

TO THE STATE OF SOUTH CAROLINA

RECEIVED

TO THE COURT OF APPEALS

AUG 15 2024

SC Court of Appeals

Appeal From Horry County
Larry B. Hymad Jr, Circuit Court Judge
William H. Seals Jr, Circuit Court Judge
Ferrell Cothran Jr, Circuit Court Judge

Appellate Case No. 2020-001497

The state

Respondent

v

Theodore J. Bolick

Appellant

MOTION TO EXPEDITE

Now Comes Appellant and hereby moves for this Honorable Court to expedite an adjudication in this case. In support of this motion appellant shows as follows,

A. Stipulated Facts

Appellant moves to stipulate the facts as stated in state's Response To Petition For Rehearing, Procedural History and Footnote 2 as being fact. These stipulated facts demonstrate as follows in numbered sequence.

1. Six months prior to the conclusion of appellants trial appellant filed a written Rule 4 motion for mistrial pursuant Rule 4, SCR Crim P. This was April 22, 2020. (R.p. 23 - p. 31)

2. On September 16, 2020 the circuit court judge abused his discretion and refused to consider appellants written Rule 4, motion for mistrial (R.p. 23 - p. 31) and verbal Rule 4 motion for mistrial. (R.p. 294 - p. 299)

3. On February 5, 2021 the Court of Appeals having decided the case had not been properly concluded remanded the case back to circuit court for consideration of outstanding motions, appellants Rule 4 motion for mistrial included. (R.p. 9)

4. On April 15, 2021 the circuit court heard appellant's Rule 4 motion for mistrial in open court in its original jurisdiction and granted appellant's Rule 4 motion for mistrial. (R.p. 300-p. 335).

5. On April 16, 2021, the last day of the term of court, the circuit court as mandated by Rule 36, SCRCrIMP entered a Rule 4, Form 4C Order form granting the mistrial. The order on its face states, "This Order ends the case." (R.p. 12-p13)

6. Pursuant to Rule 36 the Supreme Court mandates circuit courts enter Rule 4, Form 4C Order form when entering judgment on Rule 4 motions.

7. On May 4, 2021 the circuit court issued a supplemental order which order^{ed} appellant's release and vacated appellant's sentences. (R.p. 14)

8. Any denial by the state that appellant's motion for mistrial was a Rule 4 motion is completely defeated

by the fact that pursuant to Rule 36 the circuit court entered a Rule 4, Form 4C order form granting a Rule 4 motion. (R. p. 12 - p. 13)

9. That Rule 4 (b) SCR Crim P prohibited the state from further arguing the same set of facts or making any motion to change the Rule 4, Form 4C Order form granting a mistrial. (R. p. 12 - p. 13)

10. That Rule 4 (b) SCR Crim P voids any order obtained as a result of such motion seeking to change a Rule 4, Form 4C Order.

11. The term of court rule established in State v. Best 257 S.C. 361 (1972) and State v. Campbell, 376 S.C. 212 (2008) prohibited the circuit court from changing a Rule 4 order after the term of court expired.

12. That contrary to Rule 4 (b) SCR Crim P, and the term of court rule prescribed in Best and Campbell the

state on April 23, 2021 filed what they allege is a Rule 29 Motion For Recosid-
eration. This motion argues the same set
of facts previously argued in the Rule 4
motion for mistrial and challenges the
Rule 4, Form 4C Order form granting
the mistrial. This Rule 29 Motion For
Recosideration was in its original
jurisdiction as it did not challenge a
order issued as a result of any
Rule 29 motion. Appellant's Rule 4
motion for mistrial was granted by
Rule 4, Form 4C Order, not a Rule 29
motion. (emphasis added). (R.p. 51-p.85)

13. The state has stipulated that
Appellant's motion for mistrial was
not a Rule 29 post-trial motion. (state's
Final Brief, p.g. 12, fn. 2) and (Response
To Petition For Rehearing, p.g. 5, fn. 2)

14. Contrary to the statutory mandates
of Rule 4(b), SCR CrimP and the well
established term of court rule prescribed
in Best and Campbell, on June 8, 2021,
the circuit court entertained the states

Rule 29 Motion For Recodsideration that challenged a Rule 4, Form 4C Order granting a mistrial. The circuit court heard the same set of facts compare (R.p. 300-p. 335) with (R.p. 336-p. 402).

15 On June 10, 2021 the circuit court issued an Order of Recodsideration changing the Rule 4, Form 4C Order form granting a mistrial. (R.p. 15-p. 22)

16. The June 10, 2021 Order of Recodsideration is void on its face pursuant to Rule 4 (b) SCRCMP. and the term of court rule.

These facts are demonstrated by the stipulated Procedural History.

ARBITRARY ABUSES OF DISCRETION

Appellant is an abundance of caution asks the Honorable Court to consider the pattern of discretionary abuse in

this case

(a) It was an arbitrary abuse of discretion for the circuit court to find that appellant waived his right to be present at trial, assistance of counsel, or the right to a ruling on the Rule 4 Motion to Sever. (R.p. 131-p. 293).

(b) It was an arbitrary abuse of discretion to refuse to consider the appellant's Rule 4 motion for mistrial prior to sentencing appellant. (R.p. 294-p. 299).

(c) It was an abuse of authority and an abuse of process for the state to file a Rule 29 Motion for Reconsideration seeking to change a Rule 4, Form 4C Order from granting a mistrial and ending the case. (R.p. 51-p. 85).

(d) It was an arbitrary abuse of discretion for the circuit court to entertain the state's Rule 29 Motion for Reconsideration which sought to

change a Rule 4, Form 4C Order form granting a mistrial. (R.p. 336-p. 402).

(e) It was an arbitrary abuse of discretion for the circuit court to issue the June 10, 2021 Order of Reconsideration changing the Rule 4, Form 4C Order of a mistrial, especially after the term of court had expired. (R.p. 15-p. 22).

(f) It was an arbitrary abuse of authority and trust to submit the frivolous arguments unfounded in law or fact to the Court of Appeals in a transparent delay tactic as the state did in its Response To Petition For Re-hearing.

The foregoing establishes a pattern of discretionary abuse, and in a case where the appellant was tried absentia, without counsel for multiple crimes this amount of discretionary abuse is certainly suspect.

STATES DENIALS AND ARGUMENTS

The state's denial of appellant's motion for mistrial being a Rule 4 motion is ludicrous and pathetically so in light of the Rule 4, Form 4C Order form granting it. (R.p. 12-p.13). Rule 36 SCRCrimP mandates circuit courts enter Rule 4, Form 4C Order forms when entering judgments on Rule 4 motions.

The state's denial of appellant's motion for mistrial being a Rule 4 motion is further debunked by the state's previous admissions that appellant's motion for mistrial are not Rule 29 motions. (State's Final Brief, p.g. 12, fn. 2) and (Response To Petition For Rehearing, p.g. 5, fn. 2). Pursuant to South Carolina Rules of Criminal Procedure there are only two rules, Rule 4 and Rule 29 that govern motions in a criminal matter. The state in its frivolous arguments have not proffered to the court under what rule it is they allege appellant's motion for mistrial was made, heard, and granted. The state only argues the appellant's motion for mistrial was not under Rule 4, or Rule 29, SCRCrimP.

Continuing, the state's argument that Rule 4 only applies to pre-trial matters is exposed for the fraudulent and erroneous contestation it is by the, "clear unambiguous terms" of Rule 4 (a)

"An application to the Court for an order shall be by motion which unless made during a hearing or trial, (emphasis added) in open court with a court reporter present shall be made in writing, shall state with particularity the grounds therefore," Rule 4 (a) SCRCrimP.

The state's application of a civil case and civil law, 3.C Pub. Interest Found v. Wilson 437 S.C. 334 (2022) to a criminal matter is a novice mistake. Wilson is a case involving Rule 59 SCRCrimP motions in a civil action, and has no logical application to the instant criminal case.

The state's argument that a trial is concluded when a sentence is

sealed is not supported by any legal authority, frivolous, and contrary to law that has been established for almost 100 years. See Lytle v. Miller, 157 S.C. 332 (1930), State v. Smith, 276 S.C. 494 (1981), State v. Looper, 421 S.C. 384 (2017). See also United States v. Hammond, 588 U.S. 634 (2019).

The state's argument that State v. Pfeiffer, 427 S.C. 10 (2019) is properly applied to the appellant's case is clearly erroneous, and ludicrously so in light of the state's own admissions that appellant's motion for mistrial granted by a Rule 4, Form 4C Order was not a Rule 29 motion. (State's Final Brief, p.g. 12, fd. 2) and (Response to Petition for Rehearing, p.g. 5, fd. 2). The fact appellant's motion for mistrial was a Rule 4 motion, granted by a Rule 4, Form 4C Order form is further evidence the state misapplied Pfeiffer to this instant case.

FURTHER EVIDENCE OF MISCONDUCT

In addition to evidence stipulated as fact is the record appellant asks

this honorable court to consider the previously submitted evidence of misconduct on the Court of Appeals' door-step.

Further establishing appellant's mistrial motion was a Rule 4 motion is that after filing said motion prior to being sentenced, and being denied a hearing on said motion, appellant pursuant to S.C. Code Ann. § 17-17-et. al. petitioned this honorable court for the Great Writ. See Exhibit - 1. This petition for the Great Writ was appellant's attempt to bring this honorable court's attention to the blatant arbitrary conduct by state officials. As demonstrated by the Clerk's Stamp, (June 25, 2020) this Court received appellant's petition for the Great Writ almost three months prior to appellant's sentence being imposed. This Court had jurisdiction to consider the petition for the Great Writ pursuant S.C. Code Ann. § 17-17-30 and Rule 240 SCACR.

Pursuant to the Clerk of Court Manual § 6.24 the Clerk had the ministerial duty to verify the petition contained a case caption, a proper

county designation, the signature of the filing party, and to forward a copy of said petition to the Attorney General office, see *Miller v. State of South Carolina*, 377 S.C. 99 (2008)

However, contrary to her mandatory designated duties delegated by the Clerk of Court Manual § 6.24, and the "clear and unambiguous" language of *Miller*, on August 6, 2020 Court of Appeals Clerk, Teddy Kitchings, in a conspiratorial effort with state officials to conceal constitutional violations that were ongoing, assumed an unauthorized judicial role and made a judicial decision in law that the Court of Appeals was without any jurisdiction to consider the appellant's petition for the Great Writ, see Exhibit 2. The August 6, 2020 date of Clerk Kitchings' letter of rejection is also prior to the imposition of appellant's sentence on September 16, 2020 (R.p. 294 - p. 299)

Then on April 26, 2021 after having been granted a mistrial by a Rule 4, Form 4 C Order on April 16, 2021 (R.p. 12 - p. 13) the appellant was still being arbitrarily held prisoner, and pursuant to S.C. Code

Adv. § 17-17-et. al., and Rule 24D SCACR filed a second petition for the Great Writ See Exhibit 3. This Petition on its face explains the state's arbitrary conspiracy to change the Rule 4, Form 4C order of a mistrial (R.p. 12-p.13). This conspiracy to change the Rule 4, Form 4C order of mistrial was in spite of the appellant's constitutional rights and the statutory mandates of Rule 4 (b) SCR-CrimP.

The Court of Appeals Clerk's Office received appellant's second petition for the Great Writ on April 29, 2021 as is verified by the Court of Appeals Clerk's stamp. (Exhibit 3)

However, contrary to the Clerk for the Court of Appeals designated duties as delegated by the Clerk of Court Mandat § 6.24, and Miller, the Clerk's office for the Court of Appeals is a conspiratorial effort with state officials simply held the appellant's petition for the Great Writ until the state's conspiracy to change the Rule 4, Form 4C order granting a mistrial had been completed

on June 10, 2021.

After the vicious conspiracy to change a Rule 4, Form 4C Order of a mistrial by state officials had been successfully completed, the Clerk for the Court of Appeals having simply held the appellant's second petition for the Great Writ for over sixty days, then on July 1, 2021 Clerk for the Court of Appeals, Catherine Harrison assumed an unauthorized judicial role and rejected the appellant's second petition for the Great Writ stating pretextual non-applicable judicial decisions in law. See Exhibit 4.

In addition to the flagrant dereliction of duties manifested by Exhibits 1-4, the South Carolina Supreme Court in Barbes v. State of South Carolina, 433 S.C. 399 (2021) described in detail a clerk's ministerial duties and inability to exercise judicial discretion.

In addition to the foregoing complained of misconduct, Clerk ~~Freddy~~ Freddy Kitchings and Assistant Clerk Catherine Harrison in conspiracy with state agents and individuals acting in

collision with state agents granted
ted extensions of time without either
party having demonstrated any extra-
ordinary circumstances that warranted
the unnecessary extension and delays.
This arbitrary abuse of discretion by
the Clerk's Office for the Court of
Appeals also demonstrates a pattern
of dereliction of duty and abuse of
discretion that is shocking to a respect-
ful judicial official.

REASON TO EXPEDITE

The record in this case establishes
a shocking pattern of abuse of discret-
ion, abuse of authority, and a derelict-
ion of mandated duties to a reasonably
attentive mind. This shocking behavior
by state agents was conspiratorially
orchestrated to change a Rule 4 Form
4c Order form granting a mistrial. This
orchestrated conspiracy was carried
out while Court of Appeals Clerks,
Kitchings and Harrison arbitrarily
neglected their mandated duties and

exercised unauthorized judicial authority attempting to conceal the state's horrendous conspiracy and actions. The fact this conspiracy to change a Rule 4, Form 4c Order granting a mistrial was played out in front of the Court of Appeals Judges with appellant doing everything legal to bring it to the Court of Appeals attention demonstrates just how far this travesty of justice was allowed to go. The fact Clerk's for the Court of Appeals on the door-step of the Court of Appeals was participating in this conspiracy to change a Rule 4, Form 4c Order of a mistrial without doubt has brought disrepute to the Court of Appeals. (1)

The fact the abuse of discretion, the abuse of authority, and the dereliction of duty involves numerous individuals, (state agents) and proceeds through three circuit court judges, three attorneys

(1) Appellant has brought action in Marlboro County against Clerks Kitchings and Harrison. Bolick v. Kitchings, et al, 2024-CP-34-00129.

with the Attorney General's Office, and loads on the Court of Appeals doorstep with two clerks being involved is certainly cause for grave concern that corruption is rampant in the South Carolina Judiciary, with those involved in the corruption acting with impunity.

Appellant's case manifests far reaching and wide-spread corruption in the South Carolina Court system. This fact can be exploited by this Court's opinion in this case dated June 26, 2024.

Pursuant to Rule 36, SCRCrimP the Supreme Court will issue forms for the entry of judgments. The use of these forms is mandatory by Rule 36, SCRCrimP.

Pursuant to Rule 36 the Supreme Court prescribed/issued Rule 4, Form 4C Order forms for entry of judgment on Rule 4 motions. Pursuant to Rule 36 the use of this form is mandatory when entering judgment on Rule 4 motions.

on April 16, 2021 the circuit court

in response to appellant's Rule 4 motion for mistrial, the circuit court entered a Rule 4 Form 4 Order granting a mistrial. (R.p. 12 - p. 13)

This court in its June 26, 2024 unpublished opinion, p.g. 3 found that the circuit court issued a Form 4 Order granting a mistrial. Despite Rule 4 (b), SCRCrimP. prohibiting any motion to change a Rule 4, Form 4 Order, and specifically voiding any order as a result, this court contrary to common sense and the mandatory language of Rule 4 (b) SCRCrimP. found that the state's Rule 29 Motion For Reconsideration (R.p. 51 - p. 85) was authorized and allowed pursuant to Pfeiffer. Mysteriously, the Court of Appeals fails to state when it is alleged appellant filed a Rule 29 motion for mistrial in order for Pfeiffer to be logically applied. Both the state and the appellant had previously stipulated that appellant's motions for mistrial were not Rule 29 motions. With both the state and appellant arguing that appellant's motions for mistrial were not

Rule 29 post-trial motions, then how is it possible three judges in their combined mental acuity found the state's Rule 29 Motion For Reconsideration (R.p. 51-p.85) was in response to a Rule 29 motion as would be required in order to logically apply Pfeiffer.

This Court is blindly following the improperly trained and unsupervised attorneys in the Attorney General's office has brought disrepute and deserving humiliation to the Court of Appeals, and exposed corruption on its very own door-step.

The Order of Reconsideration (R.p. 15-p. 22) is void by Rule 4(b) SCR CrimP. and the term of court rule pursuant Best and Campbell. It also violates the appellants procedural due process rights, and equal protection rights protected by the 14th Amendment. It violates the appellants 5th Amendment rights not to be subjected to double jeopardy, and the appellants 4th Amendment right to be free from illegal seizure.

This Court has become a part

of these broad sweeping constitutional violations. Whether this court is a part of this through inadvertent application of law and the inability to distinguish between the two simple roles that govern motion filing in a criminal proceeding, Rule 4 and Rule 29, or whether this court is a part of the conspiracy that evidence demonstrates leads to the very door-step of the Court of Appeals remains to be determined. Certainly, a lackadaisical and lethargic response to such serious allegations supported by overwhelming evidence by this court will manifest the extent of its involvement. This is certainly so when this court simply has to decide if a Rule 4, Form 4C order form granting a motion for mistrial was issued pursuant to a Rule 4 motion, Rule 36, SCR CrimP should make this a relatively easy decision for a competent person not lacking in mental acuity, however, Pfeiffer could not be reasonably or logically be applied to appellant's case without appellant having filed

a Rule 29 motion for mistrial, which was not the case, and yet it happened.

CONCLUSION

Because the Order of Reconsideration dated June 10, 2021 is an abomination to Rule 4(b) SCRCrIMP and the term of court rule, and was obtained in violation of Rule 4(b) SCRCrIMP, through an evolving pattern of abuse of discretion, that is very disturbing and far reaching, and because this abomination of law continues to deny appellant his liberty, appellant respectfully moves for an expedited adjudication to his Petition For Rehearing so as to terminate this travesty of justice, and restore his faith in the South Carolina Judiciary.

Respectfully Submitted
This 12th day of August, 2024
Theodore J. Bolick pro se
610 Highway #9 West
Beddetsville, S.C., 29512
Theodore Bolick

EXHIBIT 1

FILED

2024 APR 23 P 11:02

ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

A CERTIFIED TRUE COPY

Anita M. Williams

CLERK OF COURT
MARLBORO COUNTY

IN THE SOUTH CAROLINA COURT OF APPEALS
FIFTEENTH JUDICIAL CIRCUIT

HORRY COUNTY

PETITION FOR WRIT OF HABEAS CORPUS

THEODORE JERRY BOLICK,

PETITIONER

SOUTH CAROLINA CODE
OF LAW CHAPTER 17 et al.

VS.

PHILLIP THOMPSON

RESPONDENT

RECEIVED

JUN 25 2020

SC Court of Appeals

NOW COMES: Petitioner, Theodore Jerry Bolick
pro se and pursuant South Carolina Code of Law
Chapter 17 et al and hereby petitions this Honorable
Court for the Great Writ. In support of this peti-
tion it is showed unto this court as follows

A CERTIFIED TRUE COPY

I PARTIES

Anna M. Williams

CLERK OF COURT
HORRY COUNTY

A Theodore Bolick is the Petitioner in this action
and his physical address is 4150 J. Reuben Long Ave
Cowway, South Carolina 29526

B Phillip Thompson is the duly elected Sheriff of
Horry County, and his mailing address is 1301
Second Ave, Cowway, South Carolina 29526

II JURISDICTION

Petitioner submits this Petition to the Justices of the South Carolina Court of Appeals pursuant South Carolina Code of Law 17-17-30.

Petitioner states he is incarcerated by virtue of a bench warrant issued out of Horry County General Sessions Court from the Fifteenth Judicial Circuit, a copy of which is attached hereto as Exhibit A.

III REASON WRIT SHOULD BE ISSUED

On May 26, 2020 Petitioner was served a Governor's Warrant in Randolph County North Carolina as a result of the Bench Warrant issue out of Horry County for burglary. The Bench Warrant is attached hereto as Exhibit A.

On May 28, 2020 Petitioner was extradited back to South Carolina without being allotted any time to petition for a Writ of Habeas Corpus in violation of North Carolina General Statutes Section 15A-730.

Upon his return Petitioner discovered that three charges of burglary had been joined together for trial and tried by jury in his complete and total absence. The charges were joined even though they happened on separate dates, at separate locations, were different types of businesses, and no evidence was the same in either case.

Thereafter, the Petitioner was found guilty and a Judgment was sealed. As a result Petitioner is being held in the Harry County Detention Center with no bond or a court date. Petitioner was tried on July 23 and 24, 2019 in his whole and complete absentia and found guilty. Petitioner alleges this trial was a conspiracy between local government officials orchestrated to retaliate against him maliciously and vindictively for successfully suing the Respondent in this Petition, Sheriff, Phillip Thompson in *Bolick v. Thompson et al*, 2017-CP-26-7952.

IV CONSTITUTIONAL ISSUES

The Petitioner alleges that his whole and complete absentia conviction violates his Due Process rights protected by the Fourteenth Amendment of the United States Constitution.

Further, the Petitioner alleges that the joinder of the three burglaries for trial did prejudice the Petitioner's right to a fair trial protected by the Sixth Amendment of the United States Constitution.

Finally, Petitioner alleges the conspiratorially orchestrated malicious and vindictive prosecution of these cases in retaliation for Petitioner suing Sheriff, Phillip Thompson violates his

rights protected by both the First and Sixth Amendments to the United States Constitution.

The Petitioner elaborates in more detail with supporting case law the foregoing constitutional issues in the Brief of Law In Support of Writ of Habeas Corpus submitted herewith.

V REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully prays as follows:

1. An evidentiary hearing on all issues;
2. Order declaring the joinder of said cases for trial in violation of the Sixth Amendment;
3. Order declaring the absentia conviction of the Petitioner in violation of the Fourteenth Amendment;
4. Order allowing ~~ACERTIFIED TRUE COPY~~ proceed as an independent in this action;
Antia M. Williams
CLERK OF COURT
MARLBORO COUNTY
5. Any and all other ~~actions~~ actions this Honorable court deems just and necessary.

2024 APR 2 11:03
ANTIA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

Respectfully Submitted

This 15th day of June, 2020
Theodore J. Bolick
4150 J. Reuben Long Ave
Conway, S.C. 29526

VI WITNESSES

I hereby affirm that I witnessed Theodore Bolick prepare the foregoing Petition For Writ of Habeas Corpus in his own hand and submit it to the officers here at the Horry County Detention Center on June 15 2020,

This 15th day of June 2020

Witnesses Print Quran Coffey

Sign Quran Coffey

Print Chris Brown

Sign Chris Brown

EXHIBIT 2

FILED

2024 APR 23 P 11:02

AMTA H. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

A CERTIFIED TRUE COPY

Amia M. Williams

CLERK OF COURT
MARLBORO COUNTY

Exhibit B



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 6, 2020

Theodore Bolick
4150 J. Reuben Long Ave.
Conway, SC 29526

Dear Mr. Bolick:

The Court received your petition for writ of habeas corpus. Our records do not reflect an appeal pending in your name. Accordingly, this Court is without jurisdiction to act. We are returning your filing to you. We will not take any further action.

Very truly yours,

Jenny A. Kitchings
CLERK

ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

2020 APR 23 P 11:03

FILED

A CERTIFIED TRUE COPY

Anita M. Williams

CLERK OF COURT
MARLBORO COUNTY

EXHIBIT 3

FILED

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ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

A CERTIFIED TRUE COPY

Anita M. Williams

CLERK OF COURT
MARLBORO COUNTY

SOUTH CAROLINA COURT OF APPEALS

PETITION FOR WRIT OF HABEAS CORPUS

Theodore J. Bolick,

Petitioner,

v.

Thomas Groom Terrell III,

and Warden James,

Respondents.

NOW COMES: Petitioner Theodore J. Bolick pro se pursuant South Carolina Code of Law Title 17, Chapter 17, Section 30 in an abundance of caution hereby respectfully petitions the Judges of the Honorable Court of Appeals for the Great Writ. In support of this Petition the Petitioner shows unto this Honorable Court as follows:

A CERTIFIED TRUE COPY

I PARTIES

(a) Petitioner,

Aula M. Williams

CLERK OF COURT
MARLBORO COUNTY

RECEIVED

APR 29 2021

SC Court of Appeals

FILED
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AULA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

Theodore J. Bolick is the Petitioner and his mailing address is 4848 Goldmine Hwy, Kershaw, S.C. 29067

(b) Respondents

(1) Thomas Groom Terrell III is a Respondent and his mailing address is P.O. Box 1688 Georgetown, S.C. 29442

(2) Wardew James is a Respondent and her mailing address is 4848 Goldmine Hwy, Kershaw, S.C. 29067 where she has immediate control and custody of Petitioner.

II JURISDICTION

The Honorable Court of Appeals has jurisdiction pursuant S.C. Code of Law § 17-17-30 and may assume jurisdiction by and through State v. Bolick Appellate Case No. 2020-051497.

III REASONS THE GREAT WRIT SHOULD BE ISSUED

As briefly as possible, on July 23, 2019, the State by and through Thomas Groom Terrell III called the Petitioner for trial and through State v. Bolick Appellate Case No. 2020-051497 are indictments. A copy of the indictments are submitted herewith for this Court.

CLERK OF COURT
MARLBORO COUNTY

veinance, The State by and through Thomas Groom Terrell III tried the Petitioner in his complete absence and without counsel. Further, the State by and through Thomas Groom Terrell III combined the three separate indictments, from three totally unrelated burglaries which happened on three separate dates, and at three separate locations, with absolutely no evidence the same in either case, and no evidence what-so-ever that these crimes were the result of a chain of circumstances. Furthermore, there was no real evidence that Petitioner committed these crimes. In fact, the evidence was so minute and circumstantial that the States only hope of obtaining a conviction was to use the evidence of all three cases in their cumulative effect and allow this to combine in the jurors mind to infer a criminal disposition. The State by and through Thomas Groom Terrell III did this contrary to clearly established law, without regard to the Petitioner's rights to a fair trial, and with absolutely no remorse. As a result, the jury on July 24, 2019 returned a verdict of guilty on all three counts. Larry B. Hymaw sentenced the Petitioner, and in accordance with the law sealed

CLERK OF COURT
MARLBORO COUNTY

the judgments. See Exhibit A

Petitioner, upon learning of this outlandish unconstitutional trial, immediately recognized it for the abomination and travesty of justice it manifestly was. The State's behavior by and through Thomas Groom Terrell III was so shocking and outrageous and contrary to clearly established law, the Petitioner was goaded into filing for a mistrial, and did so on April 19, 2020 upon learning of the circumstances. This Motion For Mistrial was filed in the Horry County Clerk's Office and served on all parties.

Further, Petitioner on June 6, 2020 also filed a Motion For New Trial, filed it in the Horry County Clerk's Office, and served on all parties.

Petitioner was taken into custody by Horry County Sheriff's Deputies on May 28, 2020 and unlawfully extradited to South Carolina without being afforded the opportunity to petition for a Writ of Habeas Corpus. The Petitioner was placed in the J. Reuben Long Detention Center and held without bond, a court date, or a possible release date. This was contrary to the clearly established law pursuant to S.C. Code of Laws Chapter 25, Section 310. Therefore, Petitioner prepared and filed with the S.C. Court of Appeals Clayton M. Williams
CLERK OF COURT
MARLBORO COUNTY

a Writ of Habeas Corpus on June 25, 2020. However on August 6, 2020 Clerk, Jenny Abbott Kitch was returned said petition stating Petitioner had no appeal filed. Petitioner respectfully asks the Honorable Court to take judicial notice of the public record on said petition filed June 25, 2020 entitled Bolick V. Thompson but assigned no case number in that it specifically alleges Petitioner was being held with no bond or court date. See Exhibit B.

Continuing because Petitioner had been extradited illegally, Petitioner filed a Civil Rights Complaint alleging so. This case is still pending in the U.S. District Court, Bolick V. Thompson et. al. 5:20-cv-02888, and Petitioner also kindly asks this Honorable Court take judicial of these public records also.

After filing my complaint and petitioning for a Writ of Habeas Corpus with the Court of Appeals, the staff at J. Reuben Long Detention Center suddenly started placing me around prisoners who clearly had been in contact with COVID 19 and displayed the symptoms of COVID 19. However, the inmates who were wearing masks steadfastly refused to allow me to have my mask. I wrote once a towel as a makeshift mask. I have issue

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CLERK OF COURT
MAYBORG COUNTY

me one. Therefore, I followed proper procedures, filed proper grievances, and when nothing was done, I filed another civil rights complaint, *Bolick V. Thompson et al.*, 5:20-cv-03119. This lawsuit was dismissed with prejudice as a result of the Petitioner being wrongfully sent to S.C.D.C. on September 17, 2020 rendering my claim for injunctive relief moot. All these facts are relevant if the Honorable Court will kindly be patient a little longer. Here again the Petitioner kindly asks the Honorable Court to take judicial notice of the public records.

In response to Petitioner filing Civil Rights Complaints, Horry County Sheriff, Phillip Thompson retained Matthew Johnson as counsel in July 2020. Thereafter, Matthew Johnson moved both cases to the U.S. District Court. In early September of 2020 Matthew Johnson began seeking and was granted protective orders in both cases.

On September 16, 2020 after several months of seeking an opportunity to be heard on my Motion for Mistrial and Motion for a New Trial, the state by and through Thomas Terrell III had Petitioner transported to the Horry County Circuit Court, Judge William Seals presiding. Judge Seals refused to allow the Petitioner

to speak, or be heard on the pending Motion For Mistrial or Motion For New Trial. Judge Seals made no inquiry as to counsel, and when I tried to object, he stated, "if you don't like it appeal." He opened the Sealed Judgment, read me the sentences, and signaled bailiffs to remove me from the courtroom. Major Joe Johnson of the J Reuben Long Detention Center began laughing and stated, "you're going to prison," as did Thomas Terrell III, and Judge Seals.

Although I clearly wished to appeal as is manifest by the record, I was not allowed to in open court, nor was any consideration given as to counsel to assist me with appeal.

I was taken back to J. Reuben Long Detention Center where Major Joe Johnson was waiting on me. I was not allowed to return to my cell and gather my legal materials and personal property, but pushed into a small cell in the booking area where I was forced to spend the night. Early the next morning the Petitioner was given the judgments read by Judge Seals, and immediately transported to the S.C.D.C. to Kirkland Prison Correctional Inst.

ACERTIFIED TRUE COPY
JAN 03 10 31 AM '03
CLERK OF COURT
KIRKLAND COUNTY

Upon arriving at Kirkland Prison law book was seized, my writing utensils and paper

were seized, and I was denied access to a law library, thus making it almost impossible to give proper notice of appeal. The Petitioner, however, through sheer determination was able, after much effort, to file an appeal. This was so even though the State by and through Thomas Terrell III and Judge Seals had plainly conspired to deny Petitioner the ability or his right to appeal. See Exhibit C.

However, the Honorable Court of Appeals after finally being able to consider the Petitioner/Appellant's attempt to appeal immediately noticed the Petitioner/Appellant's valid Motion For Mistrial along with several other serious motions had been completely ignored by the State, (Thomas Terrell III), and Judge William Seals, an action that was suspect to say the least. Therefore the Court of Appeals ordered the Petitioner/Appellant and William M. Bitch Jr. to serve and file a memorandum addressing the issue of appealability. See Exhibit D.

Thereafter, both William M. Bitch Jr. and Petitioner/Appellant filed a joint motion fully agreeing that all outstanding motions should have been considered. Petitioner/Appellant complained then of Judge Seals

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MARTIN COUNTY

and Thomas Terrell III's behavior on September 16, 2020.

The Honorable Court of Appeals after duly considering both memoranda remanded the case back to Circuit Court for consideration of all outstanding motions. Further, the court ordered the Respondent to provide this Court with "status updates every thirty days until the motions are resolved" See Exhibit E.

As of the date of this writing April 27, 2021 the Respondent is in contempt of the Court of Appeals Order dated February 5, 2021. Further, the status update dated March 1, 2021 is based on a falsehood. Appellant was at Kirkland on February 17, 2021 as can easily be proven and established by S.C.D.C. records. The Appellant was transferred to Leiber on February 18, 2021 and placed on quarantine. See Exhibit F. Please also note Thomas Terrell III was trying his very best to have the outstanding motions heard in front of Judge Seals via virtual courtroom.

Further, an Email from Thomas Terrell III to Jacob Lampe, Judge Steve Johns's Law Clerk clearly manifests Thomas Terrell III's participation in this vicious and shocking conspiracy.

Mr. Terrell's own words, "With that in mind, I have already scheduled Mr. Bolick's motions to be heard as soon as possible via WebEx in front of J. Seals next Wednesday, February 17, 2021. That way, any objection Mr. Bolick may have to being appointed particular representation may be put on the record and the Judge may make a determination on that motion at that point. Depending on the outcome of that motion, I believe we would be able to handle any other post-trial motions Mr. Bolick has then to allow the appeals process to run its course." See Exhibit G

It is manifest that by this communication that Mr. Terrell had a preconceived idea as to what the decision would be on the outstanding motions prior to them being heard, and "the appeals process would have to run its course". This is outstandingly amazing considering that when the Motion For Mistrial was finally heard on April 15, 2021 in front of another Judge besides Judge Seals, not only did Mr. Terrell not have a single case law to support his position, he could not even state why he tried all three cases at once. He had to have a reason other than he just did further,

unless Mr Terrell had a mouse in his pocket, when he used the word "we" in this Email, he was referring to Judge seals, his co-conspirator on September 16, 2020. Also, Mr Terrell's reference to the Petitioner/Appellants Motion For Mistrial as a post-trial motion is clearly erroneous, Petitioner's trial was never actually finished until such time as Petitioner was sentenced on September 16, 2021. Manifesting this as truth is the fact that Petitioner could not even appeal until the judgment was unsealed and read on September 16, 2020. Petitioner's Motion For Mistrial was filed on or about April 19, 2020, five months before the opening of the sealed judgment. Thomas Terrell's and Judge seals' actions which wrongfully denied me the right to be heard on my Motion For Mistrial on September 16, 2020 do not make it a post-trial motion, and nor does their ignorance of law.

Finally, for the very first time since before the trial began on July 23, 2019, Petitioner/Appellant was allowed to speak and be heard on April 15, 2021. Petitioner/Appellant was able to be heard on his Motion For Mistrial and Supplemental Pleading And Motion

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HARRIS COUNTY

For Mistrial, Petitioner/Appellant cited the cases previously cited in his motions. Mr Terrell provided not one case to support his position, but argued he was ready to do so two years prior. The Honorable Judge offered to convene the court to allow Mr Terrell to find a case to support his position. I seconded the motion. Mr Terrell declined the opportunity.

The Honorable Judge thereafter on April 15, 2021 granted the Motion For Mistrial which was originally filed on or about April 19, 2020. Petitioner/Appellant would argue that the Court granting a mistrial would immediately invalidate the judgments in this case (Exhibit A). However, and for whatever reason the Petitioner/Appellant still remains a prisoner in custody of Warden James at Kershaw Correctional Institute in Kershaw South Carolina by virtue of the same judgments a mistrial was declared on or April 15, 2021.

At the time of this writing to the Petitioner/Appellant's knowledge Mr Thomas Terrell III as the Respondent in State Appellate Case No. 2020-001497 is in contempt of the Order issued by this court on February 5, 2021, as Petitioner/Appellant has not been given

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MARLBORO COUNTY

notice of any "status update" being filed other than the one filed on March 1, 2021 containing a fabricated falsehood. See Exhibit F. Further, as of the date of this writing April 26, 2021 the Petitioner/Appellant has not been given a "notice of appeal" if in fact the State is even entitled to one. See U.S. v. Jern, 915 Ct. 947 (2003) "Government could not appeal from judge's declaration of mistrial." Also is not a Circuit Court Judge's Order binding and in effect until such time as an appellate court would overturn it? At the time of this writing the Petitioner/Appellant has not received or been given notice of a motion for a stay of execution, nor given chance to argue in rebuttal to such a motion.

Furthermore, the Double Jeopardy Clause serves the function of preventing both successive punishments and successive prosecutions. U.S. v. Urey, 518 U.S. 267 (1996).

The mistrial granted on April 15, 2021 was not a mistrial of "manifest necessity." This mistrial was granted as a result both the judge and prosecutor proceeding in such outrageous manner that Petitioner/Defendant was goaded into moving for mistrial as

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prosecutor and judge's actions of allowing and presenting all the separate, but unrelated indictments to one jury for one trial severely prejudiced Petitioner/Defendant in front of the jury, and allowed the jury to infer a criminal disposition on all counts. The Double Jeopardy Clause bars a retrial where defendant has been goaded by judge or prosecutor into moving for mistrial. See V. Cannon, 927 F.3d 776 (4th Cir. 2019); U.S. v. Masteller, 741 F.3d 503 (4th Cir. 2014); and State v. Parker, 391 S.C. 606 (2011)

The obvious irregularities in this case as is manifested by public records in this case and the other cases referenced in this pleading, along with the Circuit Court's declaration of a mistrial on April 15, 2020 certainly prove something is amiss in Horry County. The fact that Mr. Thomas Terrell III has prosecuted the Petitioner contrary to clear and well established law is certainly suspect and support Petitioner's contentions that something is amiss in Horry County. The fact that Petitioner is still being prosecuted contrary to the Circuit Court's ruling on April 15, 2021 is alarming to say the least. Mr. Thomas Terrell III's intent to keep the

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Petitioner is prison regardless of a Circuit Court's Order is criminalistic by nature. Further, Mr. Thomas Terrell III's contemptuous attitude toward this Honorable Court's Order dated February 5, 2021 should by all rights compel this Honorable Court's intervention.

Since August of 2016 Mr. Thomas Terrell III has lawlessly persecuted and prosecuted the Petitioner. He has consistently disregarded S.C. Code of Law, both the U.S. and S.C. Constitutions, and well established law as set forth by both the U.S. and S.C. Supreme Court, and now he is in contempt of both Circuit Court and Court of Appeals orders, and continues to be the driving force behind the Petitioner's wrongful and unconstitutional incarceration. It is time for this Honorable Court's intervention, and this Honorable Court is certainly vested with the power to do so by virtue of this pleading and state v. Bolick Appellate Case No. 2020-001497. Further, the plethora of overwhelming evidence of corruption supported by the timing and sequencing of events manifest criminal activity by government officials, and the need for this Honorable Court's intervention,

and Petitioner kindly asks that it do so, so as to prevent further travesty and miscarriage of justice as soon as humanly possible.

IV CONCLUSION

WHEREFORE: Petitioner prays the Honorable Court of Appeals:

1 Pursuant to S. C. Code of Law, Title 17, Chapter 17, section 80 convene an evidentiary hearing within ten (10) days as the Petitioner is incarcerated within one hundred (100) miles of this Court, and the compelling need of justice should mandate it;

2, Upon determining the Petitioner's allegations to be true, and his complaints founded, order the immediate release of the Petitioner without any delay;

3, Order the Petitioner be provided a copy of said order immediately;

4, Order a criminal investigation conducted concerning the suspect behavior of Mr. Thomas Terrell III;

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MARLBORO COUNTY

5. seriously consider holding Mr. Thomas Terrell III in contempt for his contemptuous behavior of both Circuit Court and Court of Appeal Orders;

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

Respectfully Submitted
This 26th day of April, 2021
Theodore Bolick, pro se
4848 Goldmine Hwy
Kershaw, S.C. 29067

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing Writ of Habeas Corpus was served on Warden James at Kershaw Correctional Institution by institutional mail, and a copy was placed in the U.S. Mail, postage pre paid addressed

Thomas Terrell III

P.O. Box 1638

A CERTIFIED COPY IS C. 29442 SC Court of Appeals

Anda M. Williams

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MARLBORO COUNTY

Theodore Bolick
April 26, 2021

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EXHIBIT 4

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MARLBORO COUNTY, S.C.

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Anita M. Williams

CLERK OF COURT
MARLBORO COUNTY



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 1, 2021

Theodore Jerry Bolick, 00384070
Kirkland Correctional Institution
4344 Broad River Road
Columbia SC 29210

Re: The State v. Theodore J. Bolick
Appellate Case No. 2020-001497

Dear Mr. Bolick:

Our records reflect the Office of Indigent Defense, Appellate Division, is assuming representation on appeal. Because you are represented by counsel, we are returning your filings to you. In a prior filing, you sought permission to proceed without an attorney. If that is still your wish, you must file a motion in compliance with Rule 240 SCACR. At this time, we will not take any further action on your pro se filings. Counsel must order the transcript within ten (10) days of the date of this letter.

Very truly yours,

CLERK

cc: Alan McCrory Wilson, Esquire
Thomas Groom Terrell, III, Esquire
William M. Blich, Jr., Esquire
Robert Michael Dudek, Esquire

ANITA H. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.

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IN THE STATE OF SOUTH CAROLINA

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IN THE COURT OF APPEALS

AUG 15 2024

SC Court of Appeals

Appeal from Horry County
Larry B. Hyman Jr., Circuit Court Judge
William H. Seals Jr., Circuit Court Judge
Ferrell Cothran Jr., Circuit Court Judge

Appellate Case No. 2020-001497

The state

Respondent

v

Theodore J. Bolick

Appellant

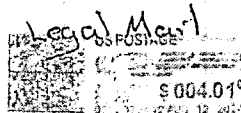
PROOF OF SERVICE

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

AG Attorney Benjamin Aplin
P.O. Box 11549
Columbia S.C. 29211-1549

This 12th day of August 2024
Theodore Botick

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



The Court of Appeals
Clerks Office
P.O. Box 11629
Columbia, S.C. 29211

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