

September 8, 2018

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211

RECEIVED
SEP 17 2018
SC Court of Appeals

RE: Molly M. Morphew, Appellant v. Stephen Dudek, et al., Respondents
Appellate Case Nos. 2017-001393 and 2018-000507.

Dear Ms. Kitchings:

On August 31st, 2018, the Defendants filed a letter to this court raising issue with the August 27th email I submitted to the Defendants regarding the criminal actions I was filing. The reaction of the Defendants was a surprise to me, by their filing of a Motion to Dismiss and Sanctions in the lower court against my Fraud/fraud on the court complaint filed against the Defendants in 2016, and their submission of a letter to this court raising same issue against the pending appeal(s) (see Attachment A). Meaning, if I had known that asking a consultation with counsel to come to a settlement on the criminal charges before filing them could be considered a “threat” or is unlawful then I clearly would not have done so, as apparently this has only caused me more stress, and caused both the courts and myself more money, time and effort. None of which, I’m sure, either has to spare.

Instead, it appears the Defendants have obviously misconstrued my email (included in Attachment A) to mean that I’m attempting to settle my civil complaint(s) by threatening to file criminal charges – criminal charges for the very causes of action dismissed by the lower court from my pending fraud complaint against the Defendants, charges in which the judge informed me that I would have to bring in a criminal action as they are not civil actions. The Defendants were aware of the criminal charges well before my email.

I’m not sure what the Defendants’ letter is attempting to accomplish since they haven’t asked for any specific action from this court, only that it appears they are trying to make me ‘look bad’ in the eyes of, or be frowned upon in disfavor of, this court, as they have done time and time again. So my apologies for my lengthy defense provided via letter, as the Defendants have left me no choice.

I'm afraid this action by the Defendants is just another desperate measure taken in order to relieve themselves of their unlawful actions and fraud, as they did not succeed in their prior motions to dismiss the case(s) or their motion to dismiss my appeal based on their false accusations that I intentionally failed to follow the appellate court rules. Now they intentionally misinterpret my email and intend to twist what is empathy into a false accusation of bad behavior. The aim of the email of 8-27-18 communication was only to advise them of the action I'm about to take, why I'm reaching out to them and why I didn't just file the criminal actions; that I wanted to discuss my concerns of the ramifications to all parties, and talk about a possible out of court settlement of those criminal action(s) due to my concerns before it is out of my hands.

"The aim of this communication is to advise you of the action I am about to take and to discuss the ramifications, and a possible out-of-court settlement."

"In light of your repeated mention and complaints in the pleadings of how much this is costing your clients, I'm sure your clients want this to be over, as do I."

"And though I'm not obligated to provide a 'heads-up', I felt it is the right thing to do as the ramifications are very serious and once started, irreversible. I do not wish harm upon anyone, even when that harm has been caused by your clients themselves."

"Again, my concern is that once filed, is irreversible and cannot be retracted and is out of my hands."

"And so, due to the irreparable harm this could be to your clients, let alone the costs to defend against criminal charges, I felt I needed to reach out and see if we could come to an agreement in order to end this (criminal issue) for all parties."

The Defendants have been protesting regularly how much the allegations of fraud, perjury, forgery, conspiracy, etc. against them is costing and that they want this to be over with, like I do. I thought due to the additional costs criminal actions will be and the ramifications that will be, or could be [to all parties], that by coming to them to ask for a conference to discuss those ramifications and possibly a settlement of those actions before they are submitted and taken out of my hands, was the right thing to do. I discovered that once the criminal complaint is submitted I will no longer have the ability to settle the criminal charges, even if we wanted to, and the criminal complaint is just going to cost more to all parties, and those costs (not just monetary) will be irreparable.

So in my defense, my feelings of empathy were mitigated after I had compiled a very lengthy spreadsheet listing the actual counts of perjury, forgery and fraud/fraud on the court committed by the Defendants. When during my research on how to submit them, I discovered that the charges I've compiled are actual felonies [not misdemeanors] and will seriously affect the Defendants, if charged or even if charged with one count. Those ramifications actually troubled me—mainly for the Defendants' sake! Believe it or not, I felt great concern when I found out the possible affects a felony charge would have for their futures, even though they caused their own harm and the harm against me. I didn't list the ramifications in the email to threaten them, only to let them know what I discovered and that I was concerned how this could affect the rest of their lives. I mean, holding the Defendants accountable for their unlawful actions and correcting/preventing an injustice, protecting my rights and/or preventing fraud on the court is what I'm endeavoring to accomplish, but a felony is something I do not wish on them, specifically because of those consequences listed.

Yes, naïve would be a good word for my lack of criminal understandings, as I've only been involved in the civil setting. I'm not a lawyer (though lawyers don't know all the rules either) and have only so much time and means in which to figure it out, but I'm learning as I go in the time I have and to the best of my abilities. Again, if I had known that reaching out to discuss the criminal charges/complaint, and to possibly discuss a settlement of those criminal charges before I filed would be misconstrued or intentionally misconstrued, I would not have attempted to discuss this with them first. I've always believed in the truth, here and in all dealings with this court and the lower courts. I've also followed the rules to the best of my knowledge and abilities, and immediately corrected my actions if I erred or misunderstood any rule or statute.

My whole crux of the email was my concern of the outcome of the criminal charges for them, and how it would affect me or my pending or subsequent cases negatively. Again, once filed is irreversible. I felt on a moral and decent ground that if it was me I would want the opposing side to let me know of such a serious action they were about to file and give me the opportunity to discuss it first, but of course my opinion is one of honesty and accountability with some sort of fairness considered.

On that note, the Defendants claim I threatened criminal prosecution unless they produced a settlement offer, to end my pending cases and appeals, by August 29th, 2018. As you

can see, nowhere did I “threaten to file criminal charges if they didn’t produce a settlement offer by August 29th in order to end the pending cases”. First, there is no offer at all or a mention of an offer to settle the civil case(s). Second, there is no “offer a settlement or else” on any case. Instead, I said I would proceed to file the prepared criminal complaint if I didn’t hear “directly back from each counsel” by August 29th on how they would like to proceed [i.e., whether or not they would be willing to discuss the criminal complaint]. You see, it seems when I send out an email to all counsel, Mr. Wheeler answers for all opposing counsel, even a pro se party. Since I’ve already raised with opposing counsel on that issue (meaning, one attorney answering for all, including a pro se party, without a scope outlined/agreed upon to what legal extent the answering attorney has in regards to representing the issue at hand), it was my way of requesting each counsel to reply, and to reply within a time limit, so I’m not hanging on assumptions or waiting indefinitely for a reply. Again, nowhere in my email did I state, demand or imply that “I will file if they didn’t produce a settlement offer on the pending cases’. I only required a response from each counsel whether or not they would be willing to discuss the criminal charges and to possibly discuss an ending to them before submitting. I have neither demanded from the Defendants a settlement in the civil actions nor offered to settle any civil action in her email.

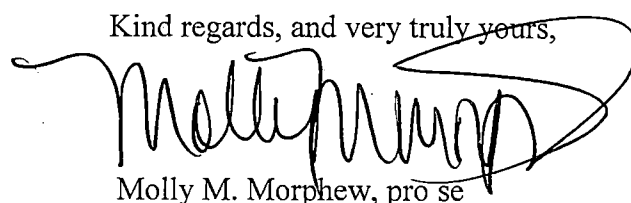
On a final note, my allegations are completely valid and have merit. Proof that has been presented to the lower courts and this court, and such proof will undoubtedly support any criminal action for perjury, forgery, obstruction of justice, criminal conspiracy and fraud/fraud on the court.

I’m not sure how to proceed from here, but to just to provide my defense as stated above and wait for any further instructions from this court.

Also, please file this letter and attachments in response to both appellate cases referenced above, and stamp and return the copy to me in the enclosed self-addressed stamped envelope.

Thank you for your consideration, and please let me know if you have any further questions or concerns in this matter.

Kind regards, and very truly yours,

A handwritten signature in black ink, appearing to read 'Molly M. Morphey', written over a large, loopy flourish that extends to the right.

Molly M. Morphey, pro se

786 Butternut Rd.
Summerville, SC 29483
843-514-7299

Cc: Samuel M. Wheeler, Esquire
Steven Smith, Esquire
Amy B. Hill, Esquire
Amy L. Neuschafer, Esquire
Thomas and Lorraine Ferro
David A. Collins, pro se

ATTACHMENT

A

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August 29, 2018

RECEIVED

AUG 31 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: Molly M. Morpew, Appellant v. Stephen Dudek, et al., Respondents
Appellate Case Nos. 2017-001393; 2018-000507
SJC File Nos. 16-232; 17-167

Dear Ms. Kitchings:

Please file this letter and enclosures in both of the above appellate cases.

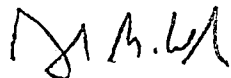
On August 27, 2018, I, along with counsel in all matters brought by Ms. Morpew, received the enclosed email. As you can see, she threatens our clients with criminal prosecution unless we produce a settlement offer, to end her pending cases and appeals, by today, August 29, 2018.

While this email does not directly relate to any of the issues in Ms. Morpew's two pending appeals, I felt the need to put the Court on notice of such activity. For four years, Ms. Morpew has been acting *pro se* in multiple cases and appeals. She has successfully navigated litigation and the appeals process. True, she is not bound by South Carolina's Rules of Professional Conduct, but, at this point, she is not a naïve *pro se* litigant, and she equally should not get a complete pass. If such an email was written by any licensed attorney, then he or she would be sanctioned, suspended or worse.

I have no real forum in which to present this email, other than to the courts presiding over Ms. Morpew's cases and appeals. I have already put the Dorchester County Solicitor's Office on notice of her intentions. To be clear, her allegations are without merit, but that will not stop her from making them and, at minimum, causing a police report to be filed.

Thank you for your assistance. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'S.M. Wheeler', written in a cursive style.

Samuel M. Wheeler

cc: Molly Morphew
Thomas and Lorraine Ferro

Enclosures

no subject)

message

Iolly Morphew <mollymorphew1@gmail.com>

Mon, Aug 27, 2018 at 6:32 AM

cc: "Samuel M. Wheeler" <swheeler@scnlaw.com>, "Steven L. Smith" <ssmith@scnlaw.com>, Amy Neuschafer <aneuschafer@collinsandlacy.com>, Amy Hill <ahill@gwblawfirm.com>, David Collins <davidacollins2@aol.com>

Mr. Wheeler,

As you are aware, I had previously approached all opposing counsel in an email in regards to an important and time sensitive issue. I requested a conference call to discuss further, but you personally replied you all were too busy during that week. Anyways, I took your suggestion and have decided to put my action in an email or writing as I think this should prevent any future misunderstandings or misrepresentations.

All,

The aim of this communication is to advise you of the action I am about to take and to discuss the ramifications, and a possible out-of-court settlement.

In light of your repeated mention and complaints in the pleadings of how much this is costing your clients, I'm sure your clients want this to be over, as do I. Having said this, please do not take this as a sign of weakness on my part as I am fully prepared to take this case, and any pending case, to its fruition as necessary. And though I'm not obligated to provide a 'heads-up', I felt it is the right thing to do as the ramifications are very serious and once started, irreversible. I do not wish harm upon anyone, even when that harm has been caused by your clients themselves. In this case, I'm protecting my rights, reversing an injustice to myself, and attempting to prevent unlawful and fraudulent actions upon our legal system.

So to get to the point, I have and am about to file criminal charges for perjury, fraud, conspiracy, and obstruction of justice against your clients. Again, my concern is that once filed, is irreversible and cannot be retracted and is out of my hands. I understand that just one count of perjury is a felony and when found guilty must warrant a judgment—and in this case - of up to 5 years in prison and/or \$10,000 in fines. It appears there could be multiple counts of perjury, plus a possible count of forgery, conspiracy, fraud, and/or obstruction of justice. Each a felony in itself. A felony on your client's record (and particularly of perjury, fraud, obstruction of justice or conspiracy) could affect their current employment, future employment, security clearances, government pensions, loans, credit, credibility for the individuals and their employers, internal audits by state auditors, fines and sanctions, damage to reputations, and most important to me, will affect any subsequent, current or pending lawsuits or appeals I have against your clients.

Further, the criminal charges will include obtaining property by false pretenses (another felony due to the value of the property), and I'll be raising the issue of a void Order or judgment.

Please be advised, it appears I have approximately 70 counts of perjury and/or misrepresentation of material facts pertinent to the original case by Doreen Cross and Stephen Dudek, including some by Collins, just in the filing of their complaint, their Answer to my original complaint, in their depositions and at trial. Of those 70 there are at least 20 separate, individual and very material false statements made that, if the truth were told by your clients from the beginning as it should have been, would most definitely have guaranteed a different outcome in the original case. Keep in mind these particular counts are only instances by Dudek, Cross and Collins, and exclude any instances in subsequent pending cases or by any other defendants.

And so, due to the irreparable harm this could be to your clients, let alone the costs to defend against criminal charges, I felt I needed to reach out and see if we could come to an agreement in order to end this for all parties. Please consult with your clients and let me know how you wish to proceed. Unless I hear back directly from each counsel representing their client(s)/defendant(s) by end of business Wednesday, August 29th, 2018, be advised the criminal complaint will be filed.

Thank you, and regards,

Molly Morphew

Molly Morpew
786 E. Butternut Rd.
Summerville, SC 29483



The Hon Jenny Abbott Kitchings
Clerk of Court S.C. Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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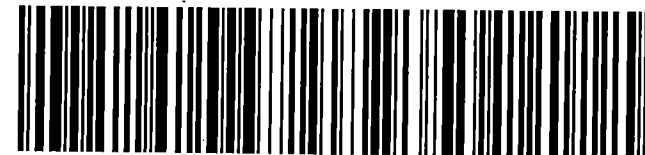
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