

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Mar 30 2022
SC Court of Appeals

Appeal from Horry County

Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

THEODORE JERRY BOLICK

APPELLANT

APPELLATE CASE NO. 2020-001497

MOTION TO HOLD IN ABEYANCE

Counsel for Theodore Jerry Bolick respectfully requests that this case be held in abeyance pending receipt of a May 16, 2018 pre-trial hearing transcript, and the imposition of the sealed sentence pronouncement transcript of September 16, 2020. The initial brief of appellant and designation of matter on appeal is presently scheduled to be filed with this Court on April 13, 2022, having previously been extended by prior orders of this Court. In support of this request, counsel shows:

1. Appellant was indicted in October 2016 by the Horry County Grand Jury for three counts of burglary in the second degree. Appellant represented himself, and he appeared for pre-trial hearings on May 16, 2018 and May 18, 2018 before the Honorable Steven H. John. Assistant Solicitor Thomas G. Terrell, III argued on behalf of the state during these motion hearings. Appellant was

subsequently tried *in absentia* before the Honorable Larry B. Hyman and a jury beginning on July 22, 2019. The state was again represented by Thomas G. Terrell, III. After a three-day trial, the jury convicted appellant on each count of burglary in the second degree. Judge Hyman sealed the sentences. On September 16, 2020 the sentences were unsealed in open court, and the twelve year concurrent sentences on the burglary in the second degree counts were pronounced upon appellant. Appellant filed a motion for a new trial and a motion to reconsider on September 24, 2020. A Form 4 order denying these motions dated November 3, 2020 was then filed.

2. A notice of intent to appeal was then filed with this Court on November 13, 2020. This Court subsequently issued an order dated February 5, 2021 holding the appeal in abeyance and remanding appellant's case to the circuit court after it was discovered that certain of appellant's post-trial motions were still outstanding in the lower court. A hearing on appellant's pro se motion for a new trial and on his motion to reconsider were held before Judge Cothran on April 15, 2021. At the conclusion of the hearing the judge granted appellant's motion for a new trial. The state filed a motion to reconsider, and a hearing was subsequently held on the state's motion before Judge Cothran on June 8-9, 2021. Judge Cothran granted the state's motion for reconsideration in his written order filed June 10, 2021 in the Horry County Court of General Sessions. The state then provided an update to this Court regarding the finality of the remand proceedings, and this Court resumed jurisdiction over appellant's appeal.

3. While undersigned counsel was reviewing the transcripts in this case, and particularly the pre-trial transcript of May 18, 2018 in preparation for the filing of his initial brief of appellant and designation of matter, counsel discovered that an additional pre-trial hearing was involved in this case. That pre-trial hearing, referenced above, was held before the Honorable Steven H. John in the Court of General Sessions in Horry County on May 16, 2018. **This office had no notice of this hearing.**

Appellant had appeared *pro se* at that hearing, and apparently out of inadvertence appellant failed to inform our office of this additional pre-trial hearing, and therefore the transcript of that May 16, 2018 hearing was not ordered.

4. Yesterday, on March 29, 2022, our office ordered the transcript of the May 16, 2018 pre-trial hearing from court reporter Kay H. Richardson as evidenced by Exhibit A which is attached to this motion. Additionally, counsel discovered that the transcript of the hearing in which the sealed sentence was pronounced on appellant on September 16, 2020 also needed to be ordered. Our office, today, March 30, 2022, ordered the transcript of that March 30, 2022 sentencing hearing from court reporter Grace Hurley as evidenced by Exhibit B which is also attached to this motion.

5. Counsel will notify this Court immediately upon receipt of these two missing transcripts. Counsel regrets that there were four previous extension requests in this case.

WHEREFORE, undersigned counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and designation of matter be held in abeyance pending receipt of these two hearing transcripts.

Respectfully submitted,



Taylor D. Gilliam
Appellate Defender
Attorney for Appellant

March 30, 2022

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Mar 30 2022
SC Court of Appeals

Appeal from Horry County

Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

THEODORE JERRY BOLICK

APPELLANT

APPELLATE CASE NO. 2020-001497

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Hold in Abeyance in the above referenced case has been served on William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 30th day of March, 2022.



Taylor D. Gilliam
Appellate Defender

ATTORNEY FOR APPELLANT

EXHIBIT A

From: [Stock, Chris](#)
To: KRichardson@sccourts.org
Cc: [White, Della](#); [Warren, Kavlynn](#); [Gilliam, Taylor](#)
Subject: Bolick - Transcript Request for hearing on May 16, 2018
Date: Tuesday, March 29, 2022 2:25:16 PM
Attachments: [5.16.18_Transcript Request.PDF](#)

Ms. Richardson,

Our office is working on the appeal for Theodore Jerry Bolick and we would like to request the transcript of the hearing held before Judge Steven H. John in Horry County on May 16, 2018.

Please find our transcript request attached.

Thank you for your time.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 29, 2022

Ms. Kay H. Richardson
Circuit Court Reporter
P. O. Box 282
Aynor, SC 29511

Dear Ms. Richardson:

Please provide us with the following transcript:
The State v. Theodore Jerry Bolick

Case #: 2016-GS-26-04947,
2016-GS-26-04953,
2016-GS-26-05081

Appellate Case No. 2020-001497
County: Horry
Presiding Judge: Steven H. John

Date of Trial: May 16, 2018

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25 and include any and all recorded motions (pretrial and post-trial). Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection** and the State and defense counsel's **opening and closing arguments** and include the **jury strike sheet**. Please be sure to include **headers** and a **complete index** including a **listing of exhibits**. **Please, do not include keyword indexing.**

If you are aware of any co-defendants, additional transcripts, or if the Attorney General's Office has already requested a transcript, please let us know.

SCCID **prefers** that all transcripts are sent via **certified mail**. If you choose to send transcripts electronically, you must use the SC Department of Technology's file transfer service at <https://scfiledrop.sc.gov>. New users click the register button to sign up for the service. For assistance with registration or passwords, contact the SC Department of Technology Service Center at 803-896-0001, option 2.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

s/ Kaylynn Warren

cc: S. C. Court of Appeals
Attorney General's Office
S. C. Court Administration

**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

**COURT REPORTERS' REQUEST FOR PAYMENT FOR
TRANSCRIPT IN CRIMINAL INDIGENCY CASE****TO: SC COMMISSION ON INDIGENT DEFENSE**
PO BOX 11589
COLUMBIA, SC 29211-1589

SIGNATURE OF APPROVING OFFICIAL AT APPELLATE DEFENSE:

FORWARD THIS SIGNED AND COMPLETED FORM ALONG WITH THE REQUESTED TRANSCRIPT TO THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION. THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION WILL APPROVE THIS REQUEST FOR PAYMENT AND FORWARD THE REQUEST TO THE S.C. COMMISSION ON INDIGENT DEFENSE FOR PAYMENT. ALL QUESTIONS REGARDING PAYMENT SHOULD BE MADE TO THE S.C. COMMISSION ON INDIGENT DEFENSE P.O. BOX 11433, COLUMBIA, SC 29211-1433, PHONE: (803) 734-1343, E-Mail: executive@sccid.sc.gov.

CASE NAME:

CRIMINAL CASE (INDICTMENT) NO.(s):

DATE TRANSCRIPT REQUESTED BY APPELLATE DEFENSE:

DATE TRANSCRIPT PROVIDED TO APPELLATE DEFENSE:

PLEASE NOTE THAT THE DEFENSE OF INDIGENTS FUND WILL REIMBURSE THE REQUESTING PARTY FOR EITHER THE ORIGINAL TRANSCRIPT OR ONE COPY, BUT NOT FOR BOTH. PLEASE DO NOT INCLUDE KEYWORD INDEXING.

RULE 607 (H)(1), SCACR, PROVIDES THAT IN ALL CRIMINAL INDIGENCY CASES, INCLUDING POST-CONVICTION AND SEXUAL VIOLENT PREDATOR PROCEEDINGS, THE FEE FOR THE ORIGINAL TRANSCRIPT IS FOUR DOLLARS AND TWENTY-FIVE CENTS (\$.4.25) PER PAGE AND THE FEE FOR A COPY OF THE TRANSCRIPT IS ONE DOLLAR (\$1.00) PER PAGE.

PURSUANT TO THE REQUEST OF THE S.C. COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION, THE TRANSCRIPT IN THE ABOVE MATTER WAS PROVIDED TO THAT OFFICE. REIMBURSEMENT IN THE FOLLOWING AMOUNT IS HEREBY REQUESTED:

- ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____
- COPY OF ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____
- OTHER (Please specify): _____: \$ _____

TOTAL PAYMENT REQUESTED:

\$

PRINTED OR TYPED NAME OF COURT REPORTER:

SIGNATURE OF COURT REPORTER:

ADDRESS:

A SC VENDOR IDENTIFICATION NUMBER, WHICH IS ISSUED BY THE SC COMPTROLLER GENERAL'S OFFICE, AND IS NEITHER A FEDERAL EMPLOYER IDENTIFICATION NUMBER NOR AN INDIVIDUAL SOCIAL SECURITY NUMBER, IS REQUIRED FOR PAYMENT PROCESSING. (SCCID DOES NOT REQUIRE A FEI OR SSN)

IF YOU DO NOT HAVE A SC VENDOR ID NUMBER, APPLY HERE:
<https://webprod.cio.sc.gov/SCVendorWeb/mainNewFrame.do>

PHONE NUMBER:

NOTE: ONCE YOU APPLY FOR A SC VENDOR ID, THE SC COMPTROLLER GENERAL'S OFFICE REQUIRES A 72-HOUR WAITING PERIOD TO VERIFY YOUR ID NUMBER. ADDITIONAL LINKS AND INFORMATION MAY BE FOUND AT:

EMAIL ADDRESS:

<http://sccid.sc.gov/register.cfm>

VENDOR ID NUMBER:

SCCID USE ONLY:

SCCID FILE NUMBER:

DOCUMENT NUMBER:

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name Kaylynn Warren	Phone Number 803-734-1330	Email Address	
Mailing Address 1330 Lady Street, Suite 401	City Columbia	State SC	Zip Code 29201
Transcript Information			
Docket Number 2016-GS-26-04947, 2016-GS-26-04953, 2016-GS-26-05081	Case Caption (i.e. State v. John Doe or Smith v. Smith) The State v. Theodore Jerry Bolick		
Date(s) of Proceeding May 16, 2018	Circuit X Family	County Horry	
Presiding Judge Steven H. John	Expedited Yes No X		
Court Reporter(s) Ms. Kay H. Richardson	Opposing Counsel		

Requestor's Signature: Kaylynn Warren
(Typed name will serve as signature)

Date: 03/29/2022

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

EXHIBIT B

From: [Warren, Kaylynn](#)
To: Refiredcr@sccourts.org
Cc: transcripts@sccourts.org
Subject: Transcript Request- Theodore Jerry Bolick September 16, 2016 Horry County
Date: Wednesday, March 30, 2022 3:45:00 PM
Attachments: [09.16.20 Transcript Request- Theodore Jerry Bolick.pdf](#)

Good Afternoon,

Please see attached transcript request from the Division of Appellate Defense.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 30, 2022

Ms. Grace L. Hurley
Retired Circuit Court Reporter
1220 Senate Street
Columbia, SC 29201

Dear Ms. Hurley:

Please provide us with the following transcript:

The State v. Theodore Jerry Bolick

Case #: 2016-GS-26-04947, 2016-GS-26-04953, 2016-GS-26-05081

Appellate Case No. 2020-001497

County: Horry

Date of Trial: September 16, 2020

Presiding Judge: William H. Seals

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25 and include any and all recorded motions (pretrial and post-trial). Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection** and the State and defense counsel's **opening and closing arguments** and include the **jury strike sheet**. Please be sure to include **headers** and a **complete index** including a **listing of exhibits**. **Please, do not include keyword indexing.**

If you are aware of any co-defendants, additional transcripts, or if the Attorney General's Office has already requested a transcript, please let us know.

SCCID **prefers** that all transcripts are sent via **certified mail**. If you choose to send transcripts electronically, you must use the SC Department of Technology's file transfer service at <https://scfiledrop.sc.gov>. New users click the register button to sign up for the service. For assistance with registration or passwords, contact the SC Department of Technology Service Center at 803-896-0001, option 2.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

s/Kaylynn Warren
Kaylynn Warren
Administrative Assistant

cc: S. C. Court of Appeals
Attorney General's Office
S. C. Court Administration

**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

**COURT REPORTERS' REQUEST FOR PAYMENT FOR
TRANSCRIPT IN CRIMINAL INDIGENCY CASE****TO: SC COMMISSION ON INDIGENT DEFENSE**
PO BOX 11589
COLUMBIA, SC 29211-1589

SIGNATURE OF APPROVING OFFICIAL AT APPELLATE DEFENSE:

FORWARD THIS SIGNED AND COMPLETED FORM ALONG WITH THE REQUESTED TRANSCRIPT TO THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION. THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION WILL APPROVE THIS REQUEST FOR PAYMENT AND FORWARD THE REQUEST TO THE S.C. COMMISSION ON INDIGENT DEFENSE FOR PAYMENT. ALL QUESTIONS REGARDING PAYMENT SHOULD BE MADE TO THE S.C. COMMISSION ON INDIGENT DEFENSE P.O. BOX 11433, COLUMBIA, SC 29211-1433, PHONE: (803) 734-1343, E-Mail: executive@sccid.sc.gov.

CASE NAME:

CRIMINAL CASE (INDICTMENT) NO.(s):

DATE TRANSCRIPT REQUESTED BY APPELLATE DEFENSE:

DATE TRANSCRIPT PROVIDED TO APPELLATE DEFENSE:

PLEASE NOTE THAT THE DEFENSE OF INDIGENTS FUND WILL REIMBURSE THE REQUESTING PARTY FOR EITHER THE ORIGINAL TRANSCRIPT OR ONE COPY, BUT NOT FOR BOTH. PLEASE DO NOT INCLUDE KEYWORD INDEXING.

RULE 607 (H)(1), SCACR, PROVIDES THAT IN ALL CRIMINAL INDIGENCY CASES, INCLUDING POST-CONVICTION AND SEXUAL VIOLENT PREDATOR PROCEEDINGS, THE FEE FOR THE ORIGINAL TRANSCRIPT IS FOUR DOLLARS AND TWENTY-FIVE CENTS (\$.25) PER PAGE AND THE FEE FOR A COPY OF THE TRANSCRIPT IS ONE DOLLAR (\$1.00) PER PAGE.

PURSUANT TO THE REQUEST OF THE S.C. COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION, THE TRANSCRIPT IN THE ABOVE MATTER WAS PROVIDED TO THAT OFFICE. REIMBURSEMENT IN THE FOLLOWING AMOUNT IS HEREBY REQUESTED:

 ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____ COPY OF ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____ OTHER (Please specify): _____ : \$ _____**TOTAL PAYMENT REQUESTED:**\$

PRINTED OR TYPED NAME OF COURT REPORTER:

SIGNATURE OF COURT REPORTER:

ADDRESS:

A SC VENDOR IDENTIFICATION NUMBER, WHICH IS ISSUED BY THE SC COMPTROLLER GENERAL'S OFFICE, AND IS NEITHER A FEDERAL EMPLOYER IDENTIFICATION NUMBER NOR AN INDIVIDUAL SOCIAL SECURITY NUMBER, IS REQUIRED FOR PAYMENT PROCESSING. (SCCID DOES NOT REQUIRE A FEI OR SSN)

IF YOU DO NOT HAVE A SC VENDOR ID NUMBER, APPLY HERE:

<https://webprod.cjo.sc.gov/SCVendorWeb/mainNewFrame.do>

PHONE NUMBER:

NOTE: ONCE YOU APPLY FOR A SC VENDOR ID, THE SC COMPTROLLER GENERAL'S OFFICE REQUIRES A 72-HOUR WAITING PERIOD TO VERIFY YOUR ID NUMBER. ADDITIONAL LINKS AND INFORMATION MAY BE FOUND AT:

<http://sccid.sc.gov/register.cfm>

EMAIL ADDRESS:

VENDOR ID NUMBER:

SCCID USE ONLY:

SCCID FILE NUMBER:

DOCUMENT NUMBER:

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name Kaylynn Warren	Phone Number 803-734-1330	Email Address kwarren@sccid.sc.gov	
Mailing Address 1330 Lady Street, Suite 401	City Columbia	State SC	Zip Code 29201
Transcript Information			
Docket Number 2016-GS-26-04947, 2016-GS-26-04953, 2016-GS-26-05081	Case Caption (i.e. State v. John Doe or Smith v. Smith) The State v. Theodore Jerry Bolick		
Date(s) of Proceeding September 16, 2020	Circuit X Family	County Horry	
Presiding Judge William H. Seals	Expedited Yes No X		
Court Reporter(s) Ms. Grace L. Hurley	Opposing Counsel William G. Terrell, III		

Requestor's Signature: Kaylynn Warren
(Typed name will serve as signature)

Date: 03/30/2022

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name	Date Received	Email Address	
Notice of Estimate to Requestor Party			
Date: _____ Number of Pages: _____ Estimated Amount			
Mailing Address for Payment	City	State	Zip Code