

STATE OF SOUTH CAROLINA
IN the court of Appeals

Appeal from Charleston County
Honorable Bently Price, Circuit Court

STATE OF SOUTH CAROLINA
vs.
MICHAEL TIVEN BOLTON

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JUN 09 2025

SC Court of Appeals

Appellate Case No.
2023-001327

Motion and Petition For Leave
to file a motion for New
Trial pursuant to South
Carolina Rules of Criminal
Procedure Rule 29 Post trial Motions

STATEMENT OF THE CASE

The appellant Michael T. Bolton was convicted by way of a unintelligent guilty plea in Charleston County before the Honorable Bently Price and sentenced to a negotiated term of thirty years for murder and the remaining charges thirty eight years for attempted murder and five years for the weapon, this sentence was pronounced after the appellant seek to withdraw his guilty plea because "he believed that he had a defense" see (transcript p 7 line 8-9)

Motion And Petition For Leave
To File A Motion For New Trial
Pursuant to South Carolina
Rules of Criminal Procedure -
Rule 29 post trial motions

The Appellant has jurisdiction to this Honorable Court pursuant to 201 SCAR and this petition is pursuant to 240 also see Rule 29 SCRCrimP. (b) states

"A motion for new trial based on after-discovered evidence may not be made while the case is in appeal unless the appellant court, upon motion has suspended the appeal and grant leave to make the motion" see Rule 29(b) SCRCrimP

In this instant case, the appellant's own attorney provided information that his client has a defense of self defense in a withdraw of a guilty plea. see *Rolen v. State* 384 S.C. 409, 683 S.E 2d 47 (2009) hold defendants trial counsel was ineffective for failing to move to withdraw his guilty plea.

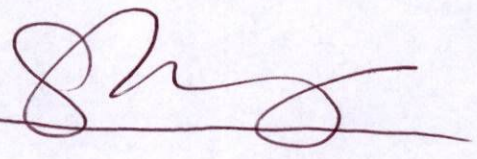
Here the appellant attorney expressly states, that appellant believed that he had a defense see. Transcript p 7 (line 8-9)

This undoubtedly is grounds to reverse the guilty plea since this actually proves that appellant is innocent of the charges indicted see; state v Duncan, 392 S.C 404, 709 S.E 2d 662 (2011) holding defendant was entitled to immunity; quoting (16-11-440) S.C. Code-ann

It is undisputed that both the appellant and the alleged victim had weapons and no crime existed

Therefore the request for new trial to withdraw the guilty plea is proper and this petition for leave to proceed in the lower Court should be granted.

Michael Balton

Sworn before me on 6/2/25 

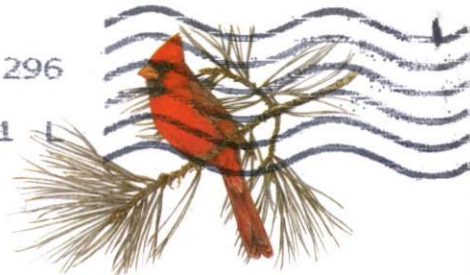
Commission expires on 4/14/26



Michael T. Bolton 391655
200 Prison Road
Euree S.C. 29335

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Tyger River Mailroom

South Carolina Court of Appeals
Post office Box 11629
Columbia, S.C. 29211

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