

STATE OF SOUTH CAROLINA

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COURT OF APPEALS

FEB 27 2023

SC Court of Appeals

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

The State,

Respondent

VS.

Theodore Jerry Bolick,

Appellant

### MOTION TO EXPEDITE

Now Comes Appellant, Theodore J. Bolick pro se and hereby respectfully moves this Honorable Court to expedite the above captioned case. In support of this motion Appellant shows for good cause as follows.

### IMPEDENCY

Appellant was indicted in October

and November of 2016. Appellant was tried in July of 2019. Appellant was sentenced in September of 2020. The Appellant was able to give a timely notice of appeal in November of 2020.

However, because the circuit court judge, William Seals abused his discretion and authority by refusing to consider Appellant's outstanding post verdict motions for mistrial and new trial, the Honorable Court of Appeals on February 5, 2021 remanded this case back to circuit court for consideration of all outstanding motions.

Then on April 15, 2021 circuit court judge, Ferrell Cothran, Jr. granted the Appellant's post verdict motions for mistrial and new trial. Because the Appellant's motions for mistrial and new trial were post verdict motions, and not post trial motions, the long-standing term of court rule should have been applied. The rule that a court has no jurisdiction to consider a criminal matter once the term of court had expired has two exceptions: a timely

post-trial motion and a motion for a new trial based on after discovered evidence State v. Slocumb, 412 S.C. 88 (2015) at Headnote 6.

Further, Appellant was granted a mistrial, a mistrial order is a final non-appealable, irreversible, interlocutory order. See U.S. v. Jord, 400 U.S. 470 (1971)

However, the state by and through Thomas Groom Terrell III, eight days after the term of court had expired, and seven months after Appellant had been sentenced, filed a motion for Reconsideration. This motion was improper as the term of court in which the mistrial and new trial were granted had expired. Further, the Motion for Reconsideration was not based on a substantial change in law, after discovered evidence, or manifest injustice as was required by Rule 59, SC RCP.

Despite the plain long-standing clearly established law and rules of law, on June 10, 2021 circuit court judge, Ferrell Cothran Jr. acting

without authority or jurisdiction did issue an order granting the state's inappropriate Motion For Reconsideration. Appellant immediately gave notice of appeal, and was given counsel, Taylor Gilliam on appeal.

Attorney, Taylor Gilliam unbeknownst to Appellant began fabricating pretextual reasons to delay filing the Appellant's appeal, so much in fact the Appellant's appeal was delayed a year, and Appellant had to move to proceed propria persona.

After being granted permission to proceed pro se on appeal, Appellant on April 18, 2022 filed his Initial Brief ~~of~~ on Appeal. Thereafter, the state/Respondent sought and received five extensions of time to file Respondent's Initial Brief. In moving for these extensions of time the state never once demonstrated any extraordinary circumstances as is defined by Black's Law Dictionary for these extensions as was required by law. However, for reasons still

unexplained the state was granted five extensions of time.

On February 2, 2023 Appellant mailed to this Honorable Court the Record On Appeal, Appendix To The Record On Appeal, and Appellant's Final Brief. These filings clearly provide this Honorable Court with all the necessary documents, evidence, and transcripts to decide the issues presented and argued on appeal, and that was proposed by both parties.

However, on February 13, 2023 the Respondent, (William M. Blich) filed a Motion To Require Amended Record On Appeal. This filing by the Respondent is just another insidious frivolous filing aimed at unnecessarily delaying these proceedings. This filing by the Respondent is so frivolous that the Respondent cannot even truthfully allege a prejudice. It is just another transparent frivolous filing aimed at impeding and impairing a timely adjudication in this case.

Appellant has suffered prosecution

in the most appalling and outlandish ways for seven years. Appellant's appeal has been in abeyance since November of 2020. The delays in these proceedings, for the most part, have been caused by state officials who have abused their discretion and authority, and this is part of the reason Appellant seeks to have this Honorable Court expedite these proceedings.

## II DOUBLE JEOPARDY

It has been ~~exceed~~ conceded and stipulated that on April 15, 2021 in response to a post verdict motion for mistrial Appellant was lawfully granted a mistrial. That this mistrial was granted after Appellant was convicted. On May 5, 2021 Appellant's sentence was vacated by lawful order as a result of the granting of a mistrial. Under the law of double jeopardy, a defendant may not be prosecuted for the same offense after an acquittal, a conviction, or an improvidently

granted mistrial State V. Brown, 437 S.C. 550 (2022); State V. Parker, 391 S.C. 606 (2011); State V. Coleman, 365 S.C. 258 (2005); State V. Robinson, 360 S.C. 187 (2004); and State V. Rowlands, 343 S.C. 454 (2000)

If the Respondent's arguments were to be considered as true, then on April 15, 2021 Judge Ferrell Cothran Jr. improvidently granted a mistrial in Appellant's case. This by long-standing clearly established law prohibits Appellant from <sup>being</sup> punished or prosecuted for these offenses again. However, as is plainly manifested by the record in this case Appellant has been subjected to double jeopardy since June 10, 2021 when Appellant's sentences were reinstated by the S.C.D.C. This is a plain miscarriage of justice turned into a travesty of justice by unethical state officials. To delay any further an adjudication in this case is to reward unethical and corrupt state officials and to

promote further corruption of this nature in the South Carolina Judiciary.

## CONCLUSION

WHEREFORE: Appellant prays this Honorable Court expedite an adjudication in this case so as to prevent Appellant from further suffering double jeopardy unjustly.

Respectfully Submitted  
February 22, 2023  
Theodore J. Bolick prose  
Evans Correctional Inst,  
610 Highway #9 West  
Bennettsville, S.C. 29512

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The State, Respondent  
vs,  
Theodore Terry Bolick, Appellant

PROOF OF SERVICE

I hereby certify I placed a copy of  
the Motion To Expedite in the U.S. Mail,  
postage pre-paid, addressed

William M. Blitch  
P.O. Box 11549  
Columbia, S.C. 29211-1549

February 22, 2023  
Theodore Bolick  
610 Highway #9 West  
Benedictville, S.C. 29512

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



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Clerk, Court of Appeals

P.O. Box 11629

Columbia, S.C. 29211

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