

THE SOUTH CAROLINA COURT OF APPEALS

THE STATE, RESPONDENT

RECEIVED

APR 28 2021

SC Court of Appeals

v.

THEODORE JERRY BOLICK, APPELLANT

APPELLATE CASE NO. 2020-001497

- MOTION FOR ORDER TO SHOW CAUSE -

NOW COMES Appellant, Theodore J. Bolick propra persona in an abundance of caution and with good cause hereby moves this Honorable Court to issue an order to Show Cause. In support of this motion Appellant moves the Court to respectfully consider as follows:

STATEMENT OF CASE

On July 23, 2019 Respondent by and through Thomas Groom Terrell III called Appellant to trial on three separate and completely unrelated indictments. The

Trial was commenced and conducted in the Appellant's complete absence. The Appellant also was not represented by counsel. All three cases were presented to a single jury, and on July 24, 2019 the jury found Appellant guilty on all three counts. Appellant was sentenced and the Judgment was sealed.

Appellant upon learning of this outlandish and outrageous trial and conviction, on April 19, 2020 filed and properly served on all parties a Motion For Mistrial. Appellant on June 6, 2020 also filed and properly served on all parties a Motion For New Trial. Further, Appellant has on multiple occasions motioned the court for all pre-trial and trial transcripts.

Respondent by and through Thomas Groom Terrell III on September 16, 2020 had Appellant brought before Judge William Seals. Respondent sought only to have the Judgment opened and read.

Judge William Seals made no inquiry as to counsel or representation on behalf of Appellant. Judge Seals refused to allow Appellant to be heard on any motion, or

or even speak. Judge Seals read Appellant the Judgments, informed Appellant that if he didn't like it to "appeal," and signaled the Bailiffs to remove Appellant from the courtroom without allowing the Appellate to address the court.

Miraculously, Appellant, without counsel, access to a law library, or court rules after two attempts, was able to properly give timely notice of appeal and serve all parties. Thereafter, Respondent by and through Senior Assistant Deputy Attorney General, William M. Blich Jr., the Appellant, and the Honorable Court of Appeals unanimously agreed the case should be remanded back to Circuit Court for consideration of all outstanding motions including but not limited to Motion To Reconsider, Motion For Mistrial, and Motion For Appointment of Counsel.

On February 5, 2021 the Honorable Court of Appeals issued and filed an order remanding the case back to Circuit Court for consideration of all outstanding motions. Further, the Honorable Court of Appeals ordered, "Respondent shall provide this court [with] status

updates every thirty days until the motions are resolved," (Emphasis Added.) A copy of the Order is submitted as Exhibit A for the Court's viewing.

REASON FOR ORDER TO SHOW CAUSE

On March 1, 2021 Respondent by and through Thomas Groom Terrell III notified the Court of Appeals that Appellant's motions were scheduled to be heard on February 17, 2021, however, he falsely informed the court that Appellant's hearing could not be had due to the Appellant being placed in quarantine. Factual evidence will demonstrate the Appellant was not placed in quarantine until February 18, 2021, the day after the hearings were scheduled. Respondent's fabricated reasoning for not having hearings is suspect. However, Respondent informed the Appellant and the Court of Appeals the hearing had been rescheduled for March 10, 2021. A copy of this correspondence is submitted herewith as Exhibit B.

Contrary to Respondent's allegation

that Appellant's hearing had been rescheduled for March 10, 2021, the hearing was not had, nor did Respondent notify Appellant or the Court of Appeals why, or give a status update to the Appellant's knowledge. However, the Appellant was somehow appointed counsel over his objections and assertions to proceed pro se.

This appointed counsel notified Appellant by letter that a hearing had been scheduled for April 14, 2021. However, Appellant did not appear in Harry County Circuit Court until April 15, 2021.

At this appearance Appellant was allowed to proceed pro se, and argue his Motion for Mistrial. Thereafter, the Court granted the Appellant's Motion for Mistrial finding that the prosecutor had participated in improvident conduct by bringing to trial all three indictments to trial in front of one jury simultaneously. That this conduct by the prosecutor caused the Appellant into filing for mistrial and thereafter a mistrial has been granted.

When the judge's or prosecutor's conduct causes a defendant into moving for mistrial the Double Jeopardy Clause bars a subsequent

prosecution State v. Cannon, 927 F.3d 796 (4th Cir. 2019); U.S. v. Mosteller 741 F.3d 503 (4th Cir. 2014); and State v. Parker, 391 S.C. 606 2011. However, as of the date of this writing, April 21, 2021 Appellant still has not been released from custody and remains a prisoner in the S.C.D.C. Further, to the Appellant's knowledge the Respondent has not given this Honorable Court a status update of this case since March 1, 2021. Therefore, Respondent is manifestly in contempt of this Court's order dated February 5, 2021.

CONCLUSION

WHEREFORE, because Appellant is still in custody being wrongfully denied his liberty, and because Respondent has not followed the directive of this Court given February 5, 2021, the Appellant move this Honorable Court for an Order To Show Cause

Respectfully Submitted
This 21st day of April, 2021
Theodore Boliek pro se
4848 Goldmine Hwy
Kershaw, S.C. 29067

Exhibit B

State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit



Scott R. Hixson
Chief Deputy Solicitor

REPLY TO

P.O. BOX 1276
CONWAY, SC 29528
843-915-5460
FAX: 843-915-6461

Alicia A. Richardson
Deputy Solicitor

REPLY TO

P.O. BOX 1688
GEORGETOWN, SC 29442
843-545-3169
FAX: 843-545-3268

JIMMY A. RICHARDSON, II
Solicitor

March 1, 2021

The Honorable Jenny Abbott Kitchings
Clerk of Court
PO Box 11629
Columbia, SC 29211

Re: State vs. Theodore Jerry Bolick
Appellate Case No. 2020-001497

Dear Ms. Kitchings:

Appellant's motions were scheduled to be heard Wednesday, February 17, 2021, before the Honorable J. Seals. Appellant was scheduled to participate in J. Seals' virtual courtroom from SCDC. The morning of February 17, we were notified by the Department of Corrections that Mr. Bolick was being moved to a new facility and was therefore placed into quarantine. Consequently, he was not able to join the virtual courtroom and we were unable to proceed with having his motions heard that morning.

We have rescheduled his motions to be heard during the next term of General Sessions court in Horry County, the morning of March 10, 2021, before the Honorable J. John. By this time, Appellant should be in his new facility, out of mandated quarantine, and able to join the virtual courtroom.

Sincerely,


Thomas Groom Terrell, III
Assistant Solicitor

Cc: Theodore Jerry Bolick, 00384070
Kershaw Correctional Institution

The mission of the Fifteenth Circuit Solicitor's Office is to uphold the public's trust in the pursuit of justice and enforcement of the law.

Certificate of Service

I hereby certify I placed a copy of the foregoing Motion For Order To Show Cause in the U.S. Mail Postage pre-paid addressed:

Thomas Groom Terrell III
P.O. Box 1688
Georgetown, S.C. 29442

This 21st day of April, 2021
Theodore Bolick

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APR 26 2021

SC Court of Appeals

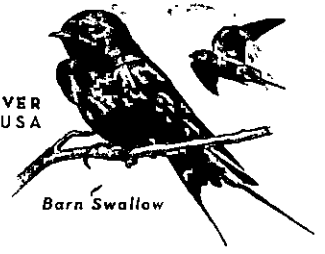
Meodore Bolick 384070
Sycamore B-18
4848 Goldmine Hwy
Kershaw, S.C. 29067

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APR 26 2021

SC Court of Appeals

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USA



Barn Swallow

South Carolina Court of Appeals

P.O. Box 11629

Columbia, S.C. 29211

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APR 22 2021

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