

STATE OF SOUTH CAROLINA

RECEIVED

COURT OF APPEALS

MAR 10 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 FOR SANCTIONS,  
RULE 269, SCACR

NOW COMES Appellant, Theodore J. Bolick pro se pursuant to Rule 269, South Carolina Appellate Court Rules and hereby moves this Honorable Court to impose sanctions on the Respondent's counsel, William M. Blich, (hereafter Mr. Blich). In support of imposing these sanctions, Appellant demonstrates as follows

## I TEN (10) DAY NOTICE

Prior to filing this Motion For Sanctions, on February 24, 2023 Appellant served Mr. Blitch with a Notice Of Intent To File ~~the~~ sanctions. A copy of this Notice Of Intent is submitted herewith as Exhibit A.

## II GENERAL ARGUMENT

Mr Blitch's filings throughout this proceedings have been highly suspect, unfounded in law or fact, and mendacious in nature. Mr Blitch's arguments have been contrary to common sense, and belie the evidence in the Record on Appeal, and the Appendix To The Record on Appeal. Mr. Blitch's frivolous filings and mendacious arguments are so numerous and frequent that Appellant must list them in subsections as follows.

(a) Second Motion For Extension of Time

Mr Blitch's behavior has been suspect

almost from the outset of this appeal. In moving for his Second Extension of Time Mr Bitch did not file a motion for an extension of time and if he did, he did not provide Appellant service of the motion. Mr Bitch was somehow able to circumvent the South Carolina Appellate Court Rules, write the Clerk's Office for the Court of Appeals a little letter, and then receive the extension of time, all of which was certainly ~~proper~~ not proper.

#### (b) Fourth Motion For Extension of Time

In moving for a Fourth Motion For Extension of Time To File Respondent's Initial Brief on Appeal Mr Bitch made a frivolous filing that failed to state any extraordinary circumstances for an extension of time to file Respondent's Initial Brief, even though the Deputy Clerk who granted the Third Motion For Extension of Time specifically stated that Mr Bitch "must" demonstrate extraordinary circumstances for any further

extensions of time.

Not only did Mr. Blich not state any extraordinary circumstance in his Fourth Motion For Extension of Time, but the reason he proffered for his delay was manifestly a lie. In moving for his Third Motion For Extension of Time Mr. Blich stated he had completed the Initial Brief of Respondent in State V. Duraw. However, in his Fourth Motion For Extension of Time Mr. Blich states that since being ~~granted~~ granted his Third Extension that he had filed the Initial Brief of Respondent in State V. Duraw. That is a blatant disrespectful lie unless Mr. Blich filed two Initial Briefs in State V. Duraw.

Although the Deputy Clerk granted Mr. Blich's Extension of Time stating Mr. Blich had alleged extraordinary circumstances for the extension, the Deputy Clerk was erroneous as Mr. Blich's Fourth Motion For Extension of Time does not allege any extraordinary circumstances as evidenced by the motion itself, nor does the Deputy Clerk address the obvious lie Mr. Blich used

to procure his Fourth Extension of Time

### (c) Fifth Motion For Extension of Time

Mr Blich's Fifth Motion For Extension of Time was a frivolous filing. Not only did Mr Blich fail to state any extraordinary circumstances for this delay as is required by law, and was ordered by the Deputy Clerk in granting the Third and Fourth extensions, but Mr Blich again proffers mendacious lies as reasons for his delays. Mr Blich proffers as a reason for his delay three cases he cited as his reason for delay in his Fourth Motion For Extension of Time.

(d) Appellant has previously raised issues with Mr Blich's Fourth and Fifth Motion For Extensions of Time by filing objections to both with attached evidence. Appellant hereby moves to incorporate by reference Appellant's Objections To Respondent's Fourth and Fifth Motions For Extension of Time and attachments

for this Court's viewing convenience.

### III RESPONDENT'S INITIAL BRIEF

Mr Bitch's arguments and alleged facts in the Respondent's Initial Brief are so far ~~feet~~ fetched, and outlandish that they appear to be ludicrous and delusional as Appellant will demonstrate in the following subsections.

#### (a) WAIVER OF COUNSEL

In response to Appellant's issue of did the trial court err in allowing the state to try Appellant without counsel, Mr Bitch argues Appellant knowingly and intelligently waived his right to counsel.

Without question, the best evidence to determine whether the Appellant knowingly and intelligently waived his right to counsel is the statements the Appellant made to the trial court. If the Appellant was entitled to the assistance

of counsel, and requested the assistance of counsel, the trial court by clearly established law under the Sixth Amendment should have appointed the Appellant counsel. In this case the trial court actually appointed Appellant a public defender, Martin Spratt, and settled an issue of a conflict of interest, and instructed the Appellant that the court would hear from Appellant's appointed counsel before deciding Appellant's pro se motion to sever, (Trial Transcript, hereafter T.T. pgs 12-23; ROA pgs 58-11 through 58-22). Thereafter, court was adjourned and the trial <sup>court</sup> never spoke to, or heard from Appellant again.

However, the next day July 23, 2019 the trial court without hearing any further evidence or arguments on the issue of counsel, suddenly and spontaneously issues a finding that Appellant has knowingly and intelligently waived his right to counsel in the Appellant's absence, (T.T. pgs 24 and 25; ROA pgs 58-23 and 58-24).

Then as an after-thought the trial court

addresses the public defender, Martin Sprattin that was appointed to the Appellant and states,

"It is my understanding he has not asked you to represent him, he has not consented to you representing him and we appreciate your willingness to discuss these matters with him. You may withdraw," (T.T. pg 29, 103 12-17; ROA pg 58-28).

This ruling by the trial court is outrageously suspect. What evidence or information did the trial court use to reach this "suggestive understanding"?

However, in arguing contrary to Appellant's argument concerning counsel, Mr Blich asks this court to completely ignore Appellant's or Mr Sprattin's comments or statements to the court. More importantly Mr Blich would like this court to ignore the fact that before the trial court found Appellant had waived his right to counsel, Mr Sprattin never stated Appellant did

not wish his assistance. It was only after the trial court found Appellant waived his right to counsel, that the trial court asked Mr Sprattin the very leading and suggestive question concerning Appellant's want or need for counsel.

No self respecting judge or lawyer in this country would not take issue with Judge Hyman's callous disregard of Appellant's right to counsel, or the very suggestive and leading question he proposed to Mr Sprattin afterwards trying to justify it in the record. In fact all Appellant would need to prove a conspiracy to violate civil rights at this juncture is proof of out of court ex-parte communication between Judge Hyman, Thomas Terrell, and Martin Sprattin, something that has already been proven and submitted to the Harry County Clerk's Office in the case of Bolick V. Sprattin, 2022-CP-26-03058, (Defendants Motion for Summary Judgment and Memo In Support)

When looking to the actual trial

transcript, and the evidence therein, no respectable person can truthfully state Appellant knowingly and intelligently waived his right to counsel. The fact that Mr. Blich does speak volumes about his moral integrity. The fact Mr. Blich would actually file a pleading in this court arguing something so unfounded in fact is actually very disrespectful in an outrageous way. Mr. Blich's pleadings on the issue of counsel in Respondent's Initial Brief on Appeal is frivolous and unfounded in either law or fact, and because the right of counsel is so fundamental this Honorable Court should impose serious sanctions and issue a verbal reprimand.

### (b) Joinder of offenses

In response to Appellant's allegation that three separate unrelated burglaries, that occurred <sup>at</sup> three separate businesses, which are also unrelated, on three separate dates, and were contained

if three separate indictments were joined for one trial in front of one jury was improper, Mr. Bitch argues they were properly joined.

In response to Appellant's argument that not a single piece of evidence was the same in either case, Mr. Bitch proffers to the court that a glove found in Giff's Liquors that contained multiple persons' DNA was evidence in all three cases, and that the joinder of the cases was proper because the witnesses that were needed to testify about the glove, (5 of 11 witnesses) would be needed to in all three cases testify in all three cases about the glove.

However, at no time during the trial does any witness testify that the glove found in Giff's Liquors was related to or involved in any way in the other two burglaries. Mr. Bitch blatantly fabricates that the Glove found in Giff's Liquor is somehow related to the other two burglaries, and fails to offer the court where any evidence of this can be found. Mr. Bitch's

allegation that the glove found in Griff's Liquor is related to the other two burglaries is completely fabricated, is not supported by any evidence before the court, nor can Mr Bitch direct the court where any such evidence can be found. Therefore, Mr Bitch's arguments are unfounded in fact and blatantly disrespectful to the court.

Further, the law of joinder of cases is clearly established in South Carolina "conversely, offenses which are of the same nature, but which do not arise out of a single chain of circumstances and are not provable by the same evidence may not properly be tried together," State v. Tate, 286 S.C. 462 (1985); State v. Middleton, 288 S.C. 21 (1986), and most recently in this court, Tyler v. State, 437 S.C. 17 (2022)

In proffering to this court the fabricated lie that the Glove found in Griff's Liquor is related to all three burglaries Mr Bitch seeks to have this court overlook all the lies Assistant Solicitor, Thomas Terrell proffered to the trial

court so as to be able to join the cases for trial... 1) There is a chain of circumstances, (T.T. pg 8, ws 12 and 13; ROA pg. 58-7)... 2) All three businesses were buglarized through air conditioning vents, (T.T pg 8, ws 20 and 21; ROA 58-7)... 3) Same Evidence, (T.T. pg. 8, W. 24; ROA 58-7) and... 4) The same primary detective, "Nate Howitt" in all three cases. Even though Mr Terrell proffered the four foregoing lies to the trial court in a successful effort to join the cases for trial, Mr Terrell did not allege the glove found in Biff's Liquor was evidence in all three cases. That lie was maliciously originated by Mr Bitch in Respondent's Initial Brief. Either way, the trial transcript, and the testimony contained therein do not support any of the many fabricated reasons for joining the cases for trial.

Therefore, Mr Bitch's arguments for joining the cases for trial are not founded in fact, but rather based on fabricated mendacious lies, and

therefore, frivolous,

(c) Trial Court Lacked Authority Or Jurisdiction To Consider State's Rule 59, SCRCP Motion For Recodification Because Appellant Had Not Filed A Rule 29, SCR CrimP Post-Trial Motion.

The record on appeal shows the Appellant was tried and convicted in his absence, without counsel on July 23 and 24, 2019. Appellant's sentence was sealed.

During the pendency of his trial, before Appellant's sentence was unsealed and his sentence was imposed, Appellant filed a post-verdict Motion For Mistrial, (April 22, 2020) and post-verdict Motion For New Trial, (June 15, 2020).

Mr Blich concedes Appellant's Motion For Mistrial and Motion For New Trial were not Rule 29, SCR CrimP Post-Trial motions, but rather motions

filed during the pendency of a criminal trial, and therefore, the long-standing term of court rule applies to the judgments entered as a result. The term of court rule states a trial court judge has no authority or jurisdiction to change, alter, amend, or modify a judgment in a criminal matter after the term of court in which judgment was entered has expired. This rule has only two exceptions, a timely post-trial motion under Rule 29 SCRCrimP, or a motion based on after-discovered evidence. Rule 29 states, "a post-trial motion" must be filed within ten (10) days after the imposition of the sentence.

Mr. Blich ambiguously attempts to argue that the State's Motion For Reconsideration that was filed seven months after Appellant was sentenced is somehow a post-trial motion under Rule 29, and that the trial court properly granted it under Rule 29. However, this contention is fatally flawed and made frivolous by the fact the State's Motion For Reconsideration was filed seven months after Appellant was sentenced.

The most compelling and convincing evidence of what Judge Cothran was thinking or doing when he granted the state's Motion For Reconsideration is manifested by his very own statements made during the hearing on the motion on June 8, 2021. During this hearing Judge Cothran erroneously informs the Appellant that the state had ten (10) days to ask him to reconsider his order granting a mistrial in a criminal matter. See June 8 and 9, 2021 Transcript, pg. 36, lns. 1-10; ROA 60-35. This erroneous assumption by Judge Cothran, that the state had ten (10) days to ask him to reconsider a final order granting a mistrial in a criminal matter establishes without doubt, where, when, and how this travesty of justice occurred. The South Carolina Supreme Court long ago established that each week is a separate term of court, and the term of court rule in criminal matters. Mr Bitch's fabricated, pretextual, mendacious lies and arguments on this ~~argument~~ issue are beyond doubt frivolous and unfounded,

and deserving of sanctions of a very harsh nature due to the severe consequences the Appellant has had to, ~~and~~ suffer, and the attempt by Mr. Blich to further perpetrate this travesty of justice.

Prior to filing this Motion For sanctions Appellant served Mr Blich with a notice of intent and a letter specifically directing his attention to Judge Cothran's comments, and erroneous assumptions on July 8, 2021 during the hearing on the states Motion For Reconsideration. Mr. Blich's failure to correct his fabricated and false arguments serves as compelling evidence of his contempt and disrespect for this court, and should be taken into serious consideration on whether or not sanctions are deserved.

#### IV Mr Blich's Motion To Require Amended Record On Appeal Is A Frivolous Filing

Appellant has previously objected to Mr Blich's February 13, 2023 filing and

hereby moves to incorporate by reference the objections and arguments made therein with this pleading.

In summing this up Appellant alleges and argues Mr Bitch's Motion To Require Amended Record on Appeal is just another frivolous filing that is a transparent pretextual attempt to unnecessarily delay these proceedings. That Mr Bitch's inability to demonstrate any prejudice what-so-ever serves to make Appellant's argument on this issue an undisputed fact.

#### V CUMULATIVE EFFECT

In considering on whether to impose sanctions on Mr Bitch the Appellant respectfully requests this Honorable Court to consider all the frivolous filings made by Mr Bitch in this action, and how long it has prolonged a manifest and dire travesty of justice. If Mr Bitch had simply conceded Judge Cothran had made an erroneous assumption concerning his jurisdiction to grant the state's Motion

For Reconsideration on June 8, 2021 as he plainly stated he did, (See June 8 and 9, 2021 Transcript, pg. 36, lns 1-10; ROA 60-35) the ~~waste~~ waste of this Honorable Court's valuable time and resources would have been needed, and Appellant would not have been subjected to double jeopardy for almost two (2) years now.

Instead of conceding what the ~~rear~~ record clearly establishes Mr. Blich submits to this Honorable Court arguments that are contrary, oxymoronic, and ambiguous. He actually concedes the Appellant's Motion For Mistrial and New Trial are not post trial motions, but that the trial court was correct in considering the State's Motion For Reconsideration a motion under Rule 59, SCRCP under Rule 29, SCR CrimP without Appellant having filed a Rule 29 post trial motion. This argument is ludicrous and contrary to the case law Mr. Blich cites.

Mr. Blich's filings in this case plainly demonstrate a compelling need for the imposition of sanctions by this Honorable Court. I'm moving for five (5) extensions of

time to file Respondent's Initial Brief, Mr Bitch simply cited a heavy work-load as his reasons for needing these extensions. Then when filing the Respondent's Initial Brief Mr Bitch tries to convince this Honorable Court that something that is unprecedented in either state or federal court in the entire United States since its conception is legal. That a judge can declare a mistrial in a criminal matter, and enter a judgment granting the mistrial, and then after the term of court expires, consider a Motion To Reconsider, and "undeclare" a mistrial. Even the statement, "undeclare a mistrial in a criminal matter" is oxymoronic in nature, and therefore, Mr Bitch's filings are certainly frivolous.

Further, Mr Bitch's recent frivolous filings in State v. Pray, 2023 WL 2156717 where he tried to convince this Honorable Court that law enforcement does not have to follow the statutes promulgated by the South Carolina General Assembly when arresting someone for DUI are suspect.

Furthermore, Mr Bitch's filings in

Ryals v. State 2023 WL 2289833 were frivolous and a waste of this State's time and resources. Since before I could comprehend the U.S. Constitution it has been unfair and unconstitutional to try a defendant in prison garb and shackles. See Illinois v. Allen, 397 U.S. 337 (1970)

Mr. Blich's repeated attempts to argue contrary to general statutes, case precedents, and common sense is a serious waste of this State's resources, and an unnecessary burden upon this court. Further exemplifying the need for this Honorable Court to impose sanctions is Mr. Blich's ironic allegations that he has been plagued with a heavy workload. If this Honorable Court imposes sanctions on Mr. Blich in the form of requiring Mr. Blich to receive permission from this Honorable Court to argue contrary to case precedent or clear statutes before filing such frivolous motions, Mr. Blich's filings and workload will be substantially alleviated, and thousands of dollars in taxpayer

dollars will be saved.

## VI REQUEST FOR RELIEF

WHEREFORE Appellant prays this Honorable Court as follows

1. Issue a Findings OF Fact And Conclusion of Law Order addressing all of the Appellants allegations in this motion;

2. Order that Mr Blitch pay the costs of this motion including all costs for copies, postage, and materials;

3. Fine Mr Blitch One Hundred Dollars (\$100<sup>00</sup>) a day for each and every day this Honorable Court finds Mr Blitch unnecessarily delayed these proceedings with frivolous filings;

4. Issue an Order requiring Mr Blitch receive permission from this Honorable Court before arguing contrary to precedent law and state statutes.

5. A public reprimand is a published opinion;

6. Any and all other action this Honorable Court deems just and necessary.

Respectfully Submitted  
This 8<sup>th</sup> day of March, 2023

Theodore Bolick, prose  
Evans Correctional Inst.

610 Highway # 9 West  
Bennettsville, SC 29512

STATE OF SOUTH CAROLINA RECEIVED

COURT OF APPEALS

MAR 10 2023

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

The State

Respondent

vs.

Theodore Jerry Bolick,

Appellant

### PROOF OF SERVICE

I hereby certify I mailed a copy of Appellant's Motion For sanctions to William M. Blich by placing same in the U.S. Mail Postage pre-paid, addressed

William M. Blich

P.O. Box 11549

Columbia, S.C, 29211-1549

March 8<sup>th</sup> 2023  
Theodore Bolick  
610 Highway #9 West  
Bessettsville, S.C. 29512

EXHIBIT A  
STATE OF SOUTH CAROLINA

RECEIVED

MAR 10 2023

COURT OF APPEALS

SC Court of Appeals

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

The state,

Respondent

vs.

Theodore Jerry Bolick,

Appellant

NOTICE OF INTENT TO SEEK  
SANCTIONS FOR FRIVOLOUS  
FILINGS AND ARGUMENTS,  
AND TEN (10) DAY NOTICE  
PURSUANT RULE 269, SCACR

Now Comes; Appellant, Theodore Bolick  
pro se and hereby gives ten (10) day notice  
of his intent to seek sanctions pursuant  
to Rule 269, SCACR and the costs thereof  
unless Respondent's counsel within ten  
(10) days corrects his frivolous motions

and mendacious arguments contained therein. In giving this notice Appellant states as follows.

### I FRIVOLOUS FILINGS AIMED AT DELAYING THESE PROCEEDINGS

Prior to filing Respondent's Initial Brief on Appeal Respondent's Counsel, William M. Bitch filed five (5) extensions of time to file Respondent's Initial Brief on Appeal. At least the fourth and fifth Motions For Extension of Time were frivolous as neither one alleged extraordinary circumstances as defined by Black's Law Dictionary for these extensions.

As a matter of rule of law there must be extraordinary circumstances for a court to grant more than three (3) extensions.

Although the Deputy Clerk's Orders granting the Respondent's extensions of time allege that the Respondents have alleged extraordinary circumstances in the Fourth and Fifth Motion For Extension of Time, an actual review of the

Fourth and Fifth Motion For Extensions themselves will manifest Respondents did not allege extraordinary circumstances as defined by Black's Law Dictionary in the Fourth And Fifth Motion For Extension Of Time. Thus, the Fourth and Fifth Motion For Extensions of Time are certainly suspect, and they appear to be transparent filings aimed at delaying these proceedings. This further appears to be the case when considering the frivolous and false arguments Respondents Counsel proffers the Court in Respondents Initial Brief On Appeal.

## II FRIVOLOUS AND FALSE ARGUMENTS CONTAINED IN RESPONDENT'S BRIEF ON INITIAL BRIEF ON APPEAL

In response to Appellant's issues raised on appeal counsel for the Respondents make multiple frivolous and false arguments.

First, in response to Appellant's

contested that the trial court erred in allowing the state to try Appellant without counsel, the Respondent's counsel argues Appellant, prior to trial, knowingly and intelligently waived his right to counsel.

In making this frivolous and false argument, Respondent's counsel completely ignores the following irrefutable facts... 1) on July 22, 2019, the day before trial, Appellant on at least two occasions requested the assistance of counsel, (Trial Transcript, hereafter T.T., pg. 12, lns. 16-20, ROA 58-11, and T.T. pg. 18, lns. 24 and 25, ROA 58-17);... 2) the trial court specifically appointed public defender, Martin Spratt to represent Appellant (T.T. pg. 23, lns. 5-7, ROA 58-22);... 3) Appellant waived any conflict of interest, (T.T. pg. 22, lns. 25, ROA 58-21);... 4) trial court refused to consider any motions until trial court spoke to the Appellant's appointed counsel, (T.T. pg. 21, lns. 9-13, ROA 58-20);... and 5) Appellant thanked the trial court for appointing him counsel (T.T. pg. 21, lns. 14, ROA 58-20).

In response to the overwhelming and irrefutable evidence contained in the Trial Transcript, Respondent's counsel would contend the trial court was only considering appointing Appellant counsel, and did not do so. However, the Respondent's Counsel ignores the fact that on July 23, 2019, immediately preceding the trial, that Martin Sprattin was to some extent representing Appellant, (T.T. pgs 25 through 29, ROA pgs. 58-24 through 58-28), and that the trial court allowed Martin Sprattin to withdraw as Appellant's counsel without hearing from Appellant, and in Appellant's absence, (T.T. pg. 29, lns. 12-20, ROA 58-28)

The actual evidence in this case clearly establish that the State's arguments on the issue of counsel are neither founded in law or fact, and are therefore, frivolous.

second, Respondent's counsel would falsely argue that three (3) separate and unrelated burglaries contained in three (3) separate

indictments were properly joined for one trial in front of one jury. In bolstering this argument Respondent's counsel would argue the single solitary piece of evidence in the Giff's Liquor Store burglary, (a glove which contains multiple persons DNA) is somehow evidence in the other two burglaries, and that the witnesses who found and examined the glove would be needed to testify in all three trials. This argument is also blatantly false and frivolous. There is not a single piece of evidence that ties or relates the work glove found in Giff's Liquor Store to the other two burglaries, nor was any such evidence presented during the trial. In order for the state to be able to present the glove found in Giff's Liquor Store in the other two burglaries, the state has the burden of proving how the glove found in Giff's Liquors is related to or used in the other burglaries. There is no evidence the glove found in Giff's Liquors is

related to the other burglaries, nor does any witness testify the glove was related to any burglary other than the burglary at Giff's Liquor.

In fact the actual trial transcripts establish there is absolutely no evidence of a chain of circumstances in these three cases, nor is there a single piece of evidence that is the same in all three cases, and only eleven witnesses in all three cases. The cases against Appellant are so suspect that not even one witness testified Appellant was the actual person in the surveillance videos.

Here again, Respondent's Counsel's arguments that the three separate and unrelated burglaries contained in three separate indictments were properly joined for one trial is unfounded in fact or law, ludicrous, and outrageous, and also frivolous.

Third, and most shocking, the Respondent's Counsel argued that the trial court properly considered the State's Motion For Reconsideration

a Rule 59, SCRPC in response to the court granting Appellant's post verdict, at trial, Motion For Mistrial and Motion For New Trial.

Respondent's counsel concedes that Appellant's Motion For Mistrial and New Trial are not post-trial motions made pursuant Rule 29, SCRCrimP.

Appellant argues because his Motion For Mistrial and New Trial were filed before his sentences were unsealed on September 16, 2020 that the term of court rule applied to the judgments granting the Motion For Mistrial and New Trial entered on April 16, 2021. The Appellant's Motions For Mistrial and New Trial were motions filed in a criminal matter before Appellant was sentenced, and therefore Rule 29, SCRCrimP and Rule 59, SCRPC are completely inapplicable.

Even though Respondent's counsel concedes Appellant's Motion For Mistrial and Motion For New Trial are not post-trial motions filed pursuant to Rule 29, SCRCrimP, <sup>but</sup> that the trial court was

proper in considering a Motion For  
Reconsideration under Rule 59, SCRPC.

Respondent's Counsel feigns ignorance to be able to distinguish the difference between a civil or criminal matter, or the rules that govern them, so the Appellant will explain to the Senior Assistant Deputy Attorney General???

A criminal matter or action is a criminal prosecution, and therefore South Carolina Rules of Criminal Procedure are to be applied. The long-standing term of court rule is to be strictly enforced on a judgment in a criminal matter. (Emphasis Added!!!)

Just like a Post Conviction Motion and a Writ of Habeas Corpus Petition are civil actions that attack a criminal conviction, so is a post-trial motion made pursuant Rule 29, SCRCrimP. A post-trial motion made pursuant Rule 29, SCRCrimP is a separate civil action from the criminal action in which a defendant has been convicted in. Because a Rule 29 motion is a civil action in nature, a Rule 59,

SCREB Motion For Recodsideration  
is proper in a post-trial motion  
under Rule 29, SCR Crim P

Although a Motion To Recodsider  
is sometimes appropriate in a criminal  
matter, a Motion For Recodsiderat-  
ion in a criminal matter must be  
filed and heard during the same  
term of court during which judgment  
was entered, thus we have the long-  
standing term of court rule in all  
criminal matters. A Rule 59 SCREB  
motion for recodsideration after the  
term of court has expired is never  
appropriate in a criminal matter  
unless a Rule 29 post-trial motion  
has already been previously filed.

Therefore, because Appellant's  
Motion For Mistrial and New Trial  
were motions filed in a criminal  
matter prior to being sentenced the  
long standing term of court rule governs  
them. The State's filing of a Rule 59,  
SCREB Motion For Recodsideration  
after the term of court had expired  
in which the mistrial and new trial

were granted were completely inappropriate, and the Court had no authority or jurisdiction to consider or grant them. For Respondent's Counsel to argue otherwise is a frivolous argument unfounded in law and fact, and another blatant attempt to delay these proceedings unnecessarily, and a pathetic waste of this Court's time and resources.

### III RESPONDENT'S MOTION TO REQUIRE AMENDED RECORD ON APPEAL IS A FRIVOLOUS FILING

Respondent's Motion To Require Amended Record On Appeal is another frivolous filing aimed at unnecessarily delaying these proceedings. This "Motion" was filed on February 13, 2023 and is so frivolous in fact that even if considered true in all allegations, Respondent's Counsel cannot in the least demonstrate any prejudice, or how the court would be prohibited, impaired

or impeded in any way from making a proper adjudication of any issue on appeal.

## CONCLUSION

WHEREFORE: If Respondent's Counsel fails to remedy the frivolous filings in this proceeding and appeal within ten (10) days, Appellant will respectfully request the Honorable Court of Appeals to impose sanctions for frivolous filings unfounded in law or fact, and seek sanctions which include, but are not limited to,

A. Cost of moving for sanctions and demonstrating the need for such;

B. Request for review from the Office of Disciplinary Counsel;

C. A severe reprimand from this Honorable Court of Appeals in a published opinion; and

D. Appellant be granted permission by the Honorable Court of Appeals to use Respondent's Counsel's transparent frivolous filings as evidence of malicious and evil intent in the Appellant's forthcoming claims for retaliation, malicious prosecution, and malicious abuse of process, and conspiracy.

E Any other action the Court deems proper and necessary.

Respectfully submitted  
February 24, 2023  
Theodore J. Balick prose  
610 Highway #9 West  
Bennettsville, S.C. 29512

c.c. Personal Files and Records

STATE OF SOUTH CAROLINA

COURT OF APPEALS

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

The State,

Respondent

vs.

Theodore Jerry Bolick, Appellant

CERTIFICATE OF SERVICE

I hereby certify I placed a copy of  
the Notice of Intent To seek Sanctions  
For Frivolous Filings And Arguments  
And Ten (10) day Notice Pursuant Rule  
269 SCACR in the U.S. Mail, postage  
pre-paid addressed

William M. Blich

P.O. Box 11549

Columbia, S.C. 29211-1549

February 24, 2023  
Theodore Bolick  
610 Highway #9 West  
Beddettville, S.C. 29512

C.C. Personal Files and Records

STATE OF SOUTH CAROLINA

COURT OF APPEALS

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

The state,

Respondent

vs,

Theodore Jerry Bolick,

Appellant

SUPPLEMENTAL PLEADING AND  
EVIDENCE IN SUPPORT OF MOTIONS  
TO EXPEDITE AND TO IMPOSE  
SANCTIONS

NOW COMES: Appellant, Theodore J. Bolick pro se and in an abundance of caution hereby submits this Supplemental Pleading And Evidence In support of Motions To Expedite And To Impose sanctions. In support Appellant shows as follows

I APPELLANT WAS TRIED IN HIS  
ABSENCE WITHOUT COUNSEL

As the record reflects Appellant was tried absentia without counsel. It is because of these extraordinary circumstances Appellant submits and moves this Honorable Court in its discretion to consider the following evidence.

II APPELLANT WAS WRONGFULLY  
ACCUSED AND IDENTIFIED TO  
BEGIN WITH

Appellant was given a partial police report during discovery. This police report by officer T. MacPherson concerning the burglary at the Barrell Bar and Grill reveal,

1. "The quality and lighting of the video is poor and the suspect is not wearing clothing that stands out."

2. "I did not release the still photos of the suspect from the interval"

video surveillance because the quality was too poor for somebody not intimately familiar with the suspect to make a positive ID from the photos."

3. "I got on the Barrell Bar and Grill's Facebook page to see if any leads were coming in to the business via social media. I observed three, much better photos of the suspect than I was able to obtain on the page. I copied the photos and sent them to all police via email in effort to identify the suspect."

This police report manifests how the Appellant wrongfully became a suspect. If officer MacPherson could not identify the suspect in the surveillance video, then it would have been impossible for Office MacPherson to go on the Barrell Bar and Grill Facebook Page and find three better photos of a person he could not identify to begin

with, (Emphasis Added).

To make matters worse, it is these photos officer MacPherson downloaded from the Barrell Bar and Grill Facebook Page that the state's witness during trial, Matthew Ammons, used to have his "unidentified contact" to identify the Appellant as a suspect, have the Appellant arrested, and to procure a search warrant for Appellant's place of residence. (See Exhibit A)

Further, these three photos that officer MacPherson obtained from the Barrell Bar and Grill Facebook Page were proffered to the jury by Assistant Solicitor, Thomas Terrell as still photos made from the interval surveillance video from the Barrell Bar and Grill crime scene by Mr Thomas Terrell himself.

### III SEARCH OF APPELLANT'S RESIDENCE

Using the still photos officer MacPherson obtained from the Barrell Bar and Grill Facebook Page, officer Matthew

Ammons had an "unidentified contact" identify Appellant as a suspect. Officer Ammons then arrested Appellant and obtained a search warrant for the Appellant's place of residence. The search revealed,

1. Digital Photographs
2. Glove From Marker #1
3. Skull Cap From Marker #2
4. (9) Skull Caps From Marker #3
5. (2) Pairs of Nike Shoes From Marker #4
6. (2) Pairs of Nike Shoes From Marker #5

See Exhibit B

#### IV BURGLARY AT CHINA CHEF

The burglary at China Chef had a lot more evidence than was revealed at trial. The China Chef was the only business that was actually burglarized through the air conditioning system. A Ford Econoline van that had been also stolen was involved in the burglary. Multiple pieces of evidence was found

in the proximity of the stolen van, sunglasses and cash drawers. A polar pop cup was found in the van. Although all this evidence was tested for DNA and fingerprints, none matched Appellants, (See Exhibit C).

Assistant Solicitor, Thomas Terrell concealed this evidence during the trial maliciously because it would expose his pretextual fabrications that these crimes were similar and required the same evidence for prosecution so as to join the cases for trial.

Further, Office MacPherson when viewing the surveillance video from the burglary at China Chef observed as stated in his report,

"A white male, approximately 45-55 years old, thin build, wearing a balding with long brown hair, a button-down long-sleeve shirt, jeans and dark loafer style shoes." (See Exhibit D).

The fact that officer MacPherson observed the suspect in the China Chef burglary wearing "dark loafer style shoes" in the surveillance video is certainly contrary to what Mr Terrell and his witnesses proffered to the jury.

According to the state's witness, Nate Howitt, (Trial Transcript, pgs 90-105; ROA 58-89 through 58-104) a Nike shoe imprint was found on top of the strip mall where China Chef is located, as a result, four (4) pair of "White Nike Air" tennis shoes were seized from Appellant's residence. Mr Terrell uses this evidence to convince the jury that Appellant was wearing his "White Nike Air" tennis shoes while committing the burglary at China Chef, and that the "Nike shoeprint" on the top of the building proves it.

However, the surveillance video from the China Chef show the actual suspect wearing "brown loafer style shoes" during the commission of the burglary as is evidenced by the police report of officer MacPherson.

## V DIFFERENT DISCRPTIONS

When comparing Exhibit A with Exhibit D it becomes clear by Officer MacPherson's observations that two different suspects committed the burglaries at China Chef and Barrell Bar and Grill. In Exhibit A officer MacPherson describes the suspect as,

"middle aged white male with hair over the ears, medium height and build wearing shorts and a t-shirt" see Exhibit A

However, in Exhibit D officer MacPherson describes the suspect in the China Chef burglary as

"White male, approximately 45-55 years old, thin build, wearing a bandana with longer brown hair" see Exhibit D

This is the same officer, (MacPherson)

describing two separate suspects in the two burglaries. This evidence also exposes the diabolical debauchery in the state's prosecution

## VI MILESTONE CAMERAS

It is made apparent by testimony at the trial Appellant lived at 2506 South Ocean Blvd., Myrtle Beach, South Carolina. Appellant's residence was completely surrounded by what is known as "milestone cameras." These cameras record all activity twenty-four hours a day, and completely surround Appellant's residence so that it was impossible for Appellant to come or go from his residence without being recorded on video.

At no time relevant to any of the three burglaries in question was the Appellant on these videos coming or going from his residence. Exhibit A demonstrate these milestone cameras exist and that Officer MacPherson did view these videos for evidence of a

suspect.

## VII ARGUMENT

These documents manifest a different account of events than Mr. Terrell presented at the trial in the Appellant's absence while unrepresented. The most compelling fact about these documents is they are the actual police reports generated during the course of the actual investigation, and not the product of coerced and coached testimony from witnesses by a vindictive and malicious prosecutor. These pieces of evidence combined with the unusual evidence of prosecutorial and judicial conduct misconduct throughout these proceedings, should be cause for great alarm and concern by this Honorable Court.

Appellant supplied Mr Blich a copy of these documents and brought his attention to the suspect behavior of Mr Terrell and the judges in this

case. However, Mr Bitch's response was to make as many frivolous filings as he was allowed, seeking to unnecessarily delay these proceedings for as long as this court would allow.

## VIII CONCLUSION

WHEREFORE: Appellant prays this Honorable Court will in its discretion view the police reports, note Appellant was tried absentia without counsel, and come to the conclusion a travesty of justice has occurred as a result of both judicial and prosecutorial misconduct, and that William M. Bitch has through frivolous filings sought to delay and conceal this travesty of justice. That this Honorable Court expedite these proceedings and grant Appellant's Motion For Sanctions.

Respectfully submitted  
This 8<sup>th</sup> day of March, 2023  
Evans Correctional Inst.

610 Highway #9 West  
Bennettsville SC, 29512

Exhibit A

CASE SUPPLEMENTAL REPORT  
NOT SUPERVISOR APPROVED

Myrtle Beach Police Department

OCA: 16018296

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ACTIVE

Case Mng Status: ACTIVE

Occurred: 08/18/2016

Offense: BURGLARY/B&E

Investigator: MACPHERSON, T. (6185)

Date / Time: 08/23/2016 22:23:59, Tuesday

Supervisor: (0)

Supervisor Review Date / Time: NOT REVIEWED

Contact:

Reference: Investigations Follow Up

8/23/2016

I reviewed the incident report and the crime scene report. I noted that the Crime Scene Officer was not able to locate any viable fingerprints from the knife that was obtained at the crime scene. I viewed the video surveillance and made still photos from it. The quality and lighting of the video is poor and the Suspect is not wearing clothing that stands out. The video shows a middle aged white male with hair over the ears, medium height and build wearing shorts and a t-shirt. I searched the milestone cameras at Kings Hwy and Yaupon Dr. There are no cameras in the area of the Barrel Bar but I searched to closest cameras in hopes that the Suspect walked by them before or after the burglary. I was unable to find any video of the Suspect on the Milestone Cameras. I did not release the still photos of the Suspect from the internal video surveillance because the quality was too poor for somebody not intimately familiar with the Suspect to make a positive ID from the photos.

B3  
B4

8/24/2016 suspect probably drove a vehicle something I did not possess

B5

I got on the Barrel Bar and Grill's Facebook page to see if any leads were coming in to the business via social media. I observed three, much better photos of the Suspect than I was able to obtain on the page. I copied the photos and sent them to all police via email in an effort to identify the Suspect.

I called the Complainant and advised her that the knife was not able to provide any viable fingerprints. I gave her my name and phone number and told her to call me if she heard any information that could lead to identifying a Suspect in this crime. I also advised the Complainant to post the Suspect photo in the bar because she told me that he had been in the bar on several occasions.

8/27/2016

Officer Rhett Ammons called me when I was off duty and told me that a Contact of his on the South end of the City could identify the Suspect in this case and that he lived at the Palmetto Vista in room 400. I told Officer Ammons to investigate it as far as he could and to document his progress and I would work it when I came into work. Officer Ammons was able to identify the Suspect, get PC for an arrest and have a search warrant executed on the Defendant's Apartment. Search incident to arrest, Officer Ammons located two green handled knives with the words "Zombie Killer" on the Suspect that matched the knife left at the scene.

I interviewed the Suspect post miranda but he was not cooperative. I served his warrant. How?

8/31/2016

All paperwork was copied to disc and submitted for transmittal to the Solicitor's Office.

Investigator Signature

Supervisor Signature

Exhibit B



Myrtle Beach Police Department  
1101 N. Oak Street, Myrtle Beach SC 29577  
Telephone: 843-918-1382  
Fax: 843-918-1320

Approved *OBC*

*Crime Scene Unit*

**Incident #:** 16-018940  
**Date:** 08/26/2016  
**Incident Type:** Burglary Business  
**Incident Location:** 1470 South Kings Hwy.  
**Victim:** China Chef  
**Suspect:** Theodore Bolick  
**Officer/Supervisor/Detective:** Crago/Castle  
**Crime Scene Specialist:** Howitt

*Original Report*

On 08/26/2016 at approximately 12:10 hrs; I (CSS Howitt) responded to the China Chef, located at 1470 South Kings Hwy; in reference to a burglary business.

D1

I arrived on scene and met with PFC Crago who advised essentially the following. An unknown suspect appeared to have made entry into the business from the roof. Two cash drawers was stolen from inside and recovered in a wooded area south of the business. Also located near the business was a recovered stolen Ford Econline van bearing North Carolina registration AHS-3026. Cpl. Landi and PFC Cherba were in the rear of the business securing the van and cash drawers.

PFC Crago handed me a signed consent to search form.

I took overall photographs of the front and rear of the business to establish the incident location. While photographing the scene, a worker at the Chinese restaurant placed a metal ladder leaning up against the rear of the building. This ladder is captured in my photographs but not a part of the original scene.

D2

The stolen van was parked on the south side of the building. The owners of the van were on scene and signed a consent to search form. Standing directly behind the China Chef, I took succession photographs to the rear of the van to establish its location. I took overall photographs of the van. I photographed the interior of the van through the windows. I processed the exterior of the van with bi-chromatic silk powder. No viable prints were found. The victims were on

Information contained herein relates to an active investigation & is, therefore, confidential.





Myrtle Beach Police Department  
1101 N. Oak Street, Myrtle Beach SC 29577  
Telephone: 843-918-1382  
Fax: 843-918-1320

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D3 scene and I let them inventory the vehicle to see if anything was out of place. The victims thought but were not positive that a polar pop cup may have been left by the suspect. I processed this cup with bi-chromatic silk powder. No viable prints were recovered. The vehicle was released to the owners.

D4 Located in the wooded area south of the van was a cash drawer and a pair of sunglasses. Standing from in front of the van, I took succession photographs to establish the location of these items. I processed the cash drawer and lens of the sunglasses with bi-chromatic silk powder. No viable prints were found. The cash register was returned to the China Chef and I collected the sunglasses as evidence.

D5 A second cash drawer was located further in the woods south of the business. Standing from behind the China Chef, I took succession photographs out to the second cash drawer. I took overall photographs of the cash drawer and processed all items with bi-chromatic silk powder. No viable prints were located. The items were returned to the China Chef.

On the rear of the shopping plaza was a ladder permanently attached to the rear wall. I took an overall photograph of this ladder. PFC Cherba climbed on top of the roof and located and photographed shoe prints on top of the roof. Cherba also took overall photographs of the damaged air conditioning unit on top of the China Chef restaurant.

I photographed the rear door of the China Chef. I walked through the door and took an overall photograph of the restaurant. I observed and photographed a broken ceiling tile and debris on the floor.

I photographed the area where the cash drawers were taken from. I observed and photographed broken glass and coins on the ground in front of the register. I stepped to the front of the restaurant and took an overall photograph of the cash register area. The representative from the China Chef had the suspect pulled up on her surveillance video. I took still shot images of the suspect with my camera. The unaltered surveillance video was then downloaded from their surveillance system to my USB drive.

I returned to the crime scene office and downloaded 64 unaltered photographs directly from my camera's memory card into the investigations network. I downloaded the unaltered surveillance video from my USB drive into the investigations network.

All evidence was secured in the crime scene evidence room.

On 08/27/2016 at approximately 09:00 hrs; I used AVI Generator 2.0 to convert the collected surveillance video into an AVI file. The converted AVI file was downloaded into the investigations network. I then downloaded the unaltered surveillance video and the AVI

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Information contained herein relates to an active investigation & is, therefore, confidential.



**Myrtle Beach Police Department**  
**1101 N. Oak Street, Myrtle Beach SC 29577**  
**Telephone: 843-918-1382**  
**Fax: 843-918-1320**

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converted video to a dvd-r disc. I downloaded the unaltered scene photographs from my camera's memory card to a dvd-r disc. I scanned both consent to search forms into the investigations network and secured the originals in evidence envelopes.

All evidence was secured in the crime scene evidence room.

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Information contained herein relates to an active investigation & is, therefore, confidential.



Exhibit C

EXHIBIT K

1

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

SEARCH WARRANT  
RETURN  
CASE # 16-018940

I, CSS N. Howitt, received the attached search warrant dated 08/27/2016 and have executed it as follows:

On 08/27/2016 at approximately 15:20 hours, I searched the premises described in the warrant.

I left a copy of the warrant on the bed.

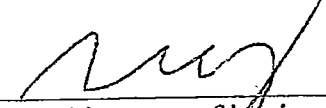
The following is an inventory of the property taken pursuant to the warrant:

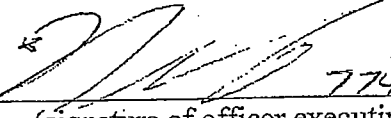
- 1. Digital Photographs
- 2. Glove From Marker #1
- 3. Skull Cap From Marker #2
- 4. (9) Skull Caps From Marker #3
- 5. (2) Pairs of Nike Shoes From Marker #4
- 6. (2) Pairs of Nike Shoes From Marker #5

This inventory was made in the presence of: Detective Fullwood

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

Sworn to before me this 29<sup>th</sup>  
day of August 2016

  
\_\_\_\_\_  
(signature of issuing judge) (L.S.)

  
\_\_\_\_\_  
(signature of officer executing warrant) 7740

MYRTLE BEACH  
MUNICIPAL COURT  
2016 AUG 29 P 2:12  
SHELLY C. ASKEY  
CLERK OF COURT





REPORTING OFFICER NARRATIVE

4

Myrtle Beach Police Department

OCA 16-018296
Date / Time Reported Thu 08/18/2016 06:35

Victim  
BARREL BAR

Offense  
BURGLARY/B&E

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

BWC AVAILABLE

28

STATE OF SOUTH CAROLINA

RECEIVED

COURT OF APPEALS

MAR 10 2023

SC Court of Appeals

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

The State

Respondent

vs.

Theodore Jerry Bolick

Appellant

PROOF OF SERVICE

I hereby certify I placed a copy of  
Supplemental Pleading And Evidence To  
Support of Motion To Expedite And To  
Impose Sanctions in the U.S. Mail, postage  
pre-paid addressed

William M. Blich

P.O. Box 11549

Columbia, S.C. 29211-1549

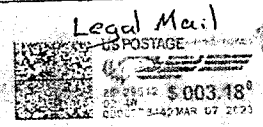
March 8, 2023

Theodore Bolick

610 Highway #9 West

Bennettsville, S.C. 29512

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



Clerk, Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

RECEIVED

MAR 10 2003

SC Court of Appeals

