled and said no that he wouldn't dare bribe me. And then stated, "Are you sure it's a lot of money?" I then told him to stop asking me about money as it was irritating. He apologized and stopped.

At that point Officer Luppert with the Gaston County Police

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Department arrived at the scene with his alcosensor in hand. Officer Luppert introduced himself and began explaining what he needed the driver to do to take the alcosensor test. After Officer Luppert finished his explanation and asked if the driver understood what he had been told the driver simply stated, "Fifth." Officer Luppert then asked, "Fifth of....?" To which the driver again stated, "Fifth." Officer Luppert then asked, "Fifth what?" The then stated, "I plead the Fifth." Officer Luppert explained that he was not questioning him and that the Fifth Amendment did not currently apply to the situation, all he wanted was for him to blow into the machine. The driver continued to repeat "Fifth" and it was at this point that I walked over to the female passenger of the vehicle and Officer Scott stepped over to Officer Luppert. Once again this time with Officer Scott present Officer Luppert explained what the alcosensor device was and what he needed the driver to do.

At this point I could no longer hear the conversation between the driver, Officer Luppert and Officer Scott because I had asked the female passenger to step out of the vehicle and come back to my patrol car to speak to away from the driver. After several moments of speaking with the female passenger I witnessed Officer Scott place the driver in handcuffs. It was at this point that I asked the female passenger to have a seat on the curb near my vehicle and I went to assist Officer Scott in placing the driver in the backseat of Officer Scott's patrol car. As he was stepping into the backseat the driver again asked me if I wanted the ten thousand dollars and if I realized what I was throwing away. I ignored his comments and after he was secured in the patrol car I returned to speaking with the female passenger.

Officer R. Brand

Police Chief
Gary Buckner

Dallas Police Department

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Dallas, N.C. 28034

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On 07/20/2014 at 2:35 A.M. myself, Officer R.Brand, and Capt. R.A.Scott were conducting a license checkpoint at U.S. Hwy 321 N. Exit Ramp W. Myself and Officer R.Brand were standing in the roadway as 3 vehicles were coming up the ramp to W. Trade St. Officer R.Brand was standing about 20ft. away from me with his flashlight on and motioning for the first vehicle to pull up to me so I could check there license. As the first vehicle drives by him they did not slow down and drove by me and kept going. Myself and Officer R.Brand had our safety vest and flashlights on the driver's in the upcoming vehicles could see us. After the car passed by me I quickly went over to my car and my lights were already activated and I activated my siren and went after the vehicle. The vehicle stopped about 200ft. from where it went past me at the red light where the exit ramp meets W. Trade St. The vehicle stopped in the middle of the road in between 2 lanes of travel. As I was approaching the vehicle I noticed that the windows were up but I could hear music coming from the vehicle that appeared to be playing quite loud. Once I was at the driver's window I noticed that the driver of the vehicle was looking down as if he did not notice me standing at the window. I knocked on the window to get the driver's attention but he did not acknowledge me. I knocked on the driver's window again and he noticed me standing beside his window and he then rolled it down. Once the window was rolled down I could smell the odor of alcohol coming from inside the vehicle. I asked the driver for his license and registration. He was able to provide me with his driver's license but he could not provide me with the registration to the vehicle. The driver's name was Dean Alton Holcomb. I asked Mr. Holcomb if he knew why I stopped him and he told me no. I told Mr. Holcomb that we were conducting a license check just behind where we were at and he did not stop and drove through it. Mr. Holcomb stated ok. I asked Mr. Holcomb if he saw us standing in the road with our flashlights on and he stated yes. I asked Mr. Holcomb if there was any reason why he did not stop and he stated that he was coming to the stop light. I asked Mr. Holcomb if he had any alcohol to drink tonight and he stated fifth. I asked him, a fifth of what and he stated fifth again. I asked him if he had drank a fifth of liquor and he stated I plead the fifth. I then asked Mr. Holcomb if he could step out of the car and walk to the back of his vehicle and talk to me for a few minutes and he stated sure. Once he opened the door and got out of the vehicle he was unstable on his feet and was not able to walk in a straight line. Mr. Holcomb was leaning against the vehicle to help keep himself balanced. Once we were at the back of his vehicle he was leaning against the trunk of the car and I asked him if he could stand up straight for me for a minute and he was able to stand in one spot but he was swaying back and fourth. I asked Mr. Holcomb if he had any weapons or anything on himself that was illegal and he stated no. I told him to place his hands on the back of the vehicle so I could search him and make sure that he did not have any weapons on himself. I searched Mr. Holcomb and recovered a razor knife from his back right pocket and told him that I was going to hold onto the knife until we were done with everything. I asked Mr. Holcomb again if he had any alcohol to drink tonight and he stated that he had one beer at 6:34 P.M. As he told me that, I noticed that his speech was slurred and his eyes were glassy looking and I could smell the odor of alcohol coming from his breath. Capt R.A.Scott had dispatch call Gaston County Police to bring a calibrated alcosensor to our location for a roadside breath test. Officer Luppert with the Gaston County Police came to our location and brought a calibrated alcosensor. Officer Luppert explained to Mr. Holcomb how the alcosensor worked and told him what he needed to do for the instrument to work correctly. Officer Luppert then asked Mr. Holcomb to blow into the instrument and Mr. Holcomb stated no. Officer Luppert asked him again to blow into the instrument and Mr. Holcomb stated no again. I then told Mr. Holcomb that he needed to blow into the instrument and he told me no. I asked Mr. Holcomb if he was going to blow into the instrument for us and he stated ne he was not doing it. I then told Mr. Holcomb to turn around and put his hands behind his back and that he was under

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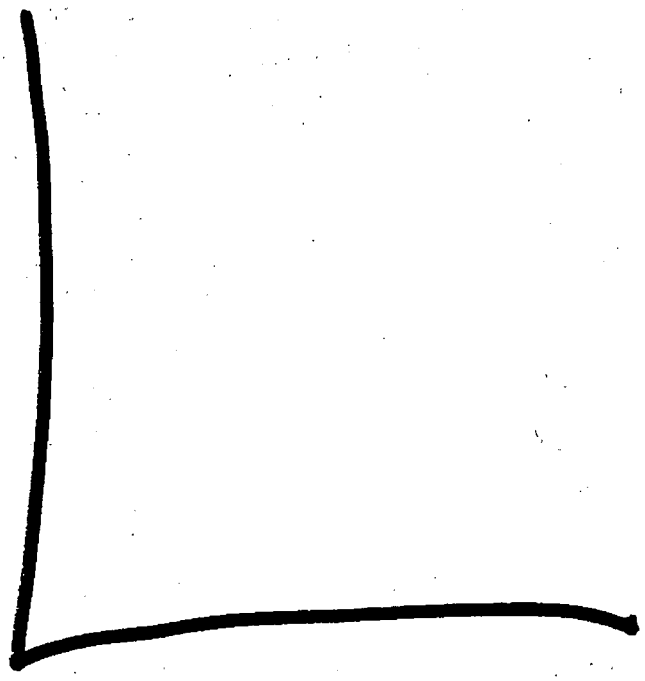
arrest for DWI. As I was placing Mr. Holcomb into handcuffs he asked me if I would break his arm and I told him no. Mr. Holcomb then asked me if I was going to kill him and I stated no. As I was walking Mr. Holcomb to my car, he asked me to beat him up, and I told him no that I was not going to do that. Mr. Holcomb then asked me to punch him in the face and to break his arm and I told him no again and I told him to stop asking me to do those kind of things to him. Mr. Holcomb stated that he wanted me to do those things to him because we could get rich off of it and he would give me $10,000 to do it. I told him no im not doing those things and I told him to have a seat in my car. Mr. Holcomb sat down and I then transported him to Gaston County Jail. While I was transporting Mr. Holcomb to jail he stated that when I blow my brains out, to remember that it was him and that he was going to eat my soul. Once we were at the jail and I was getting Mr. Holcomb out of the back seat of my car he asked me to break his arm again. I told him no and walked him over to the entrance door to the jail. Gaston County Officer J.E.Sain was at the jail and was my Intox Operator. Officer Sain, myself and Mr. Holcomb entered the room where the Intox Instrument was located and began to explain to Mr. Holcomb what we were going to do. Officer Sain advised Mr. Holcomb of his rights in regards to the Intox Instrument and asked Mr. Holcomb if he understood his rights and Mr. Holcomb stated yes. While we were waiting to begin the breath test Mr. Holcomb stated that he had 3 glasses of wine. Mr. Holcomb stated that he was a physicist and he owns 40% of Nick's Steakhouse bar. Mr. Holcomb stated that he had been to a bar with Pink Floyd. Mr. Holcomb stated that he was a cult leader and he had citizenship in 3 countries. Mr. Holcomb stated that he can make people commit suicide in the streets and stated again that he was going to take my soul. Mr. Holcomb stated that he wants to own the county. Once it was time to begin the breath test Officer J. Sain asked Mr. Holcomb to blow into the instrument. Mr. Holcomb stated no. Mr. Holcomb asked Officer J.Sain if he blew into it was he going to let him go. Officer J.Sain told Mr. Holcomb that it was not up to him if he got released or not but that if he co-operates with him that he will let the magistrate know that he co-operated and did not give him any trouble. Mr. Holcomb said ok and then Officer J.Sain asked him to blow into the instrument again and Mr. Holcomb said no. Officer J.Sain told him one more time to blow into the instrument and Mr. Holcomb told him no again. Officer J.Sain told him that if he did not blow into the instrument that he was going to lose his license and Mr. Holcomb stated fuck it, im not blowing because I got limo's and driver's that can drive me around. Mr. Holcomb told us to call the FBI and to tell them about him because they knew all about him. Officer Sain told Mr. Holcomb that he was going to lose his license and Mr. Holcomb told him fuck you. Mr. Holcomb told Officer J.Sain that he would eat him and destroy his life and his ex-girlfriend's. After we were done attempting to conduct a breath test, I filled out a search warrant for blood against Mr. Holcomb. I explained to Magistrate Stadler of the situation and what had taken place prior to us getting to jail with Mr. Holcomb and what took place at the jail and Magistrate Stadler issued the search warrant for blood. As myself and Officer J.Sain were talking with Magistrate Stadler, another Gaston County Officer was also in the jail area and Mr. Holcomb told him that we were all faggots. Mr. Holcomb called us retarded cops and also stated fuck you retards as we walked by him. As Officer J.Sain walked by him he told Officer J.Sain fuck you. GEMS arrived at the jail shortly after and Melissa Avery administered the drawing of Mr. Holcomb's Blood. Mr. Holcomb co-operated and did not give any trouble during this point. After we were done with the blood drawing, Mr. Holcomb was brought before Magistrate Stadler and then booked into Gaston County Jail shortly after.

Officer M. Scott
Dallas Police Department
Matthew R. Scott



Gary Buckner

From: Magus Holcomb [rabbi@emci.guru]
Sent: Thursday, July 24, 2014 2:59 PM
To: gbuckner@dallasnc.net; generalcounsel@emci.guru; media@operationlosttrust2.org
Subject: Is CDPD the Next "Cherryville Scandal"?
Attachments: photo1.jpg

Chief Buckner,

I have not forgotten about the formal criminal complaint you sent me to complete against officers Scott. I am very busy fighting (legal, investigations, public relations and research) self proclaimed Neo-Nazis in other Law Enforcement Agencies in the Carolina's. I am a undercover reporter for Jpost and others. I will forward you my email, credentials and editor(s) contact info if you like for verification. The bots, spiders and algorithms have found compelling evidence of "inappropriate behaviors" of Scot, Sain and others in CDPD and GCPD. The findings are being posted on a number of websites. **I will be sending you and your city manager FIOA requests on Monday, July 28, 2014 via email and registered US Mail, return receipt requested confirmation of delivery.**

Included in this email, see below, an email sent to the Gaston County Jail. I have been a political activist and a political prisoner many times since 1987. I am beyond familiar with public corruption. I am getting much more efficient and effective with each campaign.

Please do yourself a kindness and not stand behind or with the "thin blue line of silence"in regards to criminal activity of your officer(s). That would be by definition criminal conspiracy, and a RICO violation. See, (Key West PD)
http://en.wikipedia.org/wiki/Racketeer_Influenced_and_Corrupt_Organizations_Act
"The hand of one is the hand of all." I will forward the completed Complaint, FOIA, and link to the website dedicated to your Department and GCPD no later than hopefully Monday, July 28, 2014, G-d willing, of course.

I have a new Blue Screen studio and hope the video(s) will be very compelling. I hope to explain the crimes of Scott and Sain in less than 5 minutes with links, evidence etc.

It would be a great help for production and quality if you could email copies of my "case" that are more legible as soon as possible. This is my 3rd request, if you like I can forward you a copy of our phone conversation to refresh your memory from Monday. I also asked Scott for more legible copies as well on Sunday; recording of his stuttering and lying also available. The Honda, me and Claudia are all outfitted with broadcasting cameras uploaded in real time via Ustream and another. ;-) .

I was the architect and destroyer of the $3 Billion dollar, SC gambling industry. Went all the way to the SC Supreme Court. Interviewed for front page of the Wall Street Journal at 27. 10 years to the day after I declared the "Poker Wars", I brought the first gambling train in history to SC. The press is complete BS. We were clearing about $35K per hour. Machines valued at over $1.3 Million, there was an engine, etc. I currently hold a Federal Class III Railroad Licesnse in good standing, CSX is a Class I. Unfortunately my father was shot at the train, he died a few days later. I returned to a spiritual life. And tell Scott the plane belongs to the Fellowship. I own very little. I am often called a "Holy Man".

http://www.goupstate.com/article/19970520/NEWS/705200315
http://www.gaffneyledger.com/news/2007-05-09/front_page/001.html
http://www.gaffneyledger.com/news/2007-05-23/front_page/003.html?print=1

Without moral authority there is no authority. I deal with "corrupt criminal cops" as I have and will continue to deal with them as I have with many organized crime organizations and "crews" from the Lost Coast Pirates of Ca, the Chicago and New York railroad Unions, the Dixie mafia, and others. (Pardon the run on sentence.) Rarely demeaning myself with vulgar brute force. Police officers talk and crow about how dangerous their job is. What a joke to the couple of dozen of us Nazi Hunters around the US, we are all 3rd generation "Survivors". I have survived 3 assassination attempts.

I estimate your departments budget at around $1.3-$1.5, the FOIA will confirm, that's nothing Claudia runs Nick's downtown and it's doing $1.6+. My former business partner that started the offshore gambling boat business and Godfather nets more than that a week in personal income. My other business partner's international gambling business grosses that a day(all the officer and nco clubs in military bases around the world).

Stereo typing is a foolish practice Officer Scott. I communicate in 5 languages on a daily or weekly basis, how many in your office speak 2 or more languages? How many have multiple advanced degrees? I have seen and done anything that I wished or desired and personally know what vast wealth can buy. I am not impressed.

Check these out;
http://abcnews.go.com/US/court-oks-barring-high-iqs-cops/story?id=9583
http://blogs.discovermagazine.com/gnxp/2012/01/too-smart-to-be-a-good-cop/

Me: MENSA membership at age 11, youngest Eagle Scout in history at age 14, completed a new knights tour at 16. Master of 3 rail billiards, I "know all the angles", so to speak.

This should be an excellent training opportunity. Do you know why cops are called pigs?
http://www.school-for-champions.com/history/when_cops_were_pigs.htm#.U9FMi2IaySN

Check out this video on YouTube:, it's a cartoon. ;-) George Orwell's Fable, 1954, about an hour long, enjoy. :-)

http://youtu.be/w0pys7boNro

I have yet to meet a chief that will honor his oath I hope you are the exception, if not prepare for a "cherryville experience".

Have a great day, email and mail you on Monday.

The Rav. Dean A. Holcomb, Magus
rabbi@emci.guru

m

Martin,Tim

From: Alton Holcomb [altonholcomb@gmail.com]
Sent: Sunday, July 27, 2014 9:59 PM
To: Martin,Tim
Cc: rabbi@magus.guru; upstatejews4jesus@aol.com
Subject: NOT A flight risk, Jerusalem Post is writing about you and Nazi Greenville, Calling your Superiors soon
Attachments: tcso finger.jpg

GO FUCK YOURSELF, executing an action soon to have you and Sylvia Cunt whore, and Professor Wesley Smith Investigated for hate crimes. Top that you fucking retard. Not retarded? watch this...

http://abcnews.go.com/US/court-oks-barring-high-iqs-cops/story?id=95836

Believe in Jesus? Watch this, if you dare.
https://www.youtube.com/watch?v=--krglR7xtA

YOUR WHOLE LIFE IS A LIE. YOUR FAITH IS A JOKE> Did you keep the Sabbath? Why not?

Remember this?
https://www.youtube.com/watch?v=mK0Ga953ZEY&list=UUPKPmyOV2HByCz-l5DKch7g

How about this?
https://www.youtube.com/watch?v=mK0Ga953ZEY&list=UUPKPmyOV2HByCz-l5DKch7g

FOUND VIDEO from 1989, YOU ARE SO FUCKED YOU MACHO MORON. enjoy prison you fucking lying piece of shit.

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SECTION 16-9-10. Perjury and subornation of perjury.

(A)(1) It is unlawful for a person to willfully give false, misleading, or ***incomplete*** testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State. (How did Martin not willfully give a false statement, he *investigated* this crime, right? He was paid for this "work"? On May 15th, Your Office of Professional Standards said in a letter to me, "The case against you and the allegations you made against the investigators have been reviewed according to law and policy, and at this time,(this is a BS line, see last sentence of the letter) none of the complaints which you have made are sustained. (what does "sustained" mean?)
http://definitions.uslegal.com/s/sustain/
http://www.thefreedictionary.com/sustained

You guys were going to get a Governor's warrant on this, really? Based on what? This?

Martin ...."Mr. Mcginn did not come up here and file the report,"
DH- "it was his wife?
Martin " No, um, it was his daughter-in-law, I think (Step daughter)

I CALL BS or criminal conspiracy on the Office of Professional Standards. Did Martin tell the OPC about MMMM or that he never actually talked with the McGinn's, at that time, or actually visit the "crime scene", the case against was "reviewed" by the OPS? It is either incompetence or conspiracy. What other choices is there?

(2) It is unlawful for a person to willfully give false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State. ibid, need I write again and again and again and again?

(B)(1) A person who violates the provisions of subsection (A)(1) is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both. (does it say except for officers of the law or MMMM, her family or Jared Richardson?)

(2) A person who violates the provisions of subsection (A)(2) is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not less than one hundred dollars, or both. ibid

(C) A person may be convicted under this section if he induces, procures, or persuades another person to commit perjury or if he commits perjury by his own act, consent, or agreement. ibid

SECTION 16-17-410. Conspiracy.

The common law crime known as "conspiracy" is defined as a combination between two or more persons (could a jury possibly find that Martin, you and member(s) Office of the Office of Professional Standards violated this law? Could a jury possibly find Megan Halstead Baucom, Robert and Tina McGinn, Jared Richardson and Christina Halstead guilty of this crime based on the evidence, at this time?) for the purpose of accomplishing an unlawful object or lawful object by unlawful means. (does kidnapping, false imprisonment, illegal arrest, perjury, conspiracy, blackmail or extortion count?)

A person who commits the crime of conspiracy is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years. (should at the very least be arrested, right?)

SECTION 17-13-50. Right to be informed of ground of arrest; consequences of refusal to answer or false answer.

(A) A person arrested by virtue of process (is a fugitive warrant not a process?) ***or*** taken into custody by an officer ***in this State (very specific)*** has a right to know from the officer who arrests or claims to detain him the true ground on which the arrest is made. It is unlawful for an officer to: (where does it say, until after the arrest?, please enlighten me wise and learned professionals of law enforcement, or are you divining the intent of the SC Legislature, again? Does it say or imply until the case is given to a Solicitor's office? Or if, a Sheriff's office or his deputies can chooses different procedures or protocols? Do you guys just make the rules as you go along? If so, SC is in a State of anarchy, correct?

(1) refuse to answer a question relative to the reason for the arrest; {does not 3 voicemails on Martin's voicemail, unreturned, 2 messages left with Sargent Jarvis, unreturned, and numerous calls, conversations and emails to your office of Professional Standards, not appear to any reasonable person an act of Martin refusing to answer a question(s). I started calling the moment after I was released after my kidnapping, illegal arrest and false imprisonment. It was exactly one week until I spoke with Martin and all I heard from him were more lies on top of the lies in the warrants. Does his statement (listen to Martin Part 2) "I'm not going to talk to you about this on the phone." (or the McGinns, at that time) not an obvious refusal? You coppers, love the word, intent. Did the SC Legislature intend on this behavior from it's agents? How about the "spirit" of the law?}

(2) answer the question untruly; (Once again, Martin said before my arrest, "they told me you didn't do any work.", etc., etc. Listen to Martin Part 2 and Martin part 4 again. Is this not, as Sargent Jarvis would say "obvious"?

(3) assign to the person arrested an untrue reason for the arrest; (listen to Martin Part 2 and Martin Part 4) or

(4) neglect on request to exhibit to the person arrested or any other person acting in his behalf the precept by virtue of which the arrest is made. (Does this say until the Solicitor's Office is given the files within 5 days of the arrest or until you, Martin or your Office of Professional Standards decide to rewrite legislation to suit your own purposes? Please show me the Law giving these powers.)

(B) An officer who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. (How is it not "obvious" to any reasonable person that Martin violated every single item of this law? An experienced law enforcement professional and supervisor, such as yourself, should be able to understand these simple and short words and their clear intent. Martin had me kidnaped and falsely imprisoned with less actual evidence than I have presented to GCS' Office, what evidence once again, does Martin or the McGinns have? Do you actually believe you, Martin and the Office of Professional Standards actually believe that you are above the SC Legislature?)

SECTION 23-17-90. **Illegal arrest.**

If any sheriff or ***deputy sheriff,*** without writ, ***warrant or process***, shall summon **anyone** by arresting the person or attaching the goods to appear in any of the courts of this State, not having at that time ***any process to justify such summons***, (could that mean actually talking with the "victims" or visiting the scene of the "crime"?) upon complaint thereof, on oath, such sheriff or ***deputy shall be liable to be punished*** for a contempt by either the court of common pleas or general sessions for his county. But nothing herein contained shall prevent the sheriff or his deputy from arresting any person for treason, felony or breach of the peace committed in his presence or from arresting any person for treason or felony upon probable and reasonable grounds.

SECTION 16-5-60. Suits against county for damages to person or property resulting from violation of person's civil rights. (I really like this one, all of it. Do you know what a constitutional right is? These are cumbersome and "obviously" arcane. How does your oaths of office go again?

Any citizen who shall be hindered, prevented or obstructed in the exercise of the rights and privileges secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State or shall be injured in his person or property because of his exercise of the same may claim and prosecute the county in which the offense shall be committed for any damages he shall sustain thereby, and the county shall be responsible for the payment of such damages as the court may award, which shall be paid by the county treasurer of such county on a warrant drawn by the governing body thereof. (or your insurance policies and maybe a little personal property, right?) Such warrant shall be drawn by the governing body as soon as a certified copy

of the judgment roll is delivered to them for file in their office. (Would the Federal Courts in Charlotte work for a start?)

§ 16-3-1510 – Definitions
For the purpose of this article:
(1) "Victim" means any individual who suffers ***direct*** (does it say here or a "victims" Meth Making Daughter who is a multi-count convicted felon and incarcerated in prison at the time of the "crime" ? See below, this statute.) or threatened physical (like me, with incarceration) psychological,(like me?) or financial harm (like me?) as the result of the commission or attempted commission of a criminal offense,(like the perjuries, slander, filing of a false police report, illegal arrest, false imprisonment, conspiracy, blackmail, extortion, 17-13-50 etc., etc.?)and as defined in this section. "Victim" also includes any individual's spouse, parent, child, or the lawful representative of a victim who is:
(a) deceased;
(b) a minor;
(c) incompetent; or
(d) physically or psychologically incapacitated.
"Victim" does not include any individual who is the subject of an investigation for, who is charged with, or who has been convicted of or pled guilty or nolo contendere to the offense in question. "Victim" also does not include any individual, including a spouse, parent, child, {How does Martin not know this? Is he developing early Alzheimer's or possibly a head injury? "Uhh, their daughter in law I think, that came up here." - Not near as arrogant and rude as our first conversation, right? We're these 2 calls bad cop (Martin Clips 1/2) and decent cop?(Martin Part 3/4)} or lawful representative, who is acting on behalf of the suspect, juvenile offender, or defendant unless his actions are required by law. "Victim" also does not include any individual who was imprisoned (Is Megan Halstead Baucom, SCDC inmate #322966 - from 3/2012 to 10/2012 exempt? Why?) or engaged in an illegal act at the time of the offense.(Like trying to commit Insurance Fraud, the McGinns?)

Martin,Tim

From: Jarvis, Michael
Sent: Monday, August 04, 2014 9:22 AM
To: Martin,Tim
Subject: FW: J.T Martin Fascist Pig - Operation Lost Trust II

From: Morit Holcomb [mailto:upstatejews4jesus@aol.com]
Sent: Monday, August 04, 2014 1:38 AM
To: J T Martin; Smith, Wes; Loftis, Steve; Jarvis, Michael
Subject: J.T Martin Fascist Pig - Operation Lost Trust II

This is my 64th weekly check in. Should I wear a star upon my chest when visiting Greenville? Is there a special tax, to not be hassled? Are you guys building ovens? Firing squads? What's you preferred method of extermination? I will not pay for my train ticket. I will not being going gently. Do you get me sweetheart?

This is a beta site, much cleaning up to do, but it should do the trick. New and improved videos coming too. Jpost is doing a story on Greenville and the Nazi Fascist that call it home. Enjoy, please comment and share. Have a great week. See you in the Courts.

http://representyourself.weebly.com/jt-martin-fascist-pig.html

The Rabbi Dean A. Holcomb
New Dawn Ministries
Psalm 109

If I am not for myself, who will be for me?
But if I am only for myself, what am I?
If not now, than when?
Mishna Pirkei Avot 1:13

N

243

File No.	Law Enforcement Case No.	LID No.	SID No.	FBI No.
14CR 051409				537431MA5

WARRANT FOR ARREST

STATE OF NORTH CAROLINA

TRANSYLVANIA County

In The General Court Of Justice
District Court Division

Offense
I M-RESISTING PUBLIC OFFICER
2650

THE STATE OF NORTH CAROLINA VS.

Name And Address Of Defendant
DEAN ALTON HOLCOMB

[redacted] YOUNG RD

BESSEMER CITY NC 28016
GASTON COUNTY

Race	Sex	Date Of Birth	Age
W	M	[redacted]1970	

Social Security No./Tax ID No.	Drivers License No. & State
	[redacted] NC

Name Of Defendant's Employer

Offense Code(s)	Offense In Violation Of G.S.
I 5310	I 14-223

Date Of Offense
08/07/2014

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)

Complainant (Name, Address Or Department)
KATHY MCKENZIE
TRANSYLVANIA COUNTY SHERIFFS OFFICE
153 PUBLIC SAFETY WAY
BREVARD NC 28712
TRANSYLVANIA (828) 884-3168

Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did resist, delay and obstruct OFFICER KATHY MCKENZIE, a public officer holding the office of TRANSYLVANIA COUNTY SHERIFF OFFICE, by TENSING UP AFTER OFFICER HAD ARRESTED DEFENDANT AND ASKED HIM TO SIT DOWN IN THE COURTROOM. At the time, the officer was discharging and attempting to discharge a duty of her office, ARRESTING DEFENDANT FOR CARRYING A CONCEALED WEAPON INTO THE COURTHOUSE.

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

☐ Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan

Date Issued: 08/07/2014

Signature: D A ROBINSON

☒ Magistrate ☐ Deputy CSC
☐ Assistant CSC ☐ Clerk Of Superior Court

Location Of Court: Transylvania County Courthouse; 0001
7 EAST MAIN ST
BREVARD NC 28712

Court Date: 08/19/2014

Court Time: 09:00 ☒ AM ☐ PM

(over)

AOC-CR-100, Rev. 5/13 (Structured Sentencing)
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OTHER AGENCY COPY - NOT FOR SERVICE

File No. 14CR 051413

MAGISTRATE'S ORDER FOR FUGITIVE

STATE OF NORTH CAROLINA

TRANSYLVANIA County

In The General Court Of Justice
District Court Division

Crime(s) In Demanding State
COURTS/INTIMIDATION OF COURT OFFICIALS, JURORS, OR WITNESSES

Date Of Offense
06/09/2014

Name Of Demanding State And County Of Offense
SOUTH CAROLINA GREENVILLE

THE STATE OF NORTH CAROLINA VS.

Name And Address Of Defendant
DEAN ALTON HOLCOMB

[redacted] YOUNG RD
BESSEMER CITY NC 28016
GASTON COUNTY

Race	Sex	Date Of Birth	Age
W	M	[redacted] 1970	

Social Security No.	Drivers License No. & State
	[redacted] NC

Name Of Defendant's Employer

Offense Code(s)	Arrest Under G.S.
9901	15A-734

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)
08/07/2014 DV4182R

Arresting Officer (Name, Department, Phone No.)
BRENTLY K PASSMORE
TRANSYLVANIA COUNTY SHERIFFS OFFICE
153 PUBLIC SAFETY WAY
BREVARD NC 28712
TRANSYLVANIA (828) 884-3168

I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because the crime named above is punishable by death or imprisonment for a term exceeding one year and there is probable cause to believe that on or about the date of offense shown and in the demanding state and county named above the crime named above was committed and the defendant named above has been charged with the commission of that crime and has fled from justice.

This Magistrate's Order is issued pursuant to Section 15A-734 of the North Carolina General Statutes upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.

Date Issued	Signature	Location Of Court	Court Date
08/07/2014	D A ROBINSON ☒ Magistrate ☐ Superior Court Judge ☐ District Court Judge	Transylvania County Courthouse: 0001 7 EAST MAIN ST BREVARD,NC 28712	08/11/2014 Court Time 09:00 ☒ AM ☐ PM

OTHER AGENCY COPY - NOT FOR SERVICE

AOC-CR-909M, Rev. 10/97
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STATE OF NORTH CAROLINA

TRANSYLVANIA County

File No. 14CR 051413

In The General Court Of Justice
[X] District [ ] Superior Court Division

STATE VERSUS

Name Of Defendant
DEAN ALTON HOLCOMB

[redacted] YOUNG RD

BESSEMER CITY NC 28016

FUGITIVE AFFIDAVIT

G.S. 15A-733, 15A-734

Crime(s) In Demanding State
COURTS/INTIMIDATION OF COURT OFFICIALS, JURORS, OR WITNESSES

Date Of Crime
06/09/2014

Name Of Demanding State And County Of Crime
SOUTH CAROLINA GREENVILLE

Name, Address And Telephone No. Of Contact Person In Demanding State
KINDLEY, JEFF
4400 BROAD RIVER RD

COLUMBIA SC 29221
(803) 609-4710

Title
SLED AGENT

I, the undersigned, state that this Affidavit is based upon

[X] 1. criminal process issued by a judicial official of the demanding state, a copy of which is attached.

[ ] 2. the affidavit of the contact person named above, a copy of which is attached.

[X] 3. a NCIC-DCI message from the contact person named above, a copy of which is attached.

[X] 4. a telephone message from the contact person named above.

[ ] 5. Other:

On or about the date of offense shown and in the demanding state and county named above the crime named above was committed and the defendant named above is now in the State of North Carolina and has

[X] 1. been charged with the commission of that crime and has fled from justice.

[ ] 2. been convicted of that crime and has escaped from confinement.

[ ] 3. broken the terms of bail, probation or parole.

2014A2330207245

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

THE STATE 34-14-0082

against

ean Alton Holcomb

ldress: [redacted] Young Road

Bessimer City, NC 28016-

one: SSN: [redacted]

ex: M Race: W Height: 5 11 Weight: 180

State: SC DL #: [redacted]

OB: [redacted]1970 Agency ORI #: SCLED0000

nsecuting Agency: Sled

nsecuting Officer: - SLEDLT

ffense: Courts / Intimidation of court officials, jurors, or witnesses

ffense Code: 2451

ode/Ordinance Sec: 16-09-0340

his 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

COPY

DO NOT SERVE

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

[X] County/ [ ] Municipality of) Greenville)

AFFIDAVIT

April 21, 2010 SCCA316

Personally appeared before me the affiant J Kindley who being duly sworn deposes and says that defendant Dean Alton Holcomb did within this county and state on or about 6/9/2014 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Greenville) in the following particulars:

DESCRIPTION OF OFFENSE: Courts / Intimidation of court officials, jurors, or witnesses

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:

Affiant states that the defendant, Dean Alton Holcomb, was arrested on warrants signed by Greenville County Sheriff's Office Investigator Tim Martin. Since his arrest on May 16, 2013, the defendant sent numerous email messages from altonholcomb@gmail.com and upstatejews4jesus@aol.com. Many of these messages contained obscenities and language directed at Investigator Martin, the investigating officer, and 13th Judicial Circuit Assistant Solicitor Sylvia Harrison, who was assigned to prosecute the case. The defendant further noted that he had posted videos on a website with voice recordings of Investigator Martin and other officers.

On June 09, 2014, Investigator Martin received an email message from altonholcomb@gmail.com which contained threats to Investigator Martin and Assistant Solicitor Harrison. Affiant states that the messages, which became progressively more threatening, which were an obvious attempt to intimidate Investigator Martin, and to obstruct the investigation. This offense occurred in Greenville County.

Signature of Affiant J Kindley

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Greenville

Affiant's Address 4400 Broad River Road
Columbia 29221-

Affiant's Telephone (803)737-9000

COMPUTER ENTERED

AUG 07 2014

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

GREENVILLE COUNTY SHERIFF'S OFFICE

It appeared from the above affidavit that there are reasonable grounds to believe that on or about 6/9/2014 defendant Dean Alton Holcomb did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Courts / Intimidation of court officials, jurors, or witnesses

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 8/5/2014 (L.S.)

Signature of Issuing Judge

Leila Foster

Judge Code: 5762

Judge's Address Law Enforcement Center
Greenville, SC 29601-2256

Judge's Telephone (864)467-5312

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

Jail Incident Report

Incident Number	Other Number	Report Date
2014062801		02/03/2016 11:09
Date and Time of Incident	**Date and Time Reported**	**ReportedBy**
06/27/2014 22:40	06/28/2014 01:55	Garren, Brandon

Location of Incident
Booking

Offenses

13 Destroying or attempting to destroy jail property.

51 Disorderly by (Specific Actions).

Offenders

Holcomb, Dean Alton - 68987

Victims

Witnesses

Lance, Eddie - 882

Metcalf, Shawn E - 998

Tucker, Doug - 924

Complainants

Others

Incident Narrative

On 06/27/2014 at 2240 hours Captain Lance, Officer Tucker and Officer Metcalf witnessed inmate Dean Holcomb remove a staple from his inmate handbook and begin to attempt to cut his neck with the staple. At that time Officer Tucker and Officer Metcalf opened the door to H-05 where Holcomb was housed and gave verbal commands for Holcomb to get on the floor while being covered by Captain Lance with a taser. Holcomb did as he was advised and placed himself in a kneeling position with his hands behind his back. At this time Officer Metcalf placed Holcomb in handcuffs and with assistance from Officer Tucker and Captain Lance they moved him to Cell H-04 and placed Holcomb in the suicide smock. After Holcomb was placed in the suicide smock and his jail uniform was removed from him the Officers involved exited the cell and Holcomb was placed on suicide watch where he was checked on four times an hour, and offered water at least once an hour. Holcomb has money on his inmate account so he was charged five dollars for the damaged handbook.

Approving Official Name	Reporting Official Name
MCCALL, KRIS	Garren, Brandon

Reference: UNSOL
Msg Key : $
Date/Time:
Source : III

UNSOL.III.$.H.20140807142225.
TO: TVA8 -113824 20140807 14:22:25 005DB19F15
FROM: III 20140807 13:47:28
$.H.1N01408C00479E2QWA
NC0880008

DELAYED INQUIRY HIT NOTIFICATION AT 1347 EDT 20140807
PLEASE ASSURE YOUR INQUIRY IS A REASONABLE MATCH
PRIOR TO CONTACTING ENTERING AGENCY
YOUR INQUIRY ON 1153 EDT 20140807 CONTAINING:
NAM/HOLCOMB, DEAN ALTON
DOB/1970[redacted]
RAC/W
SEX/M
HIT ON THE FOLLOWING RECORD:
MKE/WANTED PERSON - CAUTION
CMC/05 - VIOLENT TENDENCIES
EXL/B - LIMITED EXTRADITION SEE MIS FIELD
ORI/SC0230000 NAM/HOLCOMB, DEAN ALTON SEX/M RAC/W POB/TX
DOB/1970[redacted] HGT/511 WGT/180 EYE/BRO HAI/BRO FBI/537931MA5
FPC/DOPI[redacted]1821PIDI2017 MNU/OA-NC0500200A SOC/250534144
OLN/000[redacted] OLS/SC OLY/2021
OFF/INTIMIDATION (INCLUDES STALKING)
DOW/20140805 OCA/2013-129588
WNO/2014A2330207246 CTI/SC023015A
MIS/CAUTION-SUBJECT HAS VIOLENT TENDENCIES -MADE SEVERAL THREATES TO LAW
MIS/ENFORCEMENT -EXTRADITION -SOUTHEAST ONLY-WARRANT -2014A2330207246
MIS/-2014A2330207245-COURTS-INTIMIDATION OF COURT OFFICIALS-JURORS OR WITNESSES
DNA/N
ORI IS GREENVILLE CO SO GREENVILLE [redacted]-5210
AKA/HELCOMB, DEAN ALTON JR
AKA/HOLCOMB, ALTON
AKA/HOLCOMB, D
AKA/HOLCOMB, DEAN ALTON JR
MNU/OA-SC01126742
[redacted]
NIC/W751571671 DTE/20140807 1335 EDT DLU/20140807 1347 EDT
****

HIT CONFIRMATION REQUEST (YQ)

AGENCY/CASE DATA

Originating Agency Code (ORI): NC0880008

Destination ORI (ORI): SC0230000

Agency Case Number (OCA): 2013129588

Optional Control Field:

HIT Confirmation Request Number (RNO): 1

Requestor Name (RNA): SGT PASSMORE

Requestor Agency (RAG): TRANSYLVANIA COUNRY SHERIFF

Phone Number (PHO):

Remarks (REM): SUBJECT IS IN OUR CUSTODY

PERSON DATA

Name (NAM): HOLCOMB,DEAN ALTON

Date of Birth (DOB): 05031970

VEHICLE DATA

License Plate (LIC):

Make (MAK):

LICENSE PLATE DATA

License Plate (LIC):

Plate Year (LIY):

ARTICLE DATA

Type Code (TYP):

Brand Code (BRA):

Destination Agency Code (DAC): SC0230000

NCIC Number (NIC): W751571671

Type (TYP): WP

Priority (PRI): U

Extension (EXT):

Fax Number (FAX):

Sex (SEX): M

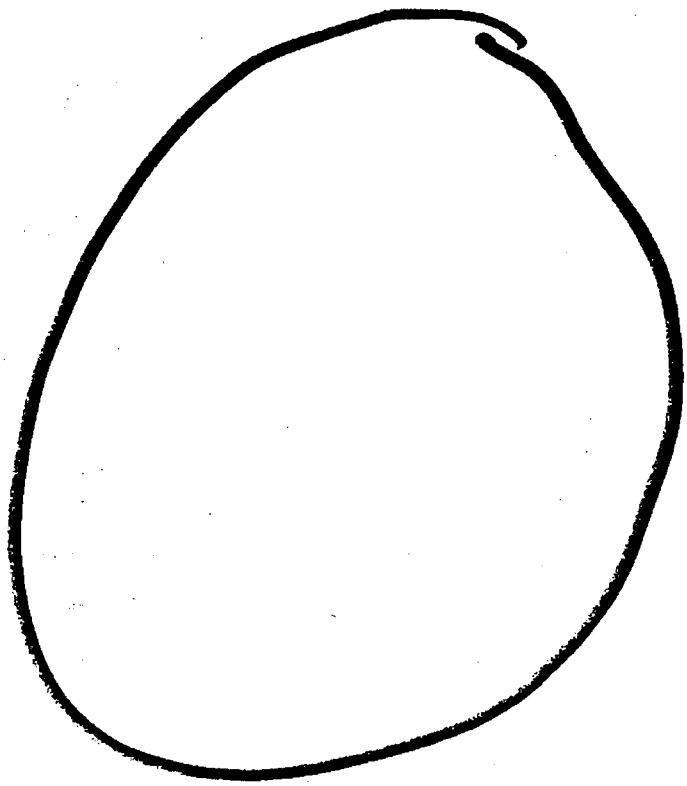
Vehicle ID Number (VIN):

Year of Manufacture (VYR):

Plate State (LIS):

Plate Type (LIT):

Serial Number (SER):



GREENVILLE COUNTY SHERIFF'S OFFICE

EC5 08/24/2013 09:32:11

Incident Report

Agency I.D. SC0230000 | RTA | 13C (OP) | Case Number 13000129588 | Adult/Juv

EVENT

Incident Type	Offense Completed	Forced Entry	Premise Type	Units Entered	Type Victim
0541 - Threatening Life Of Public Official	Y	N	11 - Government/Public Building	0	[X] Individual [ ] Business [ ] Financial Inst. [ ] Government [ ] Religious Org. [ ] Soc / Public [ ] Other [ ] Unknown [ ] Police Officer

Incident Location (Subdivision, Mill Village, Apartment & Number, Street Name & Number): 4 McGee St Greenville SC | Closest Intersection: | Zip Code: 29601

Incident Date	Time	To	Date	Time	Weapon Type	Time Arrived	Time Completed	Patrol District
05/28/2013	00:00		08/19/2013	23:59		15:30	15:30	CJ11

Complainants Name (Last, first, Middle)	Resident	Race	Sex	Age	Primary Phone	Business Phone	Mobile Phone
Rivera, R	J	W	M	35	[redacted]-5145		

Address	City	State	Zip Code	Patrol District
4 McGee St	Greenville	SC	29601	CJ11

VICTIM

Victim's Name (Last, first, Middle)	Victim Relationship To Subject	Resident	Ethnicity	Race	Sex	Age	Primary Phone	Business Phone	Mobile Phone
Martin, Timothy		J	N	W	M		[redacted]5092		

Address	City	State	Zip Code	Patrol District
4 McGee St	Greenville	South Carolina	29601	CJ11

Visible Injury (Vict 1) [ ] Yes [X] No Explain: Complaint of any Non-Visible Injuries [ ] Yes [X] No

Victim (No.1) Using Alcohol [ ] Yes [X] No [ ] Unk Drugs [ ] Yes [X] No [ ] Unk Type:

Two-Man Veh [ ] One Man Veh [ ] Detective/SPLASMT [ ] Other [ ] ALONE [ ] ASSISTED [ ] Jurisdiction: -

SUBJECT

[X] Suspect [ ] Runaway [ ] Wanted [ ] Warrant [ ] Arrest [ ] Missing

Subject's Name (Last, first, Middle)	Ethnicity	Race	Sex	Age	Date of Birth	Height	Weight	Hair	Eyes
Holcomb, Dean Alton Jr	N	W	M	43	[redacted]/1970				

Address: [redacted] Young Rd | SSN: [redacted]

Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

City	State	Zip Code	Patrol District
Bessemer City	NC	28016	OJ20

Subject (No.1) Using Alcohol [ ] Yes [ ] No [X] Unk, Drugs [ ] Yes [ ] No [X] Unk Type

Arrested Near Offense Scene [ ] Yes [ ] No Total Arrested 0 | Date/Time of Offense: 08/19/2013 06:00 | Date of Arrest

Arrestee Armed [ ] Yes [ ] No Weapon Type [ ] Arrested on Current Offense [ ] Cleared By Arrest on Prior Offense

Juvenile Disposition [ ] Handled Released [ ] Referred To Other Authority [ ] On View Arrest [ ] Summoned [ ] Custody

Charge	Warrant Number	Ticket Number

Arrest Location | Gang Affiliation: NG - Not Gang Related

NARRATIVE

I arrived at the incident location in response to threats.

Jurisdiction of Theft : | Jurisdiction of Recovery :

VEHICLE

[ ] Towed [ ] Stolen [ ] Recovered [ ] Suspect [ ] Victim

Tag Number	State	Year	V.I.N.	Value

Year	Make	Model	Style	Color

Tag Only [ ] | Additional Vehicle description

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified [ ] Yes [ ] No | Subject Located [ ] Yes [ ] No | [X] Active [ ] Admin Closed [ ] Unfounded | [ ] Arrested Under 18 [ ] Arrested 18 and Over | [ ] Ex-Cleared Under 18 [ ] Ex-Cleared 18 and Over

Reason For Exceptional Clearance [ ] Offender Death [ ] No Prosecution [ ] Victim Declines Cooperation [ ] Extradition Denied [ ] Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
RIVERA, RAMON	08/20/2013	614 / 00863	COOPER, CHRISTOPHER	08/20/2013	605 / 00081
			Follow Up Investigation [X] Yes [ ] No (Officer) Rivera	08/20/2013	614 / 00863

8/26/2013

8-24-13

Agency I.D. SG0230000 EC5 08/24/2013 09:32:11

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Case Number 13000129588

☐ Original Report ☐ Status Change ☒ Additional Victims ☐ Additional Stolen Property

Incident Type 0541 - Threatening Life Of Public Official

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additonal Recovered Property

Patrol District CJ11 Page 1 of 2 Pages

I.D. OVERFLOW

☐ Complainant ☒ Victim #2 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, First, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
Smith, Wesley		N	J	W	M		

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] McGee St	Greenville	SC	29601	CJ11	[redacted]-5389	

Height | Weight | Hair | Eyes | Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 2 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☒ No ☐ Yes ☐ Unk Drugs ☒ No ☐ Yes Type: Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED ☐

Explain:

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk Using Drugs ☐ No ☐ Yes ☐ Unk Type: ☐ Arrested on Current Offense ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location

NARRATIVE

Overflow:

Holcomb, Dean Alton Jr:Subject 1
Subject Types: Suspect

Primary: [redacted]-5087
DOB: [redacted]/1970

Narrative:
On 1/31/2013 a breach of trust incident report (1-13-011973) was filed with this office. The victim in this case was Robert McGinn and the defendant was a Dean Alton Holcomb Jr. An arrest warrant (2013A2330202932) was subsequently obtained for Mr. Dean Holcomb Jr. and he was placed on NCIC. He was arrested in NC where he resides and charged with fugitive from justice based on the NCIC hit. He posted bond on the fugitive warrant and Mr. Holcombe refused to sign a waiver for extradition. He was notified this agency was currently in the process of obtaining a Governor's Warrant so that he could be brought back to face the charges and on 5/20/2013 He arrived at the LEC to turn himself in and he agreed to speak with Inv. Martin who is the lead investigator in this case. Mr. Holcomb Jr. signed a waiver of rights and the interview was taped. After the interview he was placed under arrest and placed in the Greenville County Detention Center.

During the course of the investigation Jared Richardson ([redacted]/1974) was interviewed as a witness to this case. Also the victim Robert McGinn ([redacted]/1965) was also interviewed. Both subjects were interviewed on 5/28/2013.

Since that day the defendant in this case (Mr. Holcombe) has sent several emails and articles to Sgt. Jarvis and Inv. Martin. In those emails he accuses them of covering for the victim in this case. He also makes references to the criminal past of the complainant. He claims he was falsely imprisoned. He also taunts and tries to belittle Sgt. Jarvis, Inv. Martin. In his numerous letters and emails he also refers to the complainant as "MMMM" (Megan Meth Making Mama). From the first letter on 5/28/2013 to the present Mr. Holcombe appears to become more agitated and defiant, daring the Greenville County Sheriff's Office, Sgt. Jarvis and Inv. Martin to sue him for slander.

Mr. Holcombe claims to have been told by Judge Hudson as a condition of his bond to maintain weekly contact with Inv. Martin. As previously mentioned Mr. Holcombe appears to take the

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified ☐ Yes ☐ No | Subject Located ☐ Yes ☐ No | ☒ Active ☐ Unfounded ☐ Admin Closed | ☐ Arrested Under 18 ☐ Arrested 18 and Over | ☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
RIVERA, RAMON	08/20/2013	514 / 00863	COOPER, CHRISTOPHER	08/20/2013	605 / 00081
			Follow Up Investigation ☒ Yes ☐ No (Other) Rivera	08/20/2013	514 / 00863

S/IPB 08/26/2013

Agency I.D. SC0230000 EC5 08/24/2013 09:32:11

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Case Number 13000129588

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property
☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additonal Recovered Property

Incident Type 0541 - Threatening Life Of Public Official

Patrol District CJ11 Page 2 of 2 Pages

I. D. OVERFLOW

☐ Complainant ☐ Victim ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☐ Victim No. ____ Visible Injury ☐ Yes ☐ No Explain: Complaint of any Non-Visible Injuries ☐ Yes ☐ No Victim Using Alcohol ☐ No ☐ Yes ☐ Unk Drugs ☐ No ☐ Yes Type: Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED ☐

Subject No. ____ Using Alcohol ☐ No ☐ Yes ☐ Unk Using Drugs ☐ No ☐ Yes ☐ Unk Type: ☐ Arrested on Current Offense ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☒ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location

NARRATIVE

weekly opportunity to question the proceeding of this case and has mailed motions and petitions not only to the solicitor's office but also to the clerk of court, Judge Hudson, Judge Cagle, Judge Foster as well as Governor Nikki Hailey asking for his case to be dismissed and the Greenville County Sheriff's Office to be investigated.

I was also able to find a letter written by Inv. Wes Smith and sent to Mr. Holcombe. In this letter Inv. Smith explains to Mr. Holcombe how the case has been forwarded to him. He continues to explain to him how the Circuit Solicitor was working on obtaining Governor's Warrant for his extradition to Greenville County. He also told Mr. Holcombe he had been re-entered on NCIC as a wanted person pending the service of the outstanding arrest warrant. In this letter Mr. Holcombe is told the case and allegations he made have been reviewed and according to law and policy none of the complaints he made were sustained.

Since then Mr. Holcombe has both sent links of existing youtube videos to Inv. Martin or made videos and posted them on youtube. The latest video which was posted today (8/19/2013) is a slide show which is pretty quiet except for clicks and when a photo of Inv. Martin with comments from Inv. Smith and photos of the complainant appear the sound of gunshots appear on the show. These sound effects coupled with the photos posted on the video as well as the previous correspondence led Inv. Martin and Inv. Smith to believe threats were being made against their life. Since photos of the complainant are also shown on this video during the gunshots it also appears an attempt to intimidate the complainant who is also a witness for the state is being made. There is another titled OPS2 on which you can see Mr. Holcombe's face and he claims to have received a certified letter from the Greenville County Sheriff's Office and when he opened it the letter said "Plead Guilty or your going to die" it also says "Suicide on the next trip to jail". After reading all of the correspondence Mr. Holcombe sent to Inv. Martin and Sgt. Jarvis I saw he misspelled several things. On the letter this office supposedly sent to him the word you're was spelled your. The handle for the user who posted the video is NobleTinMan.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified	Subject Located			
☐ Yes ☐ No	☐ Yes ☐ No	☒ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
RIVERA, RAMON	08/20/2013	614 / 00863	COOPER, CHRISTOPHER	08/20/2013	605 / 00081
		/	Follow Up Investigation ☒ Yes ☐ No (officer) Rivera	08/20/2013	614 / 00863

S/PB 08/26/2013

Agency I.D. SC0230000 | EC5 09/10/2013-13:58:32

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Ent: dsaunders 12/06/2013 06:31:17

Case Number: 13000129588

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property
☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Incident Type: 0541 - Threatening Life Of Public Official

Patrol District: CJ11 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
Martin, Timothy		N	J	W	M		

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] McGee St	Greenville	SC	29601	CJ11.		

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐
Explain: Drugs ☒ No ☐ Yes Type: Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense
Using Drugs ☐ No ☐ Yes Type: ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location | Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

Holcomb, Dean Alton Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] Young Rd Bessemer City NC 28016 0J20 (Out Of State), ETHNICITY: N, RESIDENT: O,
RACE: W, SEX: M, AGE: 43, DOB: [redacted]/1970, SSN: [redacted]
VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown

Narrative:
This case remains active.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☒ Yes ☐ No	☒ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
RIVERA, RAMON	08/30/2013	614 / 00863	CDOPER, CHRISTOPHER	09/03/2013	605 / 00081
		/	Follow Up Investigation ☒ Yes ☐ No (Officer) Rivera	09/03/2013	614 / 00863

Agency I.D. SC0230000

EC5 09/16/2014-14:37:44

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Ent: stillman 09/16/2014 16:49:46

Case Number 13000129588

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Incident Type 0541 - Threatening Life Of Public Official

Patrol District CJ11 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☐ Victim ☒ Subject #1 ☐ Runaway ☐ Wanted ☒ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
HOLCOMB, DEAN ALTON				W	M	44	[redacted]/1970

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] YOUNG Rd	BESSEMER CITY	NC	28016	99		

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.
511 to 511	180 to 180	Bro	Bro	

☐ Victim No. ___ Explain: Visible Injury ☐ Yes ☐ No Complaint of any Non-Visible Injuries ☐ Yes ☐ No Victim Using Alcohol ☐ Yes ☐ No ☐ Unk Drugs ☐ No ☐ Yes Type: Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED ☐

Subject No. 1 Using Alcohol ☒ No ☐ Yes ☐ Unk Using Drugs ☒ No ☐ Yes Type: ☐ Arrested on Current Offense ☐ Unk ☒ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☒ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location [redacted] McGee St Greenville 29601 Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:
INCIDENT TYPE: Prison Transport, OFFENSE COMPLETE: Y, FORCED ENTRY: N, PREMISE TYPE: 15 - Jail/Prison, UNITS ENTERED: 0

HOLCOMB, DEAN ALTON:Subject 1
Subject Types: Suspect Arrest
SSN: [redacted]
Charges
CHARGE 1: Intimidating Court Official/Juror/Witnesses WARRANT #: 2014A2330207245 BOND AMOUNT: 0.00

Narrative:
On 08/19/2014, the defendant was served with warrant issued by Judge FOSTER,LEILA. The Defendent was charged with committing the offense of INTIMIDATING COURT OFFICIAL/JUROR/WITNESSES. Subject was arraigned before Judge GARRISON,VILVIN who set no bond.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified	Subject Located			
☐ Yes ☒ No	☐ Yes ☒ No	☐ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☒ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
ROSIER, CHRISTOPHER	08/21/2014	592 / 00708	COLE, JULIA	09/15/2014	505 / 00076
		/	Follow Up Investigation ☐ Yes ☒ No (Officer)		/

Agency I.D. SC0230000 | EC5 09/16/2014-14:38:19

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Ent: stillman 09/16/2014 16:50:09

Case Number: 13000129588

☐ Original Report ☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property
☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Incident Type: 0541 - Threatening Life Of Public Official

Patrol District: CJ11 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☐ Victim ☒ Subject #1 ☐ Runaway ☐ Wanted ☒ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
HOLCOMB, DEAN ALTON				W	M	44	[redacted]/1970

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] YOUNG Rd	BESSEMER CITY	NC	28016	99		

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.
511 to 511	180 to 180	Bro	Bro	

☐ Victim No. ___ Visible Injury ☐ Yes ☐ No — Complaint of any Non-Visible Injuries ☐ Yes ☐ No — Victim Using Alcohol ☐ Yes ☐ No ☐ Unk — Drugs ☐ No ☐ Yes Type: — Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ — Detective ☐ Other ☐ ASSISTED ☐

Explain:

Subject No. 1 — Using Alcohol ☒ No ☐ Yes ☐ Unk — Using Drugs ☒ No ☐ Yes Type: — ☒ Arrested on Current Offense — ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☒ No — Weapon Type — ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location: [redacted] McGee St Greenville 29601 — Gang Affiliation:

NARRATIVE

Overflow:

HOLCOMB, DEAN ALTON:Subject 1
Subject Types: Suspect Arrest
SSN: [redacted]
Charges
CHARGE 1: Intimidating Court Official/Juror/Witnesses WARRANT #: 2014A2330207246 BOND AMOUNT: 0.00

Parsons, E:Witness 1

RACE: White, Caucasian, SEX: Male, Primary: [redacted]-5210
[redacted] McGee St Greenville 29601 CJ11 (Greenville City)

Narrative:
On 08/19/2014, the defendant was served with warrant issued by Judge FOSTER,LEILA. The Defendent was charged with committing the offense of INTIMIDATING COURT OFFICIAL/JUROR/WITNESSES. Subject was arraigned before Judge GARRISON,VILVIN who set no bond.

During the transport from Transylvania Co., Deputy Parsons and I were talking to each other when Mr. Holcomb asked, "When yall get a fugitive warrant on a person, what is yall's procedure? do yall not call the person?" I advised Mr. Holcomb that we do not and that we call the agency were the suspect lives. At that time, Mr. Holcombe stated, "that's ok every thing in the warrant is true except the last sentence." Then, Mr. Holcomb started to talk about the case and Deputy Parsons advised him that he did not need to talk about the case with us. Mr. Holcomb agreed and advised us that he had been charged 26 times and never been convicted. Then, Deputy Parsons and him started to talk about religion the rest of the way to the detention center.

While at the detention center, I read one of the warrants to him and I asked him if he understood what I have read to him. Mr. Holcomb advised that he did. I then asked if he understood the english language and he stated that he did. At that time, Mr. Holcomb stated, "every thing in that warrant is true except the last line. I have been charged 26 times and never been convicted. Mr. Holcomb was then placed into the detetnion center in good condition.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified	Subject Located			
☐ Yes ☒ No	☐ Yes ☒ No	☐ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☒ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
ROSIER, CHRISTOPHER	08/21/2014	592 / 00708	COLE, JULIA	09/15/2014	505 / 00078
		/	Follow Up Investigation ☐ Yes ☒ No (Officer)		/

Agency I.D. SC0230000 | EC5 07/24/2015-07:38:35

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Ent: dsaunders 07/27/2015 03:43:01

Case Number: 13000129588

☐ Original Report ☒ Status Change ☐ Additional Victims ☐ Additional Stolen Property

☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additonal Recovered Property

Incident Type: 0541 - Threatening Life Of Public Official

Patrol District: CJ11 Page 1 of 1 Pages

I. D. OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
Martin, Timothy		N	J	W	M		

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] McGee St	Greenville	SC	29601	CJ11		

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Explain: Visible Injury ☐ Yes ☒ No | Complaint of any Non-Visible Injuries ☐ Yes ☒ No | Victim Using Alcohol ☐ Yes ☒ No ☐ Unk | Drugs ☒ No ☐ Yes Type: | Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk | Using Drugs ☐ No ☐ Yes Type: | ☐ Arrested on Current Offense ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type | ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location | Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

Holcomb, Dean Alton Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] Young Rd Bessemer City NC 28016 0J20 (Out of State), ETHNICITY: N, RESIDENT: O, RACE: W, SEX: M, AGE: 43, DOB: [redacted]/1970, SSN: [redacted],
VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown

Narrative:
This case was erroneously cleared by arrest after warrant 2013A2330202932 was served on the suspect which was for case 1-13-011973.

This case was presented to Assistant Solicitor Howard Steinberg who advised no charges would be filed.

The correct disposition of this case is exceptionally cleared, no prosecution.

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☒ Yes ☐ No	☐ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☒ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☒ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
RIVERA, RAMON	06/17/2015	614 / 00863	COOPER, CHRISTOPHER	06/22/2015	605 / 00081
		/	Follow Up Investigation ☐ Yes ☒ No (Officer)		/

GREENVILLE COUNTY SHERIFF'S OFFICE

ECS 05/06/2013-13:00:15

Supplemental Report

Ent: dsaunders 05/14/2013 05:51:55

Case Number 13000011973

☒ Status Change ☐ Additional Victims ☐ Additional Stolen Property

☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Incident Type 0420 - Breach Of Trust > $1000

Patrol District 10 Page 1 of 1 Pages

Subject	Subject's Name (Last, first, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
☒ Complainant ☐ Victim #1	MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] BEAVER DAM Rd	TRAVELERS RES	SC	29690	10		[redacted]-8221

☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.
				-

☒ Victim No. 1 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐

Explain: Drugs ☒ No ☐ Yes Type: Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense

Using Drugs ☐ No ☐ Yes Type: ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER: [redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41,
DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: SC[redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable
Charges
CHARGE 1: B.O.T. WARRANT #: 2013A2330202932

Narrative:

----------FOLLOW UP----------

WARRANT SERVED:..2932(B.O.T.)HUDSON
HOLCOMB WAS PICKED UP IN NORTH CAROLINA ON MY WARRANT AND CHARGED AS A FUGITIVE FROM JUSTICE. HOLCOMB WILL BE EXTRADITE BACK TO GREENVILLE AND PLACED IN THE DETENTION.

----------WARRANT SERVED----------

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial #/OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☐ Yes ☒ No	☐ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☒ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	05/02/2013	561 / 00224	SGT. MIKE JARVIS	05/02/2013	502 / 00484
		/	Follow Up Investigation ☐ Yes ☒ No (Office)		/

GREENVILLE COUNTY SHERIFF'S OFFICE

EC5 02/19/2013-14:37:28

Supplemental Report

Ent: dsaunders 04/23/2013 08:30:54

Case Number 13000011973

☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Incident Type 0420 - Breach Of Trust > $1000

Patrol District 10 Page 1 of 1 Pages

OVERFLOW

☐ Complainant ☒ Victim #1 ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, First, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth
MCGINN, ROBERT M Jr	AQ		J	W	M	47	UNK

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone
[redacted] BEAVER DAM Rd	TRAVELERS RES	SC	29690	10		[redacted]-8221

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☒ Victim No. 1 Visible Injury ☐ Yes ☒ No Complaint of any Non-Visible Injuries ☐ Yes ☒ No Victim Using Alcohol ☐ Yes ☒ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐

Explain: Drugs ☒ No ☐ Yes Type: Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk ☐ Arrested on Current Offense

Using Drugs ☐ No ☐ Yes Type: ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location Gang Affiliation: NG - Not Gang Related

NARRATIVE

Overflow:

BAUCOM, MEGAN HALSTEAD:Complainant 1

RACE: White, Caucasian, SEX: Female, RESIDENT: Primary Jurisdiction, Mobile: [redacted]-6533
[redacted] BEAVER DAM Rd TRAVELERS REST 29690 10
DL STATE/NUMBER: [redacted]

HOLCOMB, DEAN ALTON Jr:Subject 1
Subject Types: Suspect
ADDRESS: [redacted] ROCKY CREEK Rd GREENVILLE SC 29615 9 03, RESIDENT: J, RACE: W, SEX: M, AGE: 41, DOB: [redacted]/1970, SSN: [redacted],
DL STATE/NUMBER: SC/[redacted] VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, WEAPON TYPE: Not Applicable

Narrative:

----------FOLLOW UP----------

I AM GOING TO SIGN A WARRANT IN THIS CASE, I HAVE BEEN TIED UP ON OTHER CASES.

----------WARRANT FORTHCOMING----------

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial #/OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☐ Yes ☒ No	☒ Active ☐ Admin Closed ☐ Unfounded	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	02/13/2013	551 / 00224	SGT MIKE JARVIS	02/13/2013	502 / 00404
			Follow Up Investigation ☒ Yes ☐ No (Officer) TIM MARTIN	02/13/2013	551 / 00224

GREENVILLE COUNTY SHERIFF'S OFFICE

Supplemental Report

LC5 02/04/2013-11:55:12

Ent: tbrandon 02/13/2013 04:33:49

Case Number: 13000011973

☐ Status Change ☐ Additional Victims ☐ Additional Stolen Property

Incident Type: 0420 - Breach Of Trust > $1000

☐ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property

Patrol District: 10 Page 1 of 1 Pages

OVERFLOW

☐ Complainant ☐ Victim ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other

Subject's Name (Last, First, Middle)	Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth

Address	City	State	Zip Code	Patrol District	Day Phone	Evening Phone

Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.

☐ Victim No. ___ Explain: Visible Injury ☐ Yes ☐ No Complaint of any Non-Visible Injuries ☐ Yes ☐ No Victim Using Alcohol ☐ Yes ☐ No ☐ Unk Drugs ☐ No ☐ Yes Type: Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ Detective ☐ Other ☐ ASSISTED ☐

Subject No. ___ Using Alcohol ☐ No ☐ Yes ☐ Unk Using Drugs ☐ No ☐ Yes Type: ☐ Arrested on Current Offense ☐ Unk ☐ Cleared By Arrest on Prior Offense

Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ On View Arrest ☐ Summoned ☐ Custody

Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority

Arrest Location

NARRATIVE

Overflow:

BAUCOM MEGAN HALSTEAD:Complainant 1

DL STATE/NUMBER: [redacted]

HOLCOMB DEAN ALTON Jr:Subject 1
Subject Types: Suspect

DL STATE/NUMBER: SC/[redacted] DOB: [redacted]/1970

Narrative:
CREEK RD STE [redacted]. I SPOKE WITH THE LEASING MANAGER AND HE ADVISED ME THAT HOLCOMBE HAD SKIPPED OUT SEVERAL MONTHS AGO WITHOUT PAYING HIS RENT. I HAVE NOT BEEN ABLE TO MAKE CONTACT WITH HOLCOMBE. I WILL GO BEFORE A MAG AND SIGN A WARRANT.

PROPERTY

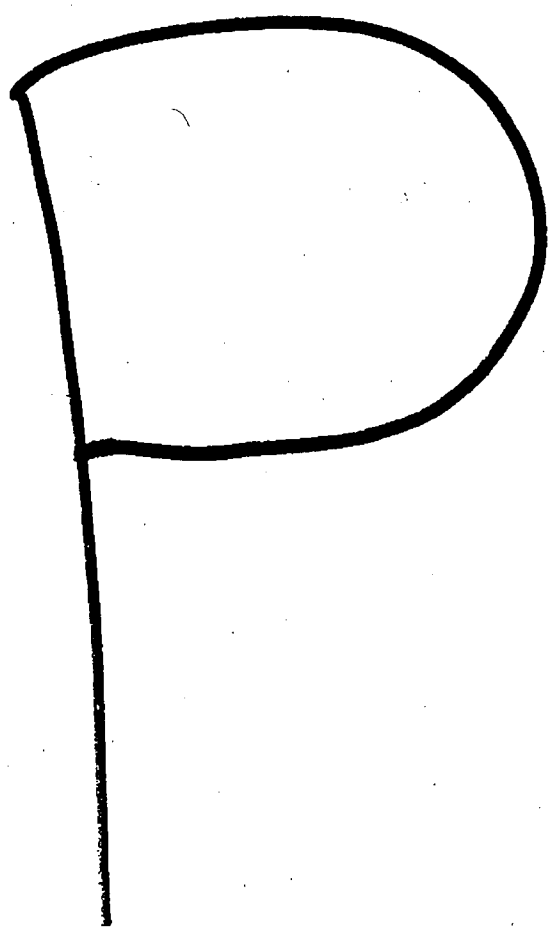
Status	Property Type	Quantity	Property Make	Color	Description	Serial #/OAN	Value

ADMIN

Subject Identified	Subject Located			
☒ Yes ☐ No	☐ Yes ☒ No	☒ Active ☐ Unfounded ☐ Admin Closed	☐ Arrested Under 18 ☐ Arrested 18 and Over	☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over

Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
MARTIN, JOHN	01/31/2013	681 / 00224	SGT. MIKE JARVIS	01/31/2013	502 / 00434
			Follow Up Investigation ☒ Yes ☐ No (Officer) TIM MARTIN	01/31/2013	681 / 00224



State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610

Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

October 13, 2014

John McIntosh, Esquire
Chief Deputy Attorney General
Post Office Box 11549
Columbia, South Carolina 29221-1549

Re: State vs. Dean Alton Holcomb
Intimidation Of A Court Official X2
Threatening A Life Of a Court Official X2
Breach Of Trust With Fraudulent Intent
Warrant/Ticket: 2013A2330202932, 2014A2330207245, 2014A2330207246, 2014GS2308176A, 2014GS2308178A

Dear John:

I am writing to request the above-referenced matter be re-assigned to the 7th Circuit for prosecution due to a conflict within our office. The victim in two of the charges is an assistant solicitor in our office. Therefore, we would request that this matter be transferred to the Seventh (7th) Circuit for prosecution. I have spoken with the Solicitor, Barry Barnette and he has indicated that his office would be glad to handle it.

If you need any additional information or have any questions, please feel free to contact me. Thank you for your assistance in this matter.

Sincerely,

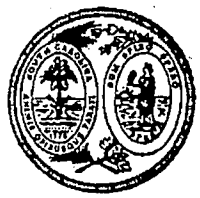
Betty C. Strom
Deputy Solicitor

BCS/rc

cc: Barry Barnette, Solicitor – 7th Judicial Circuit

State of South Carolina

Spartanburg County Court House
180 Magnolia Street
Spartanburg, S.C. 29306
Phone (864) 596-2575
Fax (864) 596-2386



Cherokee County Court House
Floyd Baker Blvd.
Gaffney, S.C. 29340
Phone (864) 487-2576
Fax (864) 487-2753

BARRY J. BARNETTE
Solicitor, Seventh Judicial Circuit

March 3, 2015

Betty C. Strom, Esq.
Deputy Solicitor for the 13th Judicial Circuit
Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, South Carolina 29601-2185
(VIA EMAIL ONLY)

RE: State v. Dean Alton Holcomb
Indictment Nos.: 14-GS-23-8176 thru 8179 (2 counts of Threatening Life, Person, or Family of Public Official charges and 2 counts of Intimidation of Court Officials) and 13-GS-23-5223

Dear Betty:

I have assigned this case to Assistant Solicitor Russell Ghent to review. I will ask him to contact your office to schedule any potential court hearings in this matter.

Please let me know if your office needs any additional information or if you have any questions. Thank you for your assistance in this matter.

Sincerely yours,

Barry Barnette
Solicitor

BJB:sop

cc: Assistant Solicitor Russell Ghent

State of South Carolina

Spartanburg County Court House
180 Magnolia Street
Spartanburg, S.C. 29306
Phone (864) 596-2575
Fax (864) 596-2386

Cherokee County Court House
Floyd Baker Blvd.
Gaffney, S.C. 29340
Phone (864) 487-2576
Fax (864) 487-2753

BARRY J. BARNETTE
Solicitor, Seventh Judicial Circuit

March 3, 2015

Betty C. Strom, Esq.
Deputy Solicitor for the 13th Judicial Circuit
Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, South Carolina 29601-2185
(VIA EMAIL ONLY)

RE: State v. Dean Alton Holcomb
Indictment Nos.: 14-GS-23-8176 thru 8179 (2 counts of Threatening Life, Person, or Family of Public Official charges and 2 counts of Intimidation of Court Officials) and 13-GS-23-5223

Dear Betty:

I have assigned this case to Assistant Solicitor Russell Ghent to review. I will ask him to contact your office to schedule any potential court hearings in this matter.

Please let me know if your office needs any additional information or if you have any questions. Thank you for your assistance in this matter.

Sincerely yours,

Barry Barnette
Solicitor

BJB:sop

cc: Assistant Solicitor Russell Ghent

ALAN WILSON
ATTORNEY GENERAL

COPY

October 16, 2014

Ms. Betty Strom, Deputy Solicitor
Thirteenth Circuit Solicitor's Office
Greenville County Courthouse
305 East North Street, Suite 325
Greenville, SC 29601

RE: State v Dean Alton Holcomb
Charges: Intimidation Of a Court Official X2, Threatening a Life Of a Court Official X2, Breach Of Trust With Fraudulent Intent

Dear Ms. ~~Strom~~ Betty:

This is to acknowledge receipt of your letter dated October 13, 2014, requesting assistance in the handling of the prosecution of the above-referenced matter due to a conflict. By copy of this letter to The Honorable Barry Barnette, Solicitor of the Seventh Circuit Solicitor's Office, I am requesting that his office assume the responsibility for the handling of this case.

If we can assist you in the future, please let me know.

Yours very truly,

John W. McIntosh
Chief Deputy Attorney General

CC: The Honorable Barry Barnette, Solicitor, Seventh Circuit Solicitor's Office
JWM/dm

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610

Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

October 13, 2014

Barry J. Barnette, Solicitor
Seventh Circuit Solicitor's Office
Spartanburg County Courthouse
180 Magnolia Street, 3rd Floor
Spartanburg, SC 29306

Re: State vs. Dean alton Holcomb
State vs. Dean Alton Holcomb
Intimidation Of A Court Official X2
Threatening A Life Of a Court Official X2
Breach Of Trust With Fraudulent Intent
Warrant/Ticket: 2013A2330202932, 2014A2330207245, 2014A2330207246, 2014GS2308176A, 2014GS2308178A

Dear Barry:

Please find enclosed the case file on the above referenced defendant. Thank you so much for your willingness to handle this case due to a conflict in our office. Attached is a copy of the letter to the Attorney General requesting that this case be sent to your office for prosecution. As you can see, I have included the case file for the original charge of Breach of Trust as it is a result of our prosecuting that case that the other warrants developed.

Please note that the defendant is presently in jail under NO BOND. Judge Verdin denied bond last Friday, October 10, 2014 and stated that this matter needed to be handled quickly. She did not set any particular time table, but I did want you to be aware that he was in jail without bond.

If you have any questions or need any further assistance, please do not hesitate to contact me.

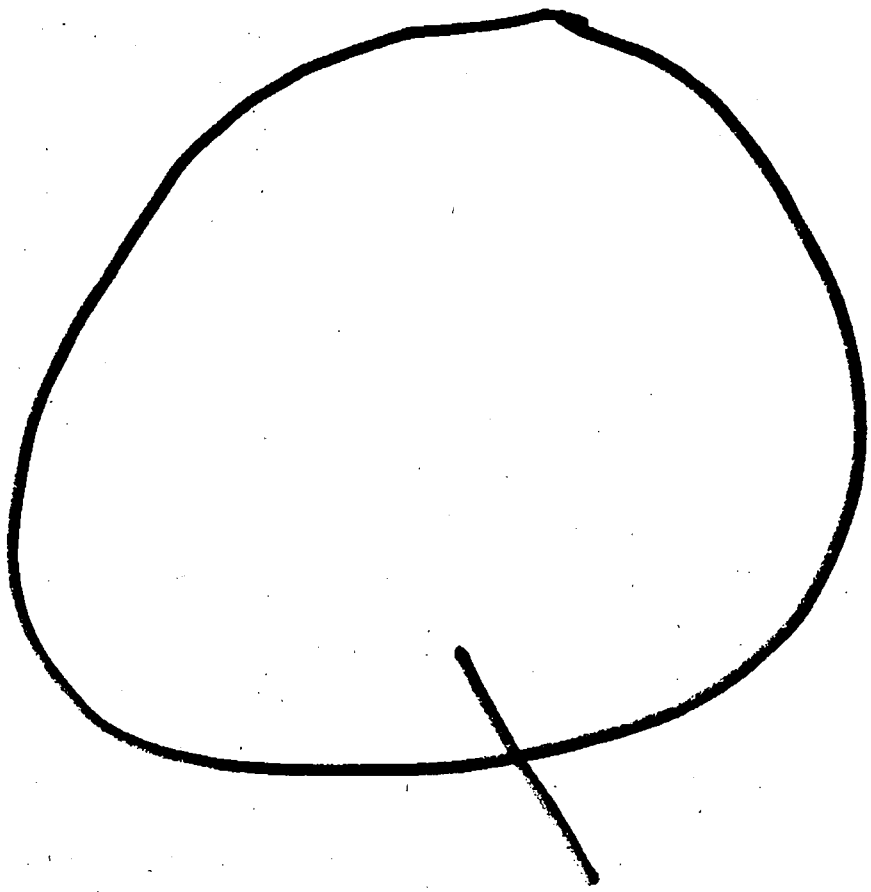
Sincerely,

Betty C. Strom
Deputy Solicitor

BCS/rc

Enclosure:

cc: Sylvia Harrison, Assistant Solicitor
John Crangle, Defense Attorney



DEAN A. HOLCOMB

[redacted] YOUNG ROAD, BESSEMER CITY NC 28016
[redacted]-5087 (H) 202-738-4186 (W)
upstatejews4jesus@aol.com
dean@federalcontractors.us

AUGUST 19, 2013 @ 5:55AM

RE: YOUR INSTRUCTIONS, MY DEMANDS AND 42 USC 1983

SENT VIA EMAIL

John Crangle, Esq.
jcrangle@greenvillecounty.org
Public Defender
305 East Main Street
Greenville, SC 29601

Copies to:
Sylvia Paris Harrison, Assistant Solicitor
Leanda King, Assistant Clerk of Court

Mr. Crangle,

On August 7, 2013, I spoke with "Betty" and an unidentified person, both claiming to be from the Greenville County Indigent Defense Office. (audio file, I.I.I. part 1 included in this email) I stated politely, that I was not interested, at that time in being represented by a Public Defender. The unidentified investigator stated that, ***"we are not going to appoint a public defender without you going through the process."*** (Audio file I.I.I. part 2) ***I have not "gone through the process", nor WILL I EVER***. After carefully and, I believe, intelligently considered the ethics and professionalism of the unidentified "investigator", I chose not to accept the services of the Public Defender. On August 12, 2013, I sent a registered letter and email to Leanda King, Assistant Clerk of Court, stating that I will never use a public defender, please see next email. After our 7 minute phone call, on August 16, 2013, I reviewed my research and considered your level of experience. (191 business days since your admission to the Bar, Sylvia P. Harrison has been practicing, I would guess, at the very least *twice that many months*) I stand by my decision to NEVER BE REPRESENTED BY A PUBLIC DEFENDER. You are the least experienced and most likely the youngest attorney in the 13th Circuit Court System going up against the oldest prosecutor, the

most experienced prosecutor and the head of her department. You are the very definition of ineffective counsel, currently. Based on our 7 minute conversation, you know absolutely nothing about this case, me or ethics. You had 92 charges listed before our conversations and 103 shortly after our conversation. You have 2 attempted murder charges? Are you kidding me?

I consider your actions of filing motions on my behalf without my authorization, consent, or me "going through the process", malpractice at the very least. I understand, ***"You were just following orders"***, right? Where have heard that before? See attached screen shot of the public index showing the Public Defender listed as my attorney. **TAKE NOTICE you illegally and unethically filed motions prior to our conversation or any other contact with me.** You are not authorized nor entitled to view any of that material. ***I am outraged. You, the unnamed "investigator", members of the Clerk of the Court, Sylvia Paris Harrison, numerous members of the Greenville County Sheriff's Office, and Donald L. Smith have all shocked my conscience.*** I am very aware of the "Judge's Order", actually a fragment of a sentence, constitutionally unenforceable ***complete with a clause, concerning noncompliance***. I can read. I was present. I am aware of the "Order to Get A Lawyer" and the consequences and benefits of not abiding by this order. I refuse to participate in the 13th Circuit's "horse trading" scheme. Based on the latest studies on Pro Se defendants conducted by the Bar Association, the Cato Institute and a professor from the University of Georgia, Pro Se defendants have about a 30% higher acquittal and dismissal rate than those represented by counsel, in both Federal and State Courts, NATIONWIDE. The trite expression, "any man that represents himself has a fool for a lawyer" may be effective marketing for the Bar Association but I believe only a fool would be represented by a $20 an hour attorney, with less than 6 months experience. I have spoken with some of the best experts in the Country about this case. They ALL agree, Tim Martin, violated every professional standard concerning the criminal investigations process and numerous of my Constitutional rights. Considering Martin's years of experience, position, and "our history" (dating back to about the time you were born) the only possible explanation is ill will and malice. How could I possibly be "indigent" if I am prepared to hire experts at $5K per day for a trial that will never happen? I have already paid these PHD Lawyers about $1K.

The 13th Circuit Court processed 14, 676 cases last year, 6185 cases plead guilty, 42%, 167 cases went to trial, 1.14%, 0.83% were found guilty, 0.31% were acquitted, the rest, about 57% were dismissed. www.sccourts.org/annualReports/2011-2012/cr90-ann.pdf. I think I'll take my chances. Sylvia Harrison will never try me for anything; US Marshals will be serving her shortly, hopefully by Friday, August 23, 2013.

I demand copies of all emails, motions, proof of service, memos, etc sent to me via email, immediately. I want any work product, if any, concerning me and this case. I unequivocally demand to know who told you that you were my lawyer and copies of your assignment, emails, memo, work order, etc.

I DEMAND THAT YOU IMMEDIATELY AND WITHOUT DELAY FORWARD ME YOUR SIGNED MOTION TO BE RELEIVED AS COUNSEL. I WILL SIGN THIS ORDER BEFORE A WITNESS AND RETURN IN THE QUICKEST TIME POSSIBLE. I DEMAND THAT THIS BE SENT VIA EMAIL AND USPS, RETURN RECEIPT REQUESTED AND A PRE PAID ENVELOPE TO ALSO INCLUDE SIGNATURE RECEIPT REQUESTED.

FORWARD COPIES OF THESE TWO SIGNATURES RECEIPTS UPON RECEIPT VIA EMAIL. INCLUDE ALL COPIES OF THIS ACTION. YOU ARE TO ATTEND THE MOTION HEARING WITHOUT MY PRESENCE. YOU ARE TO OBTAIN A TRANSCRIPT OF THIS HEARING AND FORWARD IT TO ME WITHOUT DELAY, UPON RECEIPT. I WAS NOT REQUIRED TO ATTEND NOR NOTIFIED OF DONALD L. SMITH'S MOTION TO BE RELIEVED OF COUNSEL, I SEE NO GOOD REASON I SHOULD ATTEND THIS MOTION HEARING. HOWEVER, I WOULD LIKE TO BE NOTIFIED OF THE DATE AND TIME.

I ask that you contact the Solicitor's office, via email, and explain your "mistake" and please have my address updated on the Public Index, as I have requested many times. Forward me these emails, upon receipt. You are not to have any phone or in person conversations, without a digital recording record, regarding me or my case. I am sure you have a smart phone. Forward me the files, if any, directly.

Failure to comply with these instructions will result in a complaint to the Judicial Committee on Lawyer Conduct, a civil suit for malpractice and I may seek any other relief available. If the State takes any action, before October 9, 2013, as a result of your incompetence or culpability, the above actions will be commenced without delay. If I commence suit against you, I will be open to a settlement with you for a donation made to Common Cause, SC, in the name of "Justice".

Have I made myself clear?

Please govern yourself professionally and ethically from this point forward.

Dean A. Holcomb

Dean A. Holcomb
Pro Se Litigant and Defendant

	Arrest DATE	
Simpson-Stevens	**6/18/13**	**Weapons possession felon stolen**
Simpson-Stevens	**6/18/13**	**Weapons possession felon stolen**
Seagraves	**6/18/13**	**Criminal/Sex Child >11**
Seagraves	**6/18/13**	**Lewd act child**
Taylor	***6/18/13***	***Burglary, out on 5K bond charged again 6/18***
Coker	***6/18/13***	***Stalking***
Coker	***6/18/13***	***Stalking***
Coker	***6/18/13***	***CDV HAN -NO BOND***
Tucker	**6/18/13**	**Kidnapping-numerous convictions**
Daniels	**6/18/13**	**Out on bond then- Child porn**
Holcomb	**5/16/13**	**Breach of Trust - w/ not 1 felony conv**
Jones	5/3/13	Shopliffting many, many convictions
Lowe	**4/11/13**	**FACING LIFE**
Graham	**4/11/13**	**FACING LIFE**
Graham	**4/11/13**	**MURDER**
Holmes	**4/1/13**	**CDV -2nd**
Riddle	**3/21/13**	**CDV HAN**
Murray, Joseph Paul	**3/21/13**	**Drugs/Mtg**
Holcombe, Robin Bragg	2/26/13	Meth/Coke Base >1g 1st Offense
Cline, Michael	2/24/13	Criminal Sex Conduct 2nd Degree
Nalley, Clinton	2/15/13	Drugs 1st Offense
Nalley, Clinton	2/15/13	Diat near a school
Lowe	2/12/13	Robbery
Lowe	2/12/13	Armed Robbery
Gregory, Traci	2/12/13	Drugs 1st Offense
Switzer, Melinda Diane	2/12/13	
Beard, C	2/10/13	Shopliffting >$2K
Jernstedt	2/7/13	Obstructing
Scott,Miranda	2/7/13	Poss. Stolen vehicle $2K>$10K
Audas	2/5/13	CDV HAN
Campbell, D	1/28/13	DUI 3rd Offense
Campbell, D	1/28/13	Resisting Arrest
Campbell, D	1/28/13	DUS
Ruiz, C	1/17/13	DUI 2nd Offense, DUS
Hamilton, Linda	1/16/13	Failure stop Blue light 1st Offense
Jernstedt	1/10/13	Drugs I-1st
Jernstedt,L	1/10/13	Drug Poss
Sims	1/6/13	Forgery >10K
Brownlee	1/6/13	CDV 2nd Offense
Chacon	12/27/12	DUS Habitual
Lawrence, Z	12/27/12	DUI 2nd Offense
Salazar	12/26/12	DUS Habitual
Smith, Ansel	12/17/12	Armed Robbery
Anderson, David Jr	12/17/12	
Bennett, B	12/13/12	Mtg Meth
Bennett, B	12/13/12	Dist Drugs near a school
Francisco	12/13/12	Drug/Mtg
Francisco	12/13/12	Drugs/Dist near a school, weapon by a felon
Taylor,Q	12/11/12	Burglary
Taylor,Q	12/11/12	Assault &Battery 2nd Degree
Barksdale	12/6/12	Weapon/Felon
Barksdale	12/6/12	Drugs

SPH

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	WARRANT # 2013A2330202932
THE STATE	)	INDICTMENT # 2013GS2305223
-VS-	)	**ORDER TO GET A LAWYER**
DEAN ALTON HOLCOMB, DEFENDANT.	)	

FILED-CLERK OF COURT
PAUL B. WICKENSIMER
GREENVILLE CO., SC
2013 JUL 11 AM 11:07

This matter was before me on July 11,2013 regarding a motion by the State through the Thirteenth Circuit Solicitor's Office, requesting the court to issue an order requiring the Defendant to secure an attorney. Defendant was present, along with an Assistant Solicitor for the State.

The State advised the court that the Defendant was arrested on May 16, 2013 , on the charge(s) of Breach / Breach of trust with fraudulent intent. value more than $2,000 but less than $10,000.

The Defendant has failed to secure an attorney after a reasonable amount of time from the date of Defendant's arrest, and after being advised to do so by the State. The State had been preparing the case for either a guilty plea or a trial; however, the case(s) could not be scheduled without the issue of the Defendant's attorney being addressed and resolved. During the course of the hearing the Defendant was advised of his/her right to have an attorney to represent him/her as well as the benefits of having counsel and the perils and consequences of proceeding without an attorney.

Based upon the information presented this court finds that the Defendant is aware of the benefits of having counsel and the perils and consequences of proceeding without counsel.

IT IS THEREFORE ORDERED AND DECREED,

Appoint PD's Office

Furthermore, the State may proceed to trial on the defendant's charge(s) after ~~sixty (60)~~ ninety (90) days from the date of this order, regardless of the defendant's compliance with this order, and/or seek any other appropriate relief in this matter.

IT IS SO ORDERED.

Presiding Circuit Court Judge
Thirteenth Judicial Circuit

Date: 7/11/13

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	WARRANT # 2013A2330202932
THE STATE	)	INDICTMENT # 2013GS2305223
-VS-	)	**ORDER TO GET A LAWYER**
DEAN ALTON HOLCOMB, DEFENDANT.	)	

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GREENVILLE CO SC

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COUNTY OF GREENVILLE	WARRANT # 2013A2330202932
THE STATE	INDICTMENT # 2013GS2305223
-VS-	**ORDER TO GET A LAWYER**
DEAN ALTON HOLCOMB, DEFENDANT.	

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GREENVILLE CO. SC

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Presiding Circuit Court Judge
Thirteenth Judicial Circuit

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	WARRANT # 2013A2330202932
THE STATE	)	INDICTMENT # 2013GS2305223
-VS-	)	**ORDER TO GET A LAWYER**
DEAN ALTON HOLCOMB, DEFENDANT.	)	

2013 JUL 11 AM 11:07
FILED-CLERK OF COURT
PAUL D. ACKENSBER
GREENVILLE CO

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Appoint PD's Office

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IT IS SO ORDERED.

Presiding Circuit Court Judge
Thirteenth Judicial Circuit

Date: 7/11/13

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	WARRANT # 2013A2330202932
THE STATE	)	INDICTMENT # 2013GS2305223
-VS-	)	**ORDER TO GET A LAWYER**
DEAN ALTON HOLCOMB, DEFENDANT.	)	

2013 JUL 11 AM 11:07
FILED: CLERK OF COURT
PAUL F. GREENSMITH
GREENVILLE CO. S.C.

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Appoint PD's Office

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IT IS SO ORDERED.

Presiding Circuit Court Judge
Thirteenth Judicial Circuit

Date: 7/11/13

R

THE STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

INDICTMENTS: 2013-GS-23-05223, 2014-GS-23-08176A, 2014-GS-23-08177, 2014-GS-23-08178A, 2014-GS-23-08179

State of South Carolina

WARRANTS: 2013A2330202932; 2014A2330207245; 2014A2330207246

vs.

Dean Alton Holcomb

Defendant

NOTICE OF APPEARANCE AND REQUEST FOR DISCOVERY

The Defendant respectfully requests that the Solicitor produce or otherwise make available to the Defense statements of the Defendant, the Defendant's prior record, all documents, tangible objects, reports of examination and tests, witness statements, physical evidence and any other information subject to disclosure pursuant to Rule 5 and 6 of the South Carolina Rules of Criminal Procedure.

The Defendant further requests the Solicitor to produce all evidence favorable to the Defendant subject to disclosure pursuant to Brady v. Maryland, 373 U.S. 83 (1963), Kyles v. Whitney, 514 U.S. 419 (1995), and their progeny. This includes all information which may tend to exculpate the Defendant and which may tend to mitigate any punishment should he be found guilty.

This request is a continuing request for all such discoverable information as it becomes known to the prosecution or any prosecution agents or which, by the exercise of due diligence, may become known to the prosecution.

The Defendant hereby asserts his Fifth Amendment right to remain silent and does not wish to be questioned in the absence of counsel, pursuant to McNeil v. Wisconsin, 111 S. Ct. 220 (1991) and Edwards v. Arizona, 451 U.S. 477 (1981).

Furthermore, pursuant to Rule 6 of the South Carolina Rules of Criminal Procedure, Defendant objects to the introduction of a chemist's or analyst's report without such person being personally present at trial. Defendant also requests the appearance in Court of all persons within the chain of custody of all physical evidence.

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2015 MAR 24 AM 9:09
HOPE BLACKLEY

Respectfully Submitted
Matthew W. Shealy
Bar Number: 77724
Seventh Judicial Circuit Public Defender Office

Spartanburg, South Carolina
Dated: March 23, 2015

Case No.: 81117

THE STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

Indictment(s): 2013-GS-23-05223, 2014-GS-23-08176A, 2014-GS-23-08177, 2014-GS-23-08178A, 2014-GS-23-08179

State of South Carolina

Warrant(s): 2013A2330202932; 2014A2330207245; 2014A2330207246

vs.

DEAN ALTON HOLCOMB

CERTIFICATE OF SERVICE

Personally appeared before me, Paul Bennett, who being duly sworn, deposes and says that he is employed by the Spartanburg County Public Defender's Office, and is a person of such age and discretion as to be competent to serve papers.

That on 3-24, 2015, he served a copy of the Notice Of Appearance And Request For Discovery, by delivering a copy of same to the person herein after named at the address given below:

ADDRESSEE: Barry Barnette
Solicitor, Seventh Judicial Circuit
Spartanburg County Judicial Center
180 Magnolia Street
Spartanburg, SC 29306

Paul B

Sworn to before me this
24 day of March, 2015

Brandy G

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 1-24-24

I ACCEPT SERVICE:

Sara H. Murray

Seventh Judicial Circuit Solicitor's Office

Date: 3/24/15

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2015 MAR 24 AM 9:
M. HOPE BLACKLE

Case No.: 81117

THE STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF GENERAL SESSIONS THIRTEENTH JUDICIAL CIRCUIT
THE STATE	)	Indictment No: 2014GS2308176A, 2014GS2308177, 2014GS2308178A, ~~2014GS230817~~, 2013GS2305223 2014GS2308179 4/15
v.	)	**CONSENT ORDER RELIEVING APPOINTED COUNSEL AND SUBSTITUTING PRIVATE COUNSEL**
DEAN A. HOLCOMB, JR.,	)	
DEFENDANT.	)	

This matter comes before the Court on Defendant's Motion. The Public Defender's Office was appointed to Represent Defendant in August of 2013.

Defendant is charged with threatening an Assistant Solicitor in the 13th Circuit. Because Defense counsel has regular dealings with the assistant solicitor, a conflict of interest could arise.

Therefore, Defendant and Defense Counsel agree and consent to a substitution of counsel. The State does not oppose this motion.

The Spartanburg County Public Defender's Office is appointed to represent Defendant.

Circuit Judge, Thirteenth Judicial Circuit

I CONSENT
John Crangle, Esq.

I CONSENT
Dean Holcomb

Greenville, South Carolina
This 20 day of March, 2015

A Certified Copy
Paul B. Wickensimer
Clerk of Court C.P. &
Greenville County
Dated 3/20/15

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,	)	
	)	2013-GS-23-05223
PLAINTIFF,	)	2014-GS-23-08177 - 08179
	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
DEAN ALTON HOLCOMB,	)	
	)	
DEFENDANT.	)	
	)	

JUNE 4, 2015
GREENVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE R. KEITH KELLY

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

RUSSELL GHENT, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

MATTHEW SHEALY, ESQUIRE

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

State of South Carolina.,)
)
)
)
)
County of York.)
)

In the General Sessions
Court of York

Case No.: 2013-GS-23-05223
2014-GS-23-08176
2014-GS-23-08177
2014-GS-23-08178
2014-GS-23-08179

State of South Carolina.,)
)
Plaintiff.,)
)
-vs.-)
)
Dean Alton Holcomb.,)
)
Defendant.)
)

Transcript of Record

July 29, 2016
York, South Carolina

B E F O R E:

The Honorable John C. Hayes, III, judge.

A P P E A R A N C E S:

Mr. Russell Ghent, Assistant Solicitor
Seventh Judicial Circuit
Cherokee and Spartanburg Counties
180 Magnolia Street, 3rd Floor
Spartanburg, South Carolina 29306
864.596.2575
For the Plaintiff

Mr. Matthew Shealy, Assistant Public Defender
Seventh Circuit Public Defender's Office
Cherokee and Spartanburg Counties
366 North Church Street, Suite 3000
Spartanburg, South Carolina 29303
864.596.2561
For the Defendant

ORIGINAL

Wanda S. Nelson, CVR-M
Official Court Reporter
Sixteenth Judicial Circuit
Union and York Counties
To The Honorable John C. Hayes, III

THE STATE OF SOUTH CAROLINA	)	IN THE GENERAL SESSIONS COURT
	)	THIRTEENTH JUDICIAL CIRICUIT
COUTNY OF SPARTANBURG	)	
	)	**ORDER FOR SPEEDY TRIAL**
	)	
STATE OF SOUTH CAROLINA	)	CHARGES: BREACH / BREACH OF TRUST WITH FRAUDULENT INTENT, VALUE MORE THAN $2,000 BUT;
PLAINTIFF	)	
Vs.	)	WARRANTS: 2013A2330202932;
	)	
DEAN ALTON HOLCOMB	)	
DEFENDANT	)	

This matter came before me on the motion of Matthew W. Shealy, of the Seventh Judicial Circuit Public Defender Office, on behalf of the above named client.

IT APPEARS unto the court that the defendant was arrested on the above charges and warrants/indicments on June 18, 2013.

IT FURTHER APPEARS that the defendant is entitled to a Speedy Trial.

IT IS HEREBY ORDERED that the defendant be granted a Speedy Trial.

IT IS SO ORDERED:

31 July 2015
Date

R. Keith Kelly
Judge
Thirteenth Judicial Circuit

THE STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF GENERAL SESSIONS THIRTEENTH JUDICIAL CIRCUIT
THE STATE	)	Indictment No: 2014GS2308176A, 2014GS2308177, 2014GS2308178A, ~~2014GS230817~~, 2013GS2305223 2014GS2308179
v.	)	**CONSENT ORDER RELIEVING APPOINTED COUNSEL AND SUBSTITUTING PRIVATE COUNSEL**
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Circuit Judge, Thirteenth Judicial Circuit

I CONSENT
John Crangle, Esq.

I CONSENT
Dean Holcomb

Greenville, South Carolina
This 20 day of March, 2015

A Certified Copy
Paul B. Wickensimer
Clerk of Court C.P. &
Greenville County
Dated 3/20/15

S

Moyer, Mark

From: Moyer, Mark
Sent: Friday, October 10, 2014 12:29 PM
To: Strom, Betty
Cc: Harrison, Sylvia
Subject: Holcombe

Judge Verdin declined to set bond on Holcombe. Crangle asked for the case to be disposed of in 90 days. Judge declined to do that. however, she did say the process to have the case transferred should take place immediately so the issue can be raised with the assigned prosecutor

L. Mark Moyer, Assistant Solicitor
Greenville County Courthouse
305 East North Street, Ste. 325
Greenville, South Carolina 29601
Phone: 864-467-8638
Facsimile: 864-467-8610

Strom, Betty

From: Crangle, John
Sent: Tuesday, September 16, 2014 4:51 PM
To: Strom, Betty
Subject: RE: Dean Holcomb

Betty,

I'm available for motions on October 10th or GSNJ.

I'm unavailable from October 16-27th.

Thanks,

John

From: Strom, Betty
Sent: Tuesday, September 16, 2014 4:30 PM
To: Crangle, John
Subject: Dean Holcomb

Was indicted today on two counts of threatening the life of a public official. I will serve him with those in the jail, unless you are going to accept service for him. I know he can be a bit difficult, so I did not know if it would be easier for you if I just serve him down there. Just let me know. also, once he is served, we need to bring him up for a bond hearing and I'm going to ask that he be evaluated b/f any bond is considered. I will get you a formal motion, but did not want to blind side you with it. also b/c Sylvia is a victim, I am going to conflict it out to Spartanburg. Someone from there will come over here to handle the prosecution of the case. will let you know once that is accomplished.

Strom, Betty

From: Crangle, John
Sent: Friday, September 05, 2014 12:08 PM
To: Strom, Betty
Subject: RE: Dean Holcomb

Please schedule the motion to be relieved for next Friday.

I can't consent to any mental eval, of course, but y'all are free to bring that up too.

Thanks,

John

From: Strom, Betty
Sent: Friday, September 05, 2014 11:55 AM
To: Harrison, Sylvia; Hilton, Jeanie; Crangle, John
Cc: Martin,Tim
Subject: RE: Dean Holcomb

John, I will gladly look at it and see what I can do. We will conflict all of his cases out b/c of the fact that Sylvia is a victim in some of them. I do think an evaluation is in order, so when we bring him up before the judge on the motion to be relieved, I will address that with the judge. are you good for next week's bond/motion date. I know it might be a little soon, but if you can do it next Friday that would work for me.

Jeannie, let me know what I need to do to get this on next weeks motion's calendar.

From: Harrison, Sylvia
Sent: Thursday, September 04, 2014 3:22 PM
To: Hilton, Jeanie; Crangle, John
Cc: Martin,Tim; Strom, Betty
Subject: FW: Dean Holcomb

John,

The only thing I would consent to is a mental evaluation. Because of the pending charges where Tim and I are the victim, I need to ask who should handle your motion. Let you know when I know something

Sylvia

Sylvia P. Harrison, Assistant Solicitor
13th Judicial Circuit
305 East North Street - Suite 325
Greenville, SC 29601

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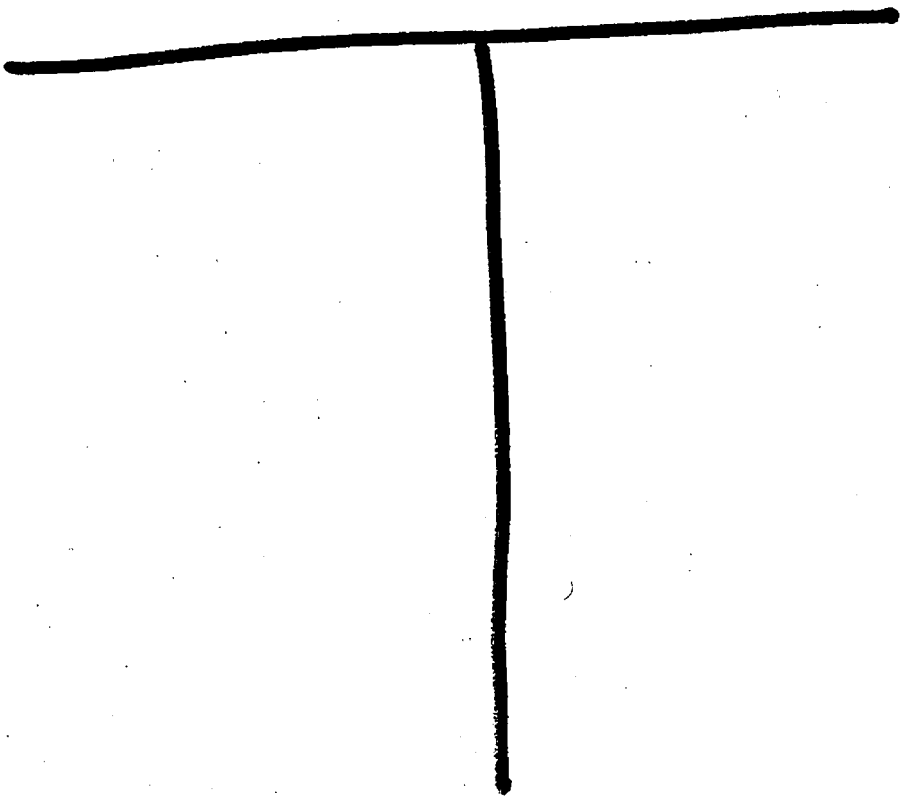
13th Judicial Circuit
305 East North Street - Suite 325
Greenville, SC 29601



UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

C/A No.: 1:15-3526-MGL-SVH (D.S.C. Sep 11, 2015)

HOLCOMB V. GREENVILLE CNTY.

Shiva V. Hodges United States Magistrate Judge

REPORT AND RECOMMENDATION

Rabbi Dean Alton Holcomb ("Plaintiff"), proceeding pro se and in forma pauperis, brings this action pursuant to 42 U.S.C. § 1983 (/statute/42-usc-1983-civil-action-for-deprivation-of-rights). Plaintiff alleges a violation of his constitutional rights while incarcerated at Greenville County Detention Center ("GCDC") by the following defendants: Greenville County d/b/a GCDC, Major Marshall Showers, Administrator Ronald Hollister, and Securus Phone Service ("Securus") (collectively "Defendants"). [ECF No. 1 at 1-2].

Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) (/statute/28-usc-636-jurisdiction-powers-and-temporary-assignment) and Local Civ. Rule 73.02(B)(2)(d) (D.S.C.), the undersigned is authorized to review such complaints for relief and submit findings and recommendations to the district judge. For the reasons that follow, the undersigned recommends that the district judge dismiss the complaint in this case without prejudice and without issuance and service of process.

I. Factual and Procedural Background

Plaintiff filed this complaint alleging his First Amendment rights are being •2 violated because GCDC denies him access to email. [ECF NO. 1 at 4]. He also alleges Securus's phone service has "criminally high" prices and denies inmates access to toll free numbers and from calling a landline

collect. *Id.* at 4-5. Plaintiff states that GCDC's kiosk has an email feature that has been disabled by the administrator, and he alleges GCDC receives a commission from Securus, giving GCDC a financial motive for denying email to pretrial detainees. *Id.* at 4. Plaintiff asks the court to order GCDC to enable the email feature and order Securus to make its pricing the same as local calls. *Id.* at 6. Plaintiff also seeks costs and requests that GCDC and Securus be ordered to provide a pizza party as an apology "for exploiting the 'helpless' or unfortunate." *Id.* II. Discussion

A. Standard of Review

Plaintiff filed this complaint pursuant to 28 U.S.C. § 1915 (/statute/28-usc-1915-proceedings-in-forma-pauperis), which permits an indigent litigant to commence an action in federal court without prepaying the administrative costs of proceeding with the lawsuit. To protect against possible abuses of this privilege, the statute allows a district court to dismiss a case upon a finding that the action fails to state a claim on which relief may be granted or is frivolous or malicious. 28 U.S.C. § 1915(e)(2)(B)(i) (/statute/28-usc-1915-proceedings-in-forma-pauperis), (ii). A finding of frivolity can be made where the complaint lacks an arguable basis either in law or in fact. *Denton v. Hernandez*, 504 U.S. 25, 31 (/case/denton-v-hernandez-2#p31) (1992). A claim based on a meritless legal theory may be dismissed *sua sponte* under 28 U.S.C. § 1915(e)(2)(B) (/statute/28-usc-1915-proceedings-in-forma-pauperis). *See Neitzke v. Williams*, 490 U.S. 319, 327 (/case/neitzke-v-williams#p327) (1989); *Allison v. Kyle*, 66 F.3d 71, 73 (/case/allison-v-kyle#p73) (5th Cir. 1995). *3

Pro se complaints are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (/case/gordon-v-leeke#p1151) (4th Cir. 1978). A federal district court is charged with liberally construing a complaint filed by a pro se litigant to allow the development of a potentially meritorious case. *Erickson v. Pardus*, 551 U.S. 89, 94 (/case/erickson-v-pardus-4#p94) (2007). In evaluating a pro se complaint, the plaintiff's allegations are assumed to be true. *Merriweather v. Reynolds*, 586 F. Supp. 2d 548, 554 (/case/merriweather-v-reynolds-2#p554) (D.S.C. 2008). The mandated liberal construction afforded to pro se pleadings means that if the court can reasonably read the pleadings to state a valid claim on which the plaintiff could prevail, it should do so. Nevertheless, the requirement of liberal construction does not mean that the court can ig-

nore a clear failure in the pleading to allege facts that set forth a claim currently cognizable in a federal district court. *Weller v. Dep't of Soc. Servs.*, 901 F.2d 387, 390-91 (/case/weller-v-dept-of-soc-serv-for-baltimore#p390) (4th Cir. 1990).

B. Analysis

Plaintiff alleges GCDC's telephone and email restrictions violate his First Amendment rights. [ECF No. 1]. Although inmates have a First Amendment right to communicate with the outside world, they do not have a First Amendment right to access email. *Grayson v. Federal Bureau of Prisons*, C/A No. 5:11CV2, 2012 WL 380426, *3 (N.D. W. Va. Feb. 6, 2012). Further, there is no constitutional right to use a telephone while in prison, *United States v. Alkire*, 82 F.3d 411 (4th Cir. 1996), and prisons do not have obligations under the First Amendment to provide telephone service to inmates at a particular cost. *Holloway v. Magness*, 666 F.3d 1076, 1080 (/case/holloway-v-magness-4#p1080) (8th Cir. 2012); *see also Christiansen v. Clarke*, 147 F.3d 655, 657 (/case/christiansen-v-clarke#p657) (8th Cir.), cert. denied, 525 U.S. 1023 (1998) (finding the Constitution does not prohibit charging prisoners for essential prison services, at least in the absence of a showing that the result is a severe deprivation of a fundamental right). In his complaint, Plaintiff admits that he retains alternative means of communicating with people outside of GCDC, including mail and GCDC telephone services. [ECF No. 1 at 3-4]. In fact, Plaintiff states he has placed over 40 phone calls to the Spartanburg Public Defender's officer and the Greenville County Clerk of Court. *Id.* at 3. As Plaintiff has failed to allege facts to support a First Amendment claim, the undersigned recommends Plaintiff's complaint be summarily dismissed.

To the extent Plaintiff argues his inability to email his court-appointed counsel, who allegedly refuses to answer phone calls, is denying him access to the courts [ECF No. 1 at 3], he has failed to show why U.S. mail is insufficient. Additionally, he also fails to allege a specific injury. *See Lewis v. Casey*, 518 U.S. 343, 349 (/case/lewis-v-casey#p349) (1996) (holding that an inmate alleging denial of access to the courts must be able to demonstrate "actual injury" such that his non-frivolous legal claim was frustrated or impeded). Accordingly, the undersigned recommends Plaintiff's complaint be summarily dismissed. III. Conclusion and Recommendation

For the foregoing reasons, the undersigned recommends that the court dismiss the complaint

without prejudice and without issuance and service of process. *5

IT IS SO RECOMMENDED. September 11, 2015

Columbia, South Carolina

/s/

Shiva V. Hodges

United States Magistrate Judge

The parties are directed to note the important information in the attached

"Notice of Right to File Objections to Report and Recommendation."

*6 Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (/case/diamond-v-colonial-life-acc-ins-co) (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1) (/statute/28-usc-636-jurisdiction-powers-and-temporary-assignment); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Contact (mailto:contact@casetext.com) Features (/features) Pricing (/pricing) (https://twitter.com/casetext)
Terms (/terms) Privacy (/privacy) About (/about) Jobs (/jobs)
Press (/about#press) Students (/students) (https://www.facebook.com/casetext)

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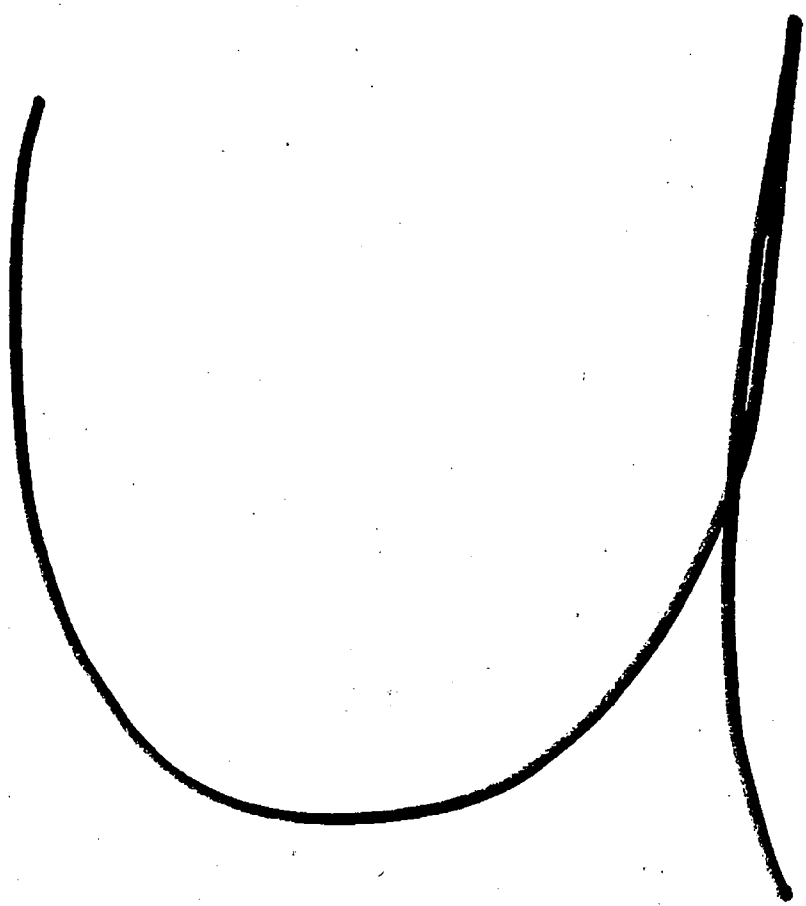
Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1) (/statute/28-usc-636-jurisdiction-powers-and-temporary-assignment); *Thomas v. Arn*, 474 U.S. 140 (/case/thomas-v-arn-3) (1985); *Wright v. Collins*, 766 F.2d 841 (/case/wright-v-collins-2) (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (/case/united-states-v-schronce) (4th Cir. 1984).



DR. DEAN HOLCOMB
369696 CA-52
RIDGELAND, CI
PO BOX 2039
RIDGELAND, SC 29936

6 MARCH 2017

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2017 MAR 28 AM 8 52

GREENVILLE COUNTY CLERK OF COURT
305 EAST NORTH STREET
GREENVILLE, SC 29601

DEAR CLERK OF COURT,

PLEASE FORWARD ME COPIES OF THE MINUTES AND SUBPOENAS ISSUED FOR THE GRAND JURY(S) IN THE FOLLOWING CASES: 2013-GS-23-05223 & 4600A
2014-GS-23-08176-79

I ALSO NEED CONFIRMATION IF SUBPOENAS WERE ISSUED TO THE FOLLOWING TO TESTIFY AT MY TRIAL FOR 2013-GS-23-05223 & 4600A HELD ON SEPTEMBER 6-8, 2016:

CLAUDIA L. WHITT - BESSEMER CITY, NC
WILL BYRD - WELLFORD, SC
ALEANDRO GONZALES - GREENVILLE, SC

THANK YOU, DR. Dean A. Holcomb

- replied sub. not issued. filed w/ CoC
- replied minutes not prepd of GJ meeting

State of South Carolina

Spartanburg County Court House
180 Magnolia Street
Spartanburg, S.C. 29306
Phone (864) 596-2575
Fax (864) 596-2386

Cherokee County Court House
Floyd Baker Blvd.
Gaffney, S.C. 29340
Phone (864) 487-2576
Fax (864) 487-2753

BARRY J. BARNETTE
Solicitor, Seventh Judicial Circuit

May 11, 2017

The Honorable John Hayes, III
VIA HAND DELIVERY

RE: State v. Holcomb (Hearing on May 15, 2017)

Dear Judge Hayes:

Attached please find our memo in opposition to Mr. Holcomb's motion to proceed pro se. I am having this hand-delivered to your chambers in York, with service upon Mr. Shealy in like fashion.

Sincerely,

Russell D. Ghent
Assistant Solicitor

RDG:sop
Enclosure:

cc: Matthew Shealy

Mr. Barnette,

STATES EXHIBIT 4 5-15-17

My name is Tiffany [illegible] on the sister of Dean Holcomb. I am reaching out because the Sheriff's Office recommended I speak to you. My brothe has been incarcerated in SC since August of 2013. My brother's attorney is a public defender, Matthew Shealy. My brother was recently brought to Spartanburg from Ridgeland. I recently discovered in the public index that Russell Ghent has been against my brother as early as '97. He represented Collins Entertainment as a private attorney. I find it ironic that of all the prosecutors that could be chosen is the same prosecutor in civil & criminal. During my brother's trial there were numerous misstatements from Russell Ghent. He continously referred to my family as Gypsys. My family were residents of Spartanburg County my entire childhood and most of my adult life. We also have never had a connection with the "Gypsy" heritage or culture, I witnessed Russell Ghent passionately & angrily lie again and again over this case. I also witnessed his attorney not call one single witness. I believe that ethically Russell Ghent should be recused based on the fact that he represented privately and publically for years, against my brother and family. This is personal, If the solicitor's office believes my brother is guilty then have another solicitor take the case. Please.

I am just a lay person but even I can read Ghent's name over and over on the public index. The reason I never found it before is because Dean Holcomb's name was spelled incorrectly to Dean Holcombe. Please review this paperwork and I hope that you will see how it is a gross conflict of interest. The legal system is a giant machine and without money and influence it seems impossible to understand much less get out. But I will try everything in my power to help my brother. And I will ask anyone to listen to me because this is wrong and malicious. I will be writing to the BAR ASSOCIATION to review my documents and the transcripts. I just appreciate if you take any time to review this please. I have to believe that even without money and influence there is still law and that justice should prevail, even for a little person. I am really all my brother has at this point and I promise I will not give up. I will be his witness through this and he will never be forgotten by me. Thank you so much for your time.

Sincerely,

Tiffany Teso

292 Allison Rd. Brevard NC 28712
828-577-4521 tjteso@gmail.com

3/13/17 @ 3:PM
Dropped off at
Front Desk
Sheriff's Off

Mr. Wright, Solicitor 596-2575
~~Effie Barry Barnette~~

My name is Tiffany Teso, I am Dean Holcomb Sr.'s daughter. He has been passed for almost ten years but my parents li[illegible] across the street from your mother for [illegible]

[illegible]

I am no longer a resident of SC but my mother still is. I remember meeting you and photographing your first campaign. The reason I am contacting you is because I have followed your career through the years and honestly you're the only person with authority I believe I can trust. My brother is currently an inmate is SC and has been for almost three years. It started over a roof contract. He was in Ridgeland, SC. They have now brought him to Spartanburg for another trial scheduled for April 3rd. They have changed the charges. My brother and I can not get an answer from his Public Defender, Matthew Shealy.

His Solicitor, Russell Ghent is seeking maximum sentencing for my brother, Dean Holcomb Jr. When I sat with my brother during trial I heard quit a few mistatements from Mr. Ghent and he seemed to be extremely angry and repeatedly referred to my family as gypsys. It seemed personal. Recently I discovered that Russell Ghent was hired as a personal attorney against my father & brother dating as long ago as 1997. Russell Ghent is listed as the attorney of record in 1997,

1998, 2000, 2001, 2004, 2007 as a personal attorney. Now in 2013-present as his Prosecutor. I see this as incredibly unethical and personal but I could not find the connection until I realized that my brothers name is spelled incorrectly on the Public Index on the civil matter. If nothing else I think Russell Ghent should recuse himself for the sheer reason he has been the same Plaintiff's attorney, in civil & criminal.

I feel as if we (my family) are against a huge machine and can get no answers to our questions because we no longer have money or influence. This feels like a fight for my brother's life. This also feels like revenge. I have been going through this with Dean Holcomb Jr. for almost four years and have not wanted to stir the pot and believe justice will prevail. I just want your advice as a personal friend of my fathers. I don't know the proper channel and I would just appreciate advice from a good man you. ~~Please~~ I appreciate your time and any response to this. I am desperate to do the right thing for my family. I would appreciate any response at all.

Thank you,
Tiffany Tess

828-577-4521, 292 Allison Rd. Brevard, NC 28712
titess@gmail.com

STATE OF SOUTH CAROLINA) IN THE COURT
) OF COMMON PLEAS
COUNTY OF SPARTANBURG)

NEW DAWN MINISTRIES and DEAN HOLCOMBE, JR.,)
Plaintiffs,)
)
vs.)
)
STEVEN E. LIPSCOMB, INDIVIDUALLY AND d/b/a)
AMERICAN AMUSEMENT; FRED COLLINS,)
INDIVIDUALLY AND d/b/a COLLINS)
ENTERTAINMENT CORP.; J.M. BROWN,)
INDIVIDUALLY AND d/b/a J.M. BROWN)
AMUSEMENT CO.; CHARLES L. REEVES,)
INDIVIDUALLY AND d/b/a JOYTIME)
DISTRIBUTING & AMUSEMENT; R.L. JORDAN,)
INDIVIDUALLY AND d/b/a R. L. JORDAN OIL)
COMPANY; TIM MAHON, INDIVIDUALLY AND d/b/a)
TIM'S AMUSEMENT; PORTER EVETTE,)
INDIVIDUALLY AND d/b/a VIDEO GAMES PLUS,)
Defendants.)

COMPLAINT

97-CP-42-1278
JURY

97 NOV 19 PM 3:04
CLERK OF COURT

The Plaintiff would respectfully show unto this Court:

1. That the Plaintiff, Dean Holcombe, Jr., is a citizen and resident of Greenville County, South Carolina while the Plaintiff, New Dawn Ministries, is a non-profit corporation, existing under the laws of the State of South Carolina;

2. That the Plaintiffs are informants within the meaning of Sec. 16-19-20 of the 1976 Code of Laws of South Carolina, as Annotated and that through the filing of this Complaint are hereby informing the State of South Carolina of criminal misconduct on the part of the above-named Defendants, who are adventuring in lotteries pursuant to Sec. 16-19-20 of the 1976 Code of Laws of South Carolina, as Annotated;

3. That the Defendant, Steven E. Lipscomb, is the owner and operator of the Defendant, American Amusement, which is a duly

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CLERK OF COURT

ITEM 4A

STATE'S EXHIBIT
6-15-17

licensed business existing under the laws of the State of South Carolina and conducting business in Spartanburg County, South Carolina; that the Defendant, Fred Collins, Jr., is the owner and operator of the Defendant, Collins Entertainment Corp., which is a duly licensed business existing under the laws of the State of South Carolina and conducting business in Spartanburg County, South Carolina; that the Defendant, J.M. Brown, is the owner and operator of the Defendant, J.M. Brown Amusement Co., which is a duly licensed business existing under the laws of the State of South Carolina and conducting business in Spartanburg County, South Carolina; that the Defendant, Charles L. Reeves, is the owner and operator of the Defendant, Joytime Distributing & Amusement, which is a duly licensed business existing under the laws of the State of South Carolina and conducting business in Spartanburg County, South Carolina; that the Defendant, R.L. Jordan, is the owner and operator of the Defendant, R.L. Jordan Oil Company, which is a duly licensed business existing under the laws of the State of South Carolina and conducting business in Spartanburg County, South Carolina; that the Defendant, Tim Mahon, is the owner and operator of the Defendant, Tim's Amusement, which is a duly licensed business existing under the laws of the State of South Carolina and conducting business in Spartanburg County, South Carolina; that the Defendant, Porter Evette, is the owner and operator of the Defendant, Video Games Plus, which is a duly licensed business existing under the laws of the State of South Carolina and conducting business in Spartanburg County, South Carolina;

ITEM 4B

4. That based upon information and belief, the above-named Defendants have been engaged in the ongoing criminal enterprise of conducting illegal lotteries since as early as January of 1990 and continuing through the date of the filing of this Complaint. That each and every Defendant has adventured in lotteries in violation of Sec. 16-19-20 of the 1976 Code of Laws of South Carolina, as Annotated, by being an adventurer in and/or paying monies or other consideration and/or in contributing into or upon account of sales for lotteries. To wit, each and every of the above-named Defendants are engaged in the ongoing criminal enterprise of ownership and operation for the purpose of profit of certain video lottery terminals or devices which utilize a random number generating computer program which involves no element of skill but instead relies entirely on chance, in violation of Sec. 16-19-10 of the 1976 Code of Laws of South Carolina, as Annotated;

5. That each and every of the above-named Defendants, through their above-described criminal activity, have furthermore violated Article 17, Sec. 7 of the South Carolina State Constitution which specifically prohibits lotteries within the State of South Carolina with limited exceptions;

6. That each and every of the above-named Defendants through his ownership and operation of the above-described video lottery terminals or devices has repeatedly and systematically engaged in the enterprise of conducting illegal lotteries by receiving "consideration" and paying "value" upon a game of "chance";

ITEM 4c

7. That pursuant to Sec. 16-19-20 of the 1976 Code of Laws of South Carolina, as Annotated, the Plaintiffs are hereby informed and believe that each and every of the above-named Defendants should be required to forfeit the sum of $100 for each and every incremental violation of said statute and should furthermore, be required to pay all attorney's fees and costs of suit involved in the prosecution of this action;

8. That the Plaintiffs are informed and believe that pursuant to Sec. 16-19-20 of the 1976 Code of Laws of South Carolina, as Annotated, that any proceeds received through a forfeiture of money or property, be it real or personal, should be divided according to said statute with one-half (1/2) thereof being awarded to and for the use of the State of South Carolina and the other one-half (1/2) thereof being awarded to and for the use of the Plaintiffs.

WHEREFORE, the Plaintiffs demand judgment against the Defendants for an amount equal to $100 multiplied by the total number of incremental violations of Sec. 16-19-20 of the 1976 Code of Laws of South Carolina, as Annotated committed by each and every Defendant and for attorneys fees and costs of this action and for such other damages this honorable Court may deem appropriate.

Respectfully submitted,

Christopher J. Ridge

David E. Turnipseed

David E. Turnipseed
TURNIPSEED & RIDGE
P.O. Box 1904
Spartanburg, SC 29304

May 19, 1997
Spartanburg, SC

ITEM 4D

KeyCite Yellow Flag - Negative Treatment
Distinguished by State v. Rutledge, S.C.App., April 9, 2007

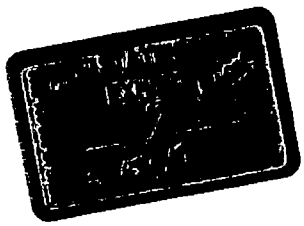
338 S.C. 176
Supreme Court of South Carolina.

The STATE of South Carolina, Respondent,
v.
192 COIN–OPERATED VIDEO GAME MACHINES, Said Machines Bearing Serial Numbers and I.D. Numbers Listed on the Attachment, Being the Property of Collins Entertainment Corporation Located at 1341 Rutherford Road and the Brandon Mill Storage Facility, Appellants.
South Carolina Law Enforcement Division, Respondent,
v.
23 Coin–Operated Video Game Machines, Said Machines Bearing Serial Numbers and I.D. Numbers Listed on the Attachment, Being the Property of Collins Entertainment Corporation Located at 1341 Rutherford Road and the Brandon Mill Storage Facility, Appellants.

No. 25061.
|
Heard Oct. 7, 1999.
|
Decided Feb. 7, 2000.
|
Rehearing Denied March 9, 2000.

Owner of "Cherry Master" and "8–Liner" video slot machines appealed magistrates' orders to destroy them. The Circuit Court, Greenville County, Thomas J. Ervin, J., affirmed. Owner appealed. The Supreme Court, Burnett, J., held that: (1) the Gambling Devices Transportation Act did not preempt state statute prohibiting possession and operation of gambling devices; (2) possessing the machines in storage was illegal even if they were not operational and even though the solicitor gave advice on storage; (3) the machines were "contraband per se" subject to forfeiture regardless of use or operability; (4) searches based on confidential informant's tip and undercover corroboration were valid; (5) overruling *Kizer*, 164 S.C. 383, 162 S.E. 444, owner had due process right to an opportunity to be heard prior to destruction, but this right was satisfied; and (6) testing the machines was not required in order to find them unlawful.

Affirmed.



West Headnotes (33)

[1] **Appeal and Error**
Sufficiency of evidence to support findings

Supreme Court cannot question findings of fact in a magistrate's court approved by a circuit judge on appeal when there is any evidence, however slight, tending to prove issues involved.

2 Cases that cite this headnote

[2] **Forfeitures**
Civil, criminal, or quasi-criminal nature

An action for forfeiture of property is a civil action at law.

1 Cases that cite this headnote

[3] **Gaming and Lotteries**
Video games

"Cherry Master" and "8–Liner" video slot machines were illegal gambling devices. Code 1976, § 12–21–2710.

1 Cases that cite this headnote

[4] **Gaming and Lotteries**
Transporting across state lines
States
Particular cases, preemption or supersession

Provision of the Gambling Devices Transportation Act permitting transport of a gambling device into a state where it is legal did not preempt state statute prohibiting possession and operation of gambling devices; the federal statute anticipated state legislation, and compliance with both the state and federal statutes was not impossible. Gambling Devices Transportation Act, § 2(a), 15 U.S.C.A. § 1172(a); Code 1976, § 12–21–2710.

2 Cases that cite this headnote

[5] **States**
Preemption in general

Federal law may preempt a state law as follows: (1) Congress may explicitly define the extent to which it intends to pre-empt state law, (2) Congress may indicate an intent to occupy an entire field of regulation, or (3) federal law may pre-empt state law to the extent the state law actually conflicts with the federal law, such that compliance with both is impossible or the state law hinders the accomplishment of the federal law's purpose.

1 Cases that cite this headnote

[6] **Gaming and Lotteries**
Slot and pinball machines

Possessing gambling machines was

illegal even if they were not operational and even though slot machines became computerized after enactment of the statute prohibiting possession. Code 1976, § 12–21–2710.

Cases that cite this headnote

[7] **Statutes**
Prior or existing law in general

The legislature is presumed to be aware of Supreme Court's interpretation of statutes.

5 Cases that cite this headnote

[8] **Forfeitures**
Personal property in general
Gaming and Lotteries
Property subject to forfeiture

"Cherry Master" and "8–Liner" video gambling machines were "contraband per se," rather than "derivative contraband," and were subject to forfeiture regardless of use or operability. Code 1976, § 12–21–2710.

4 Cases that cite this headnote

[9] **Gaming and Lotteries**
Slot and pinball machines

Storing illegal gambling machines was illegal possession, where the machines did not become illegal as a result of a county referendum. Code 1976, §§ 12–21–2710, 12–21–2809.

2 Cases that cite this headnote

[10] **Statutes**
Purpose and intent; unambiguously expressed intent

If the statute is clear on its face, Supreme Court will not look beyond it for the legislature's intent.

1 Cases that cite this headnote

[11] **Gaming and Lotteries**
Possession, Keeping, or Exhibiting

Advice by solicitor of judicial circuit concerning storage of illegal gambling machines did not make possession of them lawful. Code 1976, § 12–21–2710.

Cases that cite this headnote

[12] **Criminal Law**
Good faith; advice of counsel

The criminal defense of reliance on expert advice is designed to refute the government's proof that the defendant intended to commit the offense; its essential elements are: (a) full disclosure of all pertinent facts to an expert, and (b) good faith reliance on the expert's advice.

Cases that cite this headnote

[13] **Forfeitures**
Defenses to Forfeiture
Gaming and Lotteries
Grounds of forfeitures

The criminal defense of reliance on expert advice was inapplicable to forfeiture of illegal gambling machines, where the owner was not being prosecuted and intent was not an element of the statute prohibiting possession. Code 1976, § 12–21–2710.

Cases that cite this headnote

[14] **Searches and Seizures**
Anonymous or confidential informants

A search warrant based solely on information provided by a confidential informant must contain information supporting the credibility of the informant and the basis of his knowledge; however, independent verification by law enforcement officers cures any defect. U.S.C.A. Const.Amend. 4.

7 Cases that cite this headnote

[15] **Searches and Seizures**
Anonymous or confidential informants

Police officers' independent corroboration of information provided by a confidential informant established probable cause of illegal gambling machines in warehouse, even though the informant failed to state the date he saw the machines. U.S.C.A. Const.Amend. 4.

7 Cases that cite this headnote

[16] **Searches and Seizures**
Time for Application or Issuance; Staleness

In order for a search warrant

affidavit to support probable cause, it must state facts so closely related to the time of the issuance of the warrant as to justify a finding of probable cause at that time. U.S.C.A. Const.Amend. 4.

Cases that cite this headnote

[17] **Searches and Seizures**
Time for Application or Issuance; Staleness

A maximum period of fifty-two days between police corroboration of an informant's tip and issuance of a search warrant did not create a staleness problem for a finding of probable cause to search a warehouse for illegal gambling machines; thus, a finding of probable cause was not defeated by the affiant's failure to state the precise date of the investigation. U.S.C.A. Const.Amend. 4.

2 Cases that cite this headnote

[18] **Searches and Seizures**
Legality of information

Undercover officers who attempted to corroborate a tip of possession of illegal gambling machines were not shown to be conducting an illegal search while posing as buyers of a pool table; nothing indicated the officers' conduct in the warehouse. U.S.C.A. Const.Amend. 4.

Cases that cite this headnote

[19] **Forfeitures**
Property wrongfully seized or obtained by authorities
Gaming and Lotteries
Searches and Seizure

Owner of illegal gambling machines had no remedy for any violation of Fourth Amendment in connection with forfeiture of the machines, where there was no jury from which to suppress the evidence and the machines were contraband per se and could not be returned. U.S.C.A. Const.Amend. 4.

Cases that cite this headnote

[20] **Forfeitures**
Exclusionary rule

The exclusionary rule applies in civil forfeiture actions to suppress evidence seized in violation of the Fourth Amendment where the property sought to be forfeited is derivative contraband. U.S.C.A.

Const.Amend. 4.

1 Cases that cite this headnote

[21] **Constitutional Law**
Presumptions and Construction as to Constitutionality

A possible constitutional construction of a statute must prevail over an unconstitutional interpretation.

Cases that cite this headnote

[22] **Gaming and Lotteries**
Enforcement and effect of forfeitures

A magistrate's examination of the seized gambling machines to determine whether they are illegal must include an opportunity for the owner of the machines to be heard concerning their legality prior to destruction. U.S.C.A. Const.Amend. 14; Const. Art. 1, § 3; Code 1976, § 12–21–2710.

3 Cases that cite this headnote

[23] **Constitutional Law**
Destruction of property

The destruction of allegedly illegal property without any opportunity for the owner to contest the magistrate's determination of illegality violates due process; overruling *State v. Kizer*, 164 S.C. 383, 162 S.E. 444. U.S.C.A. Const.Amend. 14; Const. Art. 1, § 3.

Cases that cite this headnote

[24] **Constitutional Law**
Destruction of property
Gaming and Lotteries
Enforcement and effect of forfeitures

Owner's due process right to an opportunity to be heard prior to destruction of illegal gambling machines was satisfied by hearings before the circuit court and the Supreme Court while magistrate's destruction orders were stayed; the owner conceded the illegality of the machines. U.S.C.A. Const.Amend. 14; Const. Art. 1, § 3; Code 1976, § 12–21–2710.

7 Cases that cite this headnote

[25] **Constitutional Law**

Forfeitures and proceedings therefor
Forfeitures
Right to or necessity of hearing; waiver
Gaming and Lotteries
Enforcement and effect of forfeitures

Owner of illegal gambling machines had no statutory or due process right to a pre-seizure hearing in a civil forfeiture case; the due process clause at most required a post-seizure opportunity for an innocent owner to show why the res should not be forfeited and disposed of as provided for by law. U.S.C.A. Const.Amend. 14; Const. Art. 1, § 3; Code 1976, § 12–21–2710.

5 Cases that cite this headnote

[26] **Gaming and Lotteries**
Enforcement and effect of forfeitures

Magistrates' orders and returns stating that gambling machines were illegal slot machines under statutory and case law were sufficiently detailed, even though they failed to state the extent of the examination and most machines were inoperable; the owner admitted illegality, and the magistrate was not required to test the machines. Code 1976, § 12–21–2710.

1 Cases that cite this headnote

[27] **Gaming and Lotteries**
Video games

Testing "Cherry Master" and "8–Liner" video slot machines was not required in order to find them unlawful. Code 1976, § 12–21–2710.

Cases that cite this headnote

[28] **Appeal and Error**
Constitutional questions
Appeal and Error
Necessity in General

Equal protection argument was not preserved for review, as the lower court did not address it and appellant did not raise it in motion to reconsider. U.S.C.A. Const.Amend. 14.

2 Cases that cite this headnote

[29] **Constitutional Law**
Decision to prosecute; discretion

Courts look suspiciously on selective prosecution claims under the equal protection clause because they ask the court to exercise judicial power over a special province of the executive branch. U.S.C.A. Const.Amend. 14.

1 Cases that cite this headnote

[30] **Criminal Law**
Official acts

Because of the balance of powers, a presumption of regularity supports prosecutorial decisions, and, in the absence of clear evidence to the contrary, courts presume that prosecutors have properly discharged their official duties.

Cases that cite this headnote

[31] **Constitutional Law**
Selective prosecution in general
Constitutional Law
Proceedings
Constitutional Law
Decision to prosecute; discretion

To establish selective prosecution in violation of the equal protection clause, a defendant must show that he has been singled out for prosecution while others similarly situated have not been prosecuted for similar conduct and that the government's discriminatory selection was based upon an impermissible ground, such as race, religion, or exercise of a First Amendment right to free speech. U.S.C.A. Const.Amends. 1, 14.

2 Cases that cite this headnote

[32] **Constitutional Law**
Forfeitures and proceedings therefor
Forfeitures
Defenses to Forfeiture
Gaming and Lotteries
Enforcement and effect of forfeitures

Owner of illegal gambling machines failed to establish that civil forfeiture singled owner out and was selective prosecution in violation of the equal protection clause; it merely asserted that certain members of the media are violating a state law forbidding the advertising of gambling. U.S.C.A. Const.Amend. 14.

Cases that cite this headnote

[33] **Pretrial Procedure**
Particular Subjects of Disclosure

Owner of illegal gambling machines was not entitled to discovery on motive for allegedly selective prosecution, where the owner was unable to make out even the barest showing that it was singled out for prosecution while others similarly situated were not prosecuted for similar conduct. U.S.C.A. Const.Amend. 14.

2 Cases that cite this headnote

Attorneys and Law Firms

**875 *182 Russell D. Ghent, of Leatherwood, Walker, Todd & Mann, P.C., of Greenville; and O.W. Bannister, Jr., of Hill, Wyatt & Bannister, L.L.P., of Greenville, for appellants.

Solicitor Robert M. Ariail and Assistant Solicitor Mindy L. Hervey, of Greenville, for respondent.

Opinion

BURNETT, Justice:

Respondent South Carolina Law Enforcement Division (SLED) seized 192 and 23 illegal gambling machines from warehouses belonging to Collins Entertainment Corporation. Two magistrates found the machines to be illegal contraband under S.C.Code Ann. § 12–21–2710 (Supp.1998) and ordered them **876 destroyed. The circuit court affirmed both destruction orders. We affirm.

***183 FACTS**

In November 1997, a confidential informant notified SLED that appellant[1] was storing illegal video gambling machines at its Brandon Mills Warehouse and Rutherford Road property in Greenville. In response to this tip, undercover SLED agents posed as potential buyers of a pool table and were admitted to both locations. While there, they personally observed the allegedly illegal machines.

Having corroborated the informant's tip, SLED obtained search warrants from Magistrate Diane Cagle, which were executed on December 22 and 23, 1997, and seized 192 "Cherry Master" and "8–Liner" video machines. Magistrate Cagle came to the Brandon Mills Warehouse and examined the machines pursuant to S.C.Code Ann. § 12–21–2712 (Supp.1998). On December 31, 1997, Magistrate Cagle determined the machines violated S.C.Code Ann. § 12–21–2710 (Supp.1998) and ordered them destroyed.

While on the premises pursuant to the December search warrants, SLED agents discovered an additional 23 machines they believed to be in violation of § 12–21–2710. On January 14, 1998, Magistrate Etta Reid issued an additional search warrant. The machines were seized, and Magistrate Reid examined them, found them to be in violation of § 12–21–2710, and ordered

them destroyed.

On appeal to the circuit court, each destruction order was affirmed. The State agreed to stay the destruction of the machines pending this appeal, which consolidates the two destruction orders.

ISSUES

I. Was possession of the machines unlawful?

A. Does federal law pre-empt state law?

B. Must the machines be operational to violate the law?

1. Should *Squires v. SLED* be overruled?

2. Are the machines contraband *per se?*

***184** 3. Did the legislature intend to protect mere storage of the machines?

4. Did reliance on the solicitor's advice make possession lawful?

II. Were the search and seizure of the machines lawful?

A. Were the warrants supported by probable cause?

B. Was SLED's corroboration a warrantless search?

C. What is the remedy if the Fourth Amendment was violated?

III. Were appellant's due process rights violated by the issuance of destruction orders without a hearing?

A. Is the summary destruction authorized by the statute constitutional?

B. If due process requires a hearing in this case, did appellant receive one?

IV. Are the magistrates' orders valid?

V. Did the seizure violate appellant's equal protection rights?

VI. Did appellant establish selective prosecution?

STANDARD OF REVIEW

[1] [2] This Court cannot question findings of fact in a magistrate's court approved by a circuit judge on appeal when there is any evidence, however slight, tending to prove issues involved. *Ward v. Atlantic Coast Line R. Co.*, 155 S.C. 54, 151 S.E. 904 (1930); *see also Townes Assocs., Ltd. v. City of Greenville*, 266 S.C. 81, 86, 221 S.E.2d 773, 775 (1976) ("In an action at law, on appeal of a case tried without a jury, the findings of fact of the judge will not be disturbed on appeal unless found to be without evidence which reasonably supports the judge's findings."). An action for forfeiture of

property is a civil action at law. *State v. Petty,* 270 S.C. 206, 241 S.E.2d 561 (1978).

****877 DISCUSSION**

I. Was possession of the machines unlawful?

[3] The seized "Cherry Master" and "8–Liner" machines are illegal gambling devices under § 12–21–2710. The statute provides:

> ***185** It is unlawful for any person to keep on his premises or operate or permit to be kept on his premises or operated within this State any vending or slot machine, punch board, pull board, or other device pertaining to games of chance of whatever name or kind, including those machines, boards, or other devices that display different pictures, words, or symbols, at different plays or different numbers, whether in words or figures or, which deposit tokens or coins at regular intervals or in varying numbers to the player or in the machine, but the provisions of this section do not extend to coin-operated nonpayout pin tables, in-line pin games, and video games with free play feature which meet the technical requirements provided for in Section 12–21–2782 and Section 12–21–2783, or to automatic weighing, measuring, musical, and vending machines which are constructed as to give a certain uniform and fair return in value for each coin deposited and in which there is no element of chance.

South Carolina Code Ann. § 12–21–2710 (Supp.1998). This Court's recent decisions in *State v. One Coin–Operated Video Game Machine,* 321 S.C. 176, 467 S.E.2d 443 (1996)("Cherry Master" is an illegal slot machine) and *State v. Four Video Slot Machines,* 317 S.C. 397, 453 S.E.2d 896 (1995) ("Lucky 8 Line" is an illegal slot machine) make clear the machines in question are prohibited by the statute. Moreover, appellant admitted in an affidavit that it knew the machines were illegal. Appellant asserts, however, that the statute should not be applied for numerous reasons addressed below.

A. Does federal law pre-empt state law?

[4] Appellant contends possession of the machines was not unlawful because federal legislation preempts state law. We disagree.

Appellant relies on the Gambling Devices Transportation Act, 15 U.S.C. § 1172(a) (1997), which provides:

> It shall be unlawful knowingly to transport any gambling device to any place in a State or a possession of the United States from any place outside of such State or possession: Provided, that this section shall not apply to transportation of any gambling device to a place in any State which has enacted a law providing for the exemption of such State from the provisions of this section, or to a place in any ***186** subdivision of a State if the State in which such subdivision is located has enacted a law providing for the exemption of such subdivision from the provisions of this section, nor shall this section apply to any gambling device used or designed for use at and transported to licensed gambling establishments where betting is legal under applicable State laws: Provided, further, that *it shall not be unlawful to transport in interstate or foreign commerce any gambling device into any State in which the transported gambling device is specifically enumerated as lawful in a statute of that State.*

15 U.S.C. § 1172 (1962) (emphasis added). Appellant argues that in enacting this statute, Congress preempted the power of South Carolina to act when the gambling machines "have already been placed into the stream of interstate or foreign commerce with a destination 'into any State in which the transported gambling device is specifically enumerated as lawful in a statute of that State.' "

[5] This argument is without merit. First, the federal statute does not pre-empt state law. Federal law may pre-empt a state law as follows: (1) Congress may explicitly define the extent to which it intends to pre-empt state law, (2) Congress may indicate an intent to occupy an entire field of regulation, or (3) federal law may pre-empt state law to the extent the state law actually conflicts with the federal law, such that compliance with both is impossible or the state law hinders the accomplishment of the federal law's purpose. *Michigan Canners & Freezers Ass'n v. Agricultural Marketing & Bargaining,* 467 U.S. 461, 469, 104 S.Ct. 2518, 81 L.Ed.2d 399 (1984).

****878** None of the above scenarios exist here. There is no indication in the statute, explicit or implicit, of Congress's intent to occupy the field of gambling regulation. On the contrary, the language of the federal statute makes it clear that it is designed to act in concert with state laws prohibiting gambling. *See Smith v. McGrath,* 103

F.Supp. 286 (D.C.Md.1952) (the main purpose of the act is to aid states in the local enforcement of antigambling laws by prohibiting the interstate transportation of gambling devices). The statute prohibits the transportation of gambling devices into any state unless the state has enacted a law exempting itself from the statute or *187 legalizing the specific gambling machine being transported into the state. Thus, the federal statute anticipates state legislation in this area and seeks to provide additional federal protection for those states which do not legalize gambling machines. To hold the federal law nullifies state antigambling laws would be to construe the statute in a way that utterly defeats its purpose. Moreover, compliance with both the state and federal statutes is not impossible, as the federal statute prohibits interstate transportation of gambling machines, whereas the state statute prohibits their possession or operation within the state. *See generally Casino Ventures v. Stewart,* 183 F.3d 307, 311 (4th Cir.1999) ("Congress has explicitly recognized the preeminent state interests in controlling gambling and has sought to extend, not curb, state police power in this field.").

Second, the machines in question were not in the stream of interstate commerce. The machines were warehoused in appellant's facility in various states of disrepair, and by all indications had been in storage since the beginning of 1995, when this Court decided *State v. Four Video Slot Machines,* 317 S.C. 397, 453 S.E.2d 896 (1995). Appellant's bare assertion that it intended to send the machines to Georgia does not place the machines into the stream of interstate commerce.

Third, even if the machines were in interstate commerce, they did not comply with the provisions of the Gambling Devices Transportation Act necessary to earn exemption from state law. Section 1174 requires all gambling devices and packages containing such devices to be clearly labeled so that the name and address of the shipper and consignee and the nature of the contents are readily ascertainable from the outside of the package. 15 U.S.C. § 1174 (1962). The circuit court correctly ruled these requirements were designed to put others on notice that the machines are "in interstate commerce" and to prevent persons from merely asserting that the machines are "in interstate commerce" to avoid state antigambling laws.

B. Must the machines be operational to violate the law?

1. Should *Squires v. SLED* be overruled?

[6] Appellant asserts that due to the sophisticated nature of modern video machines, a machine cannot be illegal unless *188 it is fully operational. In *Squires v. South Carolina Law Enforcement Division,* 249 S.C. 609, 155 S.E.2d 859 (1967), we held based on the predecessor statute to § 12–21–2710 that gambling devices need not be operational or in complete repair before they are subject to seizure and destruction. Moreover, component parts, subassemblies, and dies and molds used to make such parts are also subject to seizure and destruction.

Id. at 613, 155 S.E.2d 859. Appellant argues *Squires* is outdated and should be overruled. We disagree.

The substance of appellant's argument is that in the 1960s, when the predecessor statute to § 12–21–2710 was enacted, slot machines were readily identifiable. Today, with the advent of the computer, a video game machine is simply a box containing a computer which can be configured to play a variety of games, from poker to pac-man; therefore, the machine itself should not be considered illegal.

[7] Although slot machines have changed since the 1960s, the substance of the statute has not. The relevant portions of the current version outlaw the same conduct as its predecessor. *See id.* at 611, 153 S.E.2d at 860 ("Section 5–621 of the Code makes it unlawful for any person to keep on his premises any slot machine or other device pertaining to games of chance of whatever name and ****879** kind ."). The legislature is presumed to be aware of this Court's interpretation of its statutes: *Whitner v. State,* 328 S.C. 1, 492 S.E.2d 777 (1997), *cert. denied,* 523 U.S. 1145, 118 S.Ct. 1857, 140 L.Ed.2d 1104 (1998) (there is a basic presumption the legislature has knowledge of judicial decisions construing legislation when later statutes are enacted concerning related subjects). If the General Assembly considered *Squires* outdated, it could have changed the statute to outlaw only the operation, not the mere possession, of gambling machines when it last amended the statute in 1997. *See One Coin–Operated Video Game Machine,* 321 S.C. at 181, 467 S.E.2d at 446 ("Because we are adhering to our earlier interpretation of a *statute,* the General Assembly is free to correct any misinterpretation on our part.") (emphasis in original).

The plain language of the statute makes clear the legislature's intent to outlaw mere possession of such machines. The statute makes it unlawful "for any person to keep on his ***189** premises *or* operate" certain gambling machines. S.C.Code Ann. § 12–21–2710 (Supp.1998) (emphasis added); *see also State v. Appley,* 207 S.C. 284, 288, 35 S.E.2d 835, 836 (1945) (possession of a machine is a violation in itself, separate from the crime of operation). The circuit court correctly ruled possession of these machines is illegal, regardless of their intended use or operation.

2. Are the machines contraband *per se?*

[8] The State asserts the machines are contraband *per se,* such that their possession, without more, constitutes a violation. Appellant asserts that coin-operated video games are not inherently illegal, so the machines are therefore only derivative contraband. We conclude the machines are contraband *per se.*

We have never explicitly used the terms "contraband *per se* " or "derivative contraband." However, we recognized the theoretical distinction in *Medlock v. 1985 Ford F–150 Pick Up VIN 1FTDF15YGFNA22049,* 308 S.C. 68, 417 S.E.2d 85 (1992), where we differentiated between controlled substances or other items

which are the subject matter of the crime itself and property normally used for lawful purposes.

Other states have found gambling machines to be contraband *per se* under their statutes and have allowed their forfeiture regardless of their use or operability. *See, e.g., People ex rel. Waller v. Seeburg Slot Machines,* 267 Ill.App.3d 119, 204 Ill.Dec. 567, 641 N.E.2d 997 (1994) (contraband *per se*), *State v. One Hundred Fifty–Eight Gaming Devices,* 304 Md. 404, 499 A.2d 940 (1985) (contraband *per se*); *see also State v. Madere,* 352 So.2d 666 (La.1977) (contraband, same result), *Bell v. State,* 212 Ark. 337, 205 S.W.2d 714 (1947) (contraband, same result), *State v. Four Bell Fruit Gum Slot Machines,* 196 Okla. 44, 162 P.2d 539 (1945) (contraband, same result).

These illegal gambling machines cannot be considered derivative contraband because they are themselves the subject of the statute's prohibition. In light of the statute's clear proscription of mere possession of the machines, *see supra* part I.B.1, the machines are clearly contraband *per se.*

*190 3. Did the legislature intend to protect mere storage of the machines?

[9] Appellant next argues the legislature has indicated its intent that owners of illegal machines may legally store them. Appellant bases its argument on the proceedings surrounding the 1993 county-by-county referendum on video poker, later invalidated by this Court. *See Martin v. Condon,* 324 S.C. 183, 478 S.E.2d 272 (1996). A second round of referenda was authorized to comport with our *Martin* decision. In the context of these referenda, the General Assembly enacted § 12–21–2809, which provided:

> In a county in which a majority of the qualified electors vote or have voted to terminate cash payoffs for credits earned on coin-operated devices in a referendum authorized by Section 12–21–2808, the department shall not issue any license for coin-operated devices as defined in Section 12–21–2720(A)(3) and a person may not own or possess these machines in the county other than for purposes of storage, maintenance, or transportation.

S.C.Code Ann. § 12–21–2809 (Supp.1998). Appellant argues this statute demonstrates the legislature's intent to provide a safe harbor ****880** for storage of gambling machines declared unlawful. We disagree.

[10] The class protected by the statute consists of owners of machines which become illegal as a result of a particular referendum. The machines at issue in this case did not become illegal as a result of that referendum, therefore possession of these illegal machines is not protected. Furthermore, as discussed above, § 12–21–2710 clearly makes mere possession

of described machines unlawful. If the statute is clear on its face, we will not look beyond it for the legislature's intent. *See Abell v. Bell,* 229 S.C. 1, 91 S.E.2d 548 (1956) (if legislative intent is clearly apparent on the face of a statute, the court may not embark upon a search for it).

4. Did reliance on the solicitor's advice make possession lawful?

[11] Appellant argues its reliance on expert advice regarding storage of the machines makes its possession of them lawful. We disagree.

***191** After this Court's decisions in *State v. One Coin–Operated Video Game Machine,* 321 S.C. 176, 467 S.E.2d 443 (1996) and *State v. Four Video Slot Machines,* 317 S.C. 397, 453 S.E.2d 896 (1995), appellant contacted the Solicitor of the Thirteenth Judicial Circuit requesting guidance regarding storage of illegal machines. In a memorandum to counsel for appellant and respondents, Solicitor Joseph Watson stated he informed appellant and others he would allow them "to conditionally possess the machines as follows:

1. The machines would be warehoused, and not stored in any established business.

2. The computer chips would be removed so that even in storage the machines would not be operable.

3. I placed no time limit on such storage, although it was my understanding that these machines would be retooled to become legal video poker machines in the future."

Appellant argues its reliance on the Solicitor's advice makes its possession of the machines lawful.

[12] The reliance defense "is designed to refute the government's proof that the defendant intended to commit the offense." *United States v. Miller,* 658 F.2d 235, 237 (4th Cir.1981). Its essential elements are: (a) full disclosure of all pertinent facts to an expert, and (b) good faith reliance on the expert's advice. *Id.*

[13] The reliance defense is inapplicable here. Appellant is not being prosecuted under § 12–21–2710, so its intent is not at issue. Even if appellant were subject to criminal charges for possession of the illegal machines, intent is not an element of the statute. The Solicitor's advice does not make possession of these illegal machines lawful.

II. Were the search and seizure of the machines lawful?

Appellant argues the circuit court erred in concluding the machines were seized pursuant to lawful search warrants. Appellant does not challenge the facial sufficiency of the warrants. Rather, appellant argues the warrants are not based on probable cause because the affidavit supporting the December warrants provides no information concerning the informant's reliability, veracity, or basis of knowledge. Moreover, ***192** appellant argues, these

deficiencies cannot be cured by police corroboration because the corroboration was itself an illegal, warrantless search.[2] We disagree.

A. Were the warrants supported by probable cause?

The United States Supreme Court has consistently held "after-the-fact scrutiny by courts of the sufficiency of an affidavit should not take the form of *de novo* review. A magistrate's 'determination of probable cause should be paid great deference by reviewing courts.' " *Illinois v. Gates,* 462 U.S. 213, 236, 103 S.Ct. 2317, 76 L.Ed.2d 527 (1983). *Gates* established a "totality of the circumstances" test for determining whether there is probable cause to believe contraband or evidence is located in a particular place. *Id.* at 230, 103 S.Ct. 2317. "[S]o long as the magistrate had a substantial basis for concluding that a **881 search would uncover evidence of wrongdoing, the Fourth Amendment requires no more." *Id.* at 236, 103 S.Ct. 2317 (internal quotations omitted).

[14] Appellant correctly asserts that a warrant based solely on information provided by a confidential informant must contain information supporting the credibility of the informant and the basis of his knowledge. However, independent verification by law enforcement officers cures any defect. *See Gates,* 462 U.S. at 241, 103 S.Ct. 2317 ("Our decisions applying the totality of circumstances analysis ... have consistently recognized the value of corroboration of details of an informant's tip by independent police work."); *see also State v. Viard,* 276 S.C. 147, 150, 276 S.E.2d 531, 532 (1981) (upholding a warrant based on the independent verification by the affiant of an informant's tip).

[15] Here, the magistrate had a substantial basis for concluding a search would uncover illegal gambling machines. The information provided by the confidential informant was independently corroborated by undercover SLED agents. This verification established probable cause under the totality of the circumstances.

***193** As an additional ground for invalidating the seizure, appellant argues the information contained in the affidavit for the December warrants was stale, and therefore could not have been the basis of a finding of probable cause. We disagree.

[16] In order for an affidavit to support probable cause, "it must state facts so closely related to the time of the issuance of the warrant as to justify a finding of probable cause at that time." *State v. Winborne,* 273 S.C. 62, 64, 254 S.E.2d 297, 298 (1979) (internal quotation omitted). "An affidavit which fails altogether to state the time of the occurrence of the facts alleged is insufficient." *Id.* Here, appellant argues the affidavit does not support a finding of probable cause because (1) it does not state the date the confidential informant saw the machines, only that he informed SLED agents sometime around November 1997, and (2) it does not state the date SLED agents corroborated the machines' presence.

[17] The date on which the informant saw the

illegal machines is irrelevant because SLED's corroboration was the basis of the magistrate's probable cause finding, not the informant's tip. Furthermore, the lack of a date the SLED agents corroborated the tip does not defeat probable cause in this case. The affidavit does not fail "altogether to state the time of the occurrence," as in *Winborne.* It merely fails to state when in the two-month period between November 1 and December 22, 1997, the agents corroborated the tip. The longest possible period between the corroboration and the issuance of the warrant is 52 days.

We have never addressed what length of time is acceptable between the establishment of probable cause and the execution of a warrant. However, the Court of Appeals has held that a 60–day lapse did not create a staleness problem where the items sought were not such that one would expect to be removed or consumed in the interim:

> While the lapse of time involved is an important consideration and may in some cases be controlling, it is not necessarily so. There are other factors to be considered, including the nature of the criminal activity involved, and the kind of property for which authority to search is sought.

State v. Corns, 310 S.C. 546, 550–51, 426 S.E.2d 324, 326 (Ct.App.1992) (quoting *United States v. Steeves,* 525 F.2d 33 (8th Cir.1975)). ***194** There was very little risk the property at issue here would be removed between the time the undercover agents visited the warehouses, which was at the very earliest sometime in November, and the time the agents obtained and executed the warrants on December 22 and 23. While it may have been preferable for the affiant to include the date of the undercover investigation in the affidavit, the United States Supreme Court has warned against the danger of "hypertechnical, rather than ... commonsense" interpretation of affidavits when reviewing for probable cause. *Gates,* 462 U.S. at 236, 103 S.Ct. 2317 (internal citation omitted). The substantial basis for the magistrate's finding of probable cause was not defeated by the ****882** affiant's failure to state the precise date of the investigation.

B. Was SLED's corroboration a warrantless search?

[18] Appellant asserts the circuit court's analysis was faulty because the verification of the informant's tip by undercover agents was itself an illegal, warrantless search. Moreover, appellant asserts the additional 23 machines were not in plain view and must also have been discovered by a warrantless search while SLED agents were supposed to be guarding and inventorying the machines already seized.

The United States Supreme Court has defined the boundaries of an undercover investigation without a warrant. In *Lewis v. United States,* 385 U.S. 206, 87 S.Ct. 424, 17 L.Ed.2d 312 (1966), relied upon by respondents, an undercover officer was

invited into the petitioner's home on two occasions to purchase marijuana. The Court found the search did not violate the Fourth Amendment: "During neither of his visits to petitioner's home did the agent see, hear, or take anything that was not contemplated, and in fact intended, by petitioner as a necessary part of his illegal business." *Id.* at 210, 87 S.Ct. 424. In *Gouled v. United States,* 255 U.S. 298, 41 S.Ct. 261, 65 L.Ed. 647 (1921), *overruled on other grounds,* 387 U.S. 294, 87 S.Ct. 1642, 18 L.Ed.2d 782 (1967), relied upon by appellant, a business acquaintance of the petitioner, acting under orders of federal officers, entered the petitioner's office on pretenses of making a social visit. In the petitioner's absence, he ransacked the office and seized private, incriminating ***195** papers. The Court found the search violated the Fourth Amendment.

The record does not reveal the SLED officers' actions within appellant's warehouse. Without more, it cannot be determined whether the officers conducted a warrantless search. *See Germain v. Nichol,* 278 S.C. 508, 299 S.E.2d 335 (1983) (appellant has burden of providing the Court with a sufficient record upon which Court can make a decision). Furthermore, there is "a presumption of validity with respect to the affidavit supporting the search warrant." *Franks v. Delaware,* 438 U.S. 154, 171, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978). Unless appellant tenders facts showing the officers conducted a warrantless search, there is no basis on which this Court can look behind a facially valid warrant.

As to the January warrant, the supporting affidavit states the additional 23 machines were seen in plain view while the officers were executing the December warrant. Although the December warrant had expired by the date the January warrant was issued, that does not imply it had expired at the time the officers viewed the additional 23 machines. Accepting the veracity of the affidavit, as the magistrate was entitled to do, probable cause existed for the issuance of the January warrant.

C. What is the remedy if the Fourth Amendment was violated?

[19] Finally, even if the searches were illegal—and we conclude they were not—appellant has no remedy. The usual remedy for an unlawful search is suppression of the evidence in a criminal trial against the possessor. *See Mapp v. Ohio,* 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961) (applying exclusionary rule to the states). Here, no criminal charges have been filed against appellant.

[20] The exclusionary rule applies in civil forfeiture actions to suppress evidence seized in violation of the Fourth Amendment where the property sought to be forfeited is derivative contraband.[3] *One 1958 Plymouth Sedan v. Commonwealth of Pennsylvania,* 380 U.S. 693, 85 S.Ct. 1246, 14 L.Ed.2d 170 (1965). ***196** Here, however, there was no jury from which to suppress the evidence. Furthermore, because the machines are contraband *per se,* the State certainly cannot return them to appellant, which is presumably the remedy sought. *See Trupiano v. United States,* 334 U.S. 699, 68 S.Ct. 1229, 92 L.Ed. 1663 (1948), *overruled*

on other grounds, 339 U.S. 56, 70 S.Ct. 430, 94 L.Ed. 653 (1950) ("[S]ince this property was contraband, they have no right to have it returned to them."); *see also* **883 *State v. Four Bell Fruit Gum Slot Machines,* 196 Okla. 44, 162 P.2d 539 (1945) (slot machines seized without a warrant were contraband and must be destroyed regardless of legality of seizure).

III. Were appellant's due process rights violated by the issuance of destruction orders without a hearing?

Appellant argues that its rights to due process of law under the Fourteenth Amendment of the United States Constitution and Article I, section 3 of the South Carolina Constitution were violated because it was deprived of its property without a hearing. We disagree.

[21] [22] [23] Appellant's machines were seized pursuant to § 12–21–2712 of the South Carolina Code which mandates:

> Any vending or slot machine, punch board, or other device pertaining to games of chance prohibited by § 12–21–2710 must be seized by any officer of the law and at once taken before any magistrate of the county in which the machine, board, or device is seized who shall immediately examine it, and if he is satisfied that it is in violation of § 12–21–2710 or any other law of this State he shall direct that it be immediately destroyed.

S.C.Code Ann. § 12–21–2712 (Supp.1998). A possible constitutional construction of a statute must prevail over an unconstitutional interpretation. *Henderson v. Evans,* 268 S.C. 127, 132, 232 S.E.2d 331 (1977). We conclude the magistrate's examination of the seized machines under § 12–21–2712 must include an opportunity for the owner of the machines to be heard concerning their legality. We overrule *State v. Kizer,* 164 S.C. 383, 162 S.E. 444 (1932), to the extent it permits the destruction of allegedly illegal property without any opportunity ***197** for the owner to contest the magistrate's determination of illegality.

[24] We find no due process violation in this case, however, because appellant has had the opportunity to be fully heard by both the circuit court and this Court. Moreover, appellant conceded the illegality of the machines in an affidavit, so it could not thereafter contest the magistrate's determination of illegality.

[25] Appellant argues its due process rights were violated because it did not receive a pre-*seizure* hearing. We disagree. The statute does not direct a pre-seizure hearing, nor is one required in a civil forfeiture case. The most due process requires is a post-seizure opportunity for an innocent owner "to come forward and show, if he can, why the *res* should not be forfeited and disposed of as provided for by law." *Moore*

v. Timmerman, 276 S.C. 104, 109, 276 S.E.2d 290, 293 (1981).

In *Myers v. Real Property at 1518 Holmes Street,* 306 S.C. 232, 411 S.E.2d 209 (1991), a case involving the forfeiture of real property used in the sale of illegal drugs, this Court held that a post-seizure hearing satisfies the requirements of due process in a civil forfeiture case. We quoted with approval *Allen v. Tucker,* 715 F.Supp. 266, 268 (E.D.Mo.1989), where it was held:

> A claimant's contention that his procedural due process rights have been violated without a hearing prior to the taking of his property is untenable when the claimant is afforded the full weight of judicial process in proceedings, such as these presently before the Court, to determine if the claimant's property was properly forfeited.

Id. at 236, 411 S.E.2d 209. *See also Calero–Toledo v. Pearson Yacht Leasing Co.,* 416 U.S. 663, 680, 94 S.Ct. 2080, 40 L.Ed.2d 452 (1974) (recognizing that seizure for the purpose of forfeiture "presents an 'extraordinary' situation in which postponement of notice and hearing until after seizure [does] not deny due process"). Appellant's post-seizure opportunity to be heard fully satisfied the requirements of due process.

IV. Are the magistrates' orders valid?

[26] Appellant argues the magistrates' orders and returns (which incorporate the orders) are factually insufficient and therefore invalid. We disagree.

***198** In an action tried upon the facts without a jury, "the court shall find the facts specially and state separately its conclusions of law thereon." Rule 52(a), SCRCP. If a party appeals the magistrate's order, the magistrate is required to "make a return to the ****884** appellate court of the testimony, proceedings and judgment and file it in the appellate court." S.C.Code Ann. § 18–7–60 (1976). The magistrates in this case filed identical returns, incorporating their identical orders, which state:

> This matter comes before the Court pursuant to S.C.Code Ann. 12–21–2712 (Supp.1996) at the request of the South Carolina Law Enforcement Division, whose Agents seized the defendant's [sic] machines. These machines are now before the Court in order to determine if they are slot machines prohibited by the S.C.Code Ann. 12–21–2710 (Supp.1996).
>
> After carefully reviewing these machines, I find them to be slot machines. These machines register varying amounts of winnings depending upon which combination of various symbols are displayed after a coin is inserted and a button is pushed. They require no skill to play. I have considered the Court's reasoning in *State v. Four Video Slot Machines,* 317 S.C. 397, 453 S.E.2d 896 (1995) and *State v. One Coin–Operated Video Game Machine,* 321 S.C. 176, 467

S.E.2d 443 (1996), as well as the 1993 amendments to Title 1–2 of the South Carolina Code concerning video games. I find and conclude that the defendant machines are in violation of S.C.Code Ann. 12–21–2710 (Supp.1996), and do hereby order their destruction. The defendant machines will be destroyed thirty (30) days after the date of this order.

Appellant argues these returns are invalid because they make "purely conclusory" statements that the machines violate the statute. Appellant cites *State v. Harper,* 297 S.C. 257, 376 S.E.2d 272 (1989) for the proposition that a factually inadequate magistrate's order should be reversed. *Harper* is distinguishable. *Harper* involved an attorney's contempt conviction which was reversed because the magistrate made no findings that the attorney behaved contemptuously. Here, the magistrates clearly set out what statute was violated and how the machines violated it.

[27] *199 Appellant further complains the returns provide no detail concerning the extent of the examination, and that as far as appellant knows, the first magistrate only "examined" four of the nearly two hundred machines she found illegal. This argument is unpersuasive for two reasons. First, appellant admits elsewhere in its brief that only approximately five of the machines were operational. In fact, appellant relies on this fact to support its argument that the inoperable machines should not be considered illegal. The magistrate could not therefore have tested the other machines. However, testing was not required in order to find them unlawful. The inventory attached to the search warrant return provided information from which the magistrate could conclude the seized machines were illegal under *State v. One Coin–Operated Video Game Machine,* 321 S.C. 176, 467 S.E.2d 443 (1996), *State v. Four Video Slot Machines,* 317 S.C. 397, 453 S.E.2d 896 (1995), and *Squires v. South Carolina Law Enforcement Division,* 249 S.C. 609, 155 S.E.2d 859 (1967). The magistrates were entitled to rely on the existing statutes and case law in finding the machines unlawful and ordering their destruction.

Second, and more compellingly, appellant admits in an affidavit that the machines in question had been declared illegal to operate. The legality of these machines under state law is not at issue in this case except insofar as appellant asks this Court to overrule *Squires* (see part I.B.1). Even if the magistrates' returns should have been more detailed—and we do not see in what respect they should have—that does not invalidate the destruction orders when the machines clearly violate state law.

V. Did the seizure violate appellant's equal protection rights?

[28] Appellant argues the state constitutional and statutory provisions prohibiting state lotteries and the selective enforcement thereof violate the mandates of equal protection. Appellant puts forward two arguments: traditional equal protection and selective prosecution. Appellant's selective prosecution argument is discussed below.

Appellant's traditional equal protection argument is not preserved for review, as the lower court did not address it and appellant did not raise it in its motion to reconsider. *State v. Hoffman,* 312 S.C. 386, 440 S.E.2d 869 (1994) ***200 **885** (issue not properly preserved cannot be raised for first time on appeal).

VI. Did appellant establish selective prosecution?

Appellant argues it has been selectively prosecuted by law enforcement and is entitled to discovery to prove this claim. We disagree.

[29] [30] Courts look suspiciously on selective prosecution claims because they "ask[ ] the court to exercise judicial power over a 'special province' of the Executive." *United States v. Armstrong,* 517 U.S. 456, 116 S.Ct. 1480, 134 L.Ed.2d 687 (1996) (citations omitted). Because of this balance of powers concern, a "presumption of regularity" supports prosecutorial decisions and, "in the absence of clear evidence to the contrary, courts presume that they have properly discharged their official duties." *Id.* at 464, 116 S.Ct. 1480 (quoting *United States v. Chemical Found., Inc.,* 272 U.S. 1, 47 S.Ct. 1, 71 L.Ed. 131 (1926)).

[31] To establish selective prosecution, a defendant must satisfy a two-prong test. First, a defendant must show "he has been singled out for prosecution while others similarly situated have not been prosecuted for conduct similar to that for which he was prosecuted." *United States v. Catlett,* 584 F.2d 864 (8th Cir.1978). Second, "the defendant must demonstrate that the government's discriminatory selection of him for prosecution was based upon an impermissible ground, such as race, religion or his exercise of his first amendment right to free speech." *Id.* at 865. *See also Armstrong,* 517 U.S. at 465, 116 S.Ct. 1480 ("The requirements for a selective-prosecution claim draw on 'ordinary equal protection standards.' The claimant must demonstrate that the federal prosecutorial policy 'had a discriminatory effect and that it was motivated by a discriminatory purpose.' ") (citations omitted). Appellant claims it has been singled out by prosecutors in retaliation for its owner's public statements criticizing the Attorney General.

The circuit court was correct in finding appellant did not present evidence to support a claim of selective prosecution. In the first place appellant is not being criminally prosecuted. It is merely being required to forfeit the illegal contraband in its possession.

[32] ***201** Moreover, even if this action can be interpreted to be analogous to a criminal prosecution, such that the same constitutional rights attach, appellant has not met the first prong of the selective prosecution test. That is, appellant has not alleged there are others engaging in similar conduct who have not been prosecuted. Appellant asserts only that certain members of the media are violating a state law forbidding the advertising of gambling. Appellant does not claim these media outlets are keeping illegal gambling machines on

their premises in violation of § 12–21–2710.[4]

[33] Appellant further argues that the only reason it has been unable to prove the second prong of his selective prosecution claim, impermissible motive, is that it was denied discovery. The judge properly denied appellant's request for discovery when appellant was unable to make out even the barest showing on the first prong of the test. In *United States v. Catlett,* 584 F.2d 864 (8th Cir.1978), cited by appellant, the Eighth Circuit Court of Appeals held the district court properly denied discovery on a selective prosecution claim when the defendant was unable to produce "some evidence tending to show the existence of the essential elements of the defense and that the documents in the government's possession would indeed be probative of these elements." *Id.* at 865. *United States v. Armstrong,* 517 U.S. 456, 116 S.Ct. 1480, 134 L.Ed.2d 687 (1996), gives an example of insufficient evidence:

> In the case before us, respondents' "study" did not constitute "some evidence tending to show the existence of the essential elements of" a selective-prosecution claim. **886 The study failed to identify individuals who were not black and could have been prosecuted for the offenses for which respondents were charged, but were not so prosecuted. This omission was not remedied by respondents' evidence in opposition to the Government's motion for reconsideration. The newspaper article, which discussed the discriminatory *202 effect of federal drug sentencing laws, was not relevant to an allegation of discrimination in decisions to prosecute. Respondents' affidavits, which recounted one attorney's conversation with a drug treatment center employee and the experience of another attorney defending drug prosecutions in state court, recounted hearsay and reported personal conclusions based on anecdotal evidence.

(internal citations omitted). The evidence offered by appellant here is, if anything, less persuasive than that proffered in *Armstrong.* Appellant includes in the record numerous newspaper articles regarding this case and its owner's statements criticizing the Attorney General, as well as newspaper advertisements for Harrah's casino. None of this evidence demonstrates the proof required of appellant to make out even the first prong of a selective prosecution claim, that is, that others who could have been prosecuted for the same offenses were not. *See Armstrong,* 517 U.S. at 465, 116 S.Ct. 1480. "[A] mere allegation of selective prosecution by the defendant does not require the government to disclose the contents of its files." *Catlett,* 584 F.2d at 865.

CONCLUSION

We **AFFIRM** the circuit court on all grounds. The State shall proceed with the destruction of the 192 and 23 illegal machines.

FINNEY, C.J., MOORE, J., Acting Associate Justices THOMAS E. HUFF and WILLIAM T. HOWELL, concur.

All Citations

338 S.C. 176, 525 S.E.2d 872

Footnotes

1 Although the machines are the actual parties, for the sake of clarity we use the term "appellant" to refer to Collins Entertainment Corporation, the owner of the machines.

2 Appellant challenges the January warrant on this same ground. Thus, all arguments pertaining to illegal searches apply to this warrant as well.

3 *See* discussion of derivative contraband versus contraband *per se supra* at I.B.

4 Appellant also argues the Catawba Indians are not being prosecuted, but it does not allege the Catawbas have violated any laws. Rather, appellant argues the laws of South Carolina impermissibly allow the Catawbas to operate bingo. Thus, this argument is not relevant to appellant's selective prosecution claim. It may be relevant to appellant's claim of denial of equal protection, but, as discussed above, that argument is not preserved for review.

End of Document

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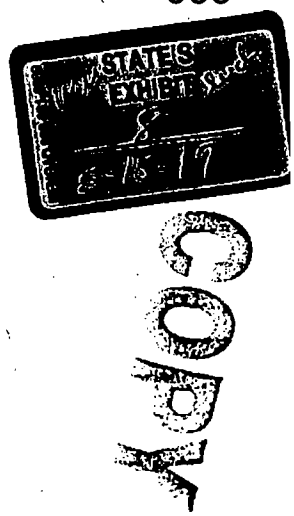
Office of the Clerk of Court

Greenville, South Carolina

Paul B. Wickensimer
Clerk of Court

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540



May 12, 2017

Dean A. Holcomb, Jr. #369696
Ridgeland Correctional Institution
P.O. Box 2039
Ridgeland, SC 29936

Dear Mr. Holcomb:

Your letter postmarked 4/24/2017 was received by our office on 5/8/2017. We have answered your questions as they relate to General Sessions below.

1. Please contact your attorney for explanations of documents. The Clerk of Court cannot act as your attorney, nor can we provide you with any legal assistance, research, instruction, or advice.
2. Enclosed please find the copies you requested for F419232/1999-GS-23-06470. With this mailing you have received copies of all documents filed with the Clerk of Court for General Sessions for F419232/1999-GS-23-06470.
3. See letter from Common Pleas
4. See letter from Common Pleas
5. No Notice of Appearance was filed with the Greenville County Clerk of Court for General Sessions for 2013A2330202932.
6. The Greenville County Clerk of Court for General Sessions does not provide case summaries.
7. See letter from Common Pleas
8. See letter from Common Pleas
9. Please provide the indictment numbers of the cases for which you wish to receive copies. Please note that if you have received these copies previously, payment will be required in advance for additional copies.
10. The Greenville County Clerk of Court for General Sessions does not set court dates. Please contact your attorney or the Solicitor's Office regarding your court date.

Sincerely,
Clerk of Court Greenville County General Sessions

Office of the Clerk of Court

Paul B. Wickensimer
Clerk of Court for Greenville County
Greenville, South Carolina

www.greenvillecounty.org

COPY

May 12, 2017

Dean A Holcomb Jr
Ridgeland Correctional Institute
P O Box 2039
Ridgeland SC 29936

Mr. Holcomb,

We do not supply free copies. There is a .50 cents a page fee for copies along with a self addressed stamped return envelope.

Thank you for your attention in this matter.

Greenville County Clerk of Court Office.
Civil Records

DEAN ALTON HOLCOMB
#369692 CA52
RIDGELAND CI
P.O. BOX 2039
RIDGELAND, SC 29936

24 APRIL 2017

RIDGELAND CORRECTIONAL INSTITUTION
APR 24 2017
Mailroom

GREENVILLE COUNTY CLERK OF COURT
305 EAST NORTH STREET
GREENVILLE, SC 29601

CLERK OF COURT
GREENVILLE CO. S.C.
PAUL D. WICKENSHAM
2017 MAY 12 PM 4 36

DEAR CLERK OF COURT,

WOULD YOU PLEASE HELP ME WITH THE FOLLOWING FOR A FEDERAL CIVIL ACTION?

1. SEE ENCLOSED SCREEN SHOT OF CASE #F419232/ 1999-GS-23-06470. PLEASE GIVE ME AN OFFICIAL EXPLANATION OF A CHECKLIST AND TRACKING SHEET.
2. COULD I PLEASE OBTAIN 1 FREE COPY OF FILE ABOVE?
3. SEE ENCLOSED SCREEN SHOT OF CASE #00-CP-23-00241, PLEASE CONFIRM THAT SOLICITOR RUSSELL D. GILENT DID IN FACT UPDATE A CIVIL ACTION AGAINST ME ON 7-19-2013 AND THAT THIS IS THE SAME RUSSELL D. GILENT THAT PROSECUTED ME IN CASE #2013A2330202932 (COPY ENCLOSED ALSO) WITH AN ARREST DATE OF 5/16/2013, 2 MONTHS BEFORE.
4. COULD I PLEASE OBTAIN 1 FREE COPY OF FILE #00-CP-23-00241?
5. COULD I PLEASE OBTAIN A COPY OF GILENT'S NOTICE OF APPEARANCE IN THE CRIMINAL CASE, 2013A2330202932?

see attached Mapping from OS + CP

6. I STILL NEED A CASE SUMMARY OF 2013A2330202932, I CAN'T AFFORD ANOTHER COPY AND MR. GHENT & SLED LT. JEFF KINGLEY SEIZED MY LAST COPY, SEE ENCLOSED FEDERAL DESCRIPTION. MY ATTORNEY, MATTHEW SHEALLY WILL NOT ASSIST NOR REPLY TO MY REQUEST. I NEED AT LEAST THE CASE SUMMARY TO ASSIST IN SEEKING HELP IN THE FEDERAL COURTS.

7. SEE ENCLOSED COPY OF SCREEN SHOT FROM CASE # 97-CP-23-03799. THIS CONTAINS 2 ERRORS I NEED CORRECTED, ASAP & CONFIRM CORRECTIONS. (A) RUSSELL D. GHENT WAS A DEFENDANT ATTORNEY & NOT A PLAINTIFF'S, IN THE PAST 30 YEARS MR. GHENT AND I HAVE ALWAYS BEEN ADVERSARIES. (B) RITA McKINNEY WAS ON THE PLAINTIFF'S SIDE AGAINST COLLINS, ET AL & MR. GHENT.

8. COULD I PLEASE RECIEVE A CASE SUMMARY OF CASE #97-CP-23-03799 AND 1 FREE COPY WOULD ALSO BE NICE.

9. I WAS TOLD THAT MR. GHENT HAS ADDED SOME NEW INDICTMENTS THAT WERE LISTED ON THE TRIAL DOCKET FOR APRIL 3, 2017. THIS TRIAL WAS CANCELLED DUE TO THE JUDGE'S HEALTH, I WAS TOLD. I DO NOT EVEN KNOW WHEN I AM ACCUSSED OF HARMING OR BLACKMAILING. COULD I PLEASE GET 1 FREE COPY OF THOSE CASES AS WELL?

10. THE DOCKET DOES NOT SHOW ME SCHEDULED FOR MAY COULD YOU CHECK AND SEE IF JUNE OR JULY IS MY DAY IN COURT

THANKS SO MUCH, DEAN A. HOLCOMB, PRO SE ACTIVIST

(e) IN TRIAL, ALLUDE TO ANY MATTER THAT THE LAWYER DOES NOT REASONABLY BELIEVE IS RELEVANT OR THAT WILL NOT BE SUPPORTED BY ADMISSABLE EVIDENCE, ASSERT PERSONAL KNOWLEDGE OF FACTS IN ISSUE EXCEPT WHEN TESTIFYING AS A WITNESS, OR STATE A PERSONAL OPINION AS TO THE JUSTNESS OF A CAUSE, THE CREDIBILITY OF A WITNESS, THE CULPABILITY OF A CIVIL LITIGANT OR THE GUILT OR INNOCENCE OF AN ACCUSED;

KEY 41- DECEPTION OF COURT OR OBSTRUCTION OF ADMINISTRATION OF JUSTIC

Greenville County
13th Judicial Circuit
Public Index

State of South Carolina vs Dean Alton Holcomb

Case Number:	2013A2330202932	Court Agency:	Greenville General Sessions	Filed Date:	05/21/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Garrett, Charles R.	Disposition Judge:	Hayes, John C. III
Disposition:	Trial Guilty				
Disposition Date:	09/08/2016	Date Received:	05/20/2013	Arrest Date:	05/16/2013
Law Enf. Case:	13-011973	True Bill Date:	06/18/2013	No Bill Date:	
Prosecutor Case:		Indictment Number:	2013GS2305223	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Barnette, Barry Joe	Spartanburg Cnty. Courthouse 180 Magnolia St. Spartanburg SC 29306				Solicitor		02/24/2015
Crangle, John Vernon(Inactive)	PO Box 2694 Columbia SC 29202				Public Defender		03/18/2015
Defender, Public	Spartanburg				Defendant Attorney		03/18/2015
Ghent, Russell D.	Spartanburg County Courthouse 180 Magnolia St. Spartanburg SC 29306				Solicitor		02/10/2016
Holcomb, Dean Alton	[redacted] Rocky Creek Rd Apt [redacted] Greenville SC 29615	White	M	1970	Defendant		09/09/2016
Hudgins, Susan	P.O. Box 273 Moore SC 29369				Court Reporter		09/08/2016
Martin, J T	[redacted] Mcgee Street Greenville SC 29601				Officer		05/21/2013
Miller, Ryan - Palmetto Surety	803 East North St Catch 22 Bonding Company Greenville SC 29601				Bond Entity		06/18/2013
Smith, Donald Loren(Inactive)	122 N. Main St. Anderson SC 29621				Defendant Attorney		07/11/2013

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Greenville County 13th Judicial Circuit Public Index

Switch View

COLLINS ENTERTAINMENT VS DEAN JR HOLCOMBE ET AL

Case Number:	00CP2300241	Court Agency:	Greenville County Master in Equity	Filed Date:	11/02/2000
Case Type:	Common Pleas	Case Sub Type:	Contract/Other 199	File Type:	Jury
Status:	Judgment	Assigned Judge:	Simmons, Charles B. Jr.		
Disposition:	Default Uncontested	Disposition Date:	01/17/2001	Disposition Judge:	Simmons, Charles B. Jr.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Collins Entertainment					Plaintiff		07/19/2013
Ghent, Russell D.	Leatherwood Walker Todd & Mann, PC 300 E. McBee Ave., Ste. 500 Greenville SC 29601				Plaintiff Attorney		07/19/2013
Holcombe, Dean Jr					Defendant		07/19/2013
New Dawn Ministries					Defendant		07/19/2013

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Greenville County
13th Judicial Circuit
Public Index

DEAN JR HOLCOMB VS HOLIDAY INN AUGUSTA ROAD

Case Number:	97CP2303799	Court Agency:	Greenville County Common Pleas	Filed Date:	11/13/1997
Case Type:	Common Pleas	Case Sub Type:	Contract/Other 199	File Type:	Jury
Status:	Dismissed	Assigned Judge:			
Disposition:	Dismissed by Court - not Rule 40J	Disposition Date:	06/03/1998	Disposition Judge:	Solicitor
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Blind Horse Saloon					Defendant		
Bouch, Timothy W.	Leath Bouch & Crawford, LLP P.O. Box 59 Charleston SC 29402				Defendant Attorney		05/12/2007
Bristol Corporation					Defendant		
Corner Mart Scampers Inc					Defendant		
Emro Marketing					Defendant		
Ghent, Russell D.	Leatherwood Walker Todd & Mann, PC 300 E. McBee Ave., Ste. 500 Greenville SC 29601				~~Plaintiff~~ DEFENDANT Attorney		05/12/2007
Handee Mart Food Stores Nos 3					Defendant		
Handee Mart Ford Stores Inc					Defendant		
Holcomb, Dean Jr					Plaintiff		
Holiday Inn Augusta Road					Defendant		
Holiday Inn Select					Defendant		
Honey's Inc					Defendant		
John Paul's Armadillo Oil Comp					Defendant		
Longhorn Products Inc					Defendant		
Longhorn Steakhouse					Defendant		
Mcdonald, Moffatt G.	Haynsworth Sinkler Boyd, PA P.O. Box 2048 Greenville SC 29602				Defendant Attorney		05/12/2007
Mcguffey's Inc					Defendant		
Mcguffey's Restaurant					Defendant		
Mckinney, Rita Margaret	SC Dpt Labor Licensing & Regulatn P.O. Box 11329 Columbia SC 292111329				PLAINTIFF ~~Defendant~~ Attorney		05/12/2007
New Dawn Ministries					Plaintiff		
Pantry Inc					Defendant		
Phoenix Inn Inc					Defendant		

1. Factual and Procedural Background

Plaintiff filed this complaint alleging an unlawful seizure of constitutionally-protected reading, religious, and legal materials. [ECF No. 1 at 2]. Plaintiff claims Duncan called him to the officer's desk on February 1, 2016. *Id.* at 3. Plaintiff states Kindley patted him down, escorted him to the multipurpose room, and told him to wait while his property and laundry bins were searched. *Id.* Plaintiff claims he was told that a search warrant was served on GCDC, but he was not allowed to see it. *Id.* Plaintiff alleges four men returned to the multipurpose room with his bin and bag. *Id.* Plaintiff states he was told to return to his bunk. *Id.* Plaintiff claims he was called back to the multipurpose room approximately 20 minutes later and all his legal papers, his personal and legal mail, and legal books were packaged into eight large envelopes approximately two feet tall. *Id.* Plaintiff also claims SLED seized law books, the holy scripture, a leather bound book containing phone numbers and addresses, a copy of the Kyballian (religious text), two journals, and a working screenplay and novel. *Id.* at 4. Plaintiff alleges Kindley was the investigating officer. *Id.* Plaintiff claims his items were seized one month before he was scheduled for trial and alleges he was not given a receipt for the seized property. *Id.* Plaintiff alleges this was an illegal search attempted by Kindley to further intimidate, censor, and retaliate against Plaintiff "for resisting and attempting to expose the corruption and blatant disregard for Plaintiff's constitutional and human rights." *Id.* Plaintiff seeks declaratory and injunctive relief and compensatory damages. *Id.*

Greenville County
13th Judicial Circuit
Public Index

STATE OF SOUTH CAROLINA VS DEAN ALTON JR HOLCOMB

	F419232	Court Agency:	Greenville General Sessions	Filed Date:	0
	Criminal-Clerk	Case Sub Type:			
	Indictment Ended	Assigned Judge:	Hensley, Don	Disposition Judge:	S
	Insuff Evidence to Convict Ended				
ate:	12/08/1999	Date Received:	08/04/1997	Arrest Date:	0
e:	9742895	True Bill Date:	10/19/1999	No Bill Date:	
ase:		Indictment Number:	1999GS2306470	Waiver Date:	
se:					

ies

o show associated parties.

Name	Address	Race	Sex	Date Of Birth	Party Type	Party Status
an Alton Jr	116 SULPHUR SPRINGS GREENVILLE SC 29611	White	M	[redacted]/1970	Defendant	
					Solicitor	

	Charge Code - Charge Description	Original Charge Code - Original Charge	Dispos
an	1186-BREACH/OBTAIN SIGN/PROP, FALSE, $1000/LE	1186-BREACH/OBTAIN SIGN/PROP, FALSE, $1000/LE	12/08/1

me	Description	Type	Motion Roster	Begin Date	Completion Date
an Alton Jr	Tracking Sheet	Filing		11/30/2012-00:00	
an Alton Jr	Indictment	Filing		04/28/2005-00:00	
an Alton Jr	Warrant Number	Filing		04/28/2005-00:00	
an Alton Jr	Other	Action		04/28/2005-00:00	
an Alton Jr	Checklist	Filing		04/28/2005-00:00	
	SOLICITOR TIME: 175640 RECEIVED BY: RAB	Filing		08/21/1997-00:00	08/21/1997-00:00
	TIME: RECEIVED BY: JDK	Filing		08/04/1997-00:00	08/04/1997-00:0
	ISSUED	Filing		04/16/1997-00:00	04/16/1997-00:0

Bond Information

Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
02	04/28/1997			Personal Recognizance	$1,500.00		$0.00	

Post Information

nd Id	Bond Type	Amount	Date Posted	Posted By
02	Personal Recognizance	$1,500.00	04/28/1997	

State of South Carolina
Department of Mental Health

MENTAL HEALTH COMMISSION:
Alison Y. Evans, PsyD, Chair
Joan Moore, Vice Chair
Beverly Cardwell
Bob Hiott, MEd
Everard Rutledge, PhD
J. Buxton Terry
Sharon L. Wilson

STATE DIRECTOR
John H. Magill

Division of Inpatient Services
G. Werber Bryan Psychiatric Hospital
Forensic Evaluation and Treatment Services
7901 Farrow Road, Building #6
Columbia, SC 29203
Information: (803) 935-6586

October 20, 2015

Barry Barnette
Solicitor
180 Magnolia Street,
Spartanburg, SC 29306

Re: The State of South Carolina vs. Holcomb, Dean
DMH CASE #: 893-7244
Greenville, Court of General Sessions

Dear Attorney Barnette:

In accordance with the court order issued by the Honorable R. Keith Kelly, a competency to stand trial evaluation was conducted by the South Carolina Department of Mental Health, pursuant to S.C. Code Ann. § 44-23-410 (1976).

Please see the attached report for the results of this evaluation.

This 7 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 44-23-410 (1976).

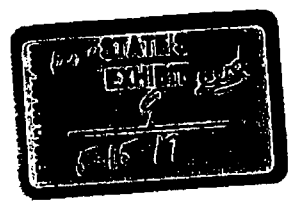
10/20/15
Date

Jamie L. Cooper for
Allyson M. Sipes, Psy.D
Clinical Director
Forensic Evaluation Services
Department of Mental Health

cc: Matthew Shealy, Attorney at Law, 366 N. Church Street, #3000, Spartanburg, SC 29303

AS/tl

MISSION STATEMENT
To support the recovery of people with mental illnesses.



SOUTH CAROLINA DEPARMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE

Name:	Dean A. Holcomb
Date of Birth:	[redacted] 1970
Type of Evaluation:	Competency to Stand Trial
Date of Evaluation:	October 13, 2015
Date of Report:	October 20, 2015
Examiners:	Colbi J. Sutton, PsyD (presiding) Marsha DeRosier, LISW-CP

Opinion on Competency to Stand Trial: Competent

Identifying and Referral Information:
Mr. Holcomb, a 45-year-old, Caucasian man, is charged with Breach of Trust allegedly committed on or around May 25, 2012, as well as Intimidation of Court Officials (2 counts) and Threatening a Life of a Court Official (2 counts) both allegedly committed on or between May 28, 2013 and July 28, 2014. Related to these charges, the Greenville County Court of General Sessions ordered an evaluation of his competency to stand trial. The order specifies the basis for the evaluation as, "Defendant has been previously diagnosed with Bipolar Mania and Paranoid Schizophrenia." Pursuant to this order, he was evaluated on an outpatient basis on October 13, 2015, at the Forensic Evaluation Service (FES) of the South Carolina Department of Mental Health (SCDMH). Following this evaluation, he was returned to the Greenville County Detention Center.

Sources of Information

1. Interview of the defendant on October 12, 2015, in the presence of Marsha DeRosier, LISW-CP, and the defendant's attorney, Matthew W. Shealy, Esq., for approximately 2 hours and 30 minutes;
2. Social Work Assessment conducted by Marsha DeRosier, LISW-CP, with Mr. Holcomb's sibling, Tiffany Teso, on September 29, 2015;
3. Court order for competency to stand trial evaluation dated August 10, 2015;
4. Defendant's SCDMH episodes of care sheet;
5. Gastonia Memorial Hospital records dated July 1990, April 9, 2013, and May 31, 2014;
6. Greenville County Detention Center records dated August 20, 2014, to September 25, 2015;
7. Information from Greenville County pertaining to the Breach of Trust charge including:

a. Incident report dated January 31, 2013;
b. Supplemental reports dated January 31, 2013, to May 20, 2013;
c. Arrest warrant dated April 12, 2013;
d. Indictment dated June 18, 2013;
e. Waiver of Miranda Rights form dated May 16, 2013;

8. Information from Greenville County pertaining to the Intimidation of Court Officials (2 counts) and Threatening a Life of a Court Official (2 counts) including:
   a. Arrest warrants dated August 5, 2014;
   b. Indictments dated September 16, 2014, and July 28, 2015;
   c. DVD with various videos ;
9. The South Carolina Law Enforcement Division Investigative File dated October 3, 2014.

It should be noted records from the Greenville Mental Health Hospital and Spartanburg Area Mental Health Clinic were requested but had not been received by the date this report was written.

Notification:

At the outset of this evaluation, Mr. Holcomb was notified of these examiners' role, the purpose of this evaluation, and the limits of confidentiality. He then read the evaluation information form, agreed to proceed, and signed the form. Upon inquiry, he noted this evaluation to be ordered by "Judge Kelly" to evaluate his "competency to stand trial and assist in my defense." He identified "the judge, the prosecutor, and my attorney" as recipients of the resulting report. He noted these examiners to be on "nobody's" side of his case.

Background Information

Social History:

According to Mr. Holcomb, he was born in Arlington, Texas, but predominantly raised in Spartanburg and Greenville, South Carolina. According to his sister, Tiffany Teso, his childhood history is significant for physical abuse by his father and sexual abuse by an adult male. He reported at the time of his arrest, he was living in Bessemer, North Carolina, in a home with his long-term girlfriend, Claudia. He said he is currently single.

Education and Employment History:

Mr. Holcomb said he dropped out of school during the 11th grade but received a GED immediately afterwards. He said while he was in school, he was in advanced classes, made good grades, and denied a history of suspensions or expulsions. In regards to employment, Mr. Holcomb said at the time of his arrest, he was unemployed. He explained he was recovering from a previous accident (i.e., falling off a roof in 2012).

Legal History:

Mr. Holcomb denied prior adult convictions.

Medical History:
Mr. Holcomb reported several prior seizures, all of which were several years apart. Records from Greenville County Detention Center indicate he is prescribed Oxcarbazepine (an anti-seizure medication). He also reported two previous head injuries. He explained he hit his head on a piece of wood in the "1990s" and lost consciousness for approximately "20 to 30 minutes." He also reported falling of a roof in 2012, resulting in loss of consciousness for approximately one hour. He said after the injury, he experienced headaches, nausea with vomiting, and trouble sleeping for approximately one year. He contended that although he was immediately taken to the hospital, he left before imaging was completed. When asked, he denied noticing a decline in his cognitive abilities after the accident. He denied a history of strokes or current medical problems.

Substance Use History:
In regards to substance use, Mr. Holcomb reported his family history is not significant for alcohol or drug abuse. He described trying alcohol at the age of 14, but denied drinking alcohol consistently until his twenties. He said he drank approximately one bottle of wine per day, until he stopped using alcohol in 1996 (age 26). When queried, he also confirmed that at the time of his arrest, he was drinking alcohol almost every day. He described using marijuana, every day, from the age of 15 until his arrest. He also revealed a history of trying cocaine and ecstasy on one or two occasions. However, collateral information from Ms. Teso indicates he may have a history of cocaine abuse as well. He denied other drug use.

Psychiatric History:
Mr. Holcomb's SCDMH episodes of care sheet indicates he was diagnosed with Bipolar 1 Disorder at the Greenville Mental Health Hospital in 1995 (age 25). This sheet also indicates he was diagnosed with Bipolar I and Antisocial Personality Disorders, while treated at the Spartanburg Area Mental Health Clinic (11/18/1997 – 12/2/1998 & 1/22/2000 – 5/18/2001).

Mr. Holcomb's Gastonia Memorial Hospital records (7/7/1990, 4/9/2013, & 5/31/2014) indicate all three visits to the hospital were due to medical conditions. There is no indication of mental health concerns or treatment.

Records from Greenville County Detention Center (8/20/2014 – 9/25/2015) indicate Mr. Holcomb was initially observed with normal behavior, appearance, mood, affect and speech, and was not displaying symptoms of psychosis. Records indicate he requested mental health services (9/24/2014). A note dated September 26, 2014, documents he reported a history of being diagnosed with Bipolar Disorder and Posttraumatic Stress Disorder (PTSD). These notes imply he has not exhibited any signs of psychosis during this incarceration. These records suggest he was most recently diagnosed with Bipolar Disorder, PTSD, and Obsessive-Compulsive Disorder (OCD) and prescribed bupropion (antidepressant), fluvoxamine (antidepressant often used to treat OCD), and quetiapine (antipsychotic). Notes indicate he is compliant with taking the medications. Mental health notes from August 2015 indicate he has reported mild symptoms of depression but continues to be stabilized on medications.

Mr. Holcomb reported his family history is significant for Bipolar and Depression. According to Mr. Holcomb, he has been diagnosed with Bipolar Disorder since 1986 (age 16) and has a history of depressive and manic symptoms, which is consistent with collateral information. He reported a history of approximately 12 psychiatric hospitalizations due to depression and fleeting thoughts of suicide. Although he denied a history of suicidal attempts, this is inconsistent with collateral information from his sister who reported he has attempted to shoot himself "a couple of times." He denied a history of homicidal thoughts. He reported that at the time of his arrest, he was prescribed Seroquel (an antipsychotic) and possibly Fanapt (an antipsychotic), but he was not certain if the name of the medication was correct. Regardless, he said he seldom took the medications, in part because he could not afford to have the medications filled.

Mr. Holcomb's sibling, Tiffany Teso, reported observing Mr. Holcomb exhibit symptoms indicative of delusions (i.e., telling lies but believing it to be true, saying he can pray for something bad to happen to someone, thinking he is "Godlike," calling himself Magnus), hallucinations (i.e., conversations with someone not present), and paranoid ideations. She also described observing him exhibit symptoms of depression and mania including suicidal thoughts and attempts, depressed mood, isolation, excessive energy, lack of sleep, and difficulties sleeping.

Behavioral Observations and Mental Status

Mr. Holcomb is a 45-year-old, Caucasian man who presented with adequate hygiene. He was cooperative and exhibited appropriate eye contact throughout the evaluation. He correctly identified the date, day of the week, and location. The rate, volume, and tone of his speech were within normal limits. He presented with goal-directed, linear thinking and did not demonstrate difficulties with attention or concentration. His memory appeared intact, evident by his ability to recall three words after a short delay. He correctly identified the commonality between two concepts, demonstrating the ability to think abstractly. He reported his mood as "okay" but admitted to recently feeling "frustrated" due to his legal situation. He demonstrated appropriate affect (i.e., observed expression of emotion).

According to Mr. Holcomb, he is currently prescribed bupropion (antidepressant), fluvoxamine (antidepressant often used to treat OCD), and quetiapine (antipsychotic). He described the medications as being effective in managing his symptoms. He confirmed he is compliant with taking his medications. He characterized his recent sleep as "fine" and appetite as "consistent." Despite reporting feelings of "frustration," he denied other symptoms indicative of depression, mania, anxiety, or psychosis (e.g., hallucinations, delusions). To the contrary, he reported consistently exercising, getting along with peers, playing chess, teaching classes, and journaling. There were no signs of psychosis observed during the evaluation. He also denied current thoughts of wanting to hurt himself or others.

Diagnostic Impressions

Based on the available data, it appears Mr. Holcomb's symptoms are best characterized by a diagnosis of Bipolar I Disorder, with psychotic features. Bipolar I disorder is characterized of at least one manic episode with or without depressive episodes. A manic episode is a distinct period when there is an

abnormally, persistently elevated, expansive, or irritable mood and persistent increased activity or energy. The specifier, with psychotic features, is warranted when delusions or hallucinations are present at any time in the episode. Mr. Holcomb described, and his sister confirmed, he has a history of depressive and manic episodes. In addition, medical records indicate he has been diagnosed and treated for Bipolar Disorder at various facilities since at least 1995.

Although Mr. Holcomb's records indicate he has a history of being diagnosed with posttraumatic stress disorder, he did not endorse symptoms sufficient to suggest a related diagnosis (i.e., a trauma related disorder). Mr. Holcomb also reported a history of two head injuries. However, he denied current cognitive impairment, and his performance on the mental status examination did not indicate problems in cognitive functioning.

Evaluation for Competency to Stand Trial

Mr. Holcomb reported the charges against him to be "Breach of Trust, two counts of Intimidation of Court Officials, and two counts of Threatening Public Officials." He said he is accused of "saying I took a roofing contract and did not do any of the work" and "threatening their lives." When asked to clarify, he replied, "Sylvia Harrison... the assistant solicitor," and "Timothy Martin... a Sheriff's Officer." He identified his charges as felonies and noted felonies to be more serious crimes than misdemeanors. When asked, he gave the examples of "Capital Murder" as a felony, and "Pot" as a misdemeanor. He identified the maximum penalty for his charges to be "10 years" for each of the Intimidation of Court Officials charges and "5 years" for each of the other charges.

Mr. Holcomb was aware of the pleas of "guilty, not guilty, no contest, and insanity" and defined guilty as "you did do it" and not guilty as "you didn't do it." He defined a plea bargain as "plead guilty and you get sentenced." When asked, he identified he would get a "lesser sentence." When asked if he has to accept a plea bargain, he replied, "No." He appeared to understand his rights to a trial and to appeal would be waived if he accepted a plea bargain. In order to further assess his understanding, he was provided with hypothetical scenarios of plea bargains. He was able to weigh the pros and cons in a reasonable and rational manner and offered rational reasons for accepting and rejecting plea offers.

According to Mr. Holcomb, the job of the defense attorney is to "investigate my case...present my side," and the job of the solicitor is to "prosecute me on behalf of South Carolina." When asked who is in charge of the court, he said, "the judge." He said if he proceeds to trial, the jury will determine if he is guilty or not guilty. When asked, he recognized if he waives his right to a jury trial "the judge" will determine if he is guilty or not guilty. He identified a jury is made up of "12" people. After provided with brief education and when asked later in the evaluation, he said "all of them" have to determine he is guilty to result in a guilty verdict. Mr. Holcomb gave examples of "documents" and "eye witnesses" as possible evidence and said judges and juries use the "evidence presented" to decide guilt. He said the role of witnesses is to "testify to what they saw." He said if he is found not guilty, he will be "move on to the next trial" (he clarified he has other pending charges) and if he is found guilty, he will be "held to sentencing."

Mr. Holcomb identified his attorney as "Mr. Shealy" and said he has met with him on approximately four or five occasions. He said he felt he could work with his attorney and denied having complaints or concerns about him, adding, "He's very good." He was able to provide an account of the circumstances that lead to his arrest and maintain a consistent defense. According to Mr. Holcomb, if a witness said something untrue during a trial, he would tell his attorney. He also said he thought he could testify on his own behalf if his attorney thought it would be beneficial to his case. He acknowledged the importance of consulting with his attorney when making decisions related to his case.

Discussion of Competency to Stand Trial

As previously noted, Mr. Holcomb is diagnosed with Bipolar I Disorder. However, at the time of the evaluation, he was taking psychiatric medications, and he did not report or appear to exhibit mental health symptoms that would hinder his capacity to stand trial. In our opinion, Mr. Holcomb has the capacity to understand the proceeding against him and to assist in his own defense.

In regards to his capacity to understand the legal proceedings, Mr. Holcomb was aware of the charges against him and of the possible consequences. In addition, he demonstrated a sufficient understanding of the roles of court personnel, court procedure, and plea bargaining. Furthermore, he appeared to be able to apply legal knowledge to his own case in a rational and beneficial manner.

With regard to Mr. Holcomb's capacity to assist in his own defense, his thought processes and speech were logical, coherent, and organized, indicating he should have no difficulties communicating rationally with his attorney. He also appears to be able to listen to witnesses and communicate his views. Given his understanding of his situation and his ability to relate to me, it appears he has the ability to testify on his own behalf if he so chooses. In addition, given his acknowledgement of appropriate courtroom behavior and his demeanor during this exam, it is likely that he would be able to exhibit appropriate behavior in the courtroom and attend adequately to related proceedings. Lastly, if he remains compliant with taking his psychiatric medications, there is no clear evidence to suggest that he would decompensate under the stress of a trial.

Colbi J. Sutton, PsyD
South Carolina Department of Mental Health
Forensic Evaluation Service

SCDMH South Carolina Department of Mental Health

HIPAA (PHI) FAX COVERSHEET

DMH Mailing Address -

Forensic Evaulation Services/CBHS
7901 Farrow Rd., Building 6,
Columbia, SC 29203
(803) 935-5600
(803) 935-5599 Fax

To: Barry Barnette, Esq.,	TELEPHONE	FAX
From: Tamika Lee		(864) 596-2386
Date: 10/20/15	NO. PAGES INCLUDING THIS PAGE	TIME See Date Stamp

☐ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

SUBJECT:
Report: D. Holcomb

MESSAGE:
Please see attached report.

cc: Matthew Shealy, Esq., Fax: (864) 596-2284

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State of South Carolina
Department of Mental Health

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Division of Inpatient Services
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Forensic Evaluation and Treatment Services
7901 Farrow Road, Building 16
Columbia, SC 29203
Information: (803) 935-6506

November 6, 2015

Matthew Shealy
Attorney at Law
366 N. Church Street, #3000
Spartanburg, SC 29303

Re: The State of South Carolina vs. Holcomb, Dean
DMH Case #: 893-7244
Greenville County, Court of General Sessions

Dear Attorney Shealy:

In accordance with the court order issued by the Honorable R. Keith Kelly, evaluations of criminal responsibility and capacity to conform were conducted by the South Carolina Department of Mental Health (SCDMH) pursuant to S.C. Code Ann. § 17-24-10 (1976) and § 17-24-20 (1976).

Please see the attached report for the results of this evaluation.

This 12 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 17-24-10 (1976) and § 17-24-20 (1976).

11/6/15
Date

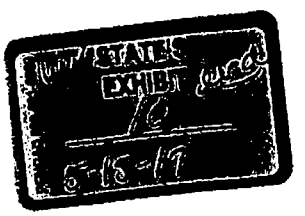
Allyson M. Sipes, Psy.D
Clinical Director
Forensic Evaluation Services
Department of Mental Health

cc: Barry Barnette, Solicitor, 180 Magnolia Street, 3rd Floor, Spartanburg, SC 29306

AS/tl

MISSION STATEMENT
To support the recovery of people with mental illnesses.

DMH South Carolina Department of Mental Health



SOUTH CAROLINA DEPARMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE

Name:	Dean A. Holcomb
Date of Birth:	[redacted] 1970
Type of Evaluation:	Criminal Responsibility and Capacity to Conform
Date of Evaluation:	October 13, 2015
Date of Report:	November 5, 2015
Examiners:	Colbi J. Sutton, PsyD (presiding) Marsha DeRosier, LISW-CP

Opinion: See report (page 12).

Identifying and Referral Information:
Mr. Holcomb, a 45-year-old, Caucasian man, is charged with Breach of Trust allegedly committed on or around May 25, 2012, as well as Intimidation of Court Officials (2 counts) and Threatening a Life of a Court Official (2 counts) both allegedly committed on or between May 28, 2013 and July 28, 2014. Related to these charges, the Greenville County Court of General Sessions ordered an evaluation of his criminal responsibility and, if found to be responsible, capacity to conform his conduct at the time of the alleged offenses. The order specifies the basis for the evaluation as, "Defendant has been previously diagnosed with Bipolar Mania and Paranoid Schizophrenia. His behavior at the time of these offenses appears to have been influenced by these conditions." Pursuant to this order, he was evaluated on an outpatient basis on October 12, 2015, at the Forensic Evaluation Service (FES) of the South Carolina Department of Mental Health (SCDMH). Following this evaluation, he was returned to the Greenville County Detention Center. All collateral information was received by October 27, 2015.

Sources of Information

1. Interview of the defendant on October 12, 2015, in the presence of Marsha DeRosier, LISW-CP, and the defendant's attorney, Matthew W. Shealy, Esq., for approximately 2 hours and 30 minutes;
2. Interview via phone of the defendant's sister, Tiffany Teso, on October 23, 2015, for approximately 35 minutes;
3. Interview via phone with an alleged victim, Mr. McGinn, on October 27, 2015, for approximately 10 minutes;

4. Social Work Assessment conducted by Marsha DeRosier, LISW-CP, with Mr. Holcomb's sibling, Tiffany Teso, on September 29, 2015;
5. Court order for criminal responsibility and capacity to conform conduct evaluations dated August 10, 2015;
6. Defendant's SCDMH episodes of care sheet;
7. Gastonia Memorial Hospital records dated July 1990, April 9, 2013, and May 31, 2014;
8. Greenville County Detention Center dated August 20, 2014, to September 25, 2015;
9. DMH Forensic Evaluation Service competency to stand trial evaluation report dated October 20, 2015;
10. Information from Greenville County pertaining to the Breach of Trust charge including:
    a. Arrest warrant dated April 12, 2013;
    b. Indictment dated June 18, 2013;
    c. Waiver of Miranda Rights form dated May 16, 2013;
    d. Incident report dated January 31, 2013;
    e. Supplemental reports dated January 31, 2013, to May 20, 2013;
11. Information from Greenville County pertaining to the Intimidation of Court Officials (2 counts) and Threatening a Life of a Court Official (2 counts) including:
    a. Arrest warrants dated August 5, 2014;
    b. Indictments dated September 16, 2014, and July 28, 2015;
    c. Three DVDs marked "Holcomb," "Holcomb 2," and "Holcomb UTube" consisting of various emails, videos, and pictures;
12. The South Carolina Law Enforcement Division Investigative File dated October 3, 2014.

It should be noted that records from the Greenville Mental Health Hospital and Spartanburg Area Mental Health Clinic were requested but had not been received by the date this report was written. In addition, attempts were made to contact Ms. Claudia Whitt, but these were unsuccessful.

Notification:

At the outset of this evaluation, Mr. Holcomb was notified of these examiners' role, the purpose of this evaluation, and the limits of confidentiality. He was notified that he was being evaluated to assess how he was thinking and acting around the time of the charge, the examiners are employed by the SCDMH, the information obtained during this evaluation would not remain confidential, and anything he disclosed could be included in a report to his defense counsel, the Court and the solicitor. He then agreed to proceed and signed the evaluation information form.

Background Information

Unless otherwise noted, the following information is taken from a previous competency to stand trial evaluation report dated October 20, 2015.

Social History:

According to Mr. Holcomb, he was born in Arlington, Texas, but raised in Spartanburg and Greenville, South Carolina. According to his sister, Tiffany Teso, his childhood history is significant for physical abuse by his father and sexual abuse by an adult male. He reported at the time of his arrest, he was living in Bessemer, North Carolina, in a home with his long-term girlfriend, Claudia. He said he is currently single.

Education and Employment History:

Mr. Holcomb said he dropped of school during the 11th grade but received a GED immediately afterwards. He said while he was in school, he was in advanced classes, made good grades, and denied a history of suspensions or expulsions. In regards to employment, Mr. Holcomb said at the time of his arrest, he was unemployed. He explained he was recovering from a previous accident (i.e., falling off a roof in 2012).

Legal History:

Mr. Holcomb denied prior adult convictions.

Medical History:

Mr. Holcomb reported several prior seizures, all of which were several years apart. Records from Greenville County Detention Center indicate he is prescribed Oxcarbazepine (an anti-seizure medication). He also reported two previous head injuries. He explained he hit his head on a piece of wood in the "1990s" and lost consciousness for approximately "20 to 30 minutes." He also reported falling of a roof in 2012, resulting in a loss of consciousness for approximately one hour. He said after the injury, he experienced headaches, nausea with vomiting, and trouble sleeping for approximately one year. He contended that although he was immediately taken to the hospital, he left before imaging was completed. When asked, he denied noticing a decline in his cognitive abilities after the accident. He denied a history of strokes or current medical problems.

Substance Use History:

In regards to substance use, Mr. Holcomb reported his family history is not significant for alcohol or drug abuse. He described trying alcohol at the age of 14, but denied drinking alcohol consistently until his twenties. He described using alcohol consistently, approximately one bottle of wine per day, until he stopped in 1996 (age 26). When queried, he also confirmed that at the time of his arrest, he was drinking alcohol almost every day. He described using marijuana, every day, from the age of 15 until his arrest. He also revealed a history of trying cocaine and ecstasy on one or two occasions. However, collateral information from Ms. Teso indicates he may have a history of cocaine abuse as well. He denied other drug use.

Psychiatric History:

Mr. Holcomb's SCDMH episodes of care sheet indicates he was diagnosed with bipolar 1 disorder at the Greenville Mental Health Hospital in 1995 (age 25). This sheet also indicates he was diagnosed with

Bipolar I and Antisocial Personality Disorders, while treated at the Spartanburg Area Mental Health Clinic (11/18/1997 – 12/2/1998 & 1/22/2000 – 5/18/2001).

Mr. Holcomb's Gastonia Memorial Hospital records (7/7/1990, 4/9/2013, & 5/31/2014) indicate all three visits to the hospital were due to medical conditions. There is no indication of mental health concerns or treatment.

Records from Greenville County Detention Center (8/20/2014 – 9/25/2015) indicate Mr. Holcomb was initially observed with normal behavior, appearance, mood, affect and speech, and was not displaying symptoms of psychosis. Records indicate he requested mental health services (9/24/2014). A note dated September 26, 2014, indicates he reported a history of being diagnosed with bipolar disorder and posttraumatic stress disorder. These notes imply he has not exhibited any signs of psychosis during this incarceration. These records suggest he was most recently diagnosed with bipolar disorder, posttraumatic stress disorder (PTSD), and obessive-compulsive disorder (OCD) and is prescribed bupropion (antidepressant), fluvoxamine (antidepressant often used to treat OCD), and quetiapine (antipsychotic). Notes indicate he is compliant with taking the medications. Mental health notes from August 2015 indicate he has reported mild symptoms of depression but continues to be stabilized on medications.

Mr. Holcomb reported his family history is significant for bipolar and depression. According to Mr. Holcomb, he has been diagnosed with bipolar disorder since 1986, and he noted a history of depressive and manic symptoms, which is consistent with collateral information. He reported a history of approximately 12 psychiatric hospitalizations due to depression and fleeting thoughts of suicide. Although he denied a history of suicidal attempts, this is inconsistent with collateral information from his sister that suggests he has attempted to shoot himself "a couple of times." He denied a history of homicidal thoughts. He reported that at the time of his arrest, he was prescribed Seroquel (an antipsychotic) and possibly Fanapt (an antipsychotic), but he was not certain if the name of the medication was correct. Regardless, he said he seldom took the medications, in part due to financial limitations.

Mr. Holcomb's sibling, Tiffany Teso, reported observing Mr. Holcomb exhibit symptoms indicative of delusions (i.e., telling lies but believing it to be true, saying he can pray for something bad to happen to someone, thinking he is "Godlike," calling himself Magnus), hallucinations (i.e., conversations with someone not present), and paranoid ideations. She also described observing him exhibit symptoms of depression and mania including suicidal thoughts and attempts, depressed mood, isolation, excessive energy, lack of sleep, and difficulties sleeping.

Behavioral Observations and Mental Status

Mr. Holcomb is a 45-year-old, Caucasian man who presented with adequate hygiene. He was cooperative and exhibited appropriate eye contact throughout the evaluation. He correctly identified the date, day of the week, and location. The rate, volume, and tone of his speech were within normal

limits. He presented with goal-directed, linear thinking and did not demonstrate difficulties with attention or concentration. His memory appeared intact, evident by his ability to recall three words after a short delay. He correctly identified the commonality between two concepts, demonstrating the ability to think abstractly. He reported his mood as "okay" but admitted to recently feeling "frustrated" due to his legal situation. He demonstrated appropriate affect (i.e., observed expression of emotion).

According to Mr. Holcomb, he is currently prescribed bupropion (antidepressant), fluvoxamine (antidepressant often used to treat OCD), and quetiapine (antipsychotic). He described the medications as being effective in managing his symptoms. He confirmed he is compliant with taking his medications. He characterized his recent sleep as "fine" and appetite as "consistent." Despite reporting feelings of "frustration," he denied other symptoms indicative of depression, mania, anxiety, or psychosis (e.g., hallucinations, delusions). To the contrary, he reported consistently exercising, getting along with peers, playing chess, teaching classes, and journaling. There were no signs of psychosis observed during the evaluation. He also denied current thoughts of wanting to hurt himself or others.

Diagnostic Impressions

Based on the available data, it appears Mr. Holcomb's symptoms are best characterized by a diagnosis of bipolar I disorder, with psychotic features. Bipolar I disorder is characterized of at least one manic episode with or without depressive episodes. A manic episode is a distinct period when there is an abnormally, persistently elevated, expansive, or irritable mood and persistent increased activity or energy. The specifier, with psychotic features, is warranted when delusions or hallucinations are present at any time in the episode. Mr. Holcomb described, and his sister confirmed, he has a history of depressive and manic episodes. In addition, medical records indicate he has been diagnosed and treated for bipolar disorder at various facilities since at least 1995.

Although Mr. Holcomb's records indicate he has a history of being diagnosed with posttraumatic stress disorder, he did not endorse symptoms sufficient to suggest a related diagnosis (i.e., a trauma related disorder). Mr. Holcomb also reported a history of two head injuries. However, he denied current cognitive impairment and his performance on the mental status examination did not indicate problems in cognitive functioning.

Criminal Responsibility and Capacity to Conform Conduct (*Breach of Trust allegedly committed on or around May 25, 2012*)

Police Records of the Alleged Offense

The incident report (dated 1/31/2013) indicates on May 25, 2012, Mr. Holcomb was allegedly given a check by Mr. McGinn to replace his roof. According to the report, he cashed the check and never replaced the roof. The report indicates the compliant was made by Mr. McGinn's stepdaughter, Ms. Baucom.

An additional police supplemental report (May 21, 2013) indicates Mr. Holcomb turned himself in, agreed to speak to an officer, and signed a waiver of rights form. This report documents:

> Holcomb advised me that he had hired a crew to stain the wood siding on McGinn's house. Holcomb advised me that the roof was not done because McGinn did not pay his $1000.00 deductible on his insurance. Holcomb advised me that he had purchased stain for the house and would get me receipts.

This report also indicates he reported the work and labor cost done on the house, minus the roof, was close to $4295.03.

Witness Statements of the Alleged Offense

A statement made by Jared M. Richardson (5/28/2013) indicates he reportedly worked for Dean Holcomb in the beginning of 2012 as a salesman/installer and made a sale to his girlfriend's parents, Mr. and Mrs. McGinn. The report indicates he said Mr. Holcomb secured a contract with Mr. and Mrs. McGinn and a few days later, brought him and another installer wood stain for the siding of the home. The statement documents, "After we finished staining the 2 sides Dean kept saying he was getting the roofing metal and this went on for weeks."

A statement made by alleged victim, Robert M. McGinn, (5/28/2013) indicates on May 25, 2012, he signed a contract with the contractor Dean Holcomb, from Carolina Home Renovators, to repair his residence from hail damage. This statement indicates the workers worked on the home for "the next day or so," but did not replace the roof. The statement documents, "I made several attempts to try and get in touch with Dean Holcomb and his partner Claudia Whitt but they never responded." What appears to be a fax (dated 7/24/2012) from "Robby McGinn" to Claudia Whitt documents:

> Your business partner, Dean Holcomb, was supposed to put my roof on a month ago. He told my wife that his business partner got hooked on drugs and spent the 4300 down payment I gave him. Since then, he left me a message, which I have saved, stating that he had the funds secured in an account of his own now and my roof would be installed as of last week. He will not return my phone calls.

Collateral Information from the Alleged Victim

Mr. McGinn reported Mr. Holcomb came to his home and met with him for approximately 45 minutes to an hour. He said during that time, Mr. Holcomb's speech was clear and organized, and he did not exhibit atypical behaviors.

Collateral Information from Mr. Holcomb's sister

Mr. Holcomb's sister, Ms. Tiffany Teso, said around the time in question (5/2012), she spoke to her brother on a daily basis via phone. She described Mr. Holcomb as "the most stable I had ever seen him." She reported at that time, he was taking psychiatric medications.

Relevant correspondence allegedly written by Mr. Holcomb
Available documents during the time before and after the alleged offense (5/25/2012) include three emails allegedly written by Mr. Holcomb. Two emails dated May 14, 2012, and an email dated June 2, 2012, appears to include organized, goal-directed writings.

Defendant's Account of the Alleged Offense
Mr. Holcomb reported, in the weeks preceding and during the alleged offense, he was living with his long-term girlfriend, Claudia Whitt, in Greenville, North Carolina in an apartment. He said he had owned 25% of the company, Carolina Home Renovators, for approximately nine months. He described working approximately fifteen hours per week as a salesman. He said during his free time, he enjoyed reading, writing, camping, hiking, and sculpting. He explained, "I was optimistic. Everything was going alright." When asked, he said he was not receiving any mental health treatment or taking psychiatric medications. He also reported drinking alcohol approximately once per week and smoking marijuana on a daily basis.

When Mr. Holcomb was asked about the day of the alleged offense, he replied, "I don't really remember. It was the last job I sold." He said before the date in question (5/25/2012), he knew what he is being accused of was "immoral and illegal." Mr. Holcomb said he was innocent of the charges and politely refused to provide additional details about the events of the alleged offense.

Clinical Impressions Regarding Criminal Responsibility (*Breach of Trust*)
Based on available data, it appears Mr. Holcomb did not lack the capacity to distinguish moral or legal right from moral or legal wrong or to recognize the particular act charged as morally or legally wrong, as the result of a mental disease or defect, at the time of the alleged offense.

Mr. Holcomb is diagnosed with *bipolar I disorder, with psychotic features*. However, available evidence indicates he was likely asymptomatic at the time of the alleged offense. Firstly, Ms. Teso said at the time in question, he was "the most stable I had ever seen him." Secondly, consistent with her report, Mr. Holcomb denied experiencing symptoms of psychosis at that time. Lastly, available witnesses' statements, if determined to be valid, do not indicate he was exhibiting behaviors suggestive of psychosis (i.e., disorganized thinking, odd/bizarre behavior, mood lability). To the contrary, his reported behaviors appeared goal-directed and organized (i.e., reviewing and signing a contract, obtaining materials). In addition, his statement to police officers of his actions related to the alleged offense (approximately one year after the alleged offense) appears rationale and organized.

Even if Mr. Holcomb was experiencing symptoms associated with his mental illness, there is no indication such symptoms (if present at that time) were impacting his capacity to distinguish right from wrong. Although Mr. Holcomb was unable or unwilling to provide a detailed account of the events at the time of the alleged offense, he confirmed that at that time, he knew what he is being accused of was "wrong and illegal."

It should also be noted Mr. Holcomb reported daily use of marijuana during this time. Although drug use can lead to changes in mood and behavior as well as impaired judgement and decision-making, voluntary drug use does not constitute a mental disease or defect.

Clinical Impression Regarding Capacity to Conform Conduct (*Breach of Trust*)
In our opinion, at the time of the alleged offense, Mr. Holcomb did not lack sufficient capacity to conform his conduct to the requirements of the law as a result of mental disease or defect.

Mr. Holcomb reported, and Ms. Teso confirmed, he was not experiencing or exhibiting symptoms at the time of question that would impact his ability to conform his behavior. By contrast, his behaviors during the time in question were described as organized and goal-directed, which suggests he had the capacity to control his behavior.

Intimidation of Court Officials (2 counts) and Threatening a Life of a Court Official -2 counts (Allegedly Committed on or between May 28, 2013 and July 28, 2014)
Relevant Correspondence Allegedly Written By Mr. Holcomb
Available letters, emails, and videos, allegedly written by Mr. Holcomb range from May 14, 2012, to August 4, 2014. The following includes clinical opinions and examples of relevant correspondence related to the alleged offenses:

5/6/2013 – 6/13/2013: In a video of Mr. Holcomb dated May 13, 2013, he appears to present with goal-directed and organized speech, but he does express paranoia, stating, "I'm getting a little paranoid. The program I was using to make the funny videos for the police officers...is locked up." The correspondence during this period, allegedly written by Mr. Holcomb, appears to consist of mostly organized and goal-directed writings, but also include grandiose ideations (i.e., "Would you prefer the FBI to investigate that...I can arrange that") and agitation (i.e., "Now I am starting to get irate").

6/20/2013: An email allegedly sent by Mr. Holcomb indicates an apology for past comments and documents the following: "I would like to apologize for any unchristian like comments I have made or sent via email. I was beyond angry and lost it," but clarifies, "I only regret my attitude and tone, nothing more."

6/28/2013 – 8/19/2013: Correspondence during this time frame appears to suggest an increase in paranoia. More specifically, it suggests the writer thinks there is a conspiracy against him (i.e., "My theory is Dennis Sims has been paid by Gordon Zuber to prosecute me regarding the alleged poker tickets").

It should be noted that several statements Mr. Holcomb allegedly made about knowing the detective from 25 years ago, as well as knowing someone in the FBI and IRS, and having a history of working with poker machines, was collaborated by Ms. Teso.

/2/2013: An email written by Sylvia Harrison indicates Mr. Holcomb appeared to have remorse for previous behaviors and documents, "Dean just dropped off flowers and candy to apologize for being rude." In addition, an email allegedly written by Mr. Holcomb states, "I need to focus on my health issues. I apologize if I caused you any inconvenience with my thoughtless and careless request. Please forgive me."

8/26/2013 – 6/2/2014: Emails appear unremarkable.

6/3/2014 – 7/28/2014: The email messages initially seem organized. However, the writings appear to become hyper religious, often signed "Rabbi Holcomb." In addition, an email dated June 9, 2014, gives the impression of paranoia:

> 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...

Subsequently, the writings appear to become progressively more disorganized. For example, an email dated June 25, 2014, includes, "Go to the Hague, move the US ag, pres, unstate dept. Jerusalem, etc.," as well as "This formula is bigger than a word. This is water/fire back to water stuff. Ripping space stuff..."

Additional undated videos also appear to indicate paranoia. For example, on the video labeled 0066-0000, Mr. Holcomb allegedly states, "This stuff is getting crazier every day. They are all out to get me; even my lawyer." Additionally, on the video labeled 0065-0000, he appeared calm and organized but stated, "I think they may kill me over this."

Additional Relevant Information

In a SLED addendum report, according to Sergeant M. Shelor's narrative (8/13/2014), Captain Scott previously told him, "Holcomb claimed to be a Nazi hunter and that some police officers, especially those involved with the Defends Motor Cycle Club, were neo-Nazis." These records also document Mr. Holcomb is being charged with Possession and Manufacturing of Marijuana, after a marijuana "grow room" was found in his home (8/12/2014).

Collateral Information from Mr. Holcomb's sister

Ms. Teso described Mr. Holcomb's manic episodes as "rapid cycling" and said he often becomes verbally aggressive when manic. She said after Mr. Holcomb was arrested and then placed on bond, he became paranoid, including feeling like he was being watched and being too scared to leave his home. She also said he became fixated on world issues, often discussing large conspiracy theories.

Ms. Teso said Mr. Holcomb's behavior changed during the summer of 2014, explaining, "He wasn't rational." She elaborated that he came to the restaurant where she works and made several irrational statements. She explained, "He was talking about God and that he has been chosen to be Magus and a secret society had chosen him." She continued, "It was the worst I had ever seen him." She said he became mad when she confronted him about his behaviors, and he refused to speak to her for two to three months.

Defendant's Account of the Alleged Offense

Mr. Holcomb declined to provide details about the alleged offenses, including specific events, thoughts, and behaviors. However, he was able to provide information in regards to his overall functioning during that time. Mr. Holcomb reported he was on bond and continued to live with Ms. Whitt in their home in Greenville, North Carolina. He said he was unemployed and unable to obtain employment due of his pending charge.

Mr. Holcomb reported receiving mental health treatment from a mental health center in Gastonia and was prescribed Seroquel "on and off" from June 2013 until his arrest. He said during the majority of that time, he "kept cycling" and described the following symptoms: decreased sleep and energy, fatigue, isolation, often refusing to leave his home, and feeling "livid." When asked, he said during that time he was "probably" drinking every day. He described "binge drinking," which often resulted in "blackouts." He also said he continued to smoke marijuana, every day. He acknowledged before May 28, 2013, he knew what he is being accused of is illegal.

Clinical Impressions Regarding Criminal Responsibility (*Intimidation of Court Officials -2 counts and Threatening a Life of a Court Official - 2 counts)*

As previously noted, Mr. Holcomb is diagnosed with *bipolar I disorder, with psychotic features.* Mr. Holcomb's pattern of illness was characterized by rapid cycling of manic symptoms, which typically includes verbal agitation, paranoia, labile mood, and isolation. Nonetheless, his speech and behaviors often remain organized. Available evidence of Mr. Holcomb's functioning during the alleged offenses is discussed below.

From May 28, 2013, to August 26, 2013, there is evidence Mr. Holcomb was experiencing symptoms consistent with manic episodes. During this period of time, emails allegedly written by Mr. Holcomb contain possible grandiose and paranoid ideations. In addition, these writings could be suggestive of manic episodes; most evident by the timeline of the content of the writings (i.e., writings initially include paranoid ideations, followed by impulsivity and hostility, and then apologies for past statements). However, because he reported using alcohol and marijuana on a daily basis, both of which can cause impulsivity and paranoia, the cause of these symptoms cannot be fully determined.

The alleged correspondence from Mr. Holcomb between August 26, 2013, and June 2, 2014, [illegible] unremarkable. There does not appear to be any evidence during this period that he was experiencing mental health symptoms that would impact his capacity to distinguish wrongfulness.

From June 3, 2014, to July 28, 2014, there is evidence Mr. Holcomb was experiencing symptoms of frank psychosis. Ms. Teso reported that during the summer of 2014, Mr. Holcomb expressed several delusional thoughts, and his condition was the worst she had seen. Additionally, emails and letters during this period, allegedly written by Mr. Holcomb, include writings indicative of paranoid, religious, and grandiose delusions, as well as disorganized thought processes. Despite his continued use of alcohol and drugs, given the severity of the symptoms, available evidence appears to be suggestive of a genuine underlying mental disease.

Overall, it appears Mr. Holcomb was suffering from a mental disease during the alleged offenses. However, there is insufficient evidence to determine if he lacked the capacity to distinguish right from wrong as a result. He reported using alcohol, resulting in frequent blackouts and marijuana on a daily basis during this time. The use of, and intoxication from alcohol and marijuana, can exacerbate mental health symptoms and lead to changes in mood and behavior, as well as impaired judgment and decision-making. However, voluntary alcohol and/or drug use does not constitute a mental disease of defect. Given that Mr. Holcomb was unable or unwilling to provide an account of the alleged offenses, there is insufficient evidence to determine if his alleged behaviors, if found to be true, were due to mental health symptoms and/or alcohol and drugs; therefore, precluding these examiners from offering a definitive opinion about his criminal responsibility.

Clinical Impression Regarding Capacity to Conform Conduct (*Intimidation of Court Officials (2 counts) and Threatening a Life of a Court Official (2 counts)*)

As previously noted, available data indicates, during the time of the alleged offenses, Mr. Holcomb was likely experiencing symptoms of mania, which progressively worsened to include symptoms of psychosis. As previously noted, given Mr. Holcomb's refusal to provide a detailed account of his actions, further compounded by his reported use of alcohol and drugs during this time period, there is insufficient evidence to determine if there was a connection between those symptoms, and his capacity to conform his conduct at the time in question.

Colbi J. Sutton, PsyD
South Carolina Department of Mental Health
Forensic Evaluation Service

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Printed on Mar 16, 2017

DEFENDANT'S EXHIBIT
5-15-17
PENGAD 800-631-6989

...try director seeks judgment against state video poker makers

By Jenny Munro
GREER BUREAU

SPARTANBURG — A Greenville-based ministry has filed a document in court seeking $100 per transaction on any video poker machine owned by seven companies.

New Dawn Ministries and its director, Dean Holcombe Jr., who was in the video gaming business from 1991-93, allege in the document filed in Spartanburg County Circuit Court that video poker is a form of illegal lottery.

Charles L. Reeves, owner of Joytime Distributing and Amusement, which is named in the document, said the state Supreme Court has ruled video poker machines are legal.

Also named in the document are American Amusement, Collins Entertainment Corp., Brown Amusement Co., R.L. Jordan Oil Co., Tim's Amusement, and Video Games Plus.

None of the companies have been served with the document. Until a court document of this type is served, it is not considered a lawsuit.

In addition to $100 per transaction, Holcombe is asking that the video poker companies pay attorney fees and court costs. The total was not available Tuesday.

Proceeds from the forfeiture of money or property should be divided equally between the state and the plaintiffs, Holcombe said in the document.

Holcombe, who has an unlisted phone number, couldn't be reached for comment Tuesday. He has said he left the video gaming business after seeing people develop gambling problems.

Holcombe alleges the poker machines, which use a random-number computer program to generate hands of cards, are a form of illegal lottery because they have no element of skill, instead relying entirely on chance.

Reeves, whose company is based in Greenville, said operators are restricted to player payouts of $125 a day. In 1995, the Supreme Court drew a distinction between slot machines, which are based on chance, and video poker machines, which require skill on the part of the player.

"Our poker machines are legal," Reeves said. "This (the lawsuit) is a joke. I don't even know where they're coming from."

Attorney Christopher Ridge, who is representing Reeves, said the new generation of video games is different from the machines the Supreme Court dealt with. He does not expect the case to be heard for at least 18 months.

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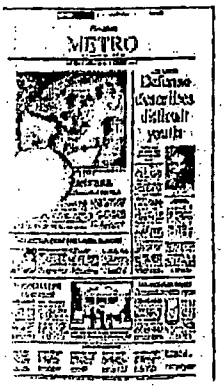

Local

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Posted on Tue, May. 20, 2003

--VIDEO POKER HISTORY

Highlights of video poker's history in South Carolina:

1980

Video poker machines first begin appearing on the market in the early 1980s.

1986

The late state Sen. Jack Lindsay, D-Marlboro, quietly slips a provision into a complicated law that allows gaming machines to give payouts. It leads to "one of the largest gambling operations in the world."

1990

The first legislation is introduced to ban video poker payouts; legislation fails.

1991

S.C. Supreme Court rules disbursements from machines are illegal but disbursements from a person are legal.

Legislature debates total ban of video poker machines; measure fails.

1993

Video Game Machines Act becomes effective July 1. Limits payouts to $125 per player per day, authorizes referendums on whether to continue cash payouts in the state's 46 counties and includes additional regulations.

Operators go to court to try to block enforcement of Video Game Machines Act.

1994

Judge Thomas Kemmerlin issues a temporary restraining order to block Department of Revenue from enforcing Video Game Machines Act in Beaufort County.

Voters in all but 12 of the state's 46 counties decide to keep payouts legal in their counties.

1995

Federal judge prohibits enforcement of ban in the 12 counties.

1996

Supreme Court rules that county referendums banning payoffs are unconstitutional because of differing treatment of crimes from county to county.

1997

A 10-day-old baby, left inside a car for seven hours, dies from dehydration while mother is playing video poker.

Gamblers file lawsuit to collect back losses from poker operators.

Democrat Jim Hodges, aided by the financial support of the video poker industry, defeats incumbent David Beasley in gubernatorial election. Beasley, a Republican, had termed video poker a "cancer" on the state.

1999

State Rep. Terry Haskins, R-Greenville, devises legislation that kills video poker in South Carolina unless voters decide in a referendum to keep it.

On Oct. 14, the S.C. Supreme Court rules the November referendum is unconstitutional. But the court lets the ban on video poker stand.

The amount of money wagered tops $3 billion for the fiscal year that ends June 30.

2000

Ban on video poker takes effect July 1.

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The Greenville News (Greenville, South Carolina) · Thu, Jul 13, 2000 · Main Edition · Page
Printed on Mar 16, 2

SUMMONS

(Jury Trial Requested)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Collins Entertainment Corp.,
Plaintiff,
vs.
Dean Holcombe, Inc.,
Dean Holcombe,
Jr., d/b/a New Dawn Ministries,
and New Dawn Ministries,
Defendants.

IN THE COURT OF
COMMON PLEAS
C.A. No. 2000-CP-23-241

To the Defendant(s) above named:

You are hereby summoned and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer to the said Complaint on the subscribers at their offices, 100 East Coffee Street, Greenville, South Carolina, within thirty (30) days after the service hereof, exclusive of the day of such service. If you fail to answer the Complaint within the time aforesaid, judgment by default will be taken against you for the relief demanded in the Complaint.

Austell D. Gherardi
(SC Bar # 7419)
Leatherwood Walker Todd &
Mann, P.C.
100 East Coffee Street
Post Office Box 87
Greenville, South Carolina
29602-0087
(864) 242-6440
Attorneys for Plaintiff
Greenville, South Carolina
Date: July 14, 2000. 2090452.

SUMMONS AND NOTICE

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The Greenville News (Greenville, South Carolina) · Wed, Aug 15, 1990 · Main Edition · Page
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Porters

Continued from Page 1C

abduction to bring the defendant within the court's jurisdiction," according to the opinion.

Russell Ghent, the Porters' defense attorney, said he does not think at this point that the Porters will appeal to the U.S. Supreme Court. Ghent said the Porters have until Thursday to appeal.

"I'm disappointed in the decision," Ghent said. "We felt strongly that authorities in the Philippines were acting as an instrument for the goals of U.S. law enforcement authorities."

Authorities charged that Lynn Porter ran a gambling ring from 1983 to 1988 from a Greenville house known as the "Ponderosa." The network grossed about $6 million a year through bookmaking and lotteries, authorities said.

More than 40 people, including former Greenville County Sheriff deputy Carl "Bubb" Skelton, have pleaded guilty since then to gambling charges in connection with the Ponderosa operation.

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Anti-gambling activist sues Greenville businesses

By Mike Foley
Staff Writer

A Spartanburg man has sued 17 Greenville County businesses that allow video poker machines to operate in their buildings, arguing the convenience stores, restaurants and hotels violate the state's lottery statutes.

Dean Holcomb Jr., director of New Dawn Ministries, alleges the businesses, which allow video poker machines, violate the state's prohibition against receiving a "consideration" and offering a prize on a game of chance.

The suit was filed Thursday in Greenville. Despite other court rulings allowing video poker to operate, Holcomb said, there is still a state law prohibiting it.

"It's still a good law, it's still enforceable," Holcomb said Friday afternoon. "It's just that we've been told the big lie for so long that we believe it."

The suit targets locations that operate video poker machines owned by Fred Collins of Collins Entertainment Corp. of Greenville. Holcomb, a former video poker machine operator who said he left the business after seeing the misery it encourages, picked Collins because he is the largest video poker operator in South Carolina with 3,600 machines in 600 locations.

Collins, however, said he is getting tired of Holcomb.

"There's a law against frivolous lawsuits," Collins said. "You can rest assured we won't take it lightly."

Without seeing a copy of the suit, Collins said he couldn't comment specifically on it. But he said he will help fight the suit.

Collins and six other video poker machine operators were sued in Spartanburg's state court by Holcomb and New Dawn Ministries in May, also for "advertising in lotteries."

Thursday's suit names these defendants: Emm Marketing, doing business as Starvin' Marvin and as Speedway; The Pantry; Racetrac Petroleum; Sav-A-Trim; John Paul's Amoco; Ole Cat; McCuffey's restaurant; The Phoenix-Greenville Inn; Blind Horse Saloon; Corner Mart; Scarpetta; Hardee's; Mart Food Stores; Longhorn Steakhouse; T-Bones Steak House; Ramada Inn South; Holiday Inn Select; and Holiday Inn Augusta Road.

The suit seeks $100 for each instance of gambling — every time an amount was wagered — on every machine. Holcomb said that could amount to more than $500 million.

Man arrested in video poker robbery, shooting

A 23-year-old North Carolina man was arrested in Tryon, N.C., in connection with a robbery and shooting at a Laurens video poker parlor last weekend.

Wayne G. Carson of 120 Livingston St., Tryon, was taken into custody late Thursday by Tryon detectives, said Sgt. Lee Owens of the Greenville County Sheriff's Office.

Warrants for armed robbery and assault and battery with intent to kill have been drawn against Carson in connection with the shooting of 33-year-old Morris Copeland.

About 3:11 a.m. Sunday, Copeland's girlfriend went to the Gold Mine at 22601 Asheville Highway, where he worked as an attendant. The front door was locked, but she saw him lying on the floor with a gunshot wound to the head.

Copeland was in critical condition Friday night at Greenville Memorial Hospital.

Confederate flag missing briefly from Statehouse dome

The Associated Press

COLUMBIA — There was no Confederate flag flying over South Carolina's Statehouse when workers arrived Friday morning, but officers wasted little time getting the banner back again.

The flag disappeared sometime after it was checked Thursday evening, said Leslie Majors, spokesman for the agency responsible for maintaining state government buildings.

South Carolina is the only state that still flies the Confederate flag, along with the state and United States flags, atop its Statehouse.

The building has been undergoing extensive renovations since 1995.

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Spartanburg man files second video poker suit Man accused of stealing from area operators

Monday
Posted Nov 17, 1997 at 12:01 AM

By ANDY PETERS

A man accused of stealing from video poker operators through a counterfeiting scheme has filed a second lawsuit against the video poker industry.

Dean Holcomb Jr. of Spartanburg filed suit Thursday against 17 Greenville County businesses that allow video poker machines. He claims the convenience stores, restaurants and hotels violate the state's lottery statutes. In May, Holcomb sued seven area video poker operators including R.L. Jordan Oil Co. of Spartanburg, claiming they are breaking the same laws. Holcomb, director of New Dawn Ministries, says the businesses and machine owners violate the state's prohibition against receiving a consideration and offering a prize on a game of chance. Despite other court rulings allowing video poker to operate and flourish, Holcomb said there is still a state law prohibiting it. The suit filed Thursday targets locations that operate video poker machines owned by Fred Collins of Collins Entertainment Corp. of Greenville. Holcomb picked Collins because he is the largest video poker operator in South Carolina with 3,800 machines in 600 locations. Collins said he has not seen the suit and could not comment. Christopher J. Ridge of Spartanburg is the attorney for both lawsuits. Holcomb, 27, and his father, Dean Holcomb Sr., 51, both of [redacted] S. Meadow Drive, were charged with forgery May 1 in Greenville. They were accused of stealing from video poker operators by making counterfeit video poker payoff slips in an

false

Anti-gambling group videotapes local stores to 'report crime' to state

By Jenny Munro and Mike Foley
STAFF WRITERS

DUNCAN — Henry Lord decided if state officials wouldn't enforce the law against gambling and the sale of beer and wine in the same establishment, he and his organization would.

"Why is the Department of Revenue not doing its job? We've already given them (establishments with beer and wine sales and gambling) a 30-day time to comply," said Lord, president of the Spartanburg-based Carolina Family Alliance. "If the state won't do it, we will. We're simply reporting a crime."

Saturday, he and an associate, Al Holcombe, inspected convenience stores, primarily in the western part of Spartanburg County and the city of Spartanburg, videotaping video poker machines and coolers with beer and wine and getting the license numbers for the machines as well as their retail and beer and wine licenses. These will be notarized and sent to the Department of Revenue for enforcement of the law, he said.

Many of the clerks seemed somewhat bewildered about what Lord and Holcombe, an Alliance volunteer, were doing in their stores. However, they permitted them to look at the licenses and the machines, although two stores had the licenses in a locked office and one could not find its licenses.

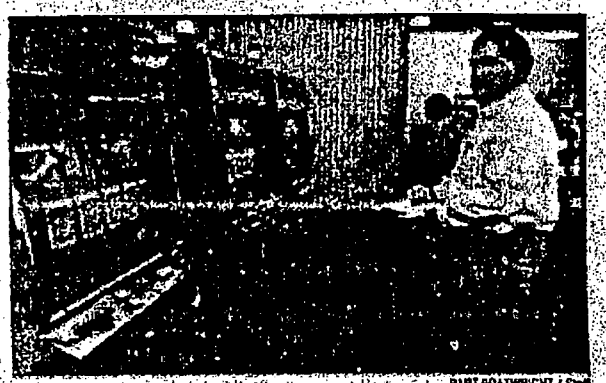
One customer thought the state and the Alliance should leave the operators alone.

"It's free trade. It's free speech," said Wylie Gilliam, a Wellford resident shopping in a Duncan convenience store. "I never played those games. But as long as you pay taxes, you should be able to do it."

Ray Morgan, an Arkansas truck driver, sat in front of a video poker machine and said, "I really don't see nothing wrong with it. You can go overboard. And if you haven't started, you probably shouldn't. But it still seems OK."

June Bullard, manager of a Texa-

See POKER on page 9B



BART BOATWRIGHT / Staff

Making a list: *Henry Lord Jr., founder and director of the Spartanburg-based Carolina Family Alliance, records permit numbers from video poker machines at a convenience store on State 290 near Duncan on Saturday.*

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POKER

FROM PAGE 1A

some others in the video poker industry over the creation of large, casino-style gambling venues near one another that some believe may skirt the legal limit of five machines per business.

Condon's assertions come amid a rising chorus of concern over the state's $2 billion a year video poker industry, which is the least regulated and lowest-taxed in the nation.

Condon said he has asked former state attorney general Travis Medlock to lead the intervention in the federal civil lawsuit against video poker operators that alleges they have engaged in racketeering under state and federal statutes and illegal gambling under state law.

Pete Strom, an attorney representing the video poker customers in the federal lawsuit, said, "We welcome the state of South Carolina backing our position. The governor and the attorney general have been strong advocates against this industry."

Condon said he will seek civil judgments against video poker operators paying out more than the $125 daily limit to gamblers.

Also on Friday, U.S. Rep. Bob Inglis, a three-term congressman running for the 1998 Republican U.S. Senate nomination, questioned the federal government's enforcement of a 95-year-old federal gaming device registration law.

Inglis wrote John Keeney, head of the Justice Department's Criminal Division in Washington. Citing "the human toll video poker is taking" and the "lax regulatory enforcement," Inglis asked him to determine whether South Carolina

gaming operators are complying with the federal Gambling Device Act of 1962 by registering their machines with federal authorities.

"In particular, given the concerns (of state law enforcement officials) about the (possible) role of organized crime in the gambling industry, I am interested in being reassured that all machines are properly registered — or being informed what steps the Department of Justice has undertaken or plans to undertake to see that the law is enforced," Inglis said.

Jim Merrill, campaign manager for Greenville lawyer Stephen Brown, Inglis' primary opponent, said Inglis is getting on the bandwagon. Brown opposes video poker and gambling.

Inglis' letter was triggered by Dean Holdomb, proprietor of Spartanburg-based New Dawn Ministries, who questioned compliance with the federal law in November. Holdomb filed suit in state court against 17 Greenville video poker operators alleging that they were in violation of the state law against payouts on games of chance.

Holdomb said Friday that federal officials told him that as of May 31, 487 operators had complied with the federal filing requirement.

Vickie Ringer, spokeswoman for the state Revenue Department, said that as of June 30, there were 489 registered video poker operators with 31,000 machines at 7,000 locations.

J. Rene Josey, U.S. attorney for South Carolina, said he doubts there is widespread noncompliance and suggested that the matter may not be a high priority for investigators.

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The Greenville News (Greenville, South Carolina) · Wed, Dec 24, 1997 · Main Edition · Page
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SLED seizes hundreds of video slot machines

By April E. Moorefield and Danny Hakim
STAFF WRITERS

State agents raided two Greenville buildings owned by one of South Carolina's largest video poker operators and seized hundreds of video slot machines — machines the State Law Enforcement Division contends are illegal under a 1995 state Supreme Court ruling.

In a raid beginning late Monday and continuing Tuesday, agents seized Cherrymaster and 8-Liner machines at a warehouse and an office building belonging to Fred Collins of Collins Entertainment Corp. Agents were doing an inventory to try to determine who owns the machines.

No charges had been filed Tuesday night.

Collins told *The Greenville News* he has done nothing illegal, and his attorney said he was being targeted unfairly.

The two buildings — an office at 1341 Rutherford Road and a warehouse in the old Brandon Mill at the intersection of Draper and Whitin streets — became targets of an investigation after a tip that illegal gambling machines were being kept there, according to the head of SLED.

"Further investigation revealed there was enough evidence to go before a magistrate and obtain search warrants, which we did," SLED Chief Robert Stewart said. "These were executed (Monday night), and our agents were there all night."

SLED agents were still inside the five-story Brandon Mill warehouse Tuesday night. An 18-wheel truck and a minivan were pulled up to one side of the immense brick warehouse, which spans a city block. A large U-Haul truck arrived soon after.

It appeared that machines were also being taken off a Collins Entertainment truck and being brought into a loading dock. SLED agents at the scene declined to comment on any aspect of their investigation.

Collins arrived at the Brandon area warehouse in his Mercedes just after 8 p.m. Tuesday night. His lawyer was only a few minutes behind him.

"Our direction here tonight was our effort to work with (13th Circuit Solicitor) Bobby Arnold and to work with SLED," Greenville lawyer Roswell Gilbert said.

Video poker and other forms of video gaming are under increasing attack in South Carolina. Regulating or banning video poker, a $2 billion industry in South Carolina and the focus of a referendum in 1994, is expected to be a hot issue in the Legislature in the session that begins next month.

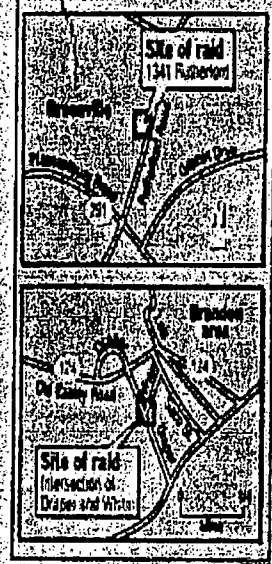
See SLED on page 6A

DAN WILEY / Staff

Investigation location: *A SLED agent walks by a Collins Entertainment Corp. truck that pulled up to the old Brandon Mill in Greenville Tuesday and unloaded video machines.*

SLED RAID

State Law Enforcement Division agents raided two warehouses owned by video gaming operator Fred Collins Monday and Tuesday, confiscating hundreds of machines. The machines are located at 1341 Rutherford St. and in the Brandon community on the Westside, at the intersection of Draper and Whitin streets.



RAY SARAFACIO / Staff

Collins built video empire from pinball

By James F. Hammond
CAPITAL BUREAU

COLUMBIA — Fred Collins, the biggest player in South Carolina's $2 billion-a-year video poker industry, has never been short of big ideas.

At last count, Collins, 62, of Greenville, held about 4,000 licenses for video poker machines in South Carolina, more than anyone else.

Fred Collins

The man who lived as a child at a Salvation Army orphanage built a jukebox and pinball business into a video poker empire with investments and gaming enterprises that extend around the country.

An unabashed promoter of his company, Collins Entertainment, Collins steadfastly describes video poker as a game of amusement for adults.

He declines to divulge his company's revenues, but an estimate based on the $19,795 average for the state's 26,000 video poker ma-

See COLLINS on page 6A

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Collins is victim of 'witch hunt' by attorney general, lawyer says

By Danny Hakim
STAFF WRITER

Greenville video gaming businessman Fred Collins is the subject of a witch hunt by state Attorney General Charles Condon, Collins' lawyer Russell Ghent said Tuesday night.

Ghent wrote in a letter to Solicitor Bob Ariail that Condon initiated raids on Collins' video gaming business last month. The cover letter was included among a flurry of court papers Ghent filed Tuesday.

"I do believe that a patrician, elitist elected official is conducting a witch hunt to destroy a self-made man," Ghent said in an interview.

A spokesman for Condon denied the claims Tuesday night. Condon's office has said he was not involved in the State Law Enforcement Division's December raids on two Greenville warehouses operated by Collins Entertainment Corp.

Reached Tuesday night, Condon's spokesman Robb McBurney said the Attorney General's office was contacted the day after the initial raid on Dec. 22. SLED chief Robert Stewart called a lawyer in Condon's office for legal advice, McBurney said.

But McBurney maintained that Condon did not find out about the raids until after they started. Stewart said he could not comment about an ongoing investigation.

> "I do believe that a patrician, elitist elected official is conducting a witch hunt to destroy a self-made man."
>
> — RUSSELL GHENT, ATTORNEY FOR VIDEO GAMING BUSINESSMAN FRED COLLINS

One of the motions filed Tuesday is an appeal of Magistrate Diane Cagle's order to destroy 192 confiscated video game machines, which are called "slot machines" in Cagle's order.

Also among the filings:

- A motion to suppress all evidence that has been recovered in the SLED raids.
- Affidavits from Collins' employees regarding conduct by a SLED agent.
- A motion to reveal the informant who tipped off SLED.

Ariail said he had not seen the filings, but was curious as to why there would be pre-trial motions since no charges have been filed yet.

Ghent said "the bottom line is that they have initiated proceedings through the search. We believe that we have a basis to at least move to suppress the evidence. If the position of the state is 'We don't intend to prosecute,' then fine."

The appeal on Cagle's destruction order claims that the machines in question are not illegal slot machines. Ghent would not elaborate, but affidavits from Collins' employees claim an SLED agent prevented a Collins lawyer from explaining how one of the machines worked to Cagle at the warehouse.

The affidavits also claim a second SLED agent later apologized about the first agent's conduct.

Further, all the evidence confiscated from the warehouse was "seized as a result of unreasonable and unlawful searches" violating the Fourth Amendment, and should be "declared inadmissible in any court proceedings," according to the motion to suppress.

Ghent said that the first search warrant obtained by SLED, among other arguments, was patently insufficient to establish probable cause for the search, and he said that the undercover search by two SLED agents that preceded the raids was unconstitutional.

"We [illegible] water [illegible] trage[illegible]," said Ghent.

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The Greenville News (Greenville, South Carolina) · Thu, Jan 8, 1998 · Main Edition · Pa
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Prosecutors to discuss who'll handle gaming case

Collins wants to keep state AG out of loop

By Danny Hakim
STAFF WRITER

Solicitor Bob Ariail and Attorney General Charlie Condon's office will discuss today who will handle a ream of court filings by video gaming businessman Alfred Collins, whose Greenville warehouses were raided last month.

The idea that Condon could review the filings ignores what Collins' lawyer Russell Ghent had in mind, Ghent has said his client is the subject of a witch hunt by Condon.

On Wednesday, Collins' lawyers went as far as seeking a protective order that would prevent information they want to provide Ariail from being shared with Condon, as well as the State Law Enforcement Division, which carried out the raids.

Condon's spokesmen have maintained that their boss, a longtime video gambling opponent, hasn't been involved in the operation.

Ariail isn't jumping at the prospect of reviewing three affidavits, one appeal of an order to destroy 192 video machines found in Collins' warehouses, four pre-trial motions and one protective order filed this week by Collins' lawyers.

Ariail said Wednesday he hasn't read the documents yet and wasn't even certain if he was the right person to handle them. He will discuss it with Condon's office in a conference call today, he said.

"Somebody has got to represent SLED or the state of South Carolina in the action," Ariail said. "The question is, who's it going to be? Is it going to be the Solicitor's Office or the attorney general?"

Ariail did respond to claims by Ghent that while Ghent was in Ariail's office on Dec. 20, a day after the raids started, calls from the Attorney General's Office came in for SLED agents and possibly for Ariail.

Ariail confirmed several calls from Condon's office at that time, but said they were about an unrelated matter.

"The attorney general calls here

See GAMING on page 9D

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created:01/08/98

Condon denies role in video poker raid

By Associated Press

GREENVILLE, S.C. – State Attorney General Charlie Condon is not targeting South Carolina's video-gaming king, and was not behind a raid on two Greenville warehouses and the confiscation of almos machines, Mr. Condon's spokesman says.

Fred Collins' lawyer accused Mr. Condon of directing a "witch hunt" against the largest owner of video-gaming machines in the state. Mr. Collins has not been charged.

Mr. Condon's office was not contacted by the State Law Enforcement Division until the day after the Dec. 22 raid on Mr. Collins' operations, spokesmen Robb McBurney said Tuesday night. SLED Chief Robert Stewart called for legal advice, Mr. McBurney said.

Chief Stewart would not comment, saying the investigation is ongoing.

Mr. Collins is fighting a magistrate's order to destroy the 192 confiscated machines. Chief Stewart said after the raid that the Cherry Master and 8-Liners were illegal slot machines and that possessior them was illegal.

In a letter to prosecutor Bob Ariail, Mr. Collins' lawyer accused Mr. Condon of calling for the raids. The cover letter was included among court papers filed Tuesday by lawyer Russell Ghent.

"I do believe that a patrician, elitist elected official is conducting a witch hunt to destroy a selfmade man," Mr. Ghent told *The Greenville News*.

[illegible] unjustifiably by and watch this man's reputation be trashed," Mr. Ghent said.

Along with Mr. Ghent's appeal of Magistrate Diane Cagle's order to destroy the confiscated machines were:

A motion to suppress all evidence recovered in the SLED raids.

Sworn statements from Mr. Collins' employees regarding a SLED agent's conduct. They say the agent prevented a lawyer for Mr. Collins from explaining how a machine worked as Judge Cagle surveyed warehouse. The affidavits also say a second SLED agent later apologized about the first agent's conduct.

A motion to name the informant who tipped off SLED. [illegible]

Mr. Ariail said he had not seen the filings, but was curious why there would be pretrial motions before criminal charges were brought. Mr. Ghent said authorities had initiated proceedings through the rai

"We believe that we have a basis to at least move to suppress the evidence. If the position of the state is 'We don't intend to prosecute,' then fine," he said.

Mr. Ghent contends the machines are not illegal slot machines and that evidence seized as a result of unconstitutional searches. The first search warrant was insufficient to establish probable cause for the raid, and the initial undercover search by two SLED agents was unconstitutional, he said.

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The Greenville News (Greenville, South Carolina) · Fri, Jan 9, 1998 · Main Edition · Page
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Video gaming case in prosecutorial no man's land

By Mike Foley
STAFF WRITER

State Attorney General Charlie Condon and 13th Circuit Solicitor Bob Ariail played hot potato Thursday on jurisdiction over Greenville businessman [illegible] over [illegible] attraction of 192 of the video gaming machines.

A spokesman for Condon said Thursday that Ariail will handle the issue. But an Ariail spokeswoman said the solicitor wasn't able to call Columbia on Thursday to discuss the matter. Previously, Ariail had made it clear he preferred to hand off to Condon.

The Attorney General's Office [illegible] Russell Ghent said Thursday that [illegible] make it unnecessary for [illegible] a [illegible] to have Condon disqualified.

Ghent [illegible] Condon [illegible]

Ghent also questioned *The Greenville News*' coverage and its editorials about state lottery laws. He said the newspaper violated the state constitution by publishing an advertisement for a North Carolina casino.

In a letter to Ariail Monday, Ghent said the newspapers published an advertisement Sunday for the new Harrah's Cherokee Casino in North Carolina. The ad was also published in the *Spartanburg Herald-Journal*.

Ghent quoted the constitution that "no lottery shall ever be allowed nor any advertisement thereof published in any newspaper within this state."

He asked Attorney General [illegible] to consider [illegible] the laws of this state [illegible] Thursday, Ghent said. He questioned whether *The News* and other state newspapers would be prosecuted for accepting such advertising, as well as ads for gambling junkets to Las Vegas and Atlantic City.

[illegible] the newspaper be subjected to criminal charges, Ghent [illegible]

Robb McBurney, spokesman for the Attorney General's Office, said [illegible] the request [illegible] would be [illegible] No such request [illegible] made by late Thursday, McBurney said.

Ariail said that even though there is that prohibition in the constitution, there is no corresponding state statute that details penalties. Without a penalty, Ariail said, he didn't see the point in trying to press prosecution.

As for Collins' case, McBurney said the Attorney General's Office thought it should be handled by the solicitor, although Condon's office will assist Ariail.

[illegible] Collins officers [illegible] illegal slot machines [illegible] and SLED [illegible] two Collins warehouses Dec. 23.

Because of the large number of video machines found, SLED and Collins agreed to seal the warehouses until all contents could be examined.

Magistrate Diane Cagle ruled Dec. 31 that 192 of the Cherry Master and 8-liner machines found are illegal slot machines, and ordered them destroyed in 30 days.

Condon's dislike for video poker is no secret. On Thursday, he fueled the fire with an announcement that he has challenged gambling advocates to debate the merits of the industry for South Carolina. He's even reserved space at the State Museum next Thursday for the debate.

The Rev. Tom Gray, a Methodist minister and head of the National Coalition Against Legalized Gambling, will speak for Condon. As of late Thursday night, no one had agreed to tout the pro-gambling view.

■ Staff writer Mike Foley can be reached at 298-4744.

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Originally created 07/10/98

Beasley: No gambling money will be used in budget

By Associated Press

COLUMBIA – Republican Gov. David Beasley will not use any money from the almost $2 billion video gambling industry in his proposed budget for state government, a source close to the process told The Associated Press on Friday.

The governor also is lobbying state lawmakers to take a decisive vote this session on whether the industry should be banned, said the source, who asked not to be identified. "He'd like them to vote up or down on a video poker ban," the source said.

Mr. Beasley's proposed ban would begin in June 1999, when the last video gambling machine permits expire, the source said. That way, the state would not have to refund any license fees.

The Legislature, which returns Tuesday, already has several anti-video gambling bills to consider, including regulations that would eliminate the casino-style malls.

Mr. Beasley spent Friday telling state lawmakers of his plans, the source said.

Without the money from the two-year $4,000 per machine licenses, state government would have an estimated $62 million less to spend. That revenue loss will not be a problem, the source said, adding: "There's enough growth."

The 1998-99 state budget still should be about $4.9 billion, more than $200 million more than the last budget, based on November estimates from the state Board of Economic Advisers.

The governor plans to unveil his executive budget Tuesday at the Wade Hampton Building. Beasley spokesman Gary Karr refused to comment on whether the video gambling money would be included in his spending plan.

Some Republican lawmakers, including Lt. Gov. Bob Peeler, State Treasurer Richard Eckstrom and Sen. Greg Ryberg of Aiken, have urged Mr. Beasley to delete the revenue.

"Eliminating video poker revenues from state appropriations will move us closer to eliminating video poker in South Carolina," Mr. Peeler said Thursday.

If the money is left in the budget, the Legislature may increase taxes or regulations on the industry, he said. Either move would increase the industry's legitimacy and make it harder to eliminate, Mr. Peeler said.

Video gambling advocates, citing the money the industry generates for the state, have recommended the state simply enact higher taxes and more sweeping regulations.

Some are skeptical of Mr. Beasley's plan.

"Are they also going to take out revenues from all the newspapers, radios and televisions that have solicited gambling?" said Russell Ghent, lawyer for Fred Collins of Greenville.

Collins Entertainment Corp. owns more video gambling machines than any other company, according to the state Revenue Department.

Mr. Ghent has questioned advertisements in Upstate newspapers for the new Harrah's Cherokee Casino in North Carolina.

BYLINE1:By Jesse J. Holland

BYLINE2:Associated Press

COLUMBIA – Republican Gov. David Beasley will not use any money from the almost $2 billion video gambling industry in his proposed budget for state government, a source close to the process told The Associated Press on Friday.

The governor also is lobbying state lawmakers to take a decisive vote this session on whether the industry should be banned, said the source, who asked not to be identified. "He'd like them to vote up or down on a video poker ban," the source said.

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The Greenville News (Greenville, South Carolina) · Sat, Jan 16, 1999 · Other Editions · P
Printed on Mar 16,

Video poker operator says he's being singled out for prosecution

Collins' lawyer accuses newspaper of hypocrisy

By Mike Foley
STAFF WRITER

The lawyer for the state's largest video poker operator said Friday the state is selectively targeting his client by refusing to prosecute *The Greenville News* for publishing advertisements for gambling casinos in North Carolina and elsewhere.

He also accused the newspaper of hypocrisy for editorially opposing video poker while accepting the advertisements.

Russell Ghent, who represents Fred Collins and Collins Entertainment Corp., filed motions asking the court to disqualify the Attorney General's Office and State Law Enforcement Division attorneys from further prosecuting Collins Entertainment. He wants 13th Circuit Solicitor Bob Ariail to seek from the newspaper information about gambling-related advertising revenues and taxes paid to the state.

"Our intention is to expose this witch hunt for what it is," Ghent said. "Hopefully, a judge at a very early stage will put this adventure to rest."

See COLLINS on page 5D

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http://www.postandcourier.com/archives/solicitors-want-s-c-supreme-court-justice-beatty-kept-away/article_3ea8aaa2-7318-5120-9800-9c7fd7dee7af.html

Solicitors want S.C. Supreme Court Justice Beatty kept away from their cases

Glenn Smith Dec 1, 2013

S.C. Supreme Court Justice Donald Beatty's rant against unethical prosecutors at a recent conference has sparked a push by 9th Circuit Solicitor Scarlet Wilson and her colleagues to get him disqualified from hearing criminal appeals of their cases.

Thirteen of the state's 16 solicitors have signed onto a request to have Beatty barred from considering their cases or ruling on grievances against prosecutors. They contend he demonstrated a clear bias against prosecutors in his remarks at a September solicitors' gathering in Myrtle Beach and cannot be counted upon to be impartial in his rulings.

Wilson led the charge with an Oct. 29 letter asking for the state attorney general's help in getting Beatty recused from her cases. Others soon followed suit, including 1st Circuit Solicitor David Pascoe, who stated that Beatty appeared to have "an extreme bias against prosecutors and cannot be objective

Neither Beatty nor Chief Justice Jean Toal returned phone calls to The Post and Courier seeking comment Monday, but a group of criminal defense lawyers issued a statement questioning why Beatty's words struck such a nerve with prosecutors.

"As the saying goes, a hit dog will holler," the South Carolina Association of Criminal Defense Lawyers said.

Beatty, elected to the Supreme Court in 2007, told the audience of prosecutors they had "been getting away with too much for too long" and the high court will no longer turn a blind eye to unethical conduct such as witness tampering, selective and retaliatory prosecutions, perjury and suppression of evidence.

He added that "you better follow the rules or we are coming after you and will make an example," according a summary of his comments.

'The pendulum has been swinging in the wrong direction for too long and now it's going in the other direction," the summary quotes him as saying. "Yo bar licenses will be in jeopardy. We will take your license."

Beatty, a Spartanburg native, recalled a case he handled as a circuit court judge in which a prosecutor kept a man in jail for 18 months hoping to pressure him into a guilty plea. He cited another case of "selective prosecution" in which prosecutors pursued a conviction against a prostitute but gave free pass to the man who gave her drugs to pay for sex.

'For too long we have looked the other way but that's over. We are not just going to overturn convictions; we are going to take your licenses," Beatty tol the group.

During his speech, Beatty called out Wilson's circuit by name, saying two assistant solicitors had recently been suspended there and another case is pending. "There will be more. We are making an example and will continue to do so."

The comments shocked those in attendance, as did Beatty's pronouncement that the Supreme Court would vote down as unconstitutional any legislatio hat emerges giving prosecutors a continuing degree of control over trial scheduling.

The Supreme Court ruled last year that a statute that gave solicitors control over setting criminal dockets was unconstitutional. The court ordered changes to the docket system that would lessen the authority of solicitors to call criminal cases, but the justices suspended those orders within a month after receiving an outpouring of concerns.

State lawmakers are mulling a bill that would allow solicitors to preserve much of their control over the docket, but Beatty told his audience not to waste heir time trying to get something passed.

We have the three votes on the court and we will declare it unconstitutional whatever it is," Beatty is quoted in the summary as saying. "We aren't going nywhere anytime soon so you better focus your energy elsewhere."

Wilson, chief prosecutor for Charleston and Berkeley counties, wrote in her letter to state Attorney General Alan Wilson that she took issue with the justice's "vitriolic tone," his facts and remarks which appeared to "forecast his rulings in future cases."

been disciplined for communicating with a cousin who was sitting on a jury during a 2007 murder trial, but the high court found no ill-intent on the attorney's part.

Pascoe, who represents Dorchester County, also wrote the attorney general, stating that Beatty's remarks call into question his ability to rule impartial in criminal cases and on grievances involving prosecutors.

In a Nov. 21 letter to prosecutors, the attorney general expressed concern over the "unfortunate remarks" made by Beatty and said he is researching t disqualification issue.

In its statement Monday, the South Carolina Association of Criminal Defense Lawyers signaled support for Beatty and questioned why "prosecutors in this state get so upset when they are reminded that they have an ethical duty not to win at any costs, but rather to administer justice."

The association said the outraged prosecutors would be better served by using Beatty's remarks "to help them clean up their own houses instead of assailing the integrity of a judge who has shown no sign of anti-prosecutor bias in his rulings."

Pascoe said the group either didn't have all the facts or "they are playing a spin game by intentionally misrepresenting the facts." He said Beatty's remarks were of enough concern that other Supreme Court justices called solicitors around the state the day after his speech. He would not say which justice contacted him or who else they spoke with.

"This is a serious issue that deserves more than a carelessly put together press release by a few defense attorneys," he said. "Every defense attorney I have spoken to in the last couple of months shares the same concerns as I do with Justice Beatty's comments."

Wilson said others on the high court "certainly understand why the remarks were so highly inappropriate, which makes it even more surprising that (th defense lawyers association) does not."

State Sen. Larry Martin, a Pickens Republican who chairs the Judiciary Committee, said he has known Beatty a long time and served with him in the legislature, always considering him to be a thoughtful and restrained individual. But Martin said he was stunned by Beatty's comments at the conferen which he described as inappropriate and intimidating. "It really upset a lot of folks," he said.

Martin said he asked three prosecutors to forward independent accounts of what was said, and he then sent those accounts to Toal for consideration.

Martin said there may be isolated cases of prosecutorial misconduct in the state, but "I don't believe it is a major problem."

Martin said later Beatty explained to him, in regarding to the docket-control legislation, that he was just trying to point out that efforts to preserve an unconstitutional system would not fare well. But Martin said he did a lousy job of getting that across to his audience.

"It was a very poorly worded commentary," he said. "You don't make a decision on a piece of prospective legislation or announce how you are going to rule on it ahead of time."

Reach Glenn Smith at 937-5556 or Twitter.com/glennsmith5.

LETTERS FROM READERS

Law should apply equally to all, including News

Editor's note: The rule on length of letters is waived to accommodate this argument by a Greenville attorney.

I have followed with interest the continuing crusade led by *The Greenville News*, through Editorial Page Editor Tom Inman and Associate Editor Mac Thrower as editors to "save the soul of the state of South Carolina from gambling activities" in the form of the video gaming industry. *The Greenville News* has urged the prosecution of others, the bringing of lawsuits against others and thereby the harassment of them and the trashing of names and reputations in the public domain, all from the ivory tower granted to a newspaper by the First Amendment.

This has been done while *The Greenville News* has been generating what probably amounts to millions of dollars of taxable revenues through the advertisement of gambling activities, genuine games of chance rather than skill, to induce citizens of South Carolina to participate in those activities in other states.

I filed a motion in court last Friday in which I have merely requested information pertaining to those advertisements, those revenues and those taxes paid by *The Greenville News* from those advertising activities, limited to only the past three years. I am sure that the newspaper will gladly provide them in your constant vigilance to safeguard the truth, the soul of the state of South Carolina, and "the public's right to know."

The information requested in my motion on Friday is a Request for Special Discovery (the right to additional information) in the case initiated against my client. The motion was made for purposes of offering further support for our contention that my client, Collins Entertainment, is being subjected to selective prosecution and unequal application of the laws of the state of South Carolina.

In other words, we contend that the laws should apply equally to everybody, including those who solicit and advertise interstate gambling activities, and not just to those who are accused of merely providing the opportunity for intrastate video gaming in South Carolina. We contend that the issue is a meaningful one.

The freedom to choose is a part of the United States Constitution's protected guarantees under the First Amendment. The First Amendment also provides constitutional protection to all of us to choose our religious beliefs as well as to *The Greenville News* in choosing to write editorials which preach one thing while it practices something which appears to be quite different.

Solicitor Robert Ariail has now said that no prosecution against *The Greenville News* has been initiated because he has received no citizen complaints about conduct such as the running in *The Greenville News* of a full page advertisement at page 6A on Sunday, Jan. 4, 1998, soliciting gamblers for Harrah's Cherokee Casino in North Carolina.

As a former prosecutor in that office, I do not recall any requirement of referendums or surveys for enforcing the law. The report in *The Greenville News* on Saturday that I was seeking to have the newspaper prosecuted was inaccurate. I do not wish to seek the prosecution of *The Greenville News*, or the prosecution or harassment of anyone by the filing of lawsuits over an issue which has arisen because of approaching political elections.

I believe Attorney General Condon has received quite enough of the limelight which he so aggressively pursues at every opportunity. However, I do hope that the citizens of Greenville will feel free to express to Solicitor Ariail their feelings and thoughts about any double standard which they might perceive in the enforcement of the laws under these circumstances, whether by way of complaint, by criticism or by praise for the contrary position(s) taken by *The Greenville News*, on the one hand by your words and on the other by your actions.

I also hope the Solicitor will do justice and apply the law equally to all businesses, whether they be my client or *The Greenville News*.

—Russell D. Chant
Greenville

Visitors Welcome

• Readers of this page are invited to sit in on our editorial staff meetings Monday through Thursday as conference space permits.

• Meetings are from 9:30 a.m. until 10 a.m. Please telephone Martha Hursey at 298-4361 to reserve a space. Plan to have coffee and a doughnut with us, and relax and observe. Near the end of the meeting you will be invited to share your ideas on the topics we discuss.

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SLED takes poker machines from warehouse

GREENVILLE (AP) — The state's largest video-gambling machine operator and his lawyers were caught off guard when State Law Enforcement Division agents showed up to haul off 192 machines, but they soon recovered with a restraining order.

SLED agents got an early start Tuesday confiscating machines that a magistrate ruled illegal from a Collins Entertainment Corp. warehouse.

"Before we could get to court, the first truck had already left," said Russell Ghent, one of Fred Collins' attorneys.

Later, the two sides agreed the machines would not be damaged while being moved to a SLED warehouse in Columbia. Also, Collins Entertainment will not have to pay storage fees.

Solicitor Bob Ariail said SLED had to move the machines to protect the evidence. "If the machines are not to be destroyed, SLED will bring them back," he said.

Ghent said Collins had hoped to keep the machines at his warehouse to protect his investment, especially the delicate computer instruments.

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End Video Poker Gambling, South Carolina Chief Urges

By RICK BRAGG JAN. 22, 1998

To hear the Governor tell it, the very soul of South Carolina is at risk in a high-stakes game of video poker, which has resulted in everything from rampant gambling addiction to the death of a child.

The Governor, David M. Beasley, said a proliferation of video poker machines in restaurants, bars and truck stops has caused a collective misery, spawned a new generation of addicted gamblers and destroyed families.

He formally appealed to the South Carolina Legislature today to join his crusade to completely do away with the $2-billion-a-year business.

"Routinely, we are asked to decide between right and wrong," the Governor said in his State of the State address tonight. "This is such a time."

Video poker in South Carolina, largely unregulated and rife with abuses, contributes only a sliver of the state taxes -- about $62 million has been projected for this year -- that lawmakers and experts on the industry say it should.

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In his address, mostly a glowing speech in which he spoke of South Carolina's solid economy and scenic beauty, he asked the Legislature first for a strong bill to curb sexual predators -- "rapists and pedophiles have no place in this society except behind lock and key" -- before calling for a ban on video poker in the next breath.

"There is another force that has free reign over our state, and it's not a force for good," he said.

Opponents of video poker say they are locked in a battle with the machines for the state's very soul.

"It's in the Bible that it's wrong," said the Rev. Harold Park, a retired Lutheran pastor in Chapin, S.C.

Mr. Beasley often tells the story of a 26-year-old woman whose baby died from dehydration in a sweltering car while she played video poker in Jasper County last summer. She played for seven hours without checking on the infant.

The woman, Sgt. Gail Baker of the Army, has been charged with homicide by child abuse, but her husband -- and the Governor -- said it was her addiction that killed the baby.

"I do not hold her responsible for that," her husband, Staff Sgt. Julius Baker of the Army, said in a recent appeal to the Legislature to ban video poker. "She has an addiction."

Tonight, before a joint session of the State House of Representatives and the State Senate, Governor Beasley shared other stories. He told of a 52-year-old woman in Newberry who wrote him saying that suicide was "the only escape from her mounting gambling debts -- she said she'd be dead today if her husband hadn't saved her from a drug overdose."

Four years ago, Gamblers Anonymous had eight chapters in South Carolina. By 1997, that number had grown to 27.

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Christian Action Council, which has battled video poker for years.

In the gas stations and roadside arcades where people play the game, away from politics and religion, the issue is discussed much less dramatically.

"My stepfather used to gamble away his paycheck," said Jessica Williams, 21, who works at a Columbia gas station with five video poker machines along a back wall. There, a single player sat feeding $1 bills into a machine, losing, mostly.

"Me, I put a few dollars in, and if I don't win my money back I quit," said Ms. Williams. "It all depends on the person. But it is right there, convenient for you. If you do have an addiction, it's there for you."

It is the only legal gambling, outside bingo, that this Bible Belt state allows, a small-stakes exemption to community morals hidden discreetly -- at least in the past -- in the back rooms of service stations and country stores.

In 1980, when video poker machines first appeared, they were little more than an amusement for truckers. But it has grown so much that a hand of video blackjack is only a few minutes drive away from most South Carolinians. There are now all-night arcades featuring the glowing, slot machine-like poker dealers. Almost every convenience store seems to have one.

Fred Collins, 62, is the industry's strongest force in South Carolina. He pioneered the industry here, and has made millions from it. He owns one in seven video poker licenses, and has the most to lose.

"People don't want morals legislated to them," he said. He points to a 1994 vote in which 58 percent of the voters said they wanted video poker left alone.

Store owners say they would have to close without the money generated by video poker players, who are enticed into the stores by the machines and often spend money on other goods and services.

Some members of the Legislature -- where there seems to be no clear majority

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Owners of arcades and roadside casinos circumvent existing restrictions by almost comical means. State law forbids more than five machines in one room. Some store owners just partition off rooms and file for a separate business license.

Governor Beasley and others say the industry is too far gone to restructure.

To underscore the Governor's call for a ban on machines, his proposed budget does not even include money from video poker. "Don't regulate it," he told the legislators. "Don't tighten it. Ban it -- once and for all."

Opponents of the ban say the Governor, a 40-year-old Democrat-turned-Republican, is just trying to shore up support among religious leaders and appear to be a strong leader, an image that some political experts say was tarnished when he tried unsuccessfully more than a year ago to have the Confederate battle flag removed from the state Capitol, a move that split the state's Republicans.

The most powerful man in keeping the video machines is Mr. Collins, who convinced many in the legislature to create the existing laws that allow the existence of video poker.

"They need to regulate the industry," and he has even called for higher taxes himself, he said. "But they'd rather attack something than go on and fix it."

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Order to destroy 192 video poker machines upheld

Collins' attorney says case could go to top court

By Andrea Weigl
STAFF WRITER

A circuit judge affirmed Tuesday an earlier order for the destruction of 192 video poker machines seized from warehouses owned by Greenville businessman Bred Collins.

After the hearing, Russell Ghent, an attorney for Collins' Entertainment Corp., said his client is a pawn of election-year political. He said they will appeal the rulings to the state Supreme Court.

Since Ghent plans to appeal, Solicitor Bob Ariail said the state won't destroy the machines until the case makes its way through the entire appeals process.

Circuit Judge Thomas J. Ervin affirmed an earlier order by Magistrate Diane D. Cagle to destroy the 192 Cherry Master and 8-liner machines seized by State Law Enforcement Division agents during searches of two Collins warehouses Dec. 22 and 23. Cagle ruled the machines are illegal because they don't require skill to play.

Ghent said his client became a target of state officials who want to gain attention during an election year.

"I do think you have a number of individuals who have a strong need at all times to demonstrate their conservative credentials, grab hold of hot-button issues, which get people's attention and, then in turn, hopefully get votes," he said.

Ariail said Collins wasn't a target of selective prosecution by his office or by state Attorney General Charlie Condon. Ervin agreed with Ariail in his ruling Tuesday.

"There was no selective prosecution by the solicitor's office because we didn't begin this matter. All we've done is represented SLED," Ariail said. "The attorney general was not involved in this matter, was not a party to this matter and had no input in this matter."

The only discussion Ariail said he had with Condon about the Collins case was to determine whether he or the attorney general would represent SLED.

Ervin also ruled the magistrate's order didn't violate Collins' constitutional rights or interstate commerce laws and that the machines weren't seized through an unlawful or unreasonable search.

Ghent said he wasn't disappointed by the judge's ruling since the groundwork has been laid for an appeal. "We created a record which is going to take us to the South Carolina Supreme Court," he said. "We also created a record that I think may ultimately take us to the U.S. Supreme Court."

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Collins says he's targeting Beasley to protect freedom

GREENVILLE (AP) — Video gambling mogul Fred Collins says he grew up in a Salvation Army orphanage, overcame polio as a teenager, battled the IRS to win a $2 million judgment and took on a pickpocket who tried to swipe his wallet on a Colombian street.

Now, the 63-year-old Greenville resident's latest battle is South Carolina's governor's race. Collins has targeted Gov. David Beasley since the Republican vowed to vanquish the video gambling industry in January.

"He's my enemy," said Collins, a jukebox operator who became a multimillionaire this decade through video gambling. "I was here first. He threw the stone, but I'm standing."

Collins has 3,944 licenses for the machines, according to the state Revenue Department. Political experts say they have never seen anything like it — a one-man, well-financed, independent political campaign against an elected official.

Collins launched a campaign blitz with billboards, bumper stickers and plans for TV ads that tell voters to "Ban Beasley." Collins also has set up a war room with 15 employees who plot strategy, monitor voter registration efforts and issue reports on South Carolina's educational status.

Collins will not say how much he is spending. The (Charleston) Post and Courier estimated his expenses at about $500,000 so far. Republicans fear Collins and other video gambling operators could hurt their candidates.

"This amounts to a fight for the life of the Republican Party in South Carolina," said party Executive Director Trey Walker. But Republicans also are using the ads to bash Democratic candidate Jim Hodges, claiming the party has sold its soul to gambling power brokers.

> "He's my enemy. I was here first. He threw the stone, but I'm still standing."
>
> —Fred Collins, video gambling mogul

The attacks are negative campaign tactics, said Beasley campaign manager Tony Denny. "That's part of their tactic, to bear on the governor personally," he said.

Collins said he threw his support behind Hodges after Lexington County Sheriff James Metts dropped out as an independent candidate. Collins tried traditional politicking in the 1980s by visiting the Statehouse and doling out checks to Republican leaders. He even hired a lobbyist. Collins said video gambling was not under attack at the time, so he stopped.

Collins, who lists the GOP's U.S. Sen. Strom Thurmond and former Gov. Carroll Campbell as his favorite politicians, said he turned to the Democrats during the Legislature's failed efforts this year to ban video poker.

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Anti-video-poker lawsuit to go forward

Default motion dismissed

By Jenny Moore
Staff Writer

SPARTANBURG — A default motion against one of the defendants in an anti-video-poker lawsuit was dismissed Monday, allowing the suit to go forward to a trial.

The lawsuit, filed by New Dawn Mining [illegible] and Dean Holcomb Jr. in May 1997, alleges that the seven defendants engaged in an ongoing criminal enterprise by owning, and operating "video lottery" games that require no skill, but are games of chance. The suit asks for $100 for each alleged violation of the statute, and half of the forfeiture of money going to the state and the other half to the plaintiffs.

A request for a motion of default later was filed alleging the lack of a timely answer to the initial lawsuit.

Judge Tony Ervin ruled that the summons notifying Fred Collins, owner of Collins Entertainment Co., and one of the defendants, was served improperly when it was left with a secretary at Collins Investment Management Co.

Davis said the process server attempted to serve the summons at Collins' home, but was locked out. Both Collins Investment and Collins Entertainment are located at the same address.

Collins also refused to accept a certified letter with the summons in the mail, Davis said.

However, Jim Bannister, representing Collins and Collins Entertainment, said a summons must be served personally or with an agent authorized to accept it. The secretary told the process server that she was not authorized to accept the summons, which then was left on a window sill in her office.

Bannister agreed Monday to accept the summons on behalf of Collins, the state's largest video-poker operator.

Other defendants in the lawsuit are:

- Steven Lipscomb, doing business as American Amusement.
- J.M. Brown, doing business as J.M. Brown Amusement Co.
- Charles Reeves, doing business as Joytime Distributing and Amusement.
- R.L. Jordan, doing business as R.L. Jordan Oil Co.
- Tim Mahon, doing business as Tim's Amusement.
- Peter Everie, doing business as Video Games Plus.

Holcomb and New Dawn have sued 17 Greenville County businesses that allow video-poker machines to operate in their buildings, arguing that the convenience stores, restaurants and hotels violate the state's lottery statutes. That suit targets locations that operate video-poker machines owned by Collins.

■ Jenny Moore writes about business in the Greenville-Spartanburg County. She can be reached at 864-877-3778.

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The Greenville News (Greenville, South Carolina) · Tue, Oct 27, 1998 · Other Editions · Page
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Collins returns legal fire in video poker suit

By James T. Hammond
CAPITAL BUREAU

COLUMBIA — South Carolina's largest video poker operator, Greenville's Fred Collins, argued in court filings Monday that Gov. David Beasley is seeking to use the courts to influence the election by blocking his advertising campaign against the governor.

Collins asked the South Carolina Supreme Court on Monday to hear the case. He described his campaign activities as "an exercise of protected free speech and legitimate fair comment in response to slanders" against the video poker industry.

The court ruled late in the day that it won't act until a circuit judge has heard the case.

Beasley wants a judge to stop Collins' advertising campaign and force Collins Entertainment to disclose how much it has spent attacking the governor. Leaders in the video poker industry, angry at Beasley over his attempt to outlaw cash payouts from video poker machines, are backing Democrat Jim Hodges.

A hearing is scheduled today in Greenville before Circuit Judge Thomas Ervin. Beasley's campaign organization filed suit last week alleging that Collins Entertainment, along with Alan Schafer's South of the Border and related companies, have violated state ethics laws by coordinating advertising campaigns that aim to defeat the governor.

Boone Aiken III, a lawyer for South of the Border, and Russell Ghent, Collins Entertainment's lawyer, declined to comment.

Associate Justice Jean Toal, acting for the court, wrote that the court only intercedes in cases where there is "an extraordinary reason to do so. In this case, there exists no extraordinary reason."

Collins contends Ervin has no authority to preside at today's hearing because he is currently assigned to hold court in Spartanburg. He also said the hearing should be stopped because he's never been properly served with the lawsuits.

South of the Border, in its response to the suit, said that every one of the company's radio commercials, through similar to Collins' ads, "speaks the truth in all respects." The company denies coordinating the ads with either Collins or Hodges.

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Impeachment: most critical issue in election

There is only one real issue to be resolved in the November election. Namely, should President Clinton be impeached? If the Republicans retain control of Congress, chances are high the president will be impeached. If the Democrats regain control, the chances of impeachment are low.

The nation must send a clear message to Congress about impeachment. We will never again have an opportunity to vote in such an important election on such an important issue.

Vernon L. Robinson
Seneca

Beasley working to make our state best it can be

I love South Carolina and am proud to call it my home. It boasts abundant natural beauty and a good quality of life. However, in this next election, our way of life is threatened by the gambling industry, which is openly funneling its money to get their man, Jim Hodges, into the highest office in our state.

This industry is trying to seduce

voters with the bait of improving education. This is not the kind of education I want for our precious children.

Yes, gambling produces revenue, but at the expense of children and families. Often it is the people who can't afford to gamble that do. The results are ugly — children doing without sufficient food and clothing; some even left alone for hours in a car.

Tensions at home will mount because of financial stress; domestic violence will rise and shelters for battered woman and abused children will fill up. This is not the kind of state I want my children to inherit.

The good people of South Carolina need to stand behind their governor. David Beasley is one man, who is working to make our state the best it can be.

Linda Lee Wade
Fountain Inn

Collins' attorney says editorial false, misleading

Editor's note: The rule on length is waived for this letter.

I read with interest your editorial of Wednesday, Oct. 28 accusing the State Supreme Court of being "derelict" and of "supporting video gambling industry in current election for governor." Your editorial is an example of commentary by H.L. Mencken that often, with respect to newspapers, it is better that potential readers ignore them altogether, thereby choosing to be less informed, rather than totally misinformed.

In the first paragraph of your editorial you state that "the state Supreme Court refused Monday to give emergency consideration to a complaint about major elements of the video gambling industry illegally funding political attack ads in the election race for governor." It is obvious that you have not taken the time to read the document filed in the Supreme Court, nor to even speak with your own reporters who actually covered events in the hearing held on Oct. 27. Had you done so you would not have written a patently false and misleading editorial.

Please note that I filed the Petition for Writ of Mandamus in the State Supreme Court at 8:30 a.m. on Monday morning seeking to prevent the obvious efforts by Mr. Beasley's campaign from encroaching on First Amendment rights. The same First Amendment rights which allow you to run editorials which are nonsensical, hypocritical and factually inaccurate while your newspaper generates revenues from advertising gambling activities.

My petition was based, among other things, upon grounds including the assignment of a retired State Circuit Judge to hear the case by someone other than the Chief Justice, a violation of S.C. Code Ann. 14-1-215, which states that a retired judge may only be assigned "to preside over any official proceeding in any circuit court of this State" by the Chief Justice of the Supreme Court of South Carolina.

On Monday, by 4:00 p.m. the Supreme Court had denied my Writ of Mandamus, thereby allowing the case to go forward on Tuesday and Justice Toal, acting temporarily as Chief Justice to make sure that the case was heard, corrected the jurisdictional defect which would have rendered any decision by the presiding judge a nullity. Acting Chief Justice Toal issued a special order appointing the retired judge to preside over the matter for the day of Oct. 27, 1998.

Russell D. Gilbert
Greenville
This writer is attorney for Collins Entertainment Inc.

Voters are urged to get to know the real Hodges

We keep talking about the wonderful choice of David Beasley and we forget one simple fact. He is a hypocrite! He will say anything to please his audience. He is the perfect example of a "chameleon" politician. He quickly adapts to his current environment.

We keep blasting Jim Hodges for unfounded reasons. I challenge you to get to know the man, not the party title. He has been labeled by the very Republicans who previously worked for Beasley as a conservative, fiscally responsible, honest, dedicated, servant of the people.

He has served honorably in the House for 11 years and I have yet

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Beasley to drop suit against video poker operators

By Andrea Weigl
STAFF WRITER

Gov. David Beasley will drop his suit against two of the state's largest video poker operators that claims they violated state ethics laws by coordinating an advertising campaign against him and not reporting how much they spent.

However, video poker operator Fred Collins of Greenville isn't giving up without a fight and has filed a counterclaim against Beasley's campaign. Collins claims the governor's suit is frivolous and a misuse of the court system. He wants the campaign to pay him damages.

Beasley's lawyer, Reynolds Williams, said he will seek the dismissal of the suit against Collins and Alan Schafer of the South of the Border complex near Dillon.

"The case has become moot. The state Ethics Commission can handle it from here," Williams said. He wouldn't say whether a complaint has been filed with the commission.

Leaders in the video poker industry were upset when Beasley tried to outlaw cash payouts from video poker machines and backed Jim Hodges in the Democrat's successful campaign to unseat Beasley.

Collins' attorney, Russell Glenn, said, "They started this fight and Collins Entertainment will finish it."

Schafer's attorney, Boone Aiken, couldn't be reached to comment.

■ Andrea Weigl covers courts. She can be reached at 298-4297.

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The Index-Journal (Greenwood, South Carolina) · Mon, Dec 7, 1998 · Page 1

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Suit may open video poker to RICO

COLUMBIA (AP) — Now that South Carolina's video gambling industry beat back a constitutional challenge, will a federal investigation soon follow?

The state Supreme Court's decision last month that electronic gambling was not an illegal lottery opens the way for a federal lawsuit and lead to a possible racketeering probe.

The federal suit by former players who claim they were seduced and addicted to video gambling is next up for the maligned industry. Judge Joe Anderson could rule that luring players with jackpots larger than the $125 legal limit amounts to racketeering under federal law. That could launch an FBI investigation, The (Columbia) State reported.

U.S. Attorney Rene Josey has declined to say if an investigation is under way.

Video gambling interests say they are not breaking any state or federal laws.

"It all boils down to whether there is a violation of state law," said attorney Rush Smith, defending the industry in the federal lawsuit. "For it to be an illegal gambling business under federal law it would have to be an illegal gambling business under the state."

Video gambling in South Carolina has grown into a $3 billion industry, and a multi federal investigation would seriously hurt operators.

In September, Anderson ruled that the state's $125 payout means winners can only collect $125. Anderson also said video gambling might violate at least three provisions of

Please see **POKER**, *page 2A*

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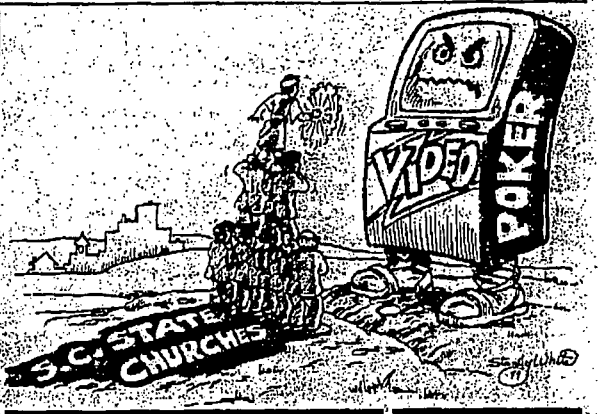
Opinion



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The one constant peanut butter & jelly

It seemed as if it were only yesterday that I was making peanut butter and jelly sandwiches for my son's school lunch.

In fact, that's the comment I made to my wife Monday morning: "You know, it seems like only yesterday I was making peanut butter and jelly sandwiches for him to take to school."

Anyone who retires is never long enough for the kids anyway. In years to come, I'm sure I'll look back on this period of relaxation and reflection as the beginning of school for my children and from then on I'm sure I'll look back on it as the time when I was making peanut butter and jelly sandwiches.

The memories, most of them pleasant, including moments of a different kind on the other hand.

With school comes the practice of bullies. There's something I never have to do during vacation. My bullies hassle me. During the summer, I get up early and I'm gone by the time the rest of the house falls out. During school, I have to hang around and get them ready, fix breakfast, take them to school, pick them up, school bus, after school activities, go to school functions and help with homework at night.

I also have to pay for new school clothes and MORE BIRTHDAYS. I have been told by numerous officials that school curriculum decisions from the state and Washington.

But that's another an issue for another time.

Anything the kids will be school may be a relief to some of you parents out there, but for a lot of us, especially this time of year, it's a time of profound joy and thanks.

And what do the kids think about going back to school? Believe it or not, I think most of them look forward to it. It's kind of having a good reason to get up late, hang out around the pool, playing Nintendo and Sega and watching TV all day.

Not many of them will admit it, but they really do like school. Not the homework and not the tests, but all of the other stuff, LIKE SOCIALIZING.

Students aren't alone when it comes to how long the pull of summer.

Parents in numbers, especially one or two for those about to hit kindergarten or school. From the mind they'd rather have their children in school than a teacher or student.

Early Aug. was at previous the other day and they told me that they had an event accept. I'm looking for to hook. It was Cheyn pound for graduation ceremony. They came down before the lunch. What do they report?

I'm here to tell you I shared in with my two cents worth.

At the Cheyn pause she had on were only a three year so tight so some of the most I've seen. It doesn't matter how far down they go. Nothing is left to the imagination anymore.

Other fashion determined the representation for this event. It's taken me a lot, I didn't realize quite how overdressed example over Dan Marino to know that's what is most proper.

The patterns of truths, lessons, lessons learned, it's hard to be sure of what measures have or no.

Conversations just like the one I'm so fortunate to be involved in are undoubtedly being held in every homeschools throughout Cherokee County.

The talk about school isn't limited to the home by no means. The office chatter on the time of year exclusively revolves from to talk, you know is but now typical conversations are often viewed by others as being on to be school.

Not to do with the sickness after school. Whether to buy a parking pass to the GHS parking lot or spend a LOT MORE for a "cheap" one across the street. Why do they do it, kids? Why do they do it, the kids?

"I wasn't between they already have one."

"I can't believe they didn't give them any homework. I always had homework the first day."

Kids of every age lamenting and crying about the beginning of a new school year.

Me, I can't pay at school. Except on days when I know my school is another school. I'll be making peanut butter and jelly sandwiches for the

Cindy Bowman

OUR VIEW

Battle lines drawn in video poker war

If the poker's day of reckoning is right around the corner.

The estimates left or doubt of the inevitable vote will be decided Nov. 2 when South Carolinians go to the polls.

The battle lines have already been drawn and they seem to represent, basically, two groups. The vote will be fought by those who back and oppose the machines against the church churches.

Both have powerful players. Video poker's powerhouse owners have lots of bucks to spend and advertising campaigns and to spend at other ways to increase voters to any pro-video finishes, lobbying and staging help.

On the other hand, the state church coalition, including the South Carolina Baptist Convention (SCBC), that have already started a campaign to drive home an effort to have the referendum voted out of the state once and for all.

Nick Corbett, pastor of Lexington Church and president of the SCBC Convention, said, and in an interview with Lexington's The Dispatch News, that the Convention was "offering the end of church in South Carolina."

Some say video poker works and and vice versa, and vice versa. It is a simple rule of sorts that has been used and tests that another dollar after dollar of family budget money, they claim. And there is some truth to that statement. For example, there has been at least one if not several cases in which a child died in his the mother left in the child on the car to fulfill her another placed video poker machine.

Video poker has been in place in many towns, some right here in Cherokee County which Gaffney Hill Pleasant recently placed with warm enough for an additional effort where the remaining would be to permit the North Carolina for the return of more than just or poker problems in surrounding.

Read the polls reports that we publish at work from and count the number of interests involved in this poker pastime. The gambling venues are, every temper between they may open here, have many moments of rush to hand, and most of them provide many and varied reasons to fulfill to prison or around relatives and friends.

Video poker is a lucrative industry. If you don't believe it, just take a look at some of the numbers. For example, in Las Vegas, the gambling capital of the world, there are 48,000 places to gamble. In South Carolina, there are 31,000 places to gamble.

The Supreme of South Carolina have made their message very clear. They intend to fold and negotiate many voters as they possible can by the end. Video poker representatives disagree. We are convinced that church Methodists, Presbyterians and other denominations have begun, or plan to begin, work for video representatives drive.

Bart Walsh, pastor of Greenville Church of Lexington, one of the 11 churches that voted on video video poker only to have the decision vacated made by a Supreme Court ruling, said, "There is the time for the church of Jesus to come to the aid of South Carolina concerning video poker. The battle will be won or lost by the folks in the pews."

And for many of many one, he right. There are numerous to support a shift to have more churches and about video poker. In Lake, 68 percent of voters in South Carolina supported video poker in 1998, only 16 percent should support. There are numerous those reasons are causing to shifts.

The lot of numbers that the state the video poker vacancies for the player which are now related to the machines. Video poker operations Gaming Advertisers had eight chapters in South Carolina. That fund or for were expanded to 37.

The battle lines has been drawn in the sand and the war is on. The reasons will be, surely, that, and that down the lanes seen it be the polls.

GHS students show academic excellence

The results of academic classes continued to be at a pinnacle this season at Gaffney High School and the students at graduated this season and has outstanding year.

We might have noticed a story in the local newspaper recently a panel of new young men GHS has implemented for the same school year. These students because better prepared to take tests and receive the educational from power tools to high school more a noticeable for improvement.

Anyone has been at Gaffney High Lounge than only other principal in recent memory. And the results for and his staff have achieved new performance, if not downright extraordinary.

We feel the school is on good hands. In a month of fall, at night, need have been to Lester Arnold for dinner and we told the audience to have reason at Gaffney High, consider the following fact. Congratulations to been the 1999-2000 school year.

- Twenty students were selected to the National Merit Scholarship program in Washington.
- Six students were Palmetto Fellows.
- Students were awarded a total of $ in scholarships.
- The school is an annual sponsorship in the Gaffney Boys competition, one of the most celebrated challenging competitions on the state.
- There were two National Merit Finalists.
- The school's history of the blind team was the state championship for a third consecutive time and qualified for an national competition for a third straight year. The team team had gone only on a national championship.
- Fifteen Cherokee students were proud to vote for the Governor's Lamp Lighting Ceremony.
- Ten students were selected for the Governor's Band at the AFA.
- The school had four AP/Advanced Placement scholars.
- Ten students were selected to the Well and Leadership Institute.
- The school had one student who was selected to the U.S. Place Band.
- Five students were selected for the Governor's Student Advisory Board.

These are just a few examples of how GHS students are and continue to excel in the classroom and in extracurricular activities.

Good things are happening at Gaffney High. School that are happening because good people are in charge there.

LETTERS

We need more writers like that

Dear Editor:

On page 8 of the July 28 edition of The Gaffney Ledger there appeared a Cherokee with Sheik [illegible] entitled "Letter of [illegible]."

The writer gave the nickname of Hubert are one of by his due work. If Dollar's voting record, not as there any indication whether the writer was the donor, a name, the exception. The writer acted [illegible] and extraordinarily [illegible] and he id based observer [illegible].

I have no idea who the writer was, but do I want to know, but I personally appreciate the internal fortitude it took for further review and of sound opinion.

A letter to the editor need be brief [illegible] and the writer said not the [illegible] and chastisement is noting for a good advertisement. I wish we had more like that writer in Gaffney.

J.R. Allen

Thanks for poker run

Dear Editor:

We would like to give a special thanks to Jerry Harris and Herb Pinkey for the poker run they held Saturday, July 24, for Roger Jones, who was injured in a motorcycle accident.

We also want to thank staff members Shaka Hutchins, Jeffrey Wilson, Cornell Wilson, Jerrod Rivers, Darrow Wilson, Kenny Smith, Brent Jackson, Jennifer Wilson, Joe Perry Hines and also all the people, before, and during the helped, who put that poker run. Richard Sheppard, Tim Lake, Hank and Gary Lawrence and Joe Wilson.

We also want to thank her grandson, Chris Jones, Carolina Sportsman, Inman Landscape, ART Gallery, Virginia Hornets Hockey Club, Greenville Hornets Hockey Club, D. Brent Jones Publishing, Inc., Hill Brothers, Kendall Jones and Williams, Lonnie Gibson, Hubert Hyde and Mack, Hubie Pace, Hubie Jones, Lawrence's Market and Tri Barrel Herb Horton, Hal or Carol, Hy Pace, Carol's Flowers, Lee's Bowling, Fisher's Beer Wip Hole, Jewelry, Wallace Sales Store, Charlie Pace and Dalinda Urbina.

They raised up to $3,000 that night that [illegible] and everyone of you.

Roger, April, Angela and Shannon Jones

Car wash was a blessing

Dear Editor:

I would like to say thank you to all the people who came to the car wash July 31 to help raise money on my behalf.

I sincerely thank you with all my heart. This was a blessing. Thank you for your time, prayers. I would like to give a special thanks to everyone that stayed on the road to wish me well. Hey, and that was. Thank you very much.

Nathy Hyman

The Gaffney Ledger welcomes letters from readers on a non-profit basis on subjects of interest and concern to readers. Letters must be signed and contain a return address. We can and reserve the right to edit any letter. Address letters to Letters to the Editor, The Gaffney Ledger, P.O. Box 1000, Gaffney, S.C. 29342 Fax number 487-7187.

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The New York Times

U.S.

South Carolina High Court Derails Video Poker Games

By DAVID FIRESTONE OCT. 15, 1999

The country's largest video gambling industry faced extinction today when the South Carolina Supreme Court ruled that the state's 34,000 video poker machines must be unplugged by midnight June 30.

In a swift stroke, the court put an end to the most rancorous issue now confronting South Carolina, with all five justices voting to silence the poker machines that have taken root in virtually every convenience store and gas station in the state.

The poker machines were at the core of the state's election for governor last year, and public anger against them had produced a feverish campaign in recent weeks for a Nov. 2 referendum on whether the machines should remain legal.

That referendum was declared unconstitutional today by the Supreme Court, triggering a legal provision requiring the machines to be banned after June 30.

The surprise decision, the result of a legal miscalculation by one video poker operator, is the second major defeat this week for organized gambling in the South.

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ARTICLES REMAINING

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Church groups had also been active in South Carolina in campaigning against the video machines, which were called the crack cocaine of gambling in a recent national study because of their addictive nature. Joined by most of the state's business community and many of its politicians, the anti-poker effort had appeared likely to suffocate the state's $2.8-billion-a-year gambling industry at the ballot box. Polls showed 61 percent of expected voters planned to vote against the machines.

The court's ruling, however, said the referendum was unconstitutional because it improperly gave voters the ability to legislate, a right reserved for the State Legislature. The South Carolina Constitution, unlike those of some other states, does not contain a provision allowing referendums on legislative matters.

The court then went a step further and said that under the law authorizing the referendum, video poker could continue only if the voters approved. Because the referendum was illegal, the court said, the machines would have to be prohibited.

Opponents of video poker had helped write the law with this possibility in mind, because it was never clear that the public had a legitimate right to vote on the matter.

The video industry wanted the law to say that poker would stay alive unless it was killed by the voters, but legislators decided that poker would die unless it was kept alive by the voters. And the law explicitly said that if the referendum should be declared illegal the provision outlawing video poker would stay in effect. The high court upheld that section of the law.

Gambling opponents were overjoyed by the decision.

"We were watching on TV when it was announced, and there was a lot of shouting, high-fives, tears of disbelief, and joy," said the Rev. Steve Hogg, pastor of the First Baptist Church of Rock Hill and a leader of Change South Carolina, a prominent anti-poker group. "It looks the gambling industry knew they were going to lose at the ballot box, and one of them went to court to stop the vote. Boy, did that backfire on them."

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ARTICLES REMAINING

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In fact, most of the industry, fearing just such a ruling, had declined to challenge the referendum in court. But one small operator, Joytime Distributors and Amusements in Greenville, filed suit against the referendum law, hoping the entire law would be thrown out and the machines could stay.

Other operators filed briefs to get the lawsuit thrown out. But to the industry's chagrin, the court ruled that only the referendum was illegal, while the rest of the law banning poker was upheld.

Theoretically, the industry could persuade the Legislature to change the law, but legislative leaders said they were unlikely to revive the issue. Gov. Jim Hodges, a Democrat who accepted $3 million from poker interests last year, half his campaign treasury, but later announced he would vote against gambling, said today that the industry did not have the votes to revive itself.

"Clearly, as of June 30, the net result of this will be that video gaming will no longer exist in South Carolina," Governor Hodges said. "We will move on and talk about other important issues on the agenda in South Carolina."

One issue will be a state lottery, which will be on the South Carolina ballot in November 2000. Although Mr. Hodges built much of his campaign last year on support for a lottery, opponents of gambling hope the momentum from the effort against video poker will carry over into a defeat for a state numbers game, much like the vote in Alabama.

But video poker has far more opponents than the lottery. Business leaders have said poker is destroying South Carolina's image, and many people have been galvanized by the sight of impoverished poker players feeding money into the machines.

The poker industry, which had held out hopes that a statewide advertising blitz might persuade voters to keep their business alive, was clearly stunned by today' court ruling. Mike Fletcher, a spokesman for the South Carolina Coin Operators Association, said the state's 650 operators were so focused on the referendum that

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ARTICLES REMAINING
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Collins: Video poker too big to destroy

By Associated Press

:ASHIERS, N.C. – The $2.5 billion video gambling industry in South Carolina is too big to be destroyed, the state's largest operator ays.

All the king's horses and all the king's men can't put it out of business," Greenville businessman Fred Collins said Saturday night.

:ollins was here to address the South Carolina Associated Press broadcasters' annual meeting, telling the journalists he would like t eturn to the Republican Party, if changes are made to allow him to stay in business.

:ollins embraced state party Chairman Henry McMaster after the speech, calling him a good friend. McMaster exchanged pleasantrie ut made no comments about changing the party's philosophy.

:epublicans have led the effort in the General Assembly to have the industry banned, or more heavily regulated.

fter the speech, Collins said he expects U.S. District Judge Joe Anderson to try to have him jailed. Anderson has ordered Collins ar ne other operators to comply with the state's $125 dollar-per-day winning limit or face contempt penalties.

't like being walked on and I'll fight anything," he said.

:ollins said he has between 1,100 and 1,300 customers in the state who use his machines. "Every location I have is suspect to iolating the judge's order," he said.

:ollins said he has required his customers to sign statements that they are complying, but he has no way to enforce that.

:ollins said he was being used by Democrats who want the video gambling industry to be an issue in next year's election, as it was ıst year when Republican Gov. David Beasley was defeated by Jim Hodges.

The governor is using me for 2000. He's not my boy," he said. The Democrat-controlled Senate has proposed a referendum next yea n banning the industry. Republicans want the vote later this year, to reduce the impact a referendum would have during a general lection.

don't want a referendum at all," he said, noting that voters approved the industry in a referendum in 1994.

ollins said he is tired of being called a kingpin, a mogul or a tycoon.

'm a business guy trying to protect my business," he said of his efforts to have Beasley defeated last year. "I'm doing what I do ecause it's my livelihood. I have 390 people who work for their livelihood at Collins Entertainment.

What's going on today is pure power politics," he said. "It has nothing to do with video games, it has nothing to do with Fred Collins, i as nothing to do with morals."

ollins refused to say how much money he spent to defeat Beasley. But he said he and the other operators in the lawsuit Anderson is onsidering all played roles in putting up billboards or paying for ads against the governor.

think they're going to get even with me because of what happened to their 'boy governor,'" he said.

ey tried to ban video poker because he needed an issue to run on for re-election, Collins said.

ollins directs his anger now at House Speaker David Wilkins, R-Greenville, who played a key role in convincing the House to keep th 125 limit on winnings.

ne Senate approved a $900 per hand limit and three senators and three representatives are trying to reach a compromise.

5-M-97

ARREST WARRANT

F- 032525

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

GREENVILLE

THE STATE

CASE NO. against

5097-44381

DEAN ALTON HOLCOMB JR

Address [redacted] S. MEADON DR.

SPARTANBURG, S.C. 29306

Phone: SSN: [redacted]

Sex: Race: W Height: 510 Weight: 175

State: [redacted] DL #:

DOB: [redacted]70 Agency ORI #: SC23000

Prosecuting Agency: GREENVILLE COUNTY

Prosecuting Officer: INV.B.K. PRATER

Offense: FORGERY 4-COUNTS

Offense Code:

Code/Ordinance Sec.

This warrant is CERTIFIED FOR SERVICE in the [X] County/ [ ] Municipality of Greenville. The accused is to be arrested and brought before me to be dealt with according to law.

(L.S.)

Signature of Judge

4/28/97

RETURN

A copy of this arrest warrant was delivered to defendant DEAN ALTON HOLCOMB, JR. on 05-01-97

Signature of Constable/Law Enforcement Officer #208

RETURN WARRANT TO:

DEFENDANT'S EXHIBIT 2 5-15-17

PENGAD 800-631-6989

400

STATE OF SOUTH CAROLINA

[ ] County/ [ ] Municipality of

GREENVILLE

AFFIDAVIT

Form Approved by S.C. Attorney General July 20, 1990 SCCA 518

Personally appeared before me the affiant INV.B.K.PRATER who being duly sworn deposes and says that defendant DEAN ALTON HOLCOMB did within this county and state on 041997 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of) in the following particulars:

DESCRIPTION OF OFFENSE: FORGERY-4-COUNTS

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:

THE AFFIANT HAS A SWORN STATEMENT FROM A CODEFENDANT STATING THAT THE DEFENDANT DID PLAN AND DID CARRY OUT THE CRIME OF FORGERY BY THE USE OF CODEFENDANTS DID CASH $205.00 IN BOGUS POKER MACHINE PAYOFF TICKETS AND DID RECIEVE MONIES FOR THE BOGUS PAPERS. THIS OFFENSE OCCURRED AT THE "LIL CRICKET" STORE LOCATED AT #6522 WHITE HORSE RD. WHICH IS IN GREENVILLE COUNTY.

Sworn to and subscribed before me on 042497

(L.S.)

Signature of Issuing Judge

Signature of Affiant

Affiant's Address #[redacted] MCGEE ST. GREENVILLE, S.C. 29601

Affiant's Telephone 467 5248

STATE OF SOUTH CAROLINA

[ ] County/ [ ] Municipality of

GREENVILLE

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 041997 defendant DEAN ALTON HOLCOMB did violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of) as set forth below:

DESCRIPTION OF OFFENSE:

FORGERY 4- COUNTS

Now, therefore, 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.

(L.S.)

Signature of Issuing Judge

Judge Code: 833

Judge's Address #4 MCGEE ST. GREENVILLE, S.C. 29601

Judge's Telephone 467-5312

Issuing Court: [ ] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL

Greenville County
13th Judicial Circuit
Public Index

ew

STATE OF SOUTH CAROLINA VS DEAN ALTON JR HOLCOMB

r:	F419232	Court Agency:	Greenville General Sessions	Filed Date:	0
	Criminal-Clerk	Case Sub Type:			
	Indictment Ended	Assigned Judge:	Hensley, Don	Disposition Judge:	S
	Insuff Evidence to Convict Ended				
Date:	12/08/1999	Date Received:	08/04/1997	Arrest Date:	0
e:	9742895	True Bill Date:	10/19/1999	No Bill Date:	
Case:		Indictment Number:	1999GS2306470	Waiver Date:	
se:					

ties

to show associated parties.

Name	Address	Race	Sex	Date Of Birth	Party Type	Party Status
an Alton Jr	[redacted] SULPHUR SPRINGS GREENVILLE SC 29611	White	M	[redacted]/1970	Defendant	
s					Solicitor	

e	Charge Code - Charge Description	Original Charge Code - Original Charge	Dispos
an	1186-BREACH/OBTAIN SIGN/PROP, FALSE, $1000/LE	1186-BREACH/OBTAIN SIGN/PROP, FALSE, $1000/LE	12/08/1

me	Description	Type	Motion Roster	Begin Date	Completion Date
an Alton Jr	Tracking Sheet	Filing		11/30/2012-00:00	
an Alton Jr	Indictment	Filing		04/28/2005-00:00	
an Alton Jr	Warrant Number	Filing		04/28/2005-00:00	
an Alton Jr	Other	Action		04/28/2005-00:00	
an Alton Jr	Checklist	Filing		04/28/2005-00:00	
	SOLICITOR TIME: 175640 RECEIVED BY: RAB	Filing		08/21/1997-00:00	08/21/1997-00:00
	TIME: RECEIVED BY: JDK	Filing		08/04/1997-00:00	08/04/1997-00:00
	ISSUED	Filing		04/16/1997-00:00	04/16/1997-00:00

Bond Information

Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
02	04/28/1997			Personal Recognizance	$1,500.00		$0.00	

Post Information

ond Id	Bond Type	Amount	Date Posted	Posted By
02	Personal Recognizance	$1,500.00	04/28/1997	

DEFENDANT'S EXHIBIT 3

PENGAD 800-631-6989

Greenville County 13th Judicial Circuit Public Index

COLLINS ENTERTAINMENT VS DEAN JR HOLCOMBE ET AL

Case Number:	00CP2300241	Court Agency:	Greenville County Master in Equity	Filed Date:	11/02/2000
Case Type:	Common Pleas	Case Sub Type:	Contract/Other 199	File Type:	Jury
Status:	Judgment	Assigned Judge:	Simmons, Charles B. Jr.		
Disposition:	Default Uncontested	Disposition Date:	01/17/2001	Disposition Judge:	Simmons, Charles B. Jr.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Collins Entertainment					Plaintiff		07/19/2013
Ghent, Russell D.	Leatherwood Walker Todd & Mann, PC 300 E. McBee Ave., Ste. 500 Greenville SC 29601				Plaintiff Attorney		07/19/2013
Holcombe, Dean Jr					Defendant		07/19/2013
New Dawn Ministries					Defendant		07/19/2013

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Greenville County
13th Judicial Circuit
Public Index

Switch View

State of South Carolina vs Dean Alton Holcomb

Case Number:	2013A2330202932	Court Agency:	Greenville General Sessions	Filed Date:	05/21/2013
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Garrett, Charles R.	Disposition Judge:	Hayes, John C. III
Disposition:	Trial Guilty				
Disposition Date:	09/08/2016	Date Received:	05/20/2013	Arrest Date:	05/16/2013
Law Enf. Case:	13-011973	True Bill Date:	06/18/2013	No Bill Date:	
Prosecutor Case:		Indictment Number:	2013GS2305223	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Barnette, Barry Joe	Spartanburg Cnty. Courthouse 180 Magnolia St. Spartanburg SC 29306				Solicitor		02/24/2015
Crangle, John Vernon(Inactive)	PO Box 2694 Columbia SC 29202				Public Defender		03/18/2015
Defender, Public	Spartanburg				Defendant Attorney		03/18/2015
Ghent, Russell D.	Spartanburg County Courthouse 180 Magnolia St. Spartanburg SC 29306				Solicitor		02/10/2016
Holcomb, Dean Alton	50 Rocky Creek Rd Apt 9 Greenville SC 29615	White	M	1970	Defendant		09/09/2016
Hudgins, Susan	P.O. Box 273 Moore SC 29369				Court Reporter		09/08/2016
Martin, J T	4 Mcgee Street Greenville SC 29601				Officer		05/21/2013
Miller, Ryan - Palmetto Surety	803 East North St Catch 22 Bonding Company Greenville SC 29601				Bond Entity		06/18/2013
Smith, Donald Loren(Inactive)	122 N. Main St. Anderson SC. 29621				Defendant Attorney		07/11/2013

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Spartanburg County
Seventh Judicial Circuit
Public Index

Switch View

New Dawn Ministries, plaintiff, et al VS Steven E, I&dba Lipscomb, defendant, et al

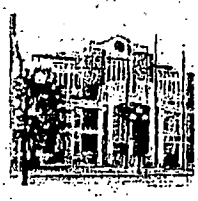
Case Number:	1997CP4201278	Court Agency:	Common Pleas	Filed Date:	05/19/1997
Case Type:	Common Pleas	Case Sub Type:	Contract/Other 199	File Type:	Jury
Status:	Disposed	Assigned Judge:	Floyd, Henry F.		
Disposition:	Dismissed by Court - not Rule 40J	Disposition Date:	01/14/1999	Disposition Judge:	Floyd, Henry F.
Original Source Doc:		Original Case #:			
Judgment Number:	219006	Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Bannister, O. W. Jr.	Bannister & Wyatt, LLC P.O. Box 10007 Greenville SC 29603				Defendant Attorney		
Bannister, O. W. Jr.	Bannister & Wyatt, LLC P.O. Box 10007 Greenville SC 29603				Defendant Attorney		
Bannister, O. W. Jr.	Bannister & Wyatt, LLC P.O. Box 10007 Greenville SC 29603				Defendant Attorney		
Bannister, O. W. Jr.	Bannister & Wyatt, LLC P.O. Box 10007 Greenville SC 29603				Defendant Attorney		
Brown, J M, I & Dba	J M Brown Amusement Co 000000000				Defendant		
Collins, Fred, I & Dba	Collins Entertainment Co 000000000				Defendant		
Evette, Porter, I & Dba	Video Games Plus 000000000				Defendant		
Henderson, Matthew A	Henderson Brandt & Vieth, PA 360 E. Henry St. Spartanburg SC 29302				Defendant Attorney		
Hiller, Randall S	Attorney at Law P.O. Box 1716 Greenville SC 29602				Defendant Attorney		
Holcombe, Dean Jr	000000000				Plaintiff		
Jordan, R L, I & Dba	R L Jordan Oil Company 000000000				Defendant		
Lipscomb, Steven E, I&Dba	American Amusement 000000000				Defendant		
Mahon, Tim, I & Dba	Tim'S Amusement 000000000				Defendant		
New Dawn Ministries	000000000				Plaintiff		
Reeves, Charles L, I&Dba	Joytime Distrib & Amuseme 000000000				Defendant		
Ridge, Christopher J							

York County
Sixteenth Judicial Circuit
Public Index



Switch View

New dawn ministries , plaintiff, et al VS James R Mcdonald , defendant, et al

Case Number:	1997CP4600884	Court Agency:	York County Common Pleas	Filed Date:	05/20/1997
Case Type:	Common Pleas	Case Sub Type:	Special-Comp/Oth 699	File Type:	Jury
Status:	Ended	Assigned Judge:	Cooper, Thomas W. Jr.		
Disposition:	Dismissed by Court - not Rule 40J	Disposition Date:	01/12/1999	Disposition Judge:	Cooper, Thomas W. Jr.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the icon to show associated parties:

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Harpootlian, Richard A					Defendant Attorney		10/19/2005
Harpootlian, Richard A	1720 MAIN ST, SUITE 304 COLUMBIA SC 292010000				Defendant Attorney		03/12/2007
Harpootlian, Richard A					Defendant Attorney		10/19/2005
Harpootlian, Richard A					Defendant Attorney		10/19/2005
Holcombe, Dean Jr					Plaintiff		10/19/2005
Mcdonald, Cynthia					Defendant		10/19/2005
Mcdonald, James R					Defendant		10/19/2005
Mcdonalds amusement					Defendant		10/19/2005
Mcdonalds gaming					Defendant		10/19/2005
New dawn ministries					Plaintiff		10/20/2005
Ridge, Christopher	P O BOX 1904 SPARTANBURG SC 293040000				Plaintiff Attorney		03/12/2007
Ridge, Christopher J	P O BOX 1904 SPARTANBURG SC 293040000				Plaintiff Attorney		03/12/2007
Turnipseed, David E	P O BOX 1904 SPARTANBURG SC 293040000				Plaintiff Attorney		03/12/2007

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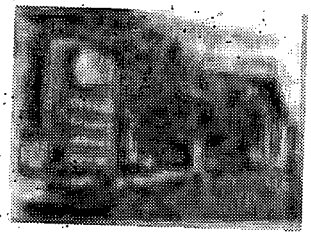
Richland County 5th Judicial Circuit Public Index



NEW DAWN MINISTRIES VS. MICHAEL W MIMS

Case Number:	97CP4001973	Court Agency:	Richland County Common Pleas	Filed Date:	05/30/1997
Case Type:	Common Pleas	Case Sub Type:	Special-Comp/Oth 699	File Type:	Jury
Status:	Disposed	Assigned Judge:			
Disposition:	Withdrawn or Settled by Parties	Disposition Date:	01/11/1999	Disposition Judge:	Kinard, J. Ernest Jr.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Holcombe, Dean Jr	201 Coldbranch Dr Columbia SC 29223				Plaintiff		06/23/2007
Mims, Michael W	6441 Winyah Drive Cola SC				Defendant		06/23/2007
Nettles, Zoe Sanders	PO BOX 11070 COLUMBIA SC 29211				Defendant Attorney		06/23/2007
Nettles, Zoe Sanders	PO BOX 11070 COLUMBIA SC 29211				Defendant Attorney		06/23/2007
New Dawn Ministries	5 Bridle Path Court Columbia SC 29223				Plaintiff		06/23/2007
Palmetto Games	1630 Bywood Dr Cola SC				Defendant		06/23/2007
Ridge, Christopher J	213 MAGNOLIA STEET PO BOX 1904 SPARTANBURG SC 29304				Plaintiff Attorney		06/23/2007
Ridge, Christopher J	213 MAGNOLIA STEET PO BOX 1904 SPARTANBURG SC 29304				Plaintiff Attorney		06/23/2007

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Greenville County 13th Judicial Circuit Public Index

Switch View

DEAN JR HOLCOMB VS HOLIDAY INN AUGUSTA ROAD

Case Number:	97CP2303799	Court Agency:	Greenville County Common Pleas	Filed Date:	11/13/1997
Case Type:	Common Pleas	Case Sub Type:	Contract/Other 199	File Type:	Jury
Status:	Dismissed	Assigned Judge:			
Disposition:	Dismissed by Court - not Rule 40J	Disposition Date:	06/03/1998	Disposition Judge:	Solicitor
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Blind Horse Saloon					Defendant		
Bouch, Timothy W.	Leath Bouch & Crawford, LLP P.O. Box 59 Charleston SC 29402				Defendant Attorney		05/12/2007
Bristol Corporation					Defendant		
Corner Mart Scampers Inc					Defendant		
Emro Marketing					Defendant		
Ghent, Russell D.	Leatherwood Walker Todd & Mann, PC 300 E. McBee Ave., Ste. 500 Greenville SC 29601				~~Plaintiff~~ DEFENDANT Attorney		05/12/2007
Handee Mart Food Stores Nos 3					Defendant		
Handee Mart Ford Stores Inc					Defendant		
Holcomb, Dean Jr					Plaintiff		
Holiday Inn Augusta Road					Defendant		
Holiday Inn Select					Defendant		
Honey's Inc					Defendant		
John Paul's Armadillo Oil Comp					Defendant		
Longhorn Products Inc					Defendant		
Longhorn Steakhouse					Defendant		
Mcdonald, Moffatt G.	Haynsworth Sinkler Boyd, PA P.O. Box 2048 Greenville SC 29602				Defendant Attorney		05/12/2007
Mcguffey's Inc					Defendant		
Mcguffey's Restaurant					Defendant		
Mckinney, Rita Margaret	SC Dpt Labor Licensing & Regulatn P.O. Box 11329 Columbia SC 292111329				~~Defendant~~ PLAINTIFF Attorney		05/12/2007
New Dawn Ministries					Plaintiff		
Pantry Inc					Defendant		
Phoenix Inn Inc					Defendant		

DEFENDANT'S EXHIBIT 4 5-15-17 PENGAD 800-631-6989

THE S.C. COURT RULES, RULE 407 PROFESSIONAL CONDUCT STATES AT "(a) A LAWYER SHALL NOT KNOWINGLY (1) MAKE A FALSE STATEMENT OF FACT OR LAW TO A TRIBUNAL OR FAIL TO CORRECT A FALSE STATEMENT OF MATERIAL FACT OR LAW PREVIOUSLY MADE TO THE TRIBUNAL BY THE LAWYER."

LIST OF FALSE STATEMENTS OF MATERIAL FACTS MADE BY ASSISTANT SOLICITOR RUSSELL D. GHENT IN THE CASES OF STATE VS. DEAN ALTON HOLCOMB, 2013-GS-23-05223 & 4600A - CITING OFFICIAL COURT TRANSCRIPTS FROM JUNE 4, 2015, JULY 29, 2016 AND THE TRIAL SEPTEMBER 6-8, 2016 BY PAGE AND LINE NUMBER. I WILL MAKE A BRIEF COMMENT ON EACH REFERENCING AN ITEM ON THE INDEX, TRANSCRIPT OR OTHER SOURCE.

		JUNE 4, 2015 - GREENVILLE, SC - JUDGE KELLY
1	16-2	"HE HAS ~~CHASED~~ LITERALLY CHASED OFF JUDGES, PROSECUTORS AND PUBLIC DEFENDERS..." OBVIOUSLY NOT TRUE
2	25-16	"THE BREACH OF TRUST, ~~OCCURED IN~~ YOUR HONOR, OCCURED IN, IF I'M NOT MISTAKEN, IN 2013." MR. GHENT WAS MISTAKEN THE ALLEGED BOT OCCURED IN MAY 2012.
3	25-19	"HE WAS ARRESTED ON THIS CHARGE IN 2014" FALSE. I WAS ARRESTED ON APRIL 28, 2013

4	25-20	"AND NOW WE'RE ~~GOING~~ TRYING TO GET THIS TO TRIAL IN 2015." I DON'T BELIEVE THIS NOR SHOULD ANY OTHER. MR. GHENT CONTROLS THE DOCKET. I WENT TO TRIAL 15 MONTHS LATER, MR. GHENT AND GREENVILLE COUNTY SHERIFF'S OFFICER DID TAKE PICTURES OF THE MCGINN HOME IN JUNE OF 2015. MR. GHENT WANTED A GUILTY PLEA NOT A TRIAL.
5	25-20	"SO IT IS NOT LIKE THIS CASE IS SUCH AN OLD CASE BECAUSE EVERYBODY'S JUST SAT ON THEIR HANDS" - FALSE. I HAD SOUGHT A PRELIMINARY HEARING AND MADE REQUESTS IN BOTH STATE & FEDERAL COURT FOR A "FAST & SPEEDY" TRIAL(S). MR. GHENT & OTHERS HAVE THWARTED MY EFFORTS.
6	25-22	"COUNSEL IS OVERLOOKING THE FACT HIS CLIENT BROUGHT THESE CIRCUMSTANCES ABOUT." - THIS STATEMENT COULD BE CONSIDERED TRUE IN MY ACTIONS CAUSED GHENT & COLLINS TO BE MOTIVATED FOR REVENGE BUT ARE FALSE IN THIS CONTEXT. I DID NOTHING TO DELAY A TRIAL. THUS, THIS STATEMENT IS FALSE.
		JULY 26, 2016
		~~JUNE 4, 2015~~ - YORK, SC JUDGE HAYES
7	10-17	"- AFTER HE SET AN APPOINTMENT CAME IN SAT DOWN
8	11-2	"HIS LICENSING, THE DEFENDANT'S LICENSING AS A ROOFING CONTRACTOR; A DOCUMENT FROM THE SECRETARY OF STATE'S OFFICE..." NOT TRUE.

		SEE STATE'S EXHIBIT #4 AND ITEM #4 IN MY DOCUMENTS LIST, SHOWS I WAS LICENSED & BONDED AT THE RELEVANT TIME. THE DOCUMENT SHOWS THIS.
8	11-5	"... AND HE ADMITTED THIS IN HIS STATEMENT, THAT SHOWS AT THE TIME HE ENTERED INTO THIS CONTRACT HIS BONDING HAD LAPSED." - THIS IS FALSE, I NEVER SAID SUCH A THING. WHY WOULD I?
9	11-7	"HE WAS NO LONGER A BONDED OPERATOR IN ROOFING"
10	11-16	"A SLED AGENT WHO WAS ASSIGNED TO THE CASE AFTER THE ENTIRE GREENVILLE COUNTY SHERIFF'S OFFICE DISQUALIFIED ITSELF." THIS IS A FALSE STATEMENT BECAUSE A FEW DAYS LATER MR. GHENT WOULD DIRECT GCSO'S DEPUTY DAVID HANKS & GCSO'S DEPUTY JONATHAN HOWARD (SEE P. 13) TO TAKE PICTURES OF THE HOME IN QUESTION. IF SLED TOOK OVER THE CASE AND THE ENTIRE GCSO HAD DISQUALIFIED ITSELF WHY WOULD GCSO DEPUTY(S) BE TAKEN PHOTOGRAPHS? THE ANSWER IS MR. GHENT LIED TO THE COURT.
11	11-22	"THE PUBLIC DEFENDER'S OFFICE WILL NOT TAKE IT -- TOUCH IT." OBVIOUSLY FALSE.
12	11-24	"THE JUDGES ALREADY WERE NOT GONNA GET INVOLVED BECAUSE THEY ARE LOCAL JUDGES."

		I WOULD SUBMIT THAT THE LOCAL JUDGES DID NOT WANT TO GET INVOLVED BECAUSE I PUBLICIZED THE WEBSITE OPERATION LOST TRUST II AND EVIDENCE OF ME BEING SET-UP STARTING IN JUNE 2013.
13	21-6	"IT WAS NOT OVER; THEY WERE TRYING TO COMPLETE THE INVESTIGATION." GCSO TIM MARTIN DID NOT CONTACT MY SISTER'S LANDLORD REGARDING THE BOT INVESTIGATION. MY SISTER HAD NOTHING TO DO WITH CHR, LLC. THIS WAS INTIMIDATION. MR. GHENT'S STATEMENT TO THE COURT IS FALSE & MISLEADING. FURTHERMORE, MR. MARTIN NEVER RETURNED MY SISTER'S CALLS. THUS, NEITHER HE NOR GCSO WERE INTERESTED IN HER INFORMATION.
14	21-7	"I HAVE NOT CONTACTED HIS SISTER BECAUSE IT BECAME OBVIOUS THAT WAS A HOT-BUTTON ISSUE FOR HIM." THIS IS FALSE, PROSECUTORS ARE NOT CONCERNED WITH UPSETTING DEFENDANTS IN WHOM THEY QUESTION. MR. GHENT LIED.
15	21-23	"... CLAUDIA WHITT WHO IS HIS GIRLFRIEND..." THIS IS A FALSE STATEMENT. AT THE TIME MS. WHITT HAD BEEN BROKEN UP FOR AT LEAST 18 MONTHS. SO, MS. WHITT IS AN EX-GIRLFRIEND.
16	21-24	"AND WAS IN THE BUSINESS WITH HIM WHO HAS GONE MISSING." THIS IS FALSE IN THE FACT

		THAT MS. WHITT HAD NOT GONE MISSING. BASED UPON INFORMATION AND BELIEF HER LISTED PHONE NUMBERS AND HOME ADDRESS WERE THE SAME AS THEY HAD BEEN FOR THE PAST 3 YEARS. MY SISTER COULD AND STILL CAN GET A HOLD OF MS. WHITT, AS OF THIS WRITING. PROFESSIONAL LAW ENFORCEMENT OFFICIALS SHOULD BEEN ABLE AS WELL. MR. GHENT INTENTIONALLY AND WITH MALICE MISLED THE COURT.
17	32-5	"THERE WAS NOT A PHONE CALL." THIS IS FALSE. BECAUSE, MR. SHEALY SAID - AT 32-7 "THE INFORMATION FROM THAT TELEPHONE CALL. AGAIN, JUDGE, I HADN'T SEEN IT SO I ASSUME THAT THEY ACTUALLY USED THE BEST EVIDENCE WHICH WOULD BE THE PHONE CALL. IN FACT, MR. SHEALY SUBPOENED THE RECORDING OF A CALL I MADE TO A LAWYER ABOUT GETTING A BOND REDUCTION BECAUSE OF MY INABILITY TO REACH SHEALY. SEE DOCUMENT # 15. IF THERE WAS NOT A PHONE CALL AND I HAD NOT SPOKEN WITH SHEALY FOR ABOUT 8 MONTHS OR SO. WHY THE SUBPOENA?
18		I BELIEVE IT IS UNETHICAL FOR GHENT OR ANY OTHER TO LISTEN TO A PHONE CALL I MADE TO A LAWYER. 864-242-2554 IS THE PHONE NUMBER OF AN ATTORNEY, EARNEST HAMILTON-??

19	33-10	"FIRST OF ALL THERE WAS INFORMATION THAT WAS BROUGHT TO OUR ATTENTION THAT GOT SLED INVOLVED" THIS IS FALSE. IF SLED HAD THE SLIGHTEST BIT OF EVIDENCE OF ME ACTUALLY THREATENING A JUDGE I WOULD HAVE BEEN CHARGED AND A TRUE BILL INDICTMENT "RUBBER STAMPED". BUT I WASN'T. I BELIEVE GHENT WAS JUDGE SHOPPING OR HOPING FOR A GUILTY PLEA. SEE DOCUMENT #14, FACTUAL AND PROCEDURAL BACKGROUND FOR C/A #1:16-CV-00672-MGL-SVH, HOLCOMB VS. LT. JEFF KINDLEY. SLED SEIZED MY DISCOVERY, LAW BOOKS AND RELIGOUS BOOKS AND HAVE TO RETURN THEM. I WENT TO TRIAL WITHOUT MY DISCOVERY BEING AVAILABLE NOR DID I EVER SEE THE EVIDENCE GATHERED BY GHENT MENTIONED IN LIE #13, UNTIL AFTER MY TRIAL AND FALSE CONVICTION.
20	33-12	"THE INFORMATION WAS NOT A PHONE CALL." SEE GHENT'S LIES #17-19.
21	33-15	"ONE OF THOSE HAD TO DO WITH THREATS AGAINST A JUDGE; THREATENING LANGUAGE, THREATENING DISCUSSION WITH RESPECT TO A JUDGE WHO HAD REVOKED HIS BOND." THIS STATEMENT IS FALSE. MR. GHENT IS PREJUDICING ME IN THE WORST WAY. I WAS NEVER CHARGED. NOR HAVE I EVER HAD MY BOND REVOKED. THERE IS NO RECORD OF THIS.

22	36-7	"... THIS DEFENDANT SAID IN HIS OWN STATEMENT AND HIS OWN KNOWLEDGE THAT WHAT HE WAS DOING WAS WRONG." - THIS IS FALSE. I SAID NO SUCH THING NOR WOULD I.
23	44-17	"THAT THEN WENT BEYOND TO DISCUSSION ABOUT HOW TO GO ABOUT GETTING BACK AT THE JUDGE WHO HAD REVOKED THE BOND." WHICH JUDGE WOULD THAT BE AND WHEN AND WHERE WAS THIS REVOCATION? THIS STATEMENT IS FALSE AND INTENTIONALLY MISLEADING.
24	45-15	"BOND WAS SET AND HE JUST BOMBARDS THE DETECTIVE WITH ALL KINDS OF OFFENSIVE EMAILS." THIS IS A FALSE STATEMENT IN THAT IT FAILS TO SHOW THAT I WAS REQUIRED TO MAINTAIN WEEKLY CONTACT WITH DETECTIVE MARTIN AS A CONDITION OF MY BOND ($5K) FOR BOT. A CONDITION NOBODY HAS EVER HEARD BEFORE. MR. SHEALY SAID ON PAGE 12 AT 8 ON THE
	12-8	JULY 29, 2016 HEARING; "AS ~~TO~~ WHY I DON'T WANT MY CLIENTS REPORTING IN, I GENERALLY TELL MY CLIENTS THEY OUGHT NOT BE SPEAKING TO SHERIFF'S DEPUTIES. THAT'S JUST NOT A GOOD IDEA FOR PEOPLE WHO ARE CHARGED WITH
	12-13	CRIMES." JUDGE, I'VE NEVER SEEN A BOND THAT REQUIRES THAT."

25	46-1	"AND THEN AFTER THAT WE'RE GETTING READY TO GO TO TRIAL..." THIS IS FALSE. BECAUSE MR. GHENT DID NOT GET ACTUALLY INVOLVED IN TAKING PICTURES (SEE GHENT'S LIES #10) AND INTERVIEW THE MCGINNS NOR THE CLARKS UNTIL AFTER THE QUASHED SUBPOENA AND THE HEARING WHERE HE IS MAKING THIS STATEMENT.
26	48-16	"THIS DEFENDANT FIGHTS IT TOOTH AND NAIL AND THAT'S HIS CHOICE." - THIS IS A FALSE STATEMENT. HERE MR. GHENT LIES TO THE COURT BY STATING THAT PRIOR TO MY ARREST AND AFTER I WAS NOT COMPLIANT WITH MEDICAL ADVICE CONCERNING TAKING MEDS FOR A VERY MANAGLABLE DISORDER, BIPOLAR. MEDICAL RECORDS PROVE THIS STATEMENT TO BE FALSE.
27	50-23	"ONE OF THE THINGS THAT HE SAID WAS THAT ONE OF THE REASONS WHY HE DIDN'T DO THE REPAIRS ON THE HE HOUSE..." - I NEVER SAID CHR, LLC DIDN'T DO REPAIRS, CHR, LLC DID DO REPAIRS ACCORDING TO THE ALLEGED VICTIM, THE 2 SUB-CONTRACTORS & ME. ONLY MR. GHENT & DETECTIVE MARTIN SAID NO WORK WAS DONE. EVEN THE COMPLAINANT SAID WORK WAS DONE & DETECTIVE MARTIN THEN LIED.

28	50-25	"... HE GOES BACK AND FORTH, HE SAYS HE FIXED -- YOU KNOW HE PUT ANOTHER ROOF ON IT..." I NEVER SAID ANYTHING REMOTELY LIKE THIS.
29	51-3	"WELL, IT'S CLEAR THE DEDUCTIBLE WAS ONLY FIVE HUNDRED DOLLARS." NO IT'S CLEAR THIS IS A FALSE STATEMENT. SEE PAGE 3 OF THE McGINN INSURANCE POLICY (DOCUMENT #9 & STATE'S EXHIBIT #5) SHOWS A DEDUCTIBLE OF $1000.00. IN FACT AT THE TRIAL THE RECORD SHOWS THAT ROBERT McGINN'S INSURANCE COMPANY REPRESENTATIVE, JASON MARTIN TESTIFIED ON
	82-12	PAGE 82 AT 12 - "AFTER YOU SUBTRACT THEIR THOUSAND DOLLAR DEDUCTIBLE, YES SIR." MR. GHENT CLEARLY MADE ANOTHER FALSE STATEMENT OF A MATERIAL FACT TO THE COURT.
30	51-16	"IT'S NOT A -- IT'S A DVA (DBA). IT'S NOT A CORPORATION AS NEAR AS I CAN FIGURE." HERE MR. GHENT MAKES A MISLEADING STATEMENT. A SIMPLE CHECK WITH THE SC SECRETARY OF STATE WILL SHOW THAT CAROLINA HOME RENOVATORS, LLC WAS AT ALL RELEVANT TIMES AND AS OF THIS WRITING A LLC IN GOOD STANDING. (SEE DOCUMENT #6 & BATE STAMPED, STATE'S EVIDENCE DOCUMENT #5)

	21-22	ALSO, ON PAGE ON PAGE 21-22, MR. GHENT SAID, "MR. HOLCOMB MADE REFERENCE TO KENNY WHO HAD SNIFFED HIM OR RUN OUT ON HIM AND THERE IS A CLAUDIA WHITT WHO IS HIS GIRLFRIEND (SEE LIE #15) AND WAS ~~HIS~~ IN THE BUSINESS WITH HIM..." THE CORPORATE CHATER FOR CHR, LLC WILL LIST CLAUDIA WHITT, KENNY SAWYER, MELISSA SAWYER AND MYSELF AS EQUAL SHAREHOLDERS - 25% STAKE EACH. THIS IS A VERIFIABLE MATERIAL FACT. MR. GHENT MADE A FALSE STATEMENT OF FACT TO THE TRIBUNAL; MR. GHENT MADE A BIG SHOW TO THE JURY ABOUT HIS EXPERIENCE WITH THE SOLICITOR'S OFFICE, THE S.C. ATTORNEY GENERAL, US ATTORNEY'S OFFICE IN D.C & HIS EXPERIENCE IN PRIVATE PRACTICE OVER THE PAST 40 YEARS. HOW CAN I HAVE BUSINESS PARTNERS AND BE A DBA? I CAN'T NOW CAN I? LEGALLY. SEE PAGE 115 AT 21 DID YOU MAKE THIS CONTRACT W/ CHR, LLC & D.H.
31-34	52-4	"COURT'S EXHIBIT FOUR (DOCUMENT #) IS SIMPLY A DOCUMENT THAT IS A CHECK BY MY INVESTIGATOR ON CAROLINA HOME RENOVATORS. THE DEFENDANT SAID IN HIS STATEMENT THAT HE HAD LOST HIS BOND. THIS MERELY CORROBORATES THE FACT THAT AS OF 11.14.2012 HIS BOND -- HE WAS NOT BONDED -- DID EXPIRE." THERE ARE THREE 3 FALSE STATEMENTS & 2 ETHICAL VIOLATIONS IN THIS ONE PARAGRAPH. (A) MR. GHENT MISLEAD THE COURT, BEING HIS INVESTIGATOR,

IN HIS CHECK FOUND THE LLR LICENSING BUT NOT CHR, LLC. THE ONLY CONCLUSION ONE COULD POSSIBLY REACH IS EITHER MR. GHENT'S INVESTIGATOR IS BEYOND INCOMPOTENT OR HE IS MISLEADING THE COURT. MR. GHENT IS MESLEADING THE COURT. (B) I NEVER SAID I WAS NOT BONDED NOR WOULD I. (C) THIS DOCUMENT ACTUALLY CORROBORATES THE FACT
11-2 THAT MR. GHENT LIED TO THE COURT ON PAGE 11, SEE GHENT'S LIES # 7-9. (D) MR. GHENT REALIZED HIS ERRORS & FAILED TO CORRECT THEM VIOLATING RULE 407 OF PROFESSIONAL CONDUCT.

FURTHER EVIDENCE OF THIS BEING FALSE STATEMENTS IS FROM THE TRIAL TRANSCRIPT PAGE 226 A 9 MR. SHEALY CROSSEXAMINATION OF DETECTIVE MARTIN

Q. OKAY. WAS HE LICENSED?

A. YES.

Q. WAS HE BONDED?

A. YES.

Q. OKAY. FOR THE RELEVANT TIMES OF THIS CONTRACT

A. RIGHT.

MR. GHENT LIED TO THE TRIBUNAL AT LEAST 6 TIMES ABOUT BONDING & LICENSING? AND MADE AT BEST A MISLEADING STATEMENT. THESE FALSE STATEMENT MAY HAVE INFLUENCED THE JUDGE AT SENTENCING & DENIAL OF BOND CAUSING ME IRREPAIRABLE HARM.

35	53-5	"... THE ROOFING THAT WENT ON A GENTLEMAN'S HOUSE WHO HAD BEEN COMPLAINING, ARGUING, ABOUT HIS JOB NOT GETTING DONE, NOT GETTING DONE, NOT GETTING DONE."
		HERE MR. GHENT MAKES REFERENCE TO MR. CLARK WHO TESTIFIED THAT HE DID LEAVE A MESSAGE WITH THE OFFICE A FEW DAYS BEFORE THE INSTALLATION OF HIS ROOF BUT THERE WAS NEVER ANY ARGUING OR COMPLAINING ON OR OFF THE RECORD. SEE SUSAN & KENNETH CLARK'S TESTIMONIES PAGES 162-178.
		MR. GHENT ONCE AGAIN MADE A FALSE STATEMENT TO THE TRIBUNAL OF A MATERIAL FACT. IN FACT, MRS CLARK WROTE "THANKS!" ON THE LAST CHECK. SEE DOC #16
36	53-9	"... PAID FOR A PROJECT THAT WAS ONGOING."
		NOT TRUE. THE CLARK PROJECT HAD NOT BEGAN.
~~38~~		TRIAL TRANSCRIPT - SEPTEMBER 6-8, 2016
37	~~57-18~~	MR. GHENT'S CROSSEXAMINATION OF ME
	57-18	Q. AND YOU SAID YOU KNEW THE INVESTIGATOR, MR. MARTIN, FROM THE PAST?
		A. YES, SIR.
		Q. HOW SO?
		A. WE DATED A GIRL THAT WAS -- WE BOTH DATED THE SAME GIRL. I DATED HER FIRST IN 1987/1988. AND I FELT LIKE HE STALKED HER A LITTLE BIT.

Q. WOULD IT INTEREST YOU TO KNOW THAT SHE'S BEEN INTERVIEWED BY SLED AND WHAT SHE SAID DOES NOT MATCH WHAT YOU'VE SAID, I'M TALKING ABOUT TODAY, AT ALL?

A. OKAY. I DISAGREE, BUT...

SEE DOCUMENT #18. THIS MEMORANDUM OF INTERVIEW BY SLED STATES:

① "SHE ADVISED THAT SHE DATED HOLCOMB BRIEFLY..." AND

② "SHE WAS ASKED IF SHE ~~H~~ HAD DATED TIM MARTIN AND SHE ADVISED THAT SHE HAD FOR A VERY SHORT TIME BUT IT DIDN'T WORK OUT."

I DON'T BELIEVE THE MEMORANDUM IS ~~[illegible]~~ ACCURATE. I RECORDED THE CALL MENTIONED WITH MRS. COLE-JOY. AND WHAT SHE RECALLED IS NOT WHAT LT. KINDLEY WROTE IN THIS MEMO.

REGARDLESS, THE SLED INTERVIEW DOES NOT REFUTE WHAT I SAID IN THE LEAST. THE SLED INTERVIEW CONFIRMS MY TESTIMONY. MR. GILHENT IS ~~ATTEMPTING~~ ONCE AGAIN MISLEADING THE COURT.

38 76-15 "FOR HIM TO STAND THERE AND TELL THE JURY THIS CASE HAS TAKEN SO LONG, IT HAS TAKEN SO LONG BECAUSE HIS CLIENT THREATENED A

		PROSECUTOR AND AN OFFICER IN THIS CIRCUIT." NOT TRUE. WHAT ARE THE EXACT WORDS OF THIS ALLEGED THREATS AND WHAT WOULD THAT HAVE TO DO WITH ME NOT OBTAINING A "FAST & SPEEDY" TRIAL? THE ARREST FOR THE B.O.T. WAS MAY 2013. THE 1ST REQUEST OF NUMEROUS FOR A FAST & SPEEDY TRIAL WAS JUNE 2013. THE TRIAL WAS ~~SPED~~ HELD ON SEPT 6, 2016 40 MONTHS AFTER THE ARREST.
39	70-15	"NO JUDGE WILL TOUCH IT." - OBVIOUSLY NOT TRUE
40	70-16	"NO PROSECUTOR WILL TOUCH IT." - OBVIOUSLY NOT TRUE
41	70-17	"HE HAS ALSO REPORTED TO HAVE MADE THREATS AGAINST JUDGE VERDIN FOR REVOKING HIS BOND." WHO WAS THAT SAID THE THING ABOUT TELLING A LIE OFTEN ENOUGH? WAS IT HITLER OR ONE OF HIS MEN? REGARDLESS, HERE HE GOES AGAIN.
42	70-23	"THAT IS THE MOST OUTRAGEOUS THING I'VE EVER SEEN A DEFENSE ATTORNEY DO." REALLY? I CALL FALSE STATEMENT.
43	70-24	"THAT WAS A BLATANT MISREPRESENTATION TO THE JURY." NO, MR. GHENT YOU WILL DO ABOUT ~~30~~ 40 MORE MISREPENSENTATIONS ~~FOLLOWING THIS STATEMENT~~ TO THE JUDGE & JURY.

44 RULE 407 - PROFESSIONAL CONDUCT UNDER RULE 3.4 FAIRNESS TO OPPOSING PARTY AND COUNSEL
(b) A LAWYER SHALL NOT COUNSEL OR ASSIST A WITNESS TO TESTIFY FALSELY...

II 114-8 "...THIS CHECK SAYS ~~GREENTREE~~ MOTHR ROOFING..."

117-21 ON PAGE 117 MR. GHENT ASKS DAVID HANKS WITH THE GREENVILLE COUNTY SHERIFF'S OFFICE
Q." IN JUNE 2015, AFTER I TOOK OVER THE CASE, DID YOU AND ANOTHER INVESTIGATOR GO WITH ME TO 19 BEAVER DAM DRIVE?"
A. "I DID."
Q. "AT MY REQUEST DID YOU TAKE PHOTOPHRAPHS OF THE HOUSE AT THAT TIME?
A. "YES, SIR"

AT THIS POINT MR. GHENT ENTERED 23 PICTURES OF THE MCGINN PROPERTY INTO EVIDENCE. THE ALLEGED VICTIM, MR. MCGINN TESTIFIED THAT 2 CHR, LLC SUB-~~CONTRACT~~ CONTRACTORS PAINTED A NUMBER OF DOORS, WINDOWS & STAINED SECTIONS OF THE HOME, SEE PAGE 111. DURING CROSS EXAMINATION BY MR. SHEALY ON PAGE 112 THE ALLEGED VICTIM TESTIFIED

112-25 Q. OKAY. NOW, DO YOU REMEMBER WHO DID THE ACTUAL WORK ON THE HOUSE?
113-2 A. TWO GENTLEMEN.
113-3 Q. OKAY. AND ONE OF THEM WAS MR. RICHARDSON PRESUMABLY?

113-4 A. YES. AND THE OTHER'S NAME WAS -- WAS IT WILL?

113-5 Q. WAS IT WILL? OKAY.

113-6 A. YEAH.

113-7 Q. HOW MANY DAYS DID THEY WORK?

113-8 A. ~~OKAY. AND IN THAT PERIOD OF TIME, AGAIN, THEY HAD STAINED THE FRONT AND THE BACK OR THE FRONT AND THE RIGHT, NOT THE BACK OR THE LEFT SIDE~~

DAY, DAY AND A HALF, TOTAL.

113-9 Q. OKAY. AND IN THAT PERIOD OF TIME, AGAIN, THEY HAD STAINED THE FRONT AND THE BACK OR THE FRONT AND THE RIGHT SIDE, NOT THE BACK OR THE LEFT SIDE?

113-12 A. CORRECT

113-13 Q. OKAY. AND PAINTED THOSE FRAMES?

113-14 A. (NO RESPONSE) SEE PAGE 111

SEE DOCUMENT #18 FROM HOME DEPOT. A ~~SEMI~~ SEMI-TRANSPARENT STAIN WAS APPLIED TO THE McGINN HOME. THIS WAS A LIGHT HONEY TINTED STAIN. HOME DEPOT SAYS, "THESE STAINS LAST LONGER - FOR BETWEEN TWO AND THREE YEARS." DOCUMENT #19 FROM THE 110 YEAR OLD A.G. WILLIAMS PAINTING COMPANY'S WEBSITE RECOMMENDS EVERY YEAR ON SEMI-TRANSPARENT STAINS. ~~REGARDLESS~~

REGARDLESS, TAKING PICTURES OF A STAINING A JOB OVER 3 YEARS AFTER THE WORK WAS

A FUNDAMENTALY UNFAIR ACT. MR. GHENT IS AN EDUCATED MAN AND KNOWS THIS WAS AN UNFAIR PLAY ON HIS PART.

IT IS COMMON SENSE THAT PEOPLE DON'T STAIN OR PAINT THEIR HOME UNTIL IT NO LONGER LOOKS GOOD. IF IT LOOKED GOOD IT WOULD NOT BE PAINTED OR STAINED. BY WAITING 3 YEARS TO OBTAIN THIS "EVIDENCE" MR. GHENT WAITED UNTIL AFTER THE LONGEST PERIOD RECOMMENDED TO RESTAIN.

~~FURTHERMORE, THIS IS PROOF THAT THE ENTIRE GREENVILLE COUNTY SHERIFF'S OFFICE DID NOT DISQUALIFY ITSELF. SEE GHENT'S LIE # 10.~~

MR. GHENT ASKED GCSO DEPUTY HANKS ON PAGE 125 AT 2 -

Q. THANK YOU. THAT PRETTY MUCH REFLECTS THREE YEARS LATER AFTER A CONTRACT WAS ENTERED FOR WORK TO BE DONE ON THAT HOME. THAT PRETTY MUCH -- IS IT A TRUE AND ACCURATE DEPICTION OF THE SITE IN JUNE OF 2015.?

A. YES, SIR.

45 127-11 THIS IS NOT A PROPERTY CRIME.

46 ~~FURTHER~~ MR. GHENT SUBORDNED PERJURY ~~LOTTON~~ ~~HAS DONE~~ AND COMMITTED CRIMINAL CONSPIRACY WHEN HE ASKED GCSO DEPUTY DAVID HANKS THE FOLLOWING ON PAGE 132 -

132-14	Q. TO YOUR KNOWLEDGE, YES OR NO, WAS TIM REMOVED FROM THE CASE FOR ANY DISCIPLINARY REASONS OR ANY REASONS OF HIM HAVING DONE ANYTHING WRONG WHATSOEVER?
132-17	A. NO, HE WAS NOT.
132-18	Q. WOULD YOU PLEASE STAND, SIR. DO YOU KNOW WHO THAT GENTLEMAN IS?
132-20	A. YES, SIR, I DO.
132-21	Q WHAT'S HIS NAME?
132-22	A. HIS NAME IS LIEUTENANT JEFF KINDLEY
132-23	Q. WHO'S HE WITH?
132-24	A. HE'S WITH THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION.
132-25	Q WHO TOOK OVER THE CASE?
133-1	A. THIS GENTLEMAN RIGHT HERE DID.
133-2	Q. AND WAS IT BECAUSE OF ANYTHING TIM MARTIN DID WRONG?
133-3	A. NO, SIR, HE DID NOT.
133-4	Q. THANK YOU.
	THIS IS FALSE TESTIMONY. LT. JEFF KINDLEY UPON QUESTIONING FROM MR. SHEALY SAID -
267-16	Q. -- THAT RIGHT? OKAY. SO THE INDIVIDUALS THAT YOU SPOKE TO IN THE INVESTIGATION OF THIS BREACH OF TRUST CASE THROUGHOUT YOUR INVESTIGATION DID THEY -- DID THEY CLAIM TO HAVE GOTTEN THESE VARIOUS DOCUMENTS?

267-20	A. THE-- I INTERVIEWED PEOPLE. I DIDN'T INTERVIEW MR. MCGINNIS [SIC] OR MR. RICHARDSON. SO I DIDN'T HAVE THE OPPORTUNITY FOR THEM-- TO ASK THEM IF THE GOT THAT.
	Q. OKAY. IN YOUR REVIEW OF LAW ENFORCEMENT'S FILE WHEN YOU GOT THIS CASE,--
	A. YES, SIR.
268-1	Q. -- DID YOU HAVE THOSE COPIES OR COPIES THAT WERE SUBSTANTIALLY SIMILAR TO THESE ITEMS?
268-3	A. I CAN'T RECALL. I DIDN'T TAKE THE-- TELL YOU KIND OF HOW THE PROCESS WORKS IS WE TOOK THE INVESTIGATIVE FILE AND REVIEWED THE ENTIRE FILE. I DIDN'T TAKE A COPY OF IT AND KEEP IT. I DIDN'T INTERVIEW THE MCGINNIS [SIC] FAMILY. I DIDN'T INTERVIEW MR. RICHARDSON NOR DID I INTERVIEW MR. HOLCOMB."
	LT. JEFF KINDLEY DID NOT HAVE A COPY OF THE FILE NOR DID HE INTERVIEW ANY OF THE FOUR WITNESSES. THOSE ACTUAL WITNESSES BEING MR. ROBERT MCGINN - THE ALLEGED VICTIM, HIS COMMON LAW SON-IN-LAW JARED RICHARDSON ALSO A CHR, LLC FORMER SUB-CONTRACTOR, WILL BYRD A CHR, LLC FORMER SUB-CONTRACTOR NOR THE ALLEGED PERPATRATOR ME NOR DID HE INTERVIEW ANY OF THE OTHER PRINCIPALS OF CHR, LLC.. LT. JEFF KINDLEY DID NOT TAKE

C17	~~46~~	184-25	MR. GHENT SAID - "HE WAS WHAT THEY CALL A GYPSY ROOFER. HE CAME FROM NORTH CAROLINA, CAME DOWN TO TAKE ADVANTAGE OF WHAT HAD HAPPENED IN SOUTH CAROLINA..."
			THIS IS A FALSE STATEMENT. MR. GHENT IS SAYING THAT I MOVED TO S.C. TO TAKE ADVATAGE OF A STORM EVENT THAT OCCURED ON 4/5/2012. YET THE PREVIOUS PAGE HE OFFERED TESTIMONY FROM AN APARTMENT MANAGER WHO SAID -
		183-19	"LET'S SEE, HE MOVED IN IN APRIL, 2011. HERE MR. GHENT IS SAYING I MOVED IN 13 MONTHS BEFORE THIS WEATHER EVENT "TO TAKE ADVANTAGE OF WHAT HAD HAPPENED IN SOUTH CAROLINA..." IS OBSURD. I BELIEVE MR. GHENT IS USING THE WORD GYPSY INSTEAD OF JEW. HE CAN'T MEAN TRANSCIENT BECAUSE MARTIN KNEW ME FOR ~~ABOUT~~ OVER ~~30~~ 25 YEARS AT THAT POINT. HE HAD COPIES OF NEW DAWN MINISTRIES REGISTRATION IN THE STATE'S DISCOVERY, SEE STAMPED DOCUMENT #20. MR. GHENT HIMSELF UPDATED HIS LAWSUIT ON 7/19/2013 FOR A SUIT FROM 2000. GREENVILLE IS MY HOMETOWN. I WENT TO HIGH SCHOOL ABOUT 1 MILE FROM THIS APARTMENT MENTIONED ABOVE.
			I WAS NOT ~~KNOWN~~ WHAT THEY CALL A "GYPSY ROOFER". MR. GHENT IS AGAIN LYING TO THE COURT.

	48	184-25	"HE CAME FROM N.C., CAME DOWN TO TAKE ADVANTAGE OF WHAT HAD HAPPENED IN S.C..."
			- NOT TRUE, THIS IS A FALSE STATEMENT OF A MATERIAL FACT MADE BY MR. GHENT.
			MRS. CLARK ~~TESTIFIED~~ ~~ON PAGE~~ ANSWERD MR. SHEALY'S
	48		QUESTION ABOUT KNOWING ME ON PAGE 172
		172-1	Q. DO YA'LL KNOW MR. HOLCOMB?
			A. YES, SIR.
			Q. HOW IS THAT?
			A. HE WENT TO HIGH SCHOOL WITH OUR DAUGHTER, JULIE.
			MR. CLARK SAID -
		174-8	A. I WAS GOING THROUGH THE PHONEBOOK.
49	48	~~[illegible]~~	MR. GHENT SAID -
		187-12	"YOUR HONOR, THIS IS ~~A~~ NOT A MATTER OF POVERTY, IT'S A MATTER OF FACT. OUR INVESTIGATION INDICATES THAT MR. HOLCOMB CAME FROM WEALTH, NOT POVERTY. HIS FATHER WAS QUITE WELL-TO-DO, APPARENTLY, QUITE SUCCESSFUL."
			MY FATHER MADE HIS LIVING AS A GAMBLING LOBBYIST AND GAMING OPERATOR. HE WAS SHOT WHILE RUNNING 119 GAMBLING MACHINES WHILE CHASING FILTHY LUCRE TO HIS DYING BREATH. I DO NOT CONSIDER MY FATHER SUCCESSFUL. HE DIED ANGRY. SEE DOCUMENT #21. MR. GHENT'S STATEMENT IS FALSE.

50	~~46~~	~~187-21~~	MR. GHENT SAID -
		187-21	"THE WARRANT WAS TAKEN OUT JANUARY 31ST, 2013, I BELIEVE, YOUR HONOR, ---"
			- NO THE WARRANT WAS TAKEN OUT IN APRIL OF 2013. MR. GHENT FAILED TO CORRECT THIS ERROR IN VIOLATION OF RULES 407 & 3.1.

TAKE OVER THE CASE FROM INV. TIM MARTIN. THE ENTIRE GCSO DID NOT RECUSE ITSELF AS MR. GHENT SAID WHEN HE LIED TO THE COURT AT #10. DAVID HANKS COMMITTED PERJURY ON 9/8/2016.

50 ~~46~~ MR. GHENT MISPRISIONED THE PERJURY OF INV. TIM MARTIN AND COMMITTED AN ACT OF CRIMINAL CONSPIRACY WHEN HE ASKED MR. MARTIN –

217-5 Q. WHO TOOK OVER THE CASE FROM YOU?

A. SCED DID

Q. LIEUTENANT JEFF KINDLEY?

A. YES. – LIE #I OF MARTIN AT TRIAL

#51 SEE #45 ABOVE FOR PROOF.

→ → 221-14 "AT THE TIME I DIDN'T KNOW . . . "

52 ~~47~~ MR. GHENT WAS UNFAIR TO THE OPPOSING PARTY BY INTRODUCING 2 PICTURES INTO EVIDENCE THAT WERE ALLEGEDLY TAKE 1 YEAR TO THE DAY AFTER THE STAIN WAS PLACED ON THE McGINN HOME. MR. GHENT ASKS INV. MARTIN –

223-3 Q. THE DATE ON THESE PICTURES IS WHAT?

A. 5/28/13

Q. AND LOOKING AT THESE PHOTOGRAPHS WOULD IT APPEAR THAT THESE ARE TRUE AND ACCURATE RENDERINGS OF THE HOUSE 5/28/2013?

A. YES, SIR.

SEE DOCUMENTS #18 & #19 ABOUT STAIN. ALSO THIS

			HOME WAS EXPOSED TO ALOT OF WEATHER, THE OTHER SIDES WERE NOT COVERED DURING THE LAST STORMS BY THE INSURANCE COMPANY. THE STAIN APPLYED WAS A VERY LIGHT NATURAL HONEY COLORED STAIN IF I REMEMBER CORRECTLY.
54	48	223-8	MR. GHENT MUST HAVE KNOWN MR. MARTIN NEVER VISITED THE HOME, THIS COULD HAVE BEEN PHOTOS FROM ANOTHER HOME. IT WAS IMPROPER FOR MARTIN TO TESTIFY TO WHAT HE COULD NOT POSSIBLY KNOW AND IT WAS WRONG FOR GHENT TO ASK AND OFFER THIS TESTIMONY.
			MORE LIES OF INV. TIM MARTIN AT TRIAL
55	49	227-1	LIE #III, MR. SHEALY ASKS MARTIN Q. OKAY, SO YOU'VE MENTIONED THE BETTER BUSINESS BUREAU. DID YOU HAVE OCCASSION TO LOOK HIM UP ON THE BETTER --- A. I DID. Q. ---BUSINESS BUREAU? A. HE HAD AN A PLUS.
			THIS STATEMENT IS FALSE. DEAN HOLCOMB IS NOT NOR WAS HE LISTED WITH THE BBB. CHR, LLC WAS LISTED ON THE BBB. INV. MARTIN LOOKED UP CHR, LLC. SEE DOCUMENT #5 FROM THE STATE'S DISCOVERY.

56 ~~50~~

LIE # ~~III~~ IV, MR. SHEALY ASKS MARTIN

227-13 Q. OKAY. AND THEN -- SO WHEN DID THE MCGINNS COME AND TALK WITH YOU? DO YOU KNOW?

227-15 A. IT WAS A COUPLE OF MONTHS IT WAS TALKING TO THEM ON THE PHONE AND ME EXPLAINING WHAT I NEEDED.

THIS IS NOT TRUE I HAVE A RECORDED CALL FROM MAY 23RD 2013 OR SO WHERE MARTIN ADMITS HE DID NOT SPEAK WITH THEM UNTIL AFTER MY ARREST, HIS SUPPLEMENT REPORT SHOWS HIS FIRST CONTACT WITH MCGINN ON OR ABOUT MAY 28, 2013.

57 ~~51~~

LIE # ~~III~~ V, ~~MR. SHEALY ASKS MARTIN~~ MARTIN CONTINUES

227-16 Q. AND THEN HIS WIFE HAD SEVERAL SETBACKS. AND, LIKE I SAID, IT WAS PROBABLY MAY BEFORE I GOT EVERYTHING I NEEDED TO PROCEED WITH WHAT ALL I -- HAD.

BASED UPON THE SUPPLEMENT REPORTS AND BATES/DATE STAMPED DOCUMENTS, MARTIN TOOK A STATEMENT FROM ~~THE~~ ROBERT MCGINN'S STEP DAUGHTER SEE DOCUMENT #2, INCIDENT REPORT AND THIS COMPLAINANT HAS NEVER MET ME NOR WAS SHE A WITNESS NOR A PARTY TO THE CONTRACT IN QUESTION BECAUSE SHE WAS IN A S.C. PRISON AT THE TIME THE WORK WAS DONE. MARTIN

MADE A FALSE STATEMENT OF FACT IN OBTAINING THE ARREST WARRANT WITH THE SENTENCE, "NEVER DID ANY OF THE WORK". ON APRIL 16, 2013 BEFORE HE "GOT EVERYTHING I NEEDED
227-19 TO PROCEED WITH WHAT ALL I -- HAD".
PAGE 227 AT 6 IS A LIE.

58 ~~56~~ MARTIN CONTINUES TO LIE, LIE #V AT 227/22.
227-20 ~~OOOKAY, AND DURING THE INTERIM OF THOSE THREE OR FOUR MONTHS THAT YOU JUST SAID, DID YOU GO OUT TO THE HOUSE?~~

SAVE THIS!

227-22 ~~227-22 A. I DIDN'T~~ BECAUSE I WAS WAITING ON THEM TO PROVIDE ME WITH THE COMPLETE SCOPE OF EVERYTHING. I WANTED TO MAKE SURE I KNEW WHAT WAS GOING ON BEFORE I WENT OUT AND DID ANYTHING ELSE."

THIS IS A FALSE STATEMENT. MARTIN SWORE OUT THE WARRANT BEFORE HE "KNEW WHAT WAS GOING ON".

MARTIN LIE #VI., MARTIN TESTIFIED THAT -
228-12 "AND, PLUS, ME UNDERSTANDING WHAT A LOT OF INSURANCE PAPERWORK IS ALL ABOUT, I'M NOT A PROFESSIONAL AT THAT. SO A LOT OF IT WAS GREEK TO ME."

HERE MARTIN JUST TESTIFIED THAT HE DID NOT UNDERSTAND A BASIC INSURANCE DAMAGE CLAIM, SEE DOCUMENT #7 - 13 PAGES. A 30 YEAR VETERAN
219-19 WORKING ~~WHITE COLLAR~~ 10 YEARS IN THE WHITE COLLAR, MULTI-MILLION DOLLAR CASES THESE

THAT (HE IS) GOING TO NEED A FORSENIC AUDITOR..."
SEE MARTIN'S TESTIMONY ON PAGE 219 AT 19.
NOT UNDERSTANDING A BASIC INSURANCE SCOPE
LEAVES ONLY 2 POSSIBLE OPTIONS, ONE MARTIN
IS COMPLETELY INCOMPOTENT OR TWO, HE WAS
LYING UNDER OATH. MR. MARTIN COMMITTED
PERJURY AT PAGE 228 LINE 12.

59 MARTIN'S LIE # VIII AT TRIAL IS THIS ANSWER
TO MR. SHEALY WHEN ASKED -

228-16 Q. OKAY. AND SO YOU WERE WAITING ON ALL OF
THIS INFORMATION BEFORE YOU ACTED, IS THAT --
IS THAT WHAT YOU'RE TELLING ME? AND YOU
GOT ALL THAT INFORMATION SOMETIME IN MAY?

228-20 A. YES, SIR.

PLEASE READ PAGES 228-240 OF THE TRIAL
TRANSCRIPT. BUT THE SHORT ANSWER IS THIS, MARTIN
LIED AT 228-20. THE WARRANT WAS ISSUED ON
APRIL 16, 2013 STATING "DEFENDANT NEVER DID ANY
OF THE WORK". McGINN BROUGHT THE ENTIRE SCOPE
AND MADE A STATEMENT ON MAY 28, 2013 ABOUT
1 YEAR TO THE DAY AFTER THE WORK BEGAN.
SEE PAGE 239 -
Q. DO YOU KNOW WHO BROUGHT THOSE IN TO YOU?
A. THIS MAY HAVE COME IN WITH MEGAN.
Q. OKAY. SO THIS NOTATION ON ---
A. YEAH, IT CAME IN WITH MEGAN.

Q. SO THIS NOTATION UP HERE AT THE TOP, RIGHT HAND CORNER, WORKED STARTED IN JULY, DO YOU HAVE ANY IDEA WHEN THAT GOT PLACED ON THAT CONTRACT? (SEE DOCUMENT #1)

A. THAT'S MY HANDWRITING.

Q. OKAY. DO YOU HAVE ANY IDEA AS TO WHEN YOU PUT THAT ON THERE?

A. IT WOULD HAVE HAD TO HAVE BEEN BEFORE IT WENT INTO THE RECORDS.

Q. OKAY. SO YOU WOULD HAVE KNOWN THAT WORK STARTED IN JULY BEFORE YOU PLACED IN TO GET BATE STAMPED?

A. YES.

ACTUALLY WORK STARTED AROUND MAY 28TH 2012 BUT MEGAN BAUCOM WAS IN PRISON AND MUST HAVE GOT THE STORY WRONG. THUS ARE THE DANGERS OF HEARSAY TESTIMONY I SUSPECT. REGARDLESS INVESTIGATOR TIM MARTIN LIED TO OBTAIN THE WARRANT, LIED DURING TRIAL STARTING WITH MR. GHENT'S ABOUT SLED TAKING OVER THE CASE, NEXT HE LIED ON PAGE 221 LINE 14, SEE LIE #51, WHERE MARTIN TESTIFIED -

221-14 "AT THE TIME I DIDN'T KNOW THERE WAS ANYTHING DEALING WITH STAIN." ALL I KNEW WAS THE ROOF."

TIM MARTIN LIED 6 MORE TIMES ABOUT HIS INVESTIGATION AT THE TRIAL.

		LIES OF SLED LT. JEFF KINDLEY
60		I. MR. GHENT ASKS LT. KINDLEY
	244-17	Q. AND IN THE CASE OF MR. HOLCOMB DID YOU ASSUME JURISDICTION OVER THE INVESTIGATION OF MR. HOLCOMB?
		A. YES, SIR.
		THIS IS FALSE SEE LIES #10, 1 & 46.
		II. MR. SHEALY ASKS LT. KINDLEY -
	267-8	Q. -- SO LET ME UNDERSTAND THIS. YOU HAD -- YOU GOT THE BREACH OF TRUST CASE, IS THAT CORRECT?
	267-11	A. YES, SIR
		NOT TRUE. SEE 10, 46 & 60.
		III. MR. SHEALY ASKS LT. KINDLEY -
	267-16	Q. --- THAT RIGHT? OKAY. SO THE INDIVIDUALS THAT YOU SPOKE TO IN THE INVESTIGATION OF THIS BREACH OF TRUST CASE THROUGHOUT YOUR INVESTIGATION DID THEY -- DID THEY CLAIM TO HAVE GOTTEN THESE VARIOUS DOCUMENTS?
	267-20	A. THE -- I INTERVIEWED PEOPLE. I DIDN'T INTERVIEW MR. MCGINNIS [SIC] OR RICHARDSON. SO I DIDN'T HAVE THE OPPORTUNITY FOR THEM -- TO ASK THEM IF THE GOT THAT.

HERE LT. KINDLEY TESTIFIED TO INTERVIEWING PEOPLE, PLURAL, YET THE DISCOVERY ONLY SHOWS KINDLEY'S MEMORANDUM OF HIS INTERVIEW WITH RONDA JANE COLE-JOY. ALL MY CALLS TO SLED & THE FBI ABOUT BEING SET-UP BY MARTIN & OTHERS GOING BACK TO THE POKER LAWSUITS RESULTS IN SLED TRYING ONLY TO DISCREDIT ME. THE OPERATION LOST TRUST IT WEBSITE, ALL THE EMAILS, VIDEO & AUDIO EVIDENCE WAS IRRELEVANT. GHENT, MARTIN AND OTHERS ONLY HAVE EYES FOR ME.

(5) FALSE STATEMENTS OF FACT DURING MR. GHENTS CLOSING ARGUMENT

(6) 313-17 "BACK IN THE SPRING OF 2012, IF YOU THINK ABOUT IT, YOU CAN RECALL IT. THERE WAS ONE HUGE HAIL STORM THAT HIT THE UPSTATE, ALL ACROSS THE UPSTATE. THE DAMAGE WAS MASSIVE.

313-21 ~~THERE WERE HUNDREDS~~ ADJUSTERS, PARKED OUT EVERYWHERE...

THIS IS NOT TRUE. THE STORM MR. GHENT IS REFERENCING HERE WAS THE MARCH 28, 2010 STORM. THIS STORM WENT FROM ALABAMA TO N.C. CAUSING HUNDREDS UPON HUNDREDS OF MILLIONS IN DAMAGE WITH 1.75" SIZE HAIL HITTING THE UPSTATE, ABOUT THE SIZE OF A GOLF BALL. SEE PAGE 2 OF DOCUMENT #23 FROM A "THE STORMER SITE".

		THE STORM THAT HIT THE MCGINN HOME AND THE CLARK HOME WAS APRIL 5, 2012 AS INDICATED ON THESE 2 POLICY(S) ENTERED INTO EVIDENCE AND AVAILABLE HERE AS DOCUMENTS # 9 & 22. THE STORM THAT HIT THESE HOMES WAS A TYPICAL SPRING THUNDERSTORM WITH HAIL ABOUT 1" OR LESS OFTEN DISCRIBED AS PEA SIZE TO NICKLE SIZED HAIL. THIS STORM DID NOT MAKE THE STORMERSITE. ~~MR.~~ MR. GHENT IS DESCRIBING A DIFFERENT WEATHER EVENT THAN THE ONE THAT HIT THE MCGINN HOME. THE DAMAGE ON 4/5/2012 WAS NOT MASSIVE NOR WERE THERE ADJUSTERS PARKED EVERYWHERE. THIS FACT IS EASILY VERIFIABLE. MR. GHENT MADE A FALSE STATEMENT OF A MATERIAL FACT IN AN EFFORT TO INFLUENCE THE TRIBUNAL, ~~IN A PREJUDICIAL MANNER.~~
62	313-12	"... AND WHAT CAME ON THE SCENE ALSO WERE CERTAIN INDIVIDUALS WHO ARE KNOWN AS GYPSY ROOFERS. "THEY'RE PREDATORS".
		I DON'T BELIEVE ANY "GYPSY ROOFERS" ~~DID~~ WORKED THE 4/5/2012 STORM. IT DID NOT EVEN MAKE A BLIP ON THE STORMERSITE.COM WEBSITE. PREDATORY ROOFING COMPANIES LOOK FOR BIG STORMS NOT INSIGNIFICANT, TYPICAL LOCAL STORMS. THIS IS A VERIFIABLE FACT. MR. GHENT MADE A FALSE STATEMENT

		OF A MATERIAL FACT THAT CAN BE VERIFIED VIA NUMEROUS 3RD PARTY SOURCES TO THE TRIBUNAL SEEKING TO GAIN UNDUE INFLUENCE.
63	313-25	"THIS IS PROOF ONE, HOW WE GOT HERE."
		NO MR. GHENT. WHAT THIS TRIAL PROVES IS A PATTERN OF MALICIOUS PROSECUTION BECAUSE OF THE LAWSUITS FILED AGAINST YOUR CLIENT COLLINS ENTERTAINMENT.
64	314-1	"HOW DOES HAIL COME DOWN IF YOU THINK ABOUT IT? WELL, IT DOES COME IN GUSTS WHERE IT IS GOING FROM THE SIDE, BUT IT ALSO COMES STRAIGHT DOWN, ICE THE SIZE OF A FIST, OF A BASEBALL PUSHED DOWN WITH A MASSIVE GUST OF WIND"
65	314-15	"IN THIS CASE, ..., HAIL STONES HITTING THE ROOF AND MASSIVELY DAMAGING THEM."
66	314-21	~~"I'M NOT GOING~~ "THINK IN TERMS OF THE SCOPE OF THAT STORM"
		ONCE AGAIN THIS IS A FALSE STATEMENT THE ADJUSTER'S PICTURES WILL SHOW PEA SIZED HAIL HITS, NOT BASEBALLS. SEE DOCUMENT #24, CLARK'S ADJUSTER TOOK PICTURES THAT WERE

		PROVIDED BY THE STATE'S DISCOVERY SHOWS MARGINAL DAMAGE OF LESS THAN PEA SIZE HAIL. IN FACT, THE ADJUSTERS IN BOTH THE McGINN & CLARK CLAIMS WOULD HAVE BEEN JUSTIFIED IN DENYING THE CLAIMS. HAIL THE SIZE OF BASEBALL BLOWING SIDEWAYS BREAKS WINDOWS, SHATTERS SIDING BOTH WOOD AND VINYL, TOTALS CARS. NONE OF THESE OCCURED IN THE McGINN OR CLARK HOMES. THE HAIL WAS PEA SIZED, LESS THAN 1/2" SEE PHOTO FROM CLARK ROOF. MR. GHENT MADE 3 FALSE STATEMENTS OF A MATERIAL FACT SEEKING TO UNDULY INFLUENCE THE TRIBUNAL.
67	314-20	"I'M NOT GOING TO REFER TO THIS MAN, MR. HOLCOMB, AS ANYTHING BUT THE PREDATOR HE IS. HE IS DISHONEST. FIRST, ONE DISGRUNTLED CUSTOMER IN ~~30~~ 25 YEARS OF HOME IMPROVEMENT SALES HARDLY QUALIFIES ME AS A PREDATOR. SECOND, IT SEEMS A LITTLE UNFAIR TO CALL ME DISHONEST AFTER THE LIES OF MR. HANKS, KINDLEY, MARTIN & GHENT, NOW DOESN'T IT.
68	315-6	"THIS CASE WAS NOT BROUGHT ON A WARRANT. THIS CASE WAS BROUGHT ON AN INDICTMENT THAT GOES THROUGH A GRAND JURY."

		THIS CASE WAS BROUGHT ON BY A WARRANT. WITHOUT TIM MARTIN COMMITTING PERJURY IN OBTAINING THE WARRANT THE CASE WOULD HAVE NEVER GONE TO THE GRAND JURY FOR THE RUBBER STAMPING PROCESS.
69		
69	316-25	"THE TESTIMONY WAS THIS MAN AND HIS WIFE
70		WERE IN THE HOSPITAL WHEN THIS MAN OVER HERE TOOK THEIR MONEY AND DID NOT DO THE WORK."
		ACTUALLY MR. ROBERT McGINN REPLIED TO MR GHENT -
	90-16	Q. DID YOU SIGN THE CONTRACT
	90-17	A. YES, I DID.
	90-18	Q. IS THAT YOUR SIGNATURE?
	90-19	A. YES, SIR
	90-20	Q. DID MR. HOLCOMB SIGN IT IN YOUR PRESENCE
	90-21	A. YES, HE DID
	90-22	Q. AND WHAT WAS THE DATE OF THAT CONTRACT?
	90-23	A. MAY 25th, 2012.
	90-24	Q. DID YOU WRITE ~~HIM~~ A CHECK TO HIM?
	90-25	A. YES, SIR
		AND MR. McGINN TESTIFIED TO MR. SHEALY THUS -
	110-9	Q: WHAT DID THEY STAIN?
	110-10	A. THE FRONT OF THE HOUSE, THE RIGHT HAND SIDE OF THE
	110-11	HOUSE AND THE PAINTED DOORS.
		MR. McGINN GOES ON THRU PAGE 111. ON PAGE 112

		MR. SHEALY ASKS MR. McGINN –
	112-25	Q. OKAY. NOW DO YOU REMBER WHO DID THE ACTUAL WORK ON THE HOUSE?
		A. TWO GENTLEMEN.
		Q. OKAY. AND ONE OF THEM WAS MR. RICHARDSON, PRESUMABLY?
		A. YES, AND THE OTHER'S NAME WAS -- WAS IT WILL?
		Q. WAS IT WILL? OKAY.
		A. YEAH
		Q. AND HOW MANY DAYS DID THE WORK?
	113-8	A, DAY, DAY AND A HALF, TOTAL.
		~~THE TESTIMONY WAS SO~~
		THERE WAS NO TESTIMONY ABOUT THIS MAN AND ~~WHOS~~ HIS WIFE BEING IN THE HOSPITAL AT THE SIGNING OF THE CONTRACT. ACTUALLY MR. McGINN TESTIFIED TO A DAY TO A DAY AND A HALF WORTH OF WORK BEING PERFORMED BY 2 MEN. I DISAGREE CHR, LLC PAID FOR 3 DAYS WORK AND HAD A STATEMENT FROM WILL BYRD TO THAT EFFECT. BUT REGARDLESS, MR. GHENT MADE A FALSE STATEMENT OF FACT TO THE TRIBUNAL EASILY VERIFED VIA THE OFFICIAL COURT TRANSCRIPT. AND WORK WAS DONE. MAKING THIS 2 FALSE STATEMENTS OF FACT IN ONE SENTENCE.
71	318-6	"EVEN GYPSY ROOFERS..." – FALSE CHARACTERIZATION.

72	318-18	"KENNETH AND SUSAN CLARK HAD BEEN PUSHING TO GET THEIR HOUSE. YOU'D HEARD THAT, TO GET THE ROOF PUT ON. NOT TRUE. MR. CLARK TESTIFIED TO CALLING BUT NOT BEING PUT OFF. THE ROOF WAS INSTALLED ABOUT A MONTH AFTER THE CONTRACT WAS SIGNED. CUSTOM COLOR, MUST BE MANUFACTURED PLUS WEATHER, PLUS SCHEDULING THIS IS STANDARD FOR CUSTOM METAL ROOFING AND EASILY VERIFIED.
73	318-19	"BY THEN YOU HAD CONCERNS BEING RAISED BY ROBBIE McGINN OVER ROOF GOING ON." NOT TRUE. THE CLARK ROOF WENT ON ABOUT A WEEK AFTER THE McGINN WAS STAINED AND OTHER REPAIRS MADE. THERE WAS NO COMPLAINING NOR TESTIMONY TO COMPLAINING EVER.
74	318-22	THE INFORMATION FROM THE CLARKS SHOWS PAYMENT MADE 24TH, 2012. BUT, AGAIN, THINGS ARE PUT OFF, AND OFF AND OFF. NOT TRUE. NOT TRUE. NOT TRUE.
75	318-25	"AND THEY START GETTING WORRIED ABOUT WHEN OUR WORK IS GOING TO GET DONE." ~~AND THEN FINALLY IT GETS DONE.~~ NOT TRUE.

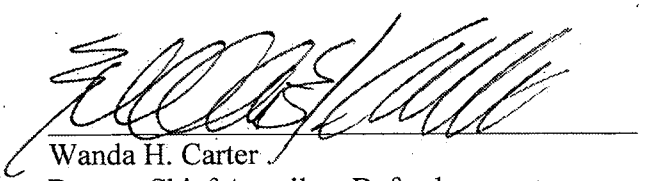
76	319-18	"THE ADDRESS GIVEN ON ROCKY CREEK ROAD, AN
77		APARTMENT, THAT ADDRESS GIVEN WAS A PLACE
		THAT THE DEFENDANT MOVED INTO. I WOULD
		SUBMIT IT WAS DONE WHILE HE WAS, AGAIN,
		GYPSY-LIKE, MOVING INTO THE GREENVILLE AREA
		TO TAKE ADVANTAGE OF PRETTY MUCH WHAT
		WAS A WEATHER DISASTER."
		AS I'VE STATED EARLIER, I WENT TO HIGH
		SCHOOL ABOUT A MILE AWAY AND HAD MY 1ST
		JOB IN 1985 ABOUT 2 MILES AWAY. I WENT TO
		HIGH SCHOOL WITH JULIE CLARK AND INVESTIGATOR
		TIM MARTIN AND I BOTH DATED THE SAME LOCAL
		GIRL. CHR, LLC WAS LISTED IN THE PHONEBOOK.
		MR. GHENT AND I WERE INVOLVED IN THE MOST
		EXPENSIVE OR DARE I SAY THE HIGHEST STAKES
		LITIGATION IN SC HISTORY STARTING IN MAY,
		1997. MR. GHENT SUED ME PERSONALLY IN
		2000 AND UPDATED THIS JUDGEMENT ON
		BEHALF OF COLLINS ENTERTAINMENT 2 MONTHS
		AFTER MY ARREST FOR THIS VERY CHARGE. TO
		SUBMIT THAT I MOVED INTO THIS APARTMENT
		OVER A YEAR BEFORE THIS MICRO STORM TO SELL
		2 ROOFS IS ABSURD. TO IMPLY THAT I AM
		A GYPSY OR GYPSY LIKE IS OUTRAGEOUS. ~~TO SUBMIT AND TAKE PERSONAL OFFENSIVE TO NAME CALLING~~. THESE ARE 2 ~~IS A~~ FALSE STATEMENTS BY MR. GHENT.

78	324-19	"WE HAVE PRESENTED THE TRUE FACTS"
		NOT TRUE.
79	328-24	"I DIDN'T SAY IT WAS BROUGHT BY THE GRAND JURY."
		YES YOU DID MR. GHENT SEE FALSE STATEMENT #68.
80	355-12	"THIS MAN HAS ATTACKED THE VICTIM'S FAMILY."
81		"HE'S ATTACKED OTHERS"
82		HE IS DEFINATELY A DANGER
83		PEOPLE ARE GENUINELY AFRAID OF HIM
84		HE'S THREATENED AN ASSISTANT SOLICITOR
85		HE'S THREATENED MR. MARTIN ON THE CASE.
86		HE THINKS HE'S A LAWYER
87		HE THINKS HE'S A BRILLIANT BUSINESSMAN
		80-87 ALL NOT TRUE.
88	356-16	YOUR HONOR, BECAUSE SAYING HE DOESN'T HAVE A RECORD IS NOT THE SAME THING AS SAYING HE'S BEEN A GOOD CITIZEN. HE'S BEEN ANYTHING BUT. HE'S A PREDATOR.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with 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."

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

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PO Box 11589
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ATTORNEY FOR APPELLANT

This 2nd day of January, 2019.

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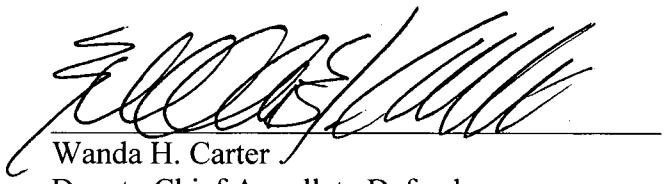
SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with 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."

Respectfully Submitted,



Wanda H. Carter
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ATTORNEY FOR APPELLANT

This 2nd day of January, 2019.