

STATE OF SOUTH CAROLINA

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COURT OF APPEALS

DEC 08 2022

SC Court of Appeals

FROM HORRY COUNTY

APPELLATE CASE NO. 2020-001497

HONORABLE LARRY B. HYMAN JR., AND
FERRELL COTHRAN JR., CIRCUIT COURT
JUDGES

THEODORE I. BOLICK APPELLANT

V.

THE STATE RESPONDENT

OBJECTION TO THE RESPONDENT'S FOURTH
MOTION FOR EXTENSION OF TIME TO FILE
RESPONDENT'S INITIAL BRIEF ON APPEAL

COMES NOW Appellant, Theodore
Bolick pro se and in an abundance of
caution hereby objects to Respondent's
Fourth motion for extension of time to

file Respondent's Initial Brief on Appeal. In support of said motion Appellant shows as follows.

FACTS

1. Respondent has previously sought and been granted three (3) extensions of time to file an Initial Brief on Appeal.

2. When the Honorable Catherine Harrison, Deputy Clerk granted the Third Motion For Extension of Time on October 18, 2022 she cautioned the Respondent...

"any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys." (emphasis added)

3. The Respondent in the Fourth Motion For Extension of Time has not showed the existence of extraordinary

circumstances, nor have they stated what actions are being taken to insure no further extensions will be required.

4 Appellant has previously complained of Respondent's motions for extension of time being a suspect ploy to delay these proceedings.

5 Respondent in the Third Motion For Extension of Time stated...

"The undersigned has completed the Initial Brief of Respondent in State V. Duran."

However, Respondent in this Fourth Motion For Extension of Time states...

"Since the last extension was granted in this case the undersigned has completed the Initial Briefs of Respondent and Designations of Matter in State V. Duran."

6. If the Respondent completed the Initial

Brief of Respondent in State v Duran before making his Third Motion For Extension of Time, then the statement by the Respondent is the Fourth Motion For Extension of Time that, "since the last extension was granted in this case the undersigned has completed the Initial Briefs of Respondent and Designations of Matter in State v Duran" is manifestly false.

7. Respondent is clearly fabricating the reasons for his delay in filing an Initial Brief on Appeal. Regardless, Respondent has failed to state or demonstrate any extraordinary circumstances for an extension of time as was stated by the court would be required.

8. Respondent has compromised his integrity by falsely stating that filing the Initial Brief for Respondent in State v Duran was again his reason for delay.

9 Respondent would have this Honorable

Court compromise its integrity by granting Respondent an extension of time without the Respondent having showed or demonstrating any extraordinary circumstances, or what steps had been taken to insure no further extensions would be required.

10. Respondent in the Third Motion For Extension of Time stated,

"The Initial Brief in this case is one of the next briefs the undersigned plans to complete."

Respondent in this Fourth Motion For Extension of Time again states,

"this is the next brief the undersigned plans to complete."

This Honorable Court previously accepted this proposal to no avail.

11 Appellate gave notice of this appeal in November of 2020. However, due to both judicial and prosecutorial misconduct

this Honorable Court had to remand this case back to circuit court for the consideration of outstanding motions filed before the imposition of the sentence

12. On April 15, 2021, as a result of the remand, Appellant was granted a mistrial by circuit court judge, Ferrell Cothran Jr.

13. On April 23, 2021, after the term of court in which the mistrial had been granted had expired, the state by and through Thomas Terrell III abused the judicial process by filing a Motion For Reconsideration.

14. The state's Motion For Reconsideration was improper for multiple reasons. First and foremost, the Motion For Reconsideration was filed after the term of court in which the mistrial was granted had expired, and therefore, the circuit court had no authority or jurisdiction to consider it. Second, the state's Motion For Reconsideration was not based on any new evidence, it was not based on any substantial change

is law, nor was it based on manifest injustice. The state's Motion For Reconsideration simply asked the court to change its mind.

15 On June 10, 2021 Judge Ferrell Cothran Jr. despite lacking any authority or jurisdiction granted the state's improper Motion For Reconsideration

16. As a result of the Order from April 15, 2021 Appellant was discharged from prison on May 6, 2021. However, as a result of Judge Ferrell Cothran's Order of Reconsideration dated June 10, 2021 Appellant was wrongfully returned to prison and has been subjected to double jeopardy.

17. Appellant in open court immediately gave notice of appeal on the Order of Reconsideration. Appellant was subsequently appointed Taylor Gilliam from the Appellate Defender's office

18 Appellant immediately Taylor Gilliam contacted Taylor Gilliam and requested that Mr. Gilliam raise the exact same

five (5) issues that Appellant has raised in his initial brief.

19. Mr. Gilliam refused to raise the issues the Appellant had requested, and unbeknownst to the Appellant Mr. Gilliam made multiple requests for extensions based on pretextual reasons unnecessarily.

20. This Honorable Court over Respondent's objection recognized the conflict of interest between Taylor Gilliam and Appellant, and allowed Appellant to proceed pro se.

21. Appellant timely filed his Initial Brief raising five (5) issues that clearly expose blatant judicial and prosecutorial misconduct, and the Proposed Record on Appeal fully substantiates Appellant's allegations raised in his issues on appeal.

22. Mr. William M. Blich, Jr. knows the Appellant's allegations are fact and that the actual records fully support the

Appellant's allegations of blatant judicial and prosecutorial misconduct.

23. That Respondent's multiple and continuous request for extensions of time are a suspect ploy to delay these proceedings so as to further prejudice Appellant and further expose Appellant to double jeopardy.

CONCLUSION

WHEREFORE: Appellant prays this Honorable Court will uphold the directives of its own order dated October 18, 2022 which stated, "any further extension request must show the existence of extraordinary circumstance," and deny Respondent's Fourth Motion For Extension Time as no extraordinary circumstances have been alleged or shown. To do otherwise would bring into question the integrity of this Honorable Court.

Respectfully Submitted
This 28th day of November, 2022

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

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JUDGES

Theodore J. Bolick Appellant

✓

The State Respondent

PROOF OF SERVICE

I hereby certify a copy of the
objection to the Respondent's Fourth
Motion for Extension of Time to File
Respondent's Initial Brief on Appeal
was placed in the U.S. Mail, postage
pre-paid and addressed as follows:

Senior Assistant Deputy Attorney
General, William M. Blitch Jr
P.O. Box 11549
Columbia, S.C. 29211

This 28th day of November 2022
Theodore Bolich

Theodore Bolick 384070
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South Carolina Court of Appeals
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