

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS **RECEIVED**

FROM Horry County

AUG 29 2022

SC Court of Appeals

GENERAL SESSIONS COURT

LARRY B. HYMAN, FIFTEENTH CIRCUIT COURT JUDGE

§

FERRELL COCHRAN JR., THIRD CIRCUIT COURT JUDGE

CASE NO. 2020-001497

STATE

RESPONDENT

v.

THEODORE BOLICK

APPELLANT

MOTION FOR ASSISTANCE

NOW COMES: Appellant, Theodore Bolick pro se, a prisoner of the State, currently in custody, and destitute as a result, and hereby respectfully moves the Honorable

Court of Appeals Justices to issue an order which instructs a designated person to assist Appellant in making and providing copies to the court and the Respondent so that Appellant may follow the South Carolina Rules of Appellate Procedures.

In the alternative Appellant moves this Honorable Court to waive Appellant having to file fifteen (15) copies of the Final Brief on Appeal, and fifteen (15) copies of the Record on Appeal, and to issue an order to the Warden, Dondie E. Stoddebaker of Evans Correctional Institution, the place in which Appellant is incarcerated, to make copies of the Appellant's Final Brief on Appeal and the Record on Appeal so that Appellant ~~make~~^{can} perfect his appeal for proper review.

In support of this motion Appellant shows unto this Honorable Court as follows:

1. Appellant is incarcerated and has been since May of 2020.

2. Appellant's Mother, Lynda Williams

and Sister, Maria Daniel have recently passed as a result of COVID 19 and the Appellant has no way to obtain copies or any other family to assist him.

3. Appellant is indigent and destitute even in prison standards. That the South Carolina Department of Corrections charges (\$25) twenty-five cents, per page, per copy, a ~~charge~~ charge Appellant simply cannot afford.

4. In order for the Honorable Court of Appeals to fairly consider Appellant's meritorious issues on appeal Appellant must submit a voluminous Brief and Record, including but not limited to, three (3) Transcripts.

5. That South Carolina Department of Correction officials have previously denied Appellant copies of hand-written documents and copies of Transcripts.

6. That a manifest injustice has occurred, and will continue to occur

if Appellant is denied the ability to perfect his appeal simply because Appellant ~~cannot~~ cannot obtain copies.

ARGUMENT

The United States Supreme Court has ruled, "Cost of protecting constitutional right cannot justify its total denial," *Bowds V. Smith*, 430 U.S. 817, 97 S. Ct 1491 (1977) Id at Headnote 6

The South Carolina Supreme Court has previously ruled the South Carolina Department of Corrections Policy GA-01.03 (3) is not reasonable. *Hendricks V. S.C.D.C.*, 385 S.C. 625, 686 S.E. 2d 191 (2009) The policy in question states:

"3) Materials and documents that will NOT be copied include...

Documents that have been solely originated, generated, written, typed or created by the inmate (the inmate may copy the information by hand);"

The Fourth Circuit Court of Appeals has determined prison officials must provide indigent prisoners photocopying as part their rights of access to the courts under their First and Fourteenth Amendment rights, Harrington v. Holshouser, 741 F.2d 66 (4th Cir. 1984)

As the policies in the South Carolina Department of Corrections concerning photocopies stand, the Appellant will not be able to comply with the South Carolina Rules of Appellate Procedure, and therefore, cannot perfect his appeal. The Appellant is respectfully requesting that the Honorable Court of Appeals take judicial notice of this fact, and to assist the Appellant in avoiding the travesty of justice before it occurs by granting Appellant his requested relief.

That by granting Appellant the requested relief this Honorable Court will assist Appellant in avoiding the actual injury the United States Supreme Court has required a prisoner to show before filing a 42 U.S.C. § 1983 Complaint for denial of access to the courts under

Sawdis V. Cowder, 515 U.S. 472, 115 S. Ct 2293
(1995)

CONCLUSION

WHEREFORE: Appellant pray this Honorable Court designate someone to assist Appellant in making and providing the required copies to perfect his appeal as required by the South Carolina Rules of Appellate Procedure, or in the alternative issue an Order which requires Downie E. Stowbreaker, Warden to supply the needed photocopies so that Appellant may perfect his appeal according to ~~S.C. RAP~~ S.C.A.C.R.

Respectfully Submitted
August 22, 2022
Theodore Bolick
Evans Correctional Inst
610 Highway #9 West
Benedictville, S.C. 29512

CERTIFICATE OF SERVICE

I hereby certify that I placed a copy of the foregoing Motion For Assistance in the U.S. Mail, postage prepaid, and addressed:

Attorney General, Alaw Wilson
P.O. Box 11549
Columbia, S.C. 29211-1549

August 22, 2022
Theodore Bolick

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SC Court of Appeals

Theodore Bolick 384070
Evans Correctional Inst
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Bennettsville, S.C. 29512

COLUMBIA SC 299

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AUG 29 2022

AUG 22 REC'D

SC Court of Appeals



Jeddy Abbott Kitchings, Clerk
South Carolina Court of Appeals

P.O. Box 11629

Columbia, S.C. 29211

29211-162929

