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JAN 26 2024

SC Court of Appeals

Theodore Bolick

Evans Correctional Inst

610 Highway #9 West

Beddetsville, S.C. 29512

January 19, 2024

TO: Deputy Clerk, Catherine Harrison

P.O. Box 11629

Columbia, S.C. 29211

RE: State V. Theodore Bolick 2020-001497

Dear Honorable Deputy Clerk

Greetings! Since 2020 I have attempted to bring to the Justices of the Court of Appeals attention the moral malfeasance, ethical erosion, and implosion of integrity that has occurred in the above referenced case, not only through my appeal, but by writ of habeas corpus and other extraordinary writs. Yet each time I filed a writ of habeas corpus or other extraordinary writ your office has summarily rejected it on the pretext that your records don't

reflect that I have an appeal pending  
Please allow me to direct your attention  
S.C. Code Ann. § 17-17-30 (Authority of judges  
to grant writ of habeas corpus)

"Any of the judges of this state, in vacation  
time and out of term, upon view of the  
copy of the warrant of commitment and  
detainer or otherwise and upon oath  
made that such copy was deemed to be  
given by the person in whose custody the  
prisoner is detained, shall upon request  
made in writing by such person as is  
committed aforesaid or any of his  
behalf, attested and subscribed by two  
witnesses who were present at the  
delivery of the request, award and  
grant a writ of habeas corpus, under  
the seal of such court, whereof he  
shall be one of the judges"

I place emphasis on "Any of the  
judges of this state" in this statute. The  
statutes are made by the legislators, and  
not judges. Judges don't make the law,  
they interpret the law that is made by

the legislators

Now please allow me to direct you to S.C. Code Ann. § 17-17-170 (Penalty for officers neglecting their duty) I'm not going to write out the whole statute, but suffice it to say that failure to perform your ministerial duties can subject you to forfeiting \$500 and incapable of holding or executing your office.

Your offices numerous rejections of my writs of habeas corpus and other extraordinary writs has me frustrated because not only does it violate statutes, it is also contrary to the South Carolina Supreme Court's rulings in Bowes v. State of South Carolina, 433 S.C. 399 (2021)

Because your office has disregarded both statutes and prior case law in rejecting my writs of habeas corpus, and because the Court of Appeals seems to be lagging in addressing my allegations of corruption by judges and prosecutors in my case, common sense dictates that I question, "is your office somehow at fault, has your office even submitted my Appellate filings to the Court,

or have you summarily rejected those too?

In addition to the Supreme Court ruling in Bardes v. State of South Carolina and S.C. Code Ann. § 17-17-30 I would also like to draw your attention to Rule 240 SCACR (Motions And Petitions Generally)

"(a) Applicability. This Rule governs all motions or petitions filed in the appellate court, including but not limited to: motions for extensions of time, motions to reinstate, petitions for rehearing, motions to be relieved as counsel or for substitution of counsel, petitions for supersedeas, motions to remand or dismiss and petitions for hearing en banc. Where Rules 241 through 246 provide different or additional requirements or procedures, those requirements or procedures shall apply."

Further, nothing in the South Carolina Appellate Court Rules requires that an appeal be filed before a writ of habeas corpus or other extraordinary writ can be filed in the Court of Appeals (emphasis added). If you would disagree, please

direct my attention to where it can be found.

If you cannot direct me to where the statutes state an appeal must be pending before a writ of habeas corpus or other extraordinary writ can be filed, then please tell me on whose authority are you acting or who you are in collusion with.

Due to your actions of making judicial decisions without authorization and rejecting my petitions for writ of habeas corpus and other extraordinary writs on the fabricated pretexts that I have no appeal on record, or that I was appointed counsel, an appeal has denied, delayed, impaired, and impeded my access to the Court of Appeals since 2020. This plainly violates my rights protected by the First Amendment's Access To The Courts Clause and the Fourteenth Amendment's Due Process and Equal Protection clauses.

Although you have qualified immunity in exercising your ministerial duties, you have exceeded your authority and overstepped your bounds by assuming a judicial role and then fabricating

pretextual rules that an appeal must be filed before the Court of Appeals has jurisdiction to consider a writ of habeas corpus or other petition for an extraordinary writ.

Not only does this bring about serious concern for myself, but how many thousands have been subjected to this egregious and systemic denial to the Court of Appeals that occurs due to your office assuming an unauthorized judicial role, and then fabricating pretextual jurisdictional rules of the Court of Appeals.

I am respectfully requesting that you address the questions presented in this letter. You may wish to seek the advice of counsel before doing so. However should you fail to provide an adequate response as to what statutes, rule, or case law you have been following in your systemic rejection of pleadings to the Court of Appeals, based on your judicial determination that the Court of Appeals lacks jurisdiction, then I shall attempt to require you to answer via 42 U.S.C. § 1983. I am making this request respectfully and after

Careful consideration of your offices repeated rejections to my valid petitions.

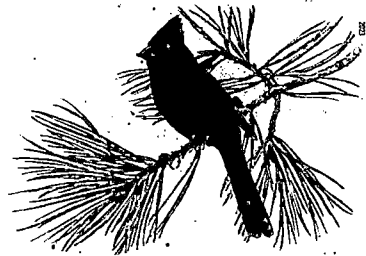
With Kindest Regards  
T. Balick

C.C. Personal Records

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