

Theodore Bolick 384070
Kirkland R³E D1-28
4344 Broad River Rd.
Columbia, S.C. 29210

RECEIVED

JUL 20 2021
SC Court of Appeals

July 15, 2021

To: Jenny Abbott Kitchings
P.O. Box 11629
Columbia, S.C. 29201

RE: State v. Bolick
2020-001497

Dear Ms Kitchings.

As is plainly manifested by the records in this case I was granted my prose Motion For Mistrial during the 2021, April 12 term of Horry County Circuit Court. To be exact I was granted the Motion For Mistrial on April 15, 2021. This fact is supported by the two letters dated 4/12/21 and 5/14/21 from Solicitor, Thomas Terrell III to your office as a "status update" in this case. Finally, submitted herewith and labeled Attachment A is the actual Order itself. Therefore, it should be an undisputed fact that I was granted a Motion For Mistrial on April 15, 2021, and my judgment and sentence were vacated. The April 12, 2021 term of court ended on April 16, 2021.

Ms. Kitchings it is well settled and long-

standing law that once a term of court has ended, the trial judge lacks authority and subject matter jurisdiction to change, alter, or amend an order or judgment unless it is to correct a clerical error, or upon a timely filed motion.

In my case Solicitor, Thomas Terrell III on April 23, 2021, seven (7) days after the April 12, 2021 term of court expired, filed a very untimely Motion To Reconsider. He, (Mr. Terrell) states it is by leave of the court that he does this.

However, long ago the South Carolina Supreme Court in Ex Parte Lilly, 7 S.C. 372 (1876) held,

"Where the term of a Circuit Court, as fixed by law, has expired the Judge has no power, by order, to continue its existence, convene it at another time, and proceed to the trial of cases."

Further, the South Carolina Supreme Court in Smalls v. Weed, 293 S.C. 364 (1987) held,

"Under general rule, statutes which deprive a court of jurisdiction are to be strictly construed and must be examined in light of the object enactments, the purposes they are to serve, and the mischief they are to remedy, [emphasis added], bearing in mind statutes must be restrained

with narrower limits than their words import."

Ms. Kitchings, it is as clear as night follows day that Judge Cothran lacked subject matter jurisdiction to enter the June 10, 2021 Order of Reconsideration in my case.

The South Carolina Supreme Court on many occasions has recognized that, "It is a long-standing rule of law that a trial judge is without jurisdiction to consider a criminal matter once the term of court during which judgment was entered expires." See State v. Mixon, 275 S.C. 575 (1981); State v. Patterson, 272 S.C. 2 (1978); and State v. Best, 257 S.C. 361 (1972) accord Rule 29 SCRCrimP.

The South Carolina Supreme Court has also held that a trial judge is without jurisdiction to consider a motion to reconsider order denying new trial motion which was not filed until after expiration of term of court during which order was entered. See State v. Hinson, 303 S.C. 92 (1990).

Therefore, in my case it becomes irrefutable that Judge Cothran lacked subject matter jurisdiction to enter the June 10, 2021 Order

in my case.

Both the United States Supreme Court and the South Carolina Supreme Court have held that subject matter jurisdiction can be raised at any time, and it cannot be waived, see U.S. v. Cotton, 535 U.S. 625 (2002); and State v. Gentry, 363 S.C. 93 (2005). Further, both the United States Supreme Court and the South Carolina Supreme Court have stated the issue of subject matter jurisdiction may, and should be addressed by the appellate courts, and they may do so sua sponte or ex mero motu. See Koon v. State 358 S.C. 354 (2004); Godzalez v Thaler, 565 U.S. 134 (2012)

Therefore, I am respectfully asking this Court to take judicial notice of its own record and the public records in my case. To see the manifest injustice occurring, and to address it sua sponte of its own accord. I am imprisoned by means of an Order that was entered by a judge who lacked subject matter jurisdiction, and therefore the June 10, 2021 Order of Reconsideration is legally and lawfully void, see Hook v. State, 353 S.C. 48 (2003); and Coon v. Coon, 364 S.C. 563 (2005).

Because this is a issue of subject matter Jurisdiction, and because the appellate courts

HAIR
11/11

have been instructed to recognize and address issues of subject matter jurisdiction sua sponte, and because my continued incarceration on a vacated judgment is a manifest injustice, I am kindly and respectfully asking you to please present this letter and issues to a Justice of the Court of Appeals. To allow Horry County government officials to be rewarded for their corruption by forcing my prolonged incarceration is to promote more corruption.

Sincerely
T. Bolick

STATE OF SOUTH CAROLINA
COUNTY OF Horry

ORDER IN A CRIMINAL CASE
WARRANT(S) 2016A2620602245, 2250-51

RECEIVED

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S): 2016GS2605081, 2016GS2604953
2016GS2604953

APR 20 2021
SC Court of Appeals

State of South Carolina

THEODORE JERRY BOLICK
DEFENDANT(S)

This form order submitted by: Thomas Groom Terrell, III Assistant Solicitor	Attorney for : <input checked="" type="checkbox"/> State <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
--	---

DISPOSITION TYPE

- DECISION BY THE COURT AFTER HEARING. This action came to a hearing before the court. The issues have been heard and a decision rendered. See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE. This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered. See below for additional information.
- MOTION: MOTION FOR MISTRIAL
 - GRANTED DENIED CONTINUED WITHDRAWN
 - WITHDRAWN BY MOVING PARTY: _____
Signature of Moving Party
 - OTHER:

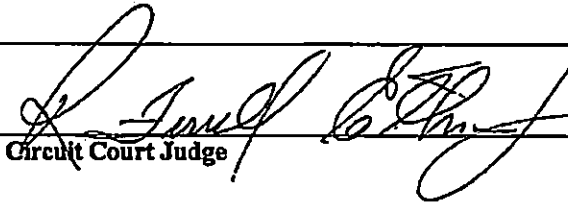
2021 APR 19 AM 8:15

FILED

IT IS ORDERED AND ADJUDGED: See Order of the Court below See attached order:
 Formal Order to follow; to be prepared by: State Defendant Other:

ORDER INFORMATION

-This order ends does not end the case.
Additional Information for the Clerk :


 Circuit Court Judge

Judge Code: 2144

Date: 4-16-21 ^{dsc}

For Clerk of Court Office Use Only

This judgment was entered on the 19 day of April, 2021 and a copy mailed first class or placed in the appropriate attorney's box on this 19 day of April, 2021 to attorneys of record or to parties (when appearing pro se) as follows:

Thomas Groom Terrell, III
ATTORNEY(S) FOR THE STATE

Pro se

ATTORNEY(S) FOR THE DEFENDANT(S)
Bene N. Eln
CLERK OF COURT

Court Reporter:

FILED
2021 APR 19 AM 8:15

Theodore Bolick 384070
Kirkland R3E B1-28
4344 Broad River Rd
Columbia, S.C. 29210

RECEIVED
JUL 20 2021
SC Court of Appeals



U.S. POSTAGE PITNEY BOWES
ZIP 29210 \$ 000.71⁰
02 4W
0000378357 JUL 16 2021

KCI MAILROOM
JUL 16 2021

South Carolina Court of Appeals
Jenny Abbott Kitchings
P.O. Box 11629
Columbia, S.C. 29201

**LEGAL
MAIL
ONLY**

2921181629 8012

