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Jun 11 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
COUNTY OF Horry )

IN THE COURT OF GENERAL SESSIONS  
15<sup>TH</sup> JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )

ORDER OF RECONSIDERATION

V. )

Indictment no: 2016GS2604947, 953, 5081

THEODORE JERRY BOLICK, )  
DEFENDANT )

FILED  
HORRY COUNTY  
2021 JUN 10 4:26  
RENEE H. LYNIS  
CLERK OF COURT  
HORRY COUNTY, SC

After hearing from the State and the Defendant, and following careful and extensive reconsideration of the issues, the **State's Motion for Reconsideration is Granted**.

This Court granted to the State a rehearing requesting the Court to reconsider its orders of April 16, 2021, granting Defendant's Motion for a Mistrial and Defendant's Motion for a New Trial. This hearing was held on June 8, 2021, on the specific issue of joinder where the Court was more completely apprised of the facts and circumstances of the case at bar as well as the evolving case law on which the State relies to support a consolidated trial.

The original decision to grant these motions was based on the State's decision to consolidate three separate burglaries from three separate dates over a nine day span into one trial. In order to prevail on a claim of misjoinder, the defendant must show that consolidation was improper and that he was unfairly prejudiced by the evidence of multiple crimes presented to the jury. This Court has considered the factors necessary for appropriate joinder as being where the crimes (1) arise out of a single chain of circumstances or transactions, or are connected crimes closely related in kind, place, and character; (2) are proved by the same evidence; (3) are of the same general nature; and (4) where no real right of the defendant has been prejudiced. While the facts here do not show a single, unbroken chain of events in a strict sense, they are certainly connected crimes closely related in kind, place, and character where within only a nine day period, three separate but related businesses were all burglarized in the same, undeniably unique manner. A substantial portion of the evidence across the three cases would be essentially the same. The crimes are not just of the same general nature, but are the same crimes. Finally, because this Court feels the evidence of all three crimes would be allowed in under Lyle and its progeny, to include the recent guidance given by our Supreme Court in Perry, Durant, and Cotton, the Defendant cannot show he was prejudiced by the introduction of evidence of all three burglaries.

This Court finds that joinder by the State was not improper.

This Court finds that the Defendant has not established unfair prejudice because of a consolidated trial.

**The Defendant's Motion to Reconsider or Consider was Granted** previously to the extent that Defendant was asking this Court to Consider his Motion for a Mistrial and Motion for a New Trial which he filed prior to his sentence being unsealed; both of those motions have been heard, reconsidered, and for the reasons explained below, denied.

**The Defendant's Motion for a Mistrial is hereby Denied.**

This Court finds that Defendant's absence during the course of his trial was voluntary and no reason to grant a mistrial.

There is no evidence of misconduct by the prosecutor or the various members of the judiciary and this Court finds none.

**The Defendant's Motion for a New Trial is hereby Denied.**

This Court finds that Defendant's absence during the course of his trial was voluntary and no reason to grant Defendant a new trial.

Having now denied Defendant's Motion for a New Trial and Defendant's Motion for a Mistrial, this Court must now reach a decision on Defendant's other outstanding post-trial motions as ordered by the Court of Appeals. This Court rules as follows:

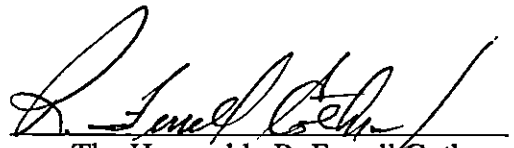
**The Defendant's Motion for Appointment of Counsel is hereby Denied** as an issue for the Court of Appeals to grant or deny for assistance in his appellate process.

**Attorney Jonathan Hiller is hereby Relieved as Counsel.** Counsel may be appointed at the appellate level.

**The Defendant's Motion for Transcripts is hereby Denied.**

**BE IT SO ORDERED.**

This 10 day of June, 2021  
Conway, South Carolina

  
The Honorable R. Ferrell Cothran  
Circuit Court Judge

FILED  
Horry County  
2021 JUN 10 P 4: 26  
REHEEN, ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC