

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

BORNOLD EBERHART
APPELLANT

VS.

FROM Horry COUNTY
GENERAL SESSIONS COURT

THE STAR
Respondent

HONORABLE DAVID P. CARAKER JR. - Judge

APPELLATE CASE NO 2026-000400

TRIAL COURT CASE NO 2024GS2603214

APPELLANT'S MOTION TO RECONSIDER AND
WITHDRAW OF COURTS DISMISSAL

RECEIVED

MAY 19 2026

SC Court of Appeals

TO THE HONORABLE COURT OF APPEALS,

AND ^{respectfully} comes now BORNOLD ALASTAIR EBERHART, HEREIN AFTER APPELLANT,
AND ^{respectfully} REQUEST THE COURT OF APPEALS TO RE-CONSIDER
AND WITHDRAW IT'S DISMISSAL, PURSUANT TO THE COURT'S ORDER DATED
APRIL 28TH, 2026, AND SHOWS THE FOLLOWING FACTS;

I.

APPELLANT, AT TRIAL WAS APPOINTED AN ATTORNEY BECAUSE OF HIS
INDIGENT STATUS, AN ATTORNEY THAT WAS SUPPOSED TO DEFEND
HIM EFFECTIVELY THROUGH THE TRIAL PROCESS, AND ON ANY
APPEALS ISSUES THAT WOULD BE PRESERVED FOR APPEAL, AND
APPELLANT HAS A RIGHT TO HAVE AN APPEAL, AND TO HAVE THE
EFFECTIVE ASSISTANCE OF COUNSEL ON THAT APPEAL, U.S. CONST.
6TH AMENDMENT, ALSO STRICKLAND VS WASHINGTON, (SUPRA 1984)
SUP. CT. AS WELL AS DUE PROCESS 14TH AMEND, APPELLANT'S TRIAL
ATTORNEY QUIT ON HIM, AFTER TRIAL, THIS COURT EVEN STATED
THAT FACT IN IT'S APRIL 28TH 2026^{NY} APPELLATE'S COUNSEL HAS
FAILED TO FORWARD HIS GUILTY PLEA, EXPLANATION TO HIS CLIENT,
ALONG WITH A STATEMENT THAT HIS CLIENT HAS TWENTY DAYS TO
INFORM THIS COURT OF ANY ARGUABLE BASIS THAT THEY ARE ISSUES

RESERVED FOR APPEAL // DP1

ARGUMENT-FACTS

APPELLANT ARGUES THAT HE IS NOT A PROFESSIONAL ATTORNEY AND HE IS INDIGENT AND POVERTY-STRICKEN AND UNEDUCATED ABOUT ANY LEGAL ISSUES, AND THAT HE DID NOT KNOW THAT INDIGENT TRIAL ATTORNEY, WOULD QUIT AND NOW SINCE, WILL NOT RESPOND, AND THROUGH NO FAULT OF HIS, IS WHY THIS CASE WAS DISMISSED,

FURTHERMORE, THERE WAS ISSUES TO ARGUE ON APPEAL, APPELLANT'S TRIAL ATTORNEY MOTIONED THE COURT, FOR MORE TIME, TO REVIEW THE AUTOPSY REPORT, HELD BY STATE FOR MONTHS, IN THE FINDINGS BY THE CORONER/MEDICAL EXAMINER, ITS STATES THE DECEASED BODY 'HAD NO INJURIES' (TO THAT EFFECT), APPELLANT ARGUES THAT THE TRIAL COURT DENIED THE TRIAL ATTORNEY'S MOTION, THEREFORE LEADING TO AN 'ALFORD' PLEA, THEREFORE TRIAL ATTORNEY WAS NOT ABLE TO ARGUE THE FINDINGS BY THE CORONER/EXAMINER AT TRIAL, AND THE STATE WITHHELD THIS VALUABLE EVIDENCE, VIOLATING APPELLANT'S 6TH AMEND RIGHTS AS WELL AS THE 5TH AND 14TH AMENDMENTS TO THE U.S. CONSTITUTION, AND THE SOUTH CAROLINA CONST. TO HAVE THE EVIDENCE PUT BEFORE THE COURT IN FAVOR FOR THE DEFENDANT-APPELLANT, THAT EVIDENCE WOULD NOT SUPPORT A "MURDER" CHARGE, AND REFUSAL TO ALLOW SAID REVIEW IS ERROR, THEREFORE APPELLANT HAD TO BAIL OUT, ATTORNEY STATED, THATS NOW AN APPEAL ISSUE.

THEREFORE, APPELLANT PRAYS THE COURT WOULD WITHDRAW ITS DISMISSAL, FOR REASONS ABOVE, AND OTHERS, AND ALSO PRAYS THE COURT WOULD ALLOW APPELLANT TO SUBMIT HIS AFFIDAVIT OF INDIGENCY IN SUPPORT OF APPOINTMENT OF AN APPELLATE ATTORNEY, DUE TO TRIAL COUNSEL "BAILING OUT" OR REMAND FOR THE TRIAL COURT TO APPOINT THIS APPELLANT APPEAL COUNSEL. IF DENIED, APPELLANT WOULD OBJECT AND APPEAL TO THE S.C. SUPREME COURT.

Respectfully Request
x Bernard Eberhart
APPELLANT

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

5-8-2026

FROM Horry County
GENERAL SESSIONS COURT

BORNOLD A. EBERHART
Appellant
VS.
THE STATE OF S.C.
Respondent

HON. PRESIDING Judge
DAVID P. CARAKER JR

APPELLATE CASE NO. 2026-000400
TRIAL COURT CASE NO 2024GS2603214

APPELLANT'S AFFIDAVIT OF INDIGENCY

I, BORNOLD AMASTIR EBERHART, declare, depose and ^{swear} swear under penalty of perjury that I cannot afford counsel for my appeal, and just like at trial request respectfully that this honorable court of appeals - SOUTH CAROLINA will issue an order requiring that I be appointed an attorney to present my arguable issues to this court on appeal.

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SC Court of Appeals

Respectfully Requested,
Bornold Eberhart
APPELLANT

CERTIFICATE OF SERVICE

I BORNOLD A. EBERHART, CERTIFY THAT I HAVE HANDED OVER TO PRISON OFFICIALS, MY MOTION FOR RECONSIDERATION TO BE MAILED, VIA, U.S. POSTAL SERVICE, TO THE HONORABLE CLERK OF THE S.C. COURT OF APPEALS, ON THIS 8TH DAY OF MAY 2026, TO BE FILED WITH THE PAPERS IN THIS CASE,

Respectfully Requested
Bornold Eberhart
APPELLANT

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SC Court of Appeals

5-8-2026

HON-CLEAK
MS. JENNY ABBOTT KITCHINGS
SOUTH CAROLINA COURT OF APPEALS
P.O. Box 11629
COLUMBIA, S.C. 29211

RE: BORNOLD A. EBERHART
Appellant
VS
THE STATE
Respondent

CAUSE NO. 2026-000400
TRIAL NO 2024GS2603214

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SC Court of Appeals

DEAR CLERK,

ENCLOSED. PLEASE FIND AND FILE MY MOTION FOR
RECONSIDERATION WITH THE PAPERS IN THIS CASE. YOUR ATTENTION
IN THIS MATTER IS GREATLY APPRECIATED.

Respectfully,

x Bornold Eberhart
Appellant

BORNOLD A. EBERHART # 400136
KIRKLAND RYE CENTER F3-256
4344 BROAD RIVER Rd.
COLUMBIA, S.C. 29210

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HONORABLE CLERK, MS. JENNY KITCHINGS
SOUTH CAROLINA COURT OF APPEALS
P.O. Box 11629
COLUMBIA, SOUTH CAROLINA
29211

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