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May 19 2022

SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

May 19, 2022

The Honorable Jenny Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**Re: State v. Theodore J. Bolick**  
Appellate Case No.: 2020-001497

Dear Ms. Kitchings,

The State received this Court's Order dated May 19, 2022, related to two filings made *pro se* by Mr. Bolick. The first was labeled a Motion for Assistance in which he seeks assistance providing necessary copies of his *pro se* filings even though he is represented by counsel. In the motion he indicates he has prepared an Initial Brief of Appellant and Record on Appeal. He specifically requests the Court assist with his service of the various documents on the State. The State has never been served with the Motion or any of the documents included with the Motion. The second filing was a "Notice of Conflict of Interest" with his counsel. Again, the State was never served with this document. In it, he claims conflict of interest based on counsel needing to obtain all necessary transcripts in order to prepare the brief. His assertions are not sufficient conflicts to warrant removal of capable counsel.

It is my understanding this Court is construing his filings as a motion to relieve counsel and proceed *pro se*. The State notes there is no right of self-representation on appeal under either the federal or state constitutions. See Martinez v. Court of Appeal of California, 528 U.S. 152, 120 S.Ct. 684, 145 L.Ed.2d 597 (2000); State v. Roberts, 364 S.C. 583, 588-89, 614 S.E.2d 626, 629 (2005) (finding no state right to proceed *pro se* on appeal and finding it is within the appellate court's discretion whether to allow a person to proceed *pro se*). As a result, it is within this Court's discretion to require Appellant proceed with current counsel.

The State notes, however, the failure to properly serve documents on the State and his failure to follow the Appellate Court Rules regarding when a Record on Appeal should be produced, support a conclusion that Appellant should be required to proceed with his currently capable counsel to avoid any issues arising in the future with regard to perfecting Mr. Bolick's appeal. The State also notes a review of the Appellate Case File shows multiple attempts by Mr.

Bolick to file *pro se* documents, including after this Court already explained that there is no right to hybrid representation and informed him of his counsel.

Sincerely,

A handwritten signature in blue ink, appearing to read 'William M. Blich, Jr.', with a long horizontal flourish extending to the right.

William M. Blich, Jr.  
Senior Assistant Deputy Attorney General  
Bar No. 15608

cc: Theodore J. Bolick 00384070  
Taylor D. Gilliam, Esquire

## Caroline Collins

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**From:** Caroline Collins  
**Sent:** Thursday, May 19, 2022 4:14 PM  
**To:** Gilliam, Taylor  
**Cc:** Warren, Kaylynn; William Blich  
**Subject:** The State v. Theodore Jerry Bolick (2020-001497)  
**Attachments:** BOLICK Theodore - Return to Motion to Relieve Counsel - 2020-001497 (02986035xD2C78).PDF

Good Afternoon Mr. Gilliam,

Attached please find a copy of an informal Return to Motion to Relieve Counsel in The State v. Theodore Jerry Bolick (2020-001497). This return will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you!

**CAROLINE COLLINS**, Administrative Coordinator  
South Carolina Attorney General's Office  
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