

IN THE STATE OF SOUTH CAROLINA

SOUTH CAROLINA COURT OF APPEALS

FROM Horry County

RECEIVED

OCT 03 2022

APPELLATE CASE NO. 2020-00147

SC Court of Appeals

JUDGE LARRY B. HYMAN JR.

THE STATE,

RESPONDENT,

v.

THEODORE J. BOLICK, APPELLANT,

OBJECTION TO RESPONDENT'S
MOTION FOR EXTENSION OF TIME
TO FILE INITIAL BRIEF OF
RESPONDENT AND DESIGNATION
OF RECORD ON APPEAL.

NOW COMES: Appellant, Theodore Bolick
pro se and hereby objects to Respondent's

request for extension of time to file the Initial Brief of Respondent. Appellant's objections are as follows...

I FIRST OBJECTION

Appellant's first objection is the Respondent's request for extension of time is not in motion form as is required by SCACR, and therefore, it should not be considered because Respondent's Counsel is an experienced attorney, intimately familiar with the Court of Appeals and the SCACR. To require the Appellant to follow the

SCACR, while allowing the Respondent's Counsel to circumvent them is more than just unfair to Appellant.

II SECOND OBJECTION

Appellant's second objection is that this is Respondent's second time for requesting an extension of time to file Respondent's Initial Brief. On August 17, 2022 Respondent's Counsel requested an extension of time based on, "my heavy work-load." Honorable V. Claire Allen granted Respondent's first request for extension of time,

but specifically stated, "any further extension request must be based on a showing of good cause." (Please see Attachment A.) The only reason stated in Respondent's second request for extension of time is, "due to my heavy work-load." Either Respondent's counsel did not heed the Honorable V. Claire Allen's warning in her Order dated August 17, 2022, or he just did not believe her and is looking to make her a liar as he has not made a showing of good cause for another

extension of time. Respondent's Counsel citing a heavy work-load as a reason for an extension is suspect as he has already used that excuse, and was warned that he would have to make a showing of good cause should he request any further extensions. He has not made this showing of good cause for an extension of time, and obviously he did not heed this Court's Warning on August 17, 2022.

Further, Respondent's Counsel's

citing of a heavy work-load as a reason for an extension of time could possibly continue indefinitely should this court allow it. Even further, Respondent's Counsel citing a heavy work-load, without more, should be considered insufficient for requesting an extension of time because he was previously warned by the Honorable V. Claire Allen that he would have to make a showing of good cause for further extension. Why would the Respondent's Counsel not have to

follow court orders, or heed the Court's warnings the same as everyone else? Appellant argues that he should, and for that reason alone the request for extension of time should be denied. To do otherwise is seemingly unfair.

III THIRD OBJECTION

Appellant's third objection is that Respondent's Counsel knew Respondent's Initial Brief was due by September 16, 2022, and yet he waited until the eleventh hour (9/16/22) to write the

Honorable Jenny Abbott Kitchings
a letter requesting an extension of
time knowing Ms. Kitchings would
not received the letter before the
deadline for filing had expired.

IV EXCEPTIONAL CIRCUMSTANCES

This case contains issues that
bring exceptional circumstances
before the Honorable Court of Appeals,
and the facts behind these circumst-
ances are not disputable. Respondent's
counsel request for an extension of
time is not made in good faith, but

made to unnecessarily delay this case, so as to further keep Appellant incarcerated unlawfully as a means to retaliate against Appellant for his filings in the United States District Court, Bolick v. Thompson et. al. s: 20-CV-02888-RBH-KDW, and following is why Appellant makes this argument.

Appellant initially filed this appeal in November of 2020, but because the circuit court judge, William seals blatantly and knowingly abused his discretion by not considering

Appellant's prose Motion For Mistrial
filed April 22, 2020, and prose Motion
For New Trial filed in June of 2020.

Because both the Motion For Mistrial
and Motion For New Trial were filed
and served before the Appellant's
sentences were opened and read
on September 16, 2020, it was the
circuit court's duty and obligation to
consider both motions before open-
ing Appellant's sentences. However,
Judge William Seals in conspiracy
and collusion with Assistant Solicitor,

Thomas Terrell III to retaliate against the Appellant for filing Bolick V. Thompson et al., 5'20-CV-02888-RBH-KDW did intentionally abuse his discretion by refusing to consider either motion even though Appellant brought both motions to the court's, (Judge Seals) attention. As a result of Judge Seals inappropriate misconduct and abuse of discretion by staunchly refusing to consider Appellant's Motion For Mistrial and Motion For New Trial, on February 5, 2021 the Honorable Court

of Appeals had to remand this case back to circuit court for consideration of all outstanding motions.

Now, because Appellant filed his Motion For Mistrial and Motion New Trial before the court unsealed his sentences on September 16, 2020, neither are considered post-trial motions. See *Lytle V. Miller*, 157 S.C. 332 (1930) (Cited in *State V. Smith*, 276 S.C. 494 (1981), discussing courts jurisdiction on motions filed prior to the unsealing of a sentence) (See Also

Rule 29, SCR CrimP stating a post-trial motion must be made within ten (10) days of the imposition of the sentence (emphasis added). As Appellant's Motion For Mistrial was filed five (5) months prior to the unsealing of his sentences, it is impossible for it to be considered a post-trial motion to a logical and competent mind, (emphasis added)

On April 15, 2021 Judge Ferrell Cathrow Jr. pursuant the February 5, 2021 Order from the Court of

Appeals, being a Third Circuit Judge, traveled to Harry County, Fifteenth Circuit, and heard Appellant's Motions. After hearing from the State, (Mr Terrell) and Appellant at length, Judge Ferrell Cothraw Jr. on April 15, 2021, in open court granted Appellant's Motion For Mistrial. On April 16, 2021 Judge Cothraw signed a Form 4 Order granting Appellant's Motion For Mistrial. The term of ^{court} for the Fifteenth Circuit also ended on that same date April 16, 2021 and Judge Cothraw ended

his term of court side die and left
Harry County to return to his home
district, the Third Circuit.

As Appellant was tried in his
complete absentia, without counsel,
for multiple burglaries which were
completely unrelated, with no evidence
the same in either case, and there
being no chain of circumstances
what-so-ever, all in front of one
jury, the declaration or granting
of a mistrial should have ended
the case in a courtroom where

the law is respected and followed,
and logical sound minds with just
a modicum of integrity are present,
however, that was not the case
due to Mr Terrell contacting Judge
Cothran ex parte, and soliciting
Judge Cothran to enter into a
conspiracy to retaliate against
the Appellant for his filings in
Bolick v. Thompson et. al 5:20-cv-

02888-RBH-KDW.

In perfecting this clandestine
conspiracy, on April 23, 2021, eight (8)

days after the term of court in which Appellant had been lawfully granted a mistrial had expired, Mr Terrell filed a Motion For Reconsideration, knowing this motion was not allowed by law because the term of court in which the mistrial was granted had expired, and knowing the facts he alleged in this motion to be pure falsified fabrications.

Thereafter, Mr Terrell contacted Judge Cothran ex parte and solicited Judge Cothran to return to Harry

County to preside over a hearing on this unlawfully filed Motion For Reconsideration. Judge Cothraw willfully entered into this conspiracy even though it is a long standing rule of South Carolina law that once a term of court expires, a judge may not alter, amend, or change his orders in a criminal matter (see State v. Hisson, 303 SC 92 (1990); State v. Cambell, 376 SC 212 (2008); and State v. Best, 257 SC 361 (1972)). Further, it is a long-standing rule of law that once a

visiting judge from another circuit leaves that circuit, they have no jurisdiction to consider motions or matters which were filed after they left that circuit in criminal matters.

See Shillito v. City of Spartanburg 215

SC 83 (1949). However, in spite of the

well established long-standing rules

of law, and despite the fact Judge

Cothraw legally had no authority or

jurisdiction to do so, on June 10, 2021

Judge Cothraw granted McTerrell's

unlawfully filed Motion For Reconsid-

eration. Appellant had lawfully been discharged from prison as his sentences had lawfully been vacated by the declaration of a mistrial on April 15, 2021, but as a result of Judge Cothran's abuse of authority and judicial misconduct in collusion with Mr Terrell's prosecutorial misconduct Appellant has been returned to prison and subjected to double jeopardy on a prison sentence that has been vacated.

These are the indisputable facts

of this case pending before the Court of Appeals, and Respondent's Counsel knows these facts to be true as they are manifested in the Transcripts and orders, and therefore, if allowed, Respondent's Counsel will continue to seek extensions, and unnecessarily drag out this case for as long as he possibly can.

Shockingly, Appellant's case is one that demonstrates without^{doubt} the deep seated and disgusting corruption in the Fifteenth Judicial Circuit.

This case demonstrates the blatant abuse of authority and discretion by three (3) separate circuit court judges... 1) Larry B. Hymaw;... 2) William Seals; and... 3) Ferrell Cothran Jr. It also demonstrates the prosecutorial misconduct of Thomas Terrell III and Alicia Richardson under the administration of Jimmy Richardson II. These foregoing five (5) individual government officials acting under the authority the state has given them have acted with the integrity and

intelligence that one would be more apt to find in a crack-house, and not a courthouse. Their actions and behavior have been appalling and atrocious, and have reflected upon the state judiciary in the most negative way. The fact that a pot head, drug addict, with a simple seventh (7th) grade education can truthfully state that fact sincerely, honestly, and with integrity knowing it to be factual is a lot to be said in itself. The Respondent's

counsel, no matter how many extensions he seeks will not be able to avoid or contradict the factual statements Appellant has brought to this Honorable Court's attention. Appellant filed his appeal in November of 2020 Appellant acting pro se over Respondent's Counsel's objections was able to file his Initial Brief on Appeal without any assistance from anyone, having never done so before, while incarcerated, while simultaneously maintaining the federal court

cases of Bolick V. Thompson et al. S:20-
CV-02888-RBH-KOW, and Bolick V. Stirling
et al. S: 21-CV-03800-RBH-KOW, and the
state cases of Bolick V. Spratt, 2022-
CP-26-03058, Court of Common Pleas,
Horry County, and Bolick V. Gilliam,
2022-CP-4003376, Court of Common
Pleas, Richland County. Surely the
Respondent's Counsel could come
up with a better excuse for an
extension of time, especially after
being forewarned by the Honorable
v. Claire Allen that any further extensions
~~must be based~~

must be based on good cause.

CONCLUSION

WHEREFORE, Appellant prays that because Respondents were previously forewarned that any more extensions must be based upon good cause, and that because Respondents have not demonstrated this good cause, that this Honorable Court deny Respondents request for extension of time to file an Initial Brief. Further, Appellant moves this Honorable Court to find that Respondents have

knowingly and willfully failed to
file an Initial Brief, and therefore,
have knowingly and willfully forfeited
the right to do so.

Respectfully Submitted
September 21, 2022
Theodore Bolick pro se
Evans Correctional Inst.
610 Highway # 9 West
Bennettsville, S.C. 29512

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing Objection To Respondents Motion For Extension Of Time To File Initial Brief Of Respondents And Designation Of Record On Appeal was placed in the U.S. Mail, postage pre-paid addressed

Assistant Attorney General
William Blitch
P.O. Box 11549
Columbia, S.C. 29211-1549

September 21, 2022
Theodore Bolick

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SC Court of Appeals

ATTACHMENT A

The South Carolina Court of Appeals

The State, Respondent,

v.

Theodore Jerry Bolick, Appellant.

Appellate Case No. 2020-001497

The Honorable Larry B. Hyman, Jr.

Horry County

Trial Court Case No. 2016GS2605081, 2016GS2604947,
2016GS2604953

ORDER

The request for an extension to serve and file the initial brief of respondent and designation of matter is granted and extended until September 16, 2022. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause.

FOR THE COURT

BY V. Claire Allen
CLERK

Columbia, South Carolina

cc:

Theodore Jerry Bolick, 00384070

Alan McCrory Wilson, Esquire

William M. Blicht, Jr., Esquire

FILED
Aug 17 2022

Theodore Bolick
Evans Correctional Inst.
610 Highway #9 West
Bennettsville, S.C. 29512

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SC Court of Appeals

September 21, 2022

The Honorable Jewy Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

RE State v. Bolick
App. Case No 2020-001497

Dear Honorable Kitchings

Please find enclosed my objection to the Respondent's request for an extension of time. In the event their extension has already been granted before I could respond, please reconsider in light of the arguments I make in my objections.

Sincerely
T. Bolick

Theodore Belich 384070
Evans Correctional Inst
610 Highway #9 West
Bennettsville, SC 29512

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South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
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