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STATE OF SOUTH CAROLINA

DEC 02 2022

COURT OF APPEALS

SC Court of Appeals

APPEAL FROM Horry COUNTY

COURT OF GENERAL SESSIONS

HONORABLE FERRELL COCHRAN JR. CIRCUIT
COURT JUDGE, AND HONORABLE LARRY B.
HYMAN, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2020-001497

THEODORE J. BOLICK

APPELLANT

V

THE STATE

RESPONDENT

MOTION FOR DEFAULT JUDGMENT

NOW COMES: Appellant, Theodore Bolick pro se and hereby moves this Honorable Court of Appeals for judgment by default. In support of this motion Appellant shows as follows:

1. Appellant gave a timely notice of appeal, and filed a timely pro se Initial Brief on Appeal;

2. Appellant raised five (5) separate issues on appeal all concerning both Judicial and Prosecutorial misconduct of an appalling nature which resulted in a grave miscarriage of justice.

3 The Respondent by and through Senior Assistant Deputy Attorney General, William M. Blich, Jr. on three separate occasions has moved for, and been granted an extension of time in which to file the Initial Brief of Respondent and Designation of Matter on Appeal, the last being on October 17, 2022.

4. On October 18, 2022 this Honorable Court by and through Honorable Court Deputy Clerk Catherine Harrison granted the Respondent until November 16, 2022 to file the Initial Brief of Respondent and Designation of Matter on Appeal.

5. As of today, November 27, 2022, eleven (11) days after the November 16, 2022, deadline the Appellant has not received either the Initial Brief of Respondent or Designation of Matter on Appeal, nor has Appellant received another request for extension of time.

6. On November October 18, 2022 this Honorable Court cautioned the Respondent that any further request for extension must show the existence of extraordinary circumstances,

7. To the Appellant's knowledge the Respondent has failed to file an Initial Brief or make any showing as to why it has not.

STANDARD OF REVIEW

When a Respondent fails to file an Initial Brief the Appellate Court may take any action it deems proper, Rule 208(a)(4) SCACR. See also *Turner v. Santee Cement Carriers Inc.*, 277 S.C. 91, 96, 282 S.E. 2d 858,

860 (1981) (stating the respondent's failure to file a brief allowed the "[c]ourt to take such action upon the appeal as it deems proper," and "[t]his failure alone would justify reversal; however, [the court] simply considered it as an additional ground"). See also *Robison v. Hassiotis*, 364 S.C. 92, 93 n. 2, 610 S.E. 2d 858, 859 n. 2 (Ct. App. 2005) and *Campbell v. Carr*, 361 S.C. 258, 603 S.E. 2d 625 (Ct. App. 2004).

"When the respondent did not file a brief, 'it [was] proper to reverse on the points presented rather than to search the record for reasons to affirm.'"

Wierszewski v. Tokarick, 308 S.C. 441, 444 n. 2, 418 S.E. 2d 557, 559 n. 2 (Ct. App. 1992)

CONCLUSION

WHEREFORE: Appellant moves the Honorable Court of Appeals for reversal by default, and to issue an Order of Release for the Appellant to the South Carolina Department of Corrections

Respectfully Submitted
This 27th day of November, 2022
Theodore Balick prose
610 Highway # 9 West
Bennettsville, S.C. 29512

Theodore Bolick 3840 TO
Evans Correctional Inst.
610 Highway #9 West
Bennettsville, S.C. 29512



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Columbia, S.C. 29211

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