

STATE OF SOUTH CAROLINA RECEIVED

COURT OF APPEALS

APR 19 2024  
SC Court of Appeals

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

The state, Respondent

v.

Theodore Jerry Bolick, Appellant

MOTION FOR ORAL ARGUMENT  
Rule 218, SCACR

NOW COMES: Appellant, Theodore Bolick  
pro se and hereby respectfully moves the  
Honorable Court of Appeals to allow the  
Appellant to present oral arguments  
in the above captioned Appeal. Appellant  
in support of this motion shows as  
follows.

STATEMENT OF THE CASE

These cases are originally from 2016. Appellant was tried absentia, without counsel, for all three burglaries in front of one jury simultaneously in 2019. Because Appellant was tried absentia his sentences were sealed.

Prior to the unsealing of his sentences Appellant filed a Motion For Mistrial on April 22, 2020, and a Motion For New Trial on June 15, 2020. However, on September 16, 2020 Circuit Court Judge, William Seals, Jr. blatantly abused his discretion and authority and refused to hear Appellant on his pro se Motion For Mistrial and Motion For New Trial while unsealing Appellant's sentences. Judge Seals without further ado sentenced Appellant and sent him to prison. Appellant gave timely notice of appeal.

On February 5, 2021 this Honorable Court Remanded this case back to circuit court for consideration of the outstanding motions, "(motion for mistrial included)"

On April 15, 2021 Circuit Court Judge Ferrell Cothran Jr. granted Appellant's pro se Motion For Mistrial and Motion

For New Trial in open court, and on April 16, 2021 signed final orders to that effect. Neither of the Appellants' pro se motions for Mistrial or New Trial were post-trial motions as irrefutably demonstrated by the record.

On May 4, 2021 Circuit Court Judge, Ferrell Cothran Jr issued an Order to the South Carolina Dept. of Corrections ordering the Appellants' release and vacating Appellants' sentences.

After the term of court had expired in which the Motion For Mistrial and Motion For New Trial were granted, on April 23, 2021 Assistant Solicitor Thomas G Ferrell III on behalf of the state began to perpetrate the fraud that Appellants' Motion For Mistrial and Motion For New Trial were post-trial motions, and thus the Circuit Court Judge, Ferrell Cothran Jr. could extend its authority and jurisdiction and grant the State's Motion For Reconsideration. The state did perpetrate this fraud by written motion.

On June 10, 2021 Circuit Court Judge Ferrell Cothran Jr. under the mistaken

assumption that Appellant's Motion For Mistrial and Motion For New Trial were post-trial motions, as was fraudulently perpetrated by the state, granted the state's Motion For Reconsideration in an egregious travesty and miscarriage of justice.

Appellant gave timely notice of appeal in open court.

In April of 2023 Appellant perfected his appeal by filing the Amended Record on Appeal as instructed by the Honorable Court. Appellant has been patiently awaiting the Honorable Court's decision. However, Appellant is scheduled for release on April 26, 2025 after having served the maximum amount of time.

#### ISSUES TO BE ARGUED

A. Did the trial court err in finding the Appellant voluntarily and knowingly waived his right to counsel?

B. Did the trial court err in allowing the state to join all three indictments

for oral trial?

c. Did the trial court err in granting the state's Motion For Reconsideration on June 10, 2021?

### CONCLUSION

Wherefore, Appellant prays this Honorable Court will schedule this case for oral arguments at its earliest convenience.

Respectfully submitted  
This 8<sup>th</sup> day of April, 2024  
Theodore Bolick pro se  
Evans Correctional Inst.  
610 Highway #9 West  
Bennettsville S.C. 29512

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SC Court of Appeals

PROOF OF SERVICE

I hereby certify that I served the Respondent a copy of the foregoing Motion For Oral Argument by placing same in the U.S. Mail, postage pre-paid, addressed as follows:

Mark Farthing,  
Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211-1549

April 8, 2024  
Theodore Bolick

Theodore Bolick 384070  
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