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Feb 13 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Larry B. Hyman, Jr., Circuit Court Judge
Appellate Case Tracking No. 2020-001497

The State,

Respondent,

vs.

Theodore Jerry Bolick,

Appellant.

**MOTION TO REQUIRE
AMENDED RECORD ON APPEAL**

Respondent, through its undersigned counsel, would respectfully show unto this Court:

Appellant served his Record on Appeal on February 2, 2023. The State received it several days later. A review of the Record on Appeal as served indicates it does not contain several items designated by Respondent. See Rule 210(c), SCACR (“The Record on Appeal shall include all matter designated to be included by any party under Rule 209 . . .”). Specifically, the Record on Appeal fails to contain the May 18, 2018 hearing transcript, the September 16, 2020 sentencing transcript, and the Memorandum Supporting State’s Motion for Reconsideration with attachments filed along with the State’s Motion to Reconsider of April 2021. All of these were designated by Respondent, are referenced in Respondent’s Brief, and are properly included in the Record on Appeal.

Further, some of the documents included in the Record on Appeal contain extraneous commentary by Appellant which is inappropriate. For example, page 50 contains handwritten commentary which should not be included.

Finally, the Record on Appeal is supposed to be consecutively paginated. See Rule 210(c), SCACR (“Each page of the Record on Appeal shall be numbered consecutively beginning with the index.”). Instead of consecutively paginating the Record, Appellant only numbered the caption of the transcript. For example, page 58 is the caption for the July 22-24, 2019. The next page of the Record is not page 59; instead, it is page 58-1. This transcript continues until page 58-161. Appellant numbered the caption of the April 15, 2021, transcript as page 59 and then continued with 59-1 through 59-35.

The State believes an Amended Record on Appeal is necessary to include all the required matter from the parties’ Designations of Matter. Further, an Amended Record on Appeal is necessary to provide clean copies to the Court of all filings absent any commentary or other markings by Appellant. Finally, the Amended Record on Appeal is necessary so that it can be properly paginated.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion; require Appellant to serve and file an Amended Record on Appeal to include all matter designated by the parties, not include extraneous commentary on any pages, and properly number the pages consecutively; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General



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ATTORNEYS FOR RESPONDENT

February 13, 2023

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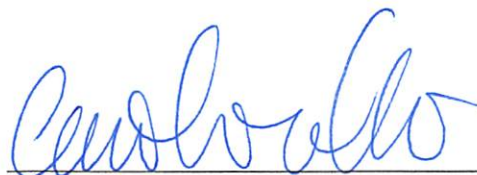
PROOF OF SERVICE

I, Caroline Collins, certify that I have served the Motion to Require Amended Record on Appeal on Appellant by depositing a copy in the US Mail addressed to:

Theodore Jerry Bolick, *Pro Se* Appellant
#384070, 3A-0176-A
Evans Correctional Institution
610 Highway 9 West
Bennettsville, South Carolina 29512

I further certify that all parties required by Rule to be served have been served.

This 13th day of February, 2023.



CAROLINE COLLINS
Administrative Coordinator
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

February 13, 2023

Theodore Jerry Bolick, *Pro Se* Appellant
#384070, 3A-0176-A
Evans Correctional Institution
610 Highway 9 West
Bennettsville, South Carolina 29512

Re: The State v. Theodore Jerry Bolick
2020-001497

Dear Mr. Bolick,

Enclosed please find a copy of the Motion to Require Amended Record on Appeal in the above-referenced case.

Sincerely,

William M. Blich, Jr.
Senior Assistant Deputy Attorney General

WMB/cc
Enclosure

cc: The Honorable Jenny A. Kitchings (via electronic filing)