

STATE OF SOUTH CAROLINA

COURT OF APPEALS

APPEAL FROM Horry COUNTY
GENERAL SESSIONS COURT
LARRY B. HYMAN, CIRCUIT COURT JUDGE
APPELLATE CASE NO. 2020-001497

The State

Respondent
RECEIVED

VS

JAN 12 2023

SC Court of Appeals

Theodore J. Bolick

Appellant

MOTION FOR EMERGENCY
UNSECURED BOND

Appellant, Theodore Bolick acting pro se hereby moves this Honorable Court to set an unsecured bond pending the decision of the court on this appeal. In support of this motion Appellant shows unto this Honorable Court the following exceptional and extraordinary circumstances.

TRAVISTY OF JUSTICE

The Appellant's continued incarceration amounts to a travesty of justice. The facts of this case manifest unethical and immoral behavior by both judges and prosecutors of an appalling nature, and when the totality of the misconduct is considered, this court just may order a criminal investigation of its own accord.

FACTS

The following facts are made irrefutable by the Proposed Designation of Matters submitted by Appellant on April 18, 2022.

Appellant was indicted by a Harry County Grand Jury in three separate indictments in October and November of 2016 for three separate and unrelated second degree burglaries. The Appellant has maintained his innocence from the very start.

Appellant acting pro se and prior to

trial filed a Motion To Sever after the state made known its intent to try all three unrelated indictments in front of one jury at the same time.

On May 18, 2018 Judge Steven John heard arguments on the Motion To Sever, but declined to make a ruling on it. Instead Judge John ordered that the Trial Judge was to make a ruling on the Motion To Sever seven days before the commencing of the trial.

On July 22, 2019 the Appellant was summoned to court and notified that his trial would begin the next day in front Judge Larry B. Hyman. Judge Hyman heard some arguments on the Motion To Sever, but stopped the Appellant mid-argument, issued Farretta warnings, appointed Appellant counsel from the Public Defenders office, and specifically instructed Martin Sprattin that he, (Judge Hyman) wanted Mr. Sprattin to represent the Appellant during trial. Judge Hyman then adjourned court for the day. Mr. Sprattin then asked Appellant to sign an Affidavit and Waiver of Conflict of Interest

of which Appellant agreed.

The next day, July 23, 2019 Appellant failed to appear in court due to medical issues. Appellant was tried in complete absentia, without counsel, on all three unrelated indictments in front of one jury at the same time. The jury was allowed to infer the Appellant's guilt of all three crimes based on the very slight circumstantial evidence in its cumulative effect. Appellant was found guilty, and because Appellant was not present Appellant's sentence was sealed.

As previously stated the foregoing facts are manifested by the Appellant's Proposed Designation of Matters on Appeal. However, in support of this instant motion there are extraordinary facts the Appellant respectfully requests this Honorable Court to consider, and in an effort to leave no doubt in this Honorable Court's mind, the Appellant submits herewith the documentary evidence that demonstrates clearly that the Appellant's continued incarceration is a travesty of justice and

amounts to double jeopardy

EXTRAORDINARY FACTS AND DOCUMENTARY EVIDENCE IN SUPPORT

After Appellant was convicted absentia, and five months before his sentence was unsealed, on April 22, 2020 Appellant filed a pro se Motion For Mistrial. For this Honorable Court's easy viewing a copy of this motion is submitted herewith and labeled as Exhibit 1. This document is also referenced in Appellant's Designation of Matters, page 3, paragraph 14, under the heading "Pleadings."

On September 16, 2020 Appellant was taken before Judge William Seals Jr for the unsealing of his sentence. Prior to Appellant's sentence being unsealed Appellant respectfully informed Judge Seals that Appellant had a pending Motion For Mistrial and Motion For New Trial of which by law the court, (Judge Seals) had a duty to consider. However,

Judge Seals became belligerent, hostile, and refused to follow the law. Judge Seals signaled deputies to push and shove me, (Appellant) from the courtroom. For this Honorable Court's easy viewing a copy of the September 16, 2020 Transcripts in front of Judge Seals is submitted herewith and labeled as Exhibit 2 with the pertinent parts highlighted.

Through much strenuous effort the Appellant was able to give a timely notice of appeal on November 19, 2020. The Honorable Court of Appeals immediately noticed sua sponte that the Appellant's "outstanding motions" Motion For Mistrial included had not been considered, and on February 5, 2021 issued an Order remanding the Appellant's case back to circuit court for consideration of all outstanding motions. For this Honorable Court's easy viewing a copy of the February 5, 2021 Order from the Court of Appeals is submitted herewith and labeled Exhibit 3.

Then on April 15, 2021, after hearing

from both the State and the Appellant, Judge Ferrell Cothraw Jr granted the Appellant's Motion For Mistrial and Motion For New Trial. For this Honorable Court's easy viewing a copy of the Form 4 Orders granting the Appellant's Motion For Mistrial and New Trial are submitted herewith and labeled Exhibit 4.

Subsequently, on May 4, 2021 Judge Cothraw issued a supplemental order specifically stating my sentences had been vacated, and ordered my (Appellant) release from the South Carolina Department of Corrections. For this Honorable Court's easy viewing a copy of Judge Cothraw's May 4, 2021 Order is submitted herewith and labeled Exhibit 5.

Thereafter, on April 23, 2021, eight days after the term of court in which Judge Cothraw granted the mistrial, the State by and through Thomas Terrell III and Alicia Richardson began to conspire to abuse the judicial process, and to wrongfully subject Appellant to double jeopardy. Thomas Terrell III

knowingly, willfully, and inappropriately filed a Motion For Reconsideration as to the granting of a mistrial. For this Honorable Court's easy viewing a copy of the state's Motion For Reconsideration is submitted herewith and labeled Exhibit 6.

Mr. Terrell's Motion For Reconsideration was inappropriate for multiple reasons. First, the term of court in which the mistrial was granted had expired, and therefore, Judge Coltraw had no authority or jurisdiction to consider it. "It is a long-standing rule of law that a trial judge is without jurisdiction to consider a criminal matter once the term of court during which judgment was entered expires." *State v. Mixon*, 275 S.C. 575, 274 S.E. 2d 406 (1981); *State v. Patterson*, 272 S.C. 2, 249 S.E. 2d 770 (1978); *State v. Best*, 257 S.C. 361, 186 S.E. 2d 272 (1972)

Second, Mr. Terrell's Motion For Reconsideration was not based on a substantial change of law, new evidence, or even an allegation of manifest injustice. "A party cannot use a motion to reconsider, after

or amend a judgment to present an issue that could have been raised prior to the judgment but was not." Gartside v. Gartside, 383 S.C. 35, 43, 617 S.E. 2d 621, 625 (Cl. App. 2009).

However, contrary to the law, and contrary to common sense, on June 8, 2021 Judge Cothran acting without any lawful authority or jurisdiction did entertain the State's Motion For Reconsideration based solely on the fact the State simply wanted Judge Cothran to change his mind so to speak, and gave Mr Terrell and Ms. Richardson a second bite at the apple of justice, and on June 10, 2021 Judge Cothran acting without any lawful authority or jurisdiction signed an Order of Reconsideration. Again, for this Honorable Court's easy viewing a copy of Judge Cothran's June 10, 2021 Order of Reconsideration is submitted herewith as Exhibit 7.

When viewing exhibits 1 through 6 it becomes quite obvious to a prudent legal mind that Judge Cothran had no legal standing, authority, or jurisdiction to

issue the June 10, 2021 Order of Reconsideration, Exhibit 7. Therefore, by law the Order of Reconsideration is legally void and null. "Actions and judgments of the court in the absence of subject matter jurisdiction are void." Hook v. State, 353 S.C. 48 (2003); and Coov v. Coov 364 S.C. 563 (2005).

Further, any judicial official worth his weight in water knows that the order of a mistrial is a criminal matter is a non-appealable, irreversible interlocutory order. That both the U.S. Supreme Court and the South Carolina Supreme Court justices have cautioned the lower courts to consider all other alternatives before declaring a mistrial for these "plain and obvious reasons."

Therefore, Appellant's continued incarceration under the current circumstances is manifestly unjust.

UNNECESSARY DELAYS

On June 10, 2021 Appellant gave

notice of appeal is open court. Subsequently Appellant was appointed Appellate Defender, Taylor Gilliam. The Appellant immediately made known to Mr Gilliam the facts of his case as manifested by exhibits 1 through 6 along with three other issues... 1) denial of counsel;... 2) wrongful joinder of indictments for one trial; and... 3) exceeding the Court of Appeals mandated instructions.

Mr Gilliam staunchly refused to raise the valid issues Appellant had requested, and unnecessarily made multiple motions for extension of time based on fabricated pretextual reasons unbeknownst to the Appellant. When the Appellant became aware of Mr Gilliam's clandestine suspect activities, Appellant notified the Honorable Court of Appeals of the conflict of interest and requested that he be allowed to proceed pro se.

Over the Respondent counsel's objections the Court of Appeals granted Appellant's request to proceed on appeal pro se, and on April

18, 2022 Appellant filed his Initial Brief on Appeal and Designation of Matters.

Since this time the State/Respondent by and through Senior Assistant Deputy Attorney General, William M. Blich has sought and been granted five extensions of time in which to file Respondent's Initial Brief and Designation of Matters on Appeal. When the Clerk for the Court of Appeals granted Mr Blich's Third extension of Time Deputy Clerk Catherine Harrison specifically stated, "any further extension request must show the existence of extraordinary circumstances."

Black's Law Dictionary (2018 ed) defines "Extraordinary Circumstances" as "A highly unusual set of facts not commonly associated with a thing or event."

However, on November 16, 2022 Mr Blich filed his Fourth Motion For Extension of Time citing as his reason for delay everyday ordinary cases that are commonly associated with his duties in the Attorney General's Office and the

courts. Mr Bitch's pretextual fabrications for his unnecessary delays become overtly apparent when he states in his Fourth Motion For Extension of Time that his work in State V. Ducaw is part of the reason for his delay and need for extension of Time because Mr. Bitch had previously alleged that he had completed the exact same work on State V. Ducaw in his Third Motion For Extension of Time, an amateur mistake and obvious lie.

Moreover, at no time what-so-ever does Mr. Bitch allege a single solitary extraordinary circumstance as is defined by Black's Law Dictionary for an extension of ^{Time} his Fourth Motion

However, and most shockingly on November 22, 2022 an un-named Deputy clerk enters an order totally fabricating that, "Respondent requests an extension to serve and file the initial brief and designation of matter and alleges there are extraordinary circumstances justifying this extension," and then unjustly

grants the extension.

Then on December 16, 2022 Mr Blich filed his Fifth Motion For Extension of Time, Again Mr Blich cites as his reasons for delay ordinary everyday cases, and ordinary everyday duties of an attorney employed with the Attorney General's office. The reasons cited are clearly commonly associated with his duties and are the exact opposite of extraordinary circumstances.

However, and again, on December 22, 2022 an unnamed Deputy Clerk falsely states Mr Blich has alleged extraordinary circumstances for his fifth extension of time and grants the extension.

The unnecessary delays based on fabricated pretextual reasoning are turning what was manifest injustice into a travesty of justice, and stand to insult the very integrity of the South Carolina Judicial System. The epic constitutional violations suffered by the Appellant have become redundant

in their occurrence, and Mr. Blitch's prolonged sustained effort to keep the Respondent's atrocities hidden from the respected justices in the Court of Appeals is disturbingly disgusting.

HEALTH ISSUES

The Appellant is a fifty-eight year old male who was legally disabled at the time of his incarceration in the South Carolina Department of Corrections on September 17, 2020.

Appellant was incarcerated at height of COVID-19 pandemic at Kirkland Reception and Evaluation and kept there in a small single man cell twenty four hours a day with two other prisoners so that there was no opportunity for movement or exercise. Appellant suffered this highly cruel and unusual punishment through February of 2021. Although Appellant suffered physical, mental, and emotional injuries as a result of this barbaric treatment, the Appellant's

attempts to obtain medical care for his injuries were met with threats of further physical injury, death, and fabricated criminal charges. These issues and more are currently being litigated in the U.S. District Court of South Carolina, (Bolick v. Stirling, S', 21-cv-03800-RBH-KDW)

As a result of Appellant's Motion For Mistrial being granted on April 15, 2021, and his sentences being vacated, on May 6, 2021 Appellant was lawfully discharged from prison, and his sentence terminated.

Then on June 10, 2021 when Judge Cothran acted without proper authority or jurisdiction and issued the Order of Reconsideration the Appellant was returned to Kirkland Reception and Evaluation and placed in the same barbaric overcrowded cruel and unusual circumstances that he was previously subjected to, and he again began to suffer further physical, mental and emotional injuries. The Appellant^{was} subjected to six more months of this

cruel and unusual punishment. Since being incarcerated in the South Carolina Department of Corrections on September 17, 2020 the Appellant has not been allotted five hours of outside activity or exercise, and stays locked in a small confined overcrowded cell twenty-four hours a day despite Appellant being completely rule infraction free.

As a result of Appellant's bizarre treatment, the Appellant has begun to suffer many health problems such as shortness of breath, chest pains, breathing problems, muscle atrophy, back and hip problems and pain, skin discoloration and rashes, as well as mental and emotional injuries. The Appellant's attempts to receive medical treatment for these injuries are either ignored, or met with threats of physical violence, falsified and fabricated disciplinary action, or being set up on criminal charges, (a fact that has been conceded in Bolick v Stirling, 5:21-cv-03800-RBH-KDW.

As a result of the Appellant's poor conditions of confinement the Appellant's health has seriously diminished and deteriorated over the past two and a half years. The fact Appellant is unable to get adequate health care or treatment only compounds the poor conditions of confinement Appellant is being subjected to. The Appellant respectfully requests this Honorable Court take into consideration the Appellant's health issues when considering Appellant's request in this motion. The Appellant's release is justified and would enable him to obtain the much needed medical care and treatment Appellant now requires.

DOUBLE JEOPARDY

Another issue the Appellant would kindly ask this Honorable Court to consider is the issue of double jeopardy. The Appellate was tried absentia and without counsel. Appellant motioned for and was granted a mistrial based

on both judicial and prosecutorial misconduct is the Appellant's absence. This misconduct goaded the Appellant into moving for a mistrial. There was no manifest necessity for this mistrial, as this mistrial was caused by the inadvertent misconduct of both judge and prosecutor. Therefore, the double jeopardy clause bars a retrial. See State v. Parker, 391 S.C. 606 (2011) and Seay v. Cowdard, 927 F.3d 776 (4th Cir 2019).

FINAL ISSUE

After granting Appellant's Motion For Mistrial on April 15, 2021, on May 4, 2021 Judge Cothran specifically issued an order vacating Appellant's sentence and ordered Appellant's release from the South Carolina Department of Corrections, see Exhibits.

Then on June 10, 2021 Judge Cothran acting without lawful authority or jurisdiction issued the Order of Reconsideration, he did not however specifically reinstate Appellant's

sentences, or order Appellant's return
return to prison. Appellant was simply
returned to the SCDC with the Order
of Reconsideration. Prison officials
took it upon themselves to reinstate
Appellant's vacated sentences based
solely upon Judge Cothraw's Order of
Reconsideration, Exhibit 7. As of
this date Appellant still remains a
prisoner in the SCDC without a
valid order having reinstated his
sentence. This also violates the Due
Process Clause of the Fourteenth
Amendment.

CONCLUSION

Because of the foregoing facts
that manifest a travesty of justice
is occurring and will continue
without this Honorable Court's inter-
vention, Appellant requests that
this Honorable Court grant the
Appellant an emergency unsecured
bond, or in the alternative, issue an
Order declaring the Respondent's

Fourth and Fifth Motions For Extension of Time were inadvertently granted as the Respondent had not alleged or shown extraordinary circumstances for these extensions, and decide this case as is, or order the state be granted no further extensions what-so-ever, and that this case be expedited as this appeal has been pending since November of 2020. Any other action that this Honorable Court may deem fit and necessary.

Respectfully Submitted
This day of January, 2023
Theodore Bolick, prose
Evans Correctional Inst.
610 Highway # 9 West
Bennettsville, S.C. 29512

VERIFICATION

I Theodore Bolick do hereby verify that I am the Appellant in the foregoing matter, that I have prepared

and proof-read the contents thereof,
that I have made the foregoing
statements based on my personal
knowledge, that the documents sub-
mitted herewith are true and
accurate copies of the record on
file, and that my statements are
absolutely true and correct

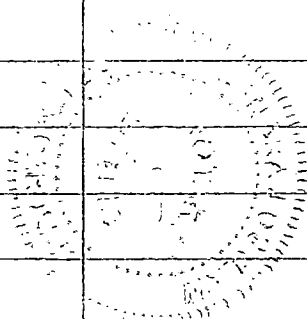
This 9th day of January, 2023
Theodore Bolick

Sword And Subscribed
Before Me

This 9th day of January, 2023

Notary Suzanne Ouellet

My Commission Expires 2/17/24



STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS
COUNTY OF HORRY FIFTEENTH JUDICIAL CIRCUIT
Case No.s 2016A2620602245;
2250; 2251

STATE OF SOUTH CAROLINA

MOTION FOR MISTRIAL

VS.

THEODORE JERRY BOLICK

FILED
2020 APR 22 AM 9:12
CLERK OF COURT
HORRY COUNTY, SC

NOW COMES Defendant, Theodore Bolick pro se and hereby moves this Honorable Court to declare a mistrial in the above captioned cases. In support of said motion Defendant shows unto the Court as follows:

1. That on July 23rd 24, 2019 a trial in the above captioned matters was commenced;

2. The Defendant was not present at the start of the trial; nor had the Defendant voluntarily waived his right to be at said trial;

3. Subsequently, a jury was selected by the State, the State presented evidence, and the jury found the Defendant guilty;

4. The Defendant was absentia from the beginning through the end of said trial;

5. The Defendant was denied the opportunity

confront his accusers, compel witnesses in his behalf, or present evidence in his behalf;

6. This pretext of a fair trial was orchestrated and initiated by Assistant Solicitor Thomas Terrell III maliciously and actively in retaliation for the Defendant's successful litigation against the Myrtle Beach Police Department and the Horry County Sheriff's Department, and part of an ongoing conspiracy between Solicitor, Thomas Terrell III, Myrtle Beach Police Officers, and Judge Ohawesia dating back to 2016.

CONSTITUTIONAL LAW

The "Sixth Amendment rights of accused in all criminal prosecutions to be informed of nature and cause of accusation, to be confronted with witnesses against him, to have compulsory process for obtaining witnesses in his favor and to have assistance of counsel for his defense are part of the "due process of law" that is guaranteed by Fourteenth Amendment to defendants in the criminal courts of state. Farett v. California 422 U.S. 806 (1975).

"Where provision of Bill of Rights of federal Constitution is fundamental and essential to fair trial, it is made obligatory on states by Fourteenth Amendment." Gideon v. Wainwright, 372 U.S. 335 (1963)

"Under Fourteenth Amendment, accused has privilege to be present in person during prosecution for felony whenever his presence has a reasonably substantial relation to fullness of opportunity to defend against the charge." *Snyder v. Com. of Mass.*, 291 U.S. 97 (1934)

Therefore, at least as far back as 1934 the United States Supreme Court has recognized the the Sixth Amendment right to be present at trial is made applicable to all states and territories through the Fourteenth Amendment's "Due Process" and "Supremacy" clauses.

LEGAL ARGUMENT

The mere fact that the Defendant, a layman at law, with a simple seventh grade education would even have to make this motion or argument in law before a veteran Circuit Court Judicial Official is by nature suspect in itself and cause for alarm and concern in a legally trained mind, and makes the allegations of a full fledged conspiracy all the more likely.

For well over 100 years, "It is well settled that... at common law the personal presence of the defendant is essential to a valid trial and conviction on a charge of felony... If he is absent, ... a conviction will be set aside." W. Mikell, *Clark's Criminal Procedure* 492 (2d ed. 1918) (hereinafter Mikell)

Accord, *Goldin*, Presence of the Defendant Re-
vocation of the Verdict in Felony Cases, 16 Colum. L.
Rev. 18, 20 (1916); F. Wharton, Criminal Pleading
and Practice 388 (9th ed. 1889) (hereinafter Wharton);
1 J. Bishop, New Criminal Procedure 178-179 (4th ed. 1895)
(hereinafter Bishop), and cases cited therein. The right
generally was considered unwaivable in felony
cases. *Mikell* 492; 1 Bishop 175 and 178. This view
was premised on the notion that a fair trial
could take place only if the jurors met the defendant
face-to-face and only if those testifying against
the defendant did so in his presence. See Wharton
392; 1 Bishop 178. It was thought "contrary to the
dictates of humanity to let a prisoner waive that
advantage which a view of his sad plight might
give him by inclining the hearts of the jurors to
listen to his defence with indulgence." *Ibid.*,
quoting *Price v. Commonwealth*, 18 Pa 103, 104 (1851).

The United States Supreme Court still feels this
way today. Federal Rule of Criminal Procedure 43
prohibits trial in absentia of defendant who is not
present at beginning of trial. *Crosby v. U.S.*, 506
U.S. 255 (1993). It was also decided in *Crosby* the
distinction is between "flight before and during
trial is rational, marking point at which costs
of delaying trial are likely to increase and help-
ing to insure that any waiver is knowing and
voluntary."

Crosby is almost identical to the case at hand.
Crosby the petitioner attended various preliminary
proceedings, but failed to appear at the beginning
of his criminal trial. The defendant, Mr. Bolick

in the case at hand did exactly the same thing and failed to appear on the day his trial was to begin.

Even in Diaz v. United States, 223 U.S. 442, 32 S.Ct. 250, 56 L.Ed. 500 (1912) the Supreme Court recognized the distinction between flight before the commencement of trial, and flight after the trial has begun, *Id.*, 457, 32 S.Ct. 254, quoting Falk v. United States, 15 App. D.C. 454 (1899), cert. denied, 181 U.S. 618, 636, 21 S.Ct. 923, 45 L.Ed. 1030 (1901).

Although in Crosby it was argued that his position rested not on the express provisions of F.R.C.P. Rule 43, but solely on the maxim *expressio unius est exclusio alterius*. The Court disagreed stating it was not necessary to invoke that maxim in order to conclude that Rule 43 does not allow full trials in absentia. However, the Supreme Court has invoked that maxim in Facetta v. California, 422 U.S. 806 (1975); Gideon v. Wainwright, 372 U.S. 335 (1963); Snyder v. Com. of Mass., 291 U.S. 97 (1934). See also Hept v. People, 110 U.S. 574 (1884); Lewis v. U.S., 146 U.S. 370 (1892); Brooks v. Tennessee, 406 U.S. 605 (1972); Ferguson v. State of Ga., 365 U.S. 570 (1961); and Powell v. State of Alabama, 287 U.S. 45, 69, 53 S.Ct. 55, 64, 77 L.Ed. 158.

Therefore, a defendant's right to be present during trial is so embedded in the law that for a licensed attorney or practicing judicial official to feign ignorance to this right, and to convict a defendant absentia is suspect,

that it shocks the conscience.

Further, in the instant case the defendant has alleged prosecutorial and judicial misconduct from the out-set of his arrest in 2016. V.I.A. two separate petitions for Writ of Habeas Corpus, both filed in Horry County Circuit Court, and an "unverified" Second Subsequent Motion To Dismiss For Prosecutorial and Judicial Misconduct, neither of which has been properly adjudicated. With that in mind, this absentia conviction certainly stands out and gives compelling reasoning to be seriously considered and investigated for wide-spread and far reaching corruption and broad sweeping constitutional violations.

Furthermore, this absentia conviction brings into question the integrity and the independence of the judiciary. It questions a judicial official's ability to maintain professional competence in judicial administration, and his ability to comply with the law, Canon Code of Judicial Conduct, 1 and 2. Moreover, this absentia conviction questions the Judge's ability to be faithful to the law, and the ability to accord every person who is legally interested in a proceeding a full right to be heard according to law. It manifests ex parte communications concerning the pending proceeding between the Judge and Solicitor Thomas Terrell III. Finally, the absentia conviction manifests the Judge's inability to observe the standards of fidelity and diligence that apply to a judge, or the ability

take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct, Canon Code of Judicial Conduct 3A and B.

CONCLUSION

WHEREFORE: Defendant prays as follows:

1. That a mistrial be declared in the foregoing captioned cases;
2. That any order on any pretrial motions in this case be declared ab initio, (void);
3. That defendant be allowed to verify and have notarized the second subsequent Motion To Dismiss For Prosecutorial and Judicial Conduct;
4. That this Court adhere to its duties as set forth by Canon's Code of Judicial Conduct 3B3 and report Thomas Terrell III for his unprofessional conduct, or either concede entering into a malicious and vindictive campaign to unfairly prosecute and convict the defendant in retaliation for his litigious nature conspiratorially; and;

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APR 22 AM 9:18
CLERK OF COURT
HENRY COUNTY, SC

5. Any and all other actions this Court deems appropriate and necessary

Respectfully Submitted
This day of April, 2020
Theodore J. Bolick
811 New Center Dr
Asheboro NC 27805

HONORABLE JUDGE
GREGORY S. ELVIS
CLERK OF COURT
HUNTER COUNTY, NC

020 APR 22 AM 9:18

VERIFICATION

I Theodore Bolick do hereby verify that all statements made in the foregoing Motion for Mistrial are true and accurate to the best of my knowledge and belief

This 11th day of April, 2020
T Bolick

Sworn and Subscribed
Before Me

This 19th day of April, 2020

Notary Michael G. King

My Commission Expires 1-13-2025

County Randolph

certificate of service

I hereby certify I placed a copy of same in the U.S. Mail postage prepaid addressed as follows:

Solicitor Thomas Terrell III

1301 Second Ave

Cowboay S.C. 29526

8

This 19th day of April 2020
Theodore Bolick

FILED

2020 APR 22 AM 9:18

HELEN ELMIS
CLERK OF COURT
Horry County, SC

EXHIBIT A A

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF HORRY) 2019-GS-26-04947, 04953, and 05081

STATE OF SOUTH CAROLINA,)
)
Plaintiff,) Transcript of Record
) (Sentence of the Court)
vs.)
) September 16, 2020
THEODORE JERRY BOLICK,)
)
Defendant.)

B E F O R E:

Honorable William H. Seals
Horry County Courthouse
Conway, South Carolina

A P P E A R A N C E S:

William G. Terrell, III
Attorney for Plaintiff

Theodore Jerry Bolick
Pro Se Defendant

REPORTED BY:

Grace L. Hurley
Retired Circuit Court Reporter

PREPARED BY:

Kay H. Richardson
Circuit Court Reporter

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I N D E X

SEPTEMBER 16, 2020

Pg.

Sentence of the Court	3
Certificate of Court Reporter	6

E X H I B I T S

No.

ID

EV

(No exhibits were marked or admitted.)

1 SEPTEMBER 16, 2020

2 MR. TERRELL: Good afternoon, Your Honor.

3 This is State of South Carolina v. Theodore Jerry Bolick.
4 Mr. Bolick was tried and convicted on indictments 2016-05081,
5 2016-04947, and 2016-04953. That was a trial in Mr. Bolick's
6 absence. He was tried and convicted in front of the Honorable
7 Larry Hyman in July 25th, I believe, of last year. Pursuant
8 to standard protocol, those sentences were sealed. A bench
9 warrant was issued. Mr. Bolick is brought before Your Honor
10 for the unsealing of those sentences at this point.

11 THE COURT: Okay. Mr. Bolick, I want to let you know
12 that I didn't try your case. I don't know anything about your
13 case. I don't know anything about the facts. I don't even
14 know you. My job is simply to open this up and read what
15 Judge Hyman sentenced you to.

16 MR. BOLICK: Your Honor, if I may, first ---

17 THE COURT: That's my only job and that's all I'm
18 supposed to do.

19 MR. BOLICK: Excuse me, Your Honor.

20 THE COURT: All right.

21 MR. BOLICK: Please hear me.

22 THE COURT: I can hear you, but what do you have to say
23 in relation ---

24 MR. BOLICK: Can I please have a chair? I have problems,
25 and I have made several motions that are before the Court.

1 THE COURT: Okay. I have nothing to do with that. My
2 job is only to open this and read it.

3 MR. BOLICK: Your Honor ---

4 THE COURT: I don't know anything about your case, your
5 motions or nothing.

6 MR. BOLICK: Please, Your Honor, please.

7 THE COURT: I'll give you five minutes. Tell me what you
8 got to tell me.

9 MR. BOLICK: I have filed a motion for mistrial. I have
10 filed a motion for a new trial. I have filed a memorandum of
11 law in support of this, Your Honor.

12 THE COURT: Okay.

13 MR. BOLICK: I have ---

14 THE COURT: What's that got to do with me reading your
15 sentence?

16 MR. BOLICK: Your Honor, because at the time you read
17 that sentence, because I wasn't here for the trial, nor the
18 beginning of the trial.

19 THE COURT: I wasn't either. I wasn't either.

20 MR. BOLICK: Right. So, therefore, this is my first time
21 to get to speak on that trial. And Crosby v. United States
22 Supreme Court said that that trial is a complete absentuna [sic]
23 is in violation of the Sixth and Fourth Amendment. Not only
24 is it backed by that, by Diaz v. US.

25 THE COURT: Right? Well, then appeal it. I'll just --

1 ~~Simply here to read ---~~

2 ~~MR. BOLICK: Your Honor, I am making by law a motion for~~
3 ~~a new trial and a motion for mistrial. This is my first, and~~
4 ~~that is something that you should, by law, rule on now.~~

5 ~~THE COURT: Okay. Sentence of the Court is that the~~
6 ~~defendant is committed to the Department of Corrections for a~~
7 ~~term of 12 years. It is to run concurrent with his sentence~~
8 ~~on 7/24/2019.~~

9 ~~In reference to the burglary, the sentence of the Court~~
10 ~~is 12 years, and it is to run concurrent as well.~~

11 ~~In reference to the other burglary, the sentence of the~~
12 ~~Court is 12 years and it's to run concurrent as well.~~

13 ~~I've done my job and it's time to move on.~~

14 ~~MR. BOLICK: Your Honor, may I please?~~

15 ~~THE COURT: Now~~

16 ~~MR. BOLICK: May I please?~~

17 ~~THE COURT: It's not the time and place to do it.~~

18 ~~MR. BOLICK: I would object, Your Honor. I would object~~
19 ~~to --- I'm objecting to allow --- just allow a motion for a new~~
20 ~~trial, and I will be complaining to the judicial ---~~

21 ~~THE COURT: I look forward to it.~~

22 ~~(REPORTER'S NOTE: Defendant is removed from courtroom.)~~

23 ADJOURNED

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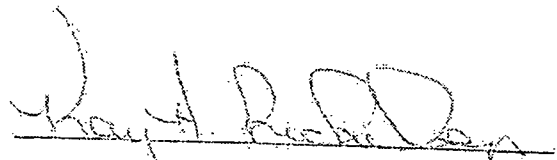
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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of State of South Carolina v. Theodore Jerry Bolick, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on September 16, 2020, as reported by Grace L. Hurley.

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



Kay H. Richardson
Official Court Reporter

May 4, 2022.

The South Carolina Court of Appeals

The State, Respondent,

v.

Theodore Jerry Bolick, Appellant.

Appellate Case No. 2020-001497

ORDER

After reviewing the parties' appealability memoranda, this appeal is held in abeyance and the case is remanded to the circuit court for consideration of all outstanding motions, including the Motion to Reconsider, Motion for Mistrial, and Motion for the Appointment of Counsel. Respondent shall provide this court will status updates every thirty days until the motions are resolved.



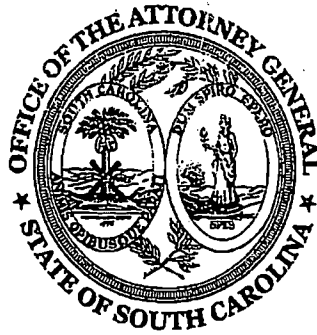
FOR THE COURT

Columbia, South Carolina

cc:

Theodore Jerry Bolick, 384070
Alan McCrory Wilson, Esquire
Thomas Groom Terrell, III, Esquire
William M. Blitch, Jr., Esquire
Robert Michael Dudek, Esquire
The Honorable Steven H. John
The Honorable Renee Elvis

FILED
Feb 05 2021



ALAN WILSON
ATTORNEY GENERAL

January 14, 2021

VIA ELECTRONIC FILING

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: The State v. Theodore Jerry Bolick
Appellate Case Tracking Number 2020-001497

Dear Ms. Kitchings:

The State received this Court's letter asking for a memorandum on appealability. Please accept this letter in lieu of a formal response.

The State believes this appeal is appealable; however, the State believes the case needs to be remanded to the circuit court to address outstanding motions. Attached are several documents indicating Appellant was tried in his absence and his sentence was subsequently open and read. It appears his sentence was read and final on September 16, 2020. (See Exhibit A; Indictments and Sentencing Sheets).

After being sentenced, it appears Appellant served his Notice of Appeal and filed a Notice of Appeal, Request for Transcripts, Motion for Appointment of Counsel, and a Motion to Reconsider all with the Clerk of Court. (See Exhibit B). Because Appellant served and filed a Notice of Appeal, the circuit court, by Order filed November 3, 2020, dismissed the pending motions "until jurisdiction is returned." The Order lists several other motions, including a Motion for Mistrial and a Motion for Standing and Continued Objections, of which the undersigned has not received a copy. (See Exhibit C).

It appears the Notice of Appeal was forwarded from the Clerk of Court in Horry County to the South Carolina Supreme Court, which subsequently forwarded the appeal to this Court. Based on information the undersigned has, it appears the Notice of Appeal was timely served on the Solicitor's Office.

STATE OF SOUTH CAROLINA
COUNTY OF Horry

ORDER IN A CRIMINAL CASE
WARRANT(S) 2016A2620602245, 2250-51

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S): 2016GS2605081, 2016GS2604947
2016GS2604953

State of South Carolina

THEODORE JERRY BOLICK
DEFENDANT(S)

This form order submitted by: Thomas Groom Terrell, III Assistant Solicitor	Attorney for : <input checked="" type="checkbox"/> State <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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DISPOSITION TYPE

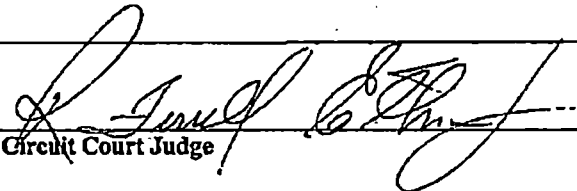
- DECISION BY THE COURT AFTER HEARING. This action came to a hearing before the court. The issues have been heard and a decision rendered. See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE. This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered. See below for additional information.
- MOTION: MOTION FOR MISTRIAL
 - GRANTED DENIED CONTINUED WITHDRAWN
 - WITHDRAWN BY MOVING PARTY: _____
Signature of Moving Party
 - OTHER: _____

2021 APR 19 AM 8:15
FILED

IT IS ORDERED AND ADJUDGED: See Order of the Court below See attached order:
 Formal Order to follow; to be prepared by: State Defendant Other: _____

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk : _____

 _____
Circuit Court Judge

2144 _____
Judge Code

4-16-21 _____
Date

pg. 10

For Clerk of Court Office Use Only

This judgment was entered on the 9 day of April, 2021 and a copy mailed first class or placed in the appropriate attorney's box on this 19 day of April, 2021 to attorneys of record or to parties (when appearing pro se) as follows:

Thomas Groom Terrell, III
ATTORNEY(S) FOR THE STATE

Pro Se

ATTORNEY(S) FOR THE DEFENDANT(S)
Bene N. Eln
CLERK OF COURT

Court Reporter:

FILED
2021 APR 19 AM 8:15

Pg. 11

16-4947

STATE OF SOUTH CAROLINA
COUNTY OF Horry

ORDER IN A CRIMINAL CASE
WARRANT(S) 2016A2620602245, 2250-51

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S): 2016GS2605081, 2016GS2604947
2016GS2604953

State of South Carolina

THEODORE JERRY BOLICK
DEFENDANT(S)

This form order submitted by: Thomas Groom Terrell, III
Assistant Solicitor

Attorney for : State Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE

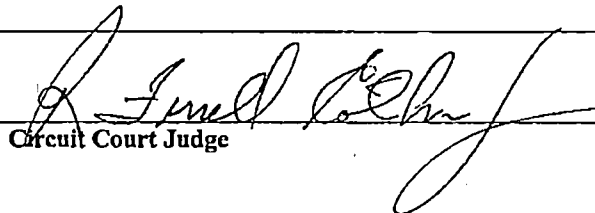
- DECISION BY THE COURT AFTER HEARING.** This action came to a hearing before the court. The issues have been heard and a decision rendered. See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE.** This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered. See below for additional information.
- MOTION: MOTION FOR NEW TRIAL**
 - GRANTED DENIED CONTINUED WITHDRAWN
 - WITHDRAWN BY MOVING PARTY: _____
Signature of Moving Party
 - OTHER:

FILED
2021 APR 19 AM 8:15

IT IS ORDERED AND ADJUDGED: See Order of the Court below See attached order
 Formal Order to follow; to be prepared by: State Defendant Other: _____

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk : _____


Circuit Court Judge

2144
Judge Code

4-16-21
Date

pg 8

STATE OF SOUTH CAROLINA

COURT OF APPEALS

RECEIVED

JAN 12 2023

FROM HORRY COUNTY

SC Court of Appeals

GENERAL SESSIONS COURT

LARRY B. HYMAN, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2020-001497

The State

Respondent

VS

Theodore J. Bolick

Appellant

PROOF OF SERVICE

I hereby certify a copy of the Motion For Emergency Unsecured Bond was placed in the U.S Mail, postage pre-paid addressed

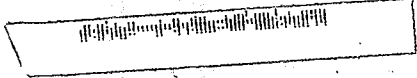
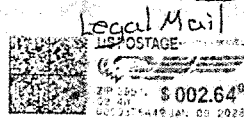
William M. Blitch

P.O. Box 11549

Columbia, S.C, 29211-1549

January 9, 2023
Theodore Bolick

Theodore Bolick 384070
Evans Correctional Inst
610 Highway #9 West
Bedfordville, S.C. 29512



To The Honorable Justices
South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

RECEIVED
JAN 12 2023
SC Court of Appeals