

NOTICE OF APPEAL OF "ORDER FOR COMPETENCY TO STAND TRIAL EVALUATION"

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

In the Supreme Court

Mary Allison Griffith-Nesbitt appeals the decision of the Honorable Rupert Markley Dennis, Jr. made on October 5, 2018 on basis of no initial motion filed and upon judicial refusal to hear Appellant's Motion in Opposition.

Order was filed in General Sessions Court in misdemeanor action #2016A1010100200,

State v. Mary Allison Griffith-Nesbitt in Charleston County,

South Carolina by

Judge Rupert Markley Dennis, Jr., an at-large Ninth Circuit Court Judge

on October 5, 2018

Appellant:

Mary Allison Griffith-Nesbitt

502 Mill Street

Bluffton, South Carolina 29910

Attorney of Record (seeking relief of this counsel due to the extreme and illegal circumstances described surrounding case #2016A1010100200 in Charleston County, South Carolina, and due to Judge Rupert Markley Dennis' October 2, 2018 Denial of the same motion filed so that Appellant could admit suppressed exculpatory evidence first provided to Public Defenders):

Charleston County Public Defender's Office

Susanna R. Knox

101 Meeting Street, 5th Floor

Charleston, SC 29401

RECEIVED

NOV 05 2018

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
MOTION COVERSHEET

) WARRANT/TICKET/

) INDICTMENT #'s

2016A1010100200

) STATE OF SOUTH CAROLINA

) -vs-

) MARY ALLISON GRIFFITH-NESBITT

) DEFENDANT

Solicitor:
SCARLETT WILSON _____, Bar No. _____
Address: _____
Phone: _____
E-mail: _____

Defendant's Attorney:
SUSANNA KNOX _____, Bar No. _____
Address: _____
INCLUDES MOTION FOR RELIEF OF THIS COUNSEL FOR CAUSE
Phone: _____
E-mail: _____

- MOTION HEARING REQUESTED
- FORM MOTION, NO HEARING REQUESTED

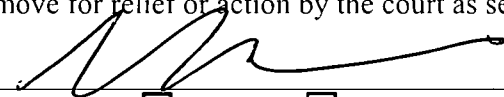
SECTION I: Hearing Information

Nature of Motion: NOTICE OF APPEAL /HON. RUPERT MARKLEY DENNIS' 10/5/2018 COMPETENCY TO STAND TRIAL EVA
Estimated Time Needed: UNKNOWN Court Reporter Needed: YES/ NO

SECTION II: Motion/Order Type

- Written motion attached
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.



Signature of Solicitor Attorney for Defendant

11/2/2018


Date submitted

- _____ policy.
- There is not a case listed in our system that matches this caption.
 - Information may be obtained from our web-site at <http://clerkofcourt.charlestoncounty.org/>
 - The required new case coversheet is not included. (SCCA234)
 - The required motion/order coversheet is not included. (SCCA/233)
 - The required order (Form 4) coversheet is not included. (SCRCP Form 4C)
 - The General Sessions motion coversheet is not included. This form is available online at www.courtplus.org/

Pursuant to *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010), the clerk's office is instructed not to accept filings from a pro se party who is represented by counsel in that matter with the exception of motions to relieve counsel.

Active counsel of record: SUSANNAH KNOX

Other:

Staff initials 

Date 10-5-18

Appellant was told repeatedly by Charleston County General Sessions Court Clerk's Office that Defendants could not file evidences or motions in their cases when they had an attorney, unless the attorney filed/admitted those evidences, preventing Appellant from filing exculpatory evidence.

Therefore, when a trial was scheduled for October 15, 2018 on basis of an original "traffic ticket" arrest without a warrant arising July 11, 2016, Appellant was forced to motion for relief of counsel in efforts to admit two paid-in-full receipts showing the contract ("Rental Agreement") had been satisfied.

The above-referenced Avis Budget Group receipts provided to Appellant in 2017 and 2018 disprove the State's allegations of S.C. 16-13-420A, misdemeanor Larceny/Failure to Return a Rental Vehicle.

Appellant had requested a jury trial. Appellant received the Order via e-mail only on October 5, 2018 from Charleston County Public Defender Susanna Knox, never having received any copy served in any other manner.

Upon Judge Rupert Markley Dennis' October 2, 2018 Denial of Appellant's Motion for Relief of Counsel, the above-referenced Charleston County Public Defender approached Appellant with verbal allegations of mental health concerns.

There was never a mention of mental health concerns prior to Appellant's Motion for Relief of Counsel. Appellant was not permitted to admit paid-in-full receipts (exculpatory evidence) or to be sufficiently heard during the October 2, 2018 Motion for Relief.

The Charleston County Public Defender wrote Appellant an e-mail message on October 3, 2018, containing additional retaliatory mental health allegations, including statements that counsel had personally "prepared such an order." Appellant states attorney's interest exhibits conflict and is not in Appellant's favor, demonstrated by months of documented communication between the parties.

No motion whatsoever was filed by any person in gaining the retaliatory October 5, 2018 retaliatory Mental Competency Evaluation Order signed by Judge Rupert Markley Dennis.

In addition, on October 4, 2018, Appellant wrote and mailed a Motion in Opposition of any such order to Charleston County Court Clerks' offices. Appellant attached the Motion in Opposition in an e-mail to the above-referenced counsel, requesting that it be filed.

Attorney responded with written statements promising that Appellant's Motion in Opposition would be filed if it were mailed to clerks with original signature. Appellant had already mailed the Motion in Opposition according to these standards.

During written conversations between Appellant and Public Defender Susanna Knox on or about October 3-5, 2018, Ms. Knox indicated that Judge Rupert Markley Dennis did not intend to hear Appellant's Motion.

Ms. Knox noted the October 5, 2018 receipt, review, and denial of Appellant's motion by Judge Rupert Markley Dennis, who reportedly refused to hear Appellant on the matter.

Despite the attorney's e-mailed statements confirming that she both visually identified the Motion in Opposition on the judge's desk and had conversations with the judge surrounding how the motion would be handled, Appellant's Motion in Opposition was returned, unfiled, by Charleston County Clerks of Court several days later.

The cause court clerks cited for return of Appellant's Motion in Opposition was the fact that Appellant was represented by counsel, Attorney Susanna Knox, whom Appellant had tried to relieve on October 2, 2018, in efforts to admit exculpatory evidences provided directly by the vendor, and in efforts to gain a fair trial.

As of November 2, 2018, Appellant has not been contacted by mail or by telephone by counsel or by anyone else in scheduling the allegedly required Mental Competency Evaluation. Counsel refuses to respond to Appellant's attempts to gain scheduling information.

Counsel has not complied with the procedural duties outlined in the retaliatory Mental Competency Evaluation Order that she admitted to preparing.

Appellant has not heard from anyone on this matter and wishes to oppose the order in court.

This 28-month-long string of allegations in Charleston County, South Carolina contains important information that necessitates review by a higher court due to demonstrated conflicts of interest and other disturbing matters, which include but are certainly not limited to the suppression of exculpatory evidences by Charleston County Public Defenders, documented by written evidences and voicemail evidences over a period of approximately twenty (20) months.

Exculpatory evidence suppression is further documented by Rules 5 50 and Rule 5 55 filed by Charleston County Solicitor Tyler Whitaker and Prosecutor Scarlett Wilson in case #2016A1010100200 containing letters filed on or about October 23, 2018 following Appellant's October 5, 2018 Priority mailings to both parties, and closely coinciding with the inception of Appellant's public awareness about case events on the Internet in attempting to fund, locate, and retain qualified counsel in this matter.

Appellant enclosed exculpatory evidences in October 5, 2018 mailings to Prosecutor and Solicitor, now marked as Rules 5 50-5 59 with letters explaining public defender exculpatory evidence suppression on Rules 5 50 and 5 55, and requesting dismissal of the action against her.

Appellant also mailed the exculpatory evidence to Judge Rupert Markley Dennis' physical address of record in October of 2018.

No dismissal of charges has occurred, to the best of Appellant's understanding and belief, as of November 2, 2018.

Appellant provided a 26-page letter and some relevant evidences to Chief Justice Beatty for delivery on or about November 2, 2018. Appellant included additional supportive evidence via e-mail prior to awareness

about procedurally filing a formal appeal in this matter. These communications may have been sufficient to support an appeal because of the specificity of the information provided.

Appellant has no prior criminal record.

Appellant should not have her safety, health, or freedom obstructed by a retaliatory Competency Evaluation Order in this misdemeanor action wherein she has already endured 28 months of evidence suppression and selective prosecution in Charleston County, South Carolina.

Appellant requests to be relieved of defense counsel, Attorney Susanna Knox.

Appellant requests that this Court revoke, nullify, and/or invalidate the Order for Competency to Stand Trial Evaluation signed by Judge Rupert Markley Dennis on October 5, 2018, according to e-mail records in possession of Appellant.

Appellant requests that this Court hear and determine appropriate ongoing proceedings in this matter, as Appellant has not had the opportunity to be heard fairly or to gain a fair trial in Charleston County, South Carolina.

Appellant requests removal of Judge Rupert Markley Dennis from this action if the action remains in Charleston County.

Appellant is able to demonstrate multiple causes for conflict of interest determination by this Court in accomplishing recusal of Judge Rupert Markley Dennis, as well as multiple demonstrated conflicts of interest in supporting removal of Attorney Knox from the case.

Appellant requests sanctions, a protective order, and/or relief this Court can offer due to the harm she has suffered, as partially described in her 26-page-letter to Chief Justice Beatty.

Appellant requests a full dismissal of this action against her with jeopardy application (in such a way that Charleston County cannot bother her again in this matter).

Appellant requests additional time to find qualified counsel, if the Court does not dismiss this action, given several complicated circumstances surrounding this action, including but not limited to Appellant's discovery of signature and document fraud during her thirty-plus day review of Rule 5 evidences beginning on or about July of 2018.

Appellant, a former digital designer possessing decades of experience, attempted to report the above-referenced findings to Attorney Knox in writing on September 5, 2018.

Attorney did not assist Appellant in making the necessary reports, instead attempting to cause three (3) more plea deals (guilty pleas) following invalidation of Appellant's attempted reporting.

Appellant was subsequently retaliated against, including but absolutely not limited to severe electronic intrusions ("hacking") on two personal electronic devices approximately four (4) days following her September 5, 2018 documented attempts to report findings to Attorney Knox.

Appellant wishes to be heard in this Court about her experiences in this action, and to give evidence, which includes November 10, 2018 audio statements by her previous Charleston County Public Defender that Solicitor Scarlett Wilson intended to charge Appellant with a single offense surrounding 2016 Avis Budget Group Rental Agreement #4570088243.

Additionally, Appellant would make this Court aware that on November 10, 2018, approximately five (5) months following Appellant's single July 11, 2016 arrest, past public defender indicated on Appellant's voicemail following conversation with Solicitor Wilson that Solicitor Wilson was reportedly unsure of which/what charge would be applied to Appellant's one-in-the-same case #2016A1010203216, which was dismissed and "Not Indicted."

Appellant informs this court that Solicitor Wilson proceeded to add two (2) offenses to case #2016A1010203216 since that time, in a strategy Appellant believes was utilized to support this current misdemeanor action against her, actions she believes indicate selective prosecution.

There are bond fraud matters and matters surrounding a bench warrant gained on August 1, 2017 against Appellant during confusion surrounding past public defender retirement that may affect or have affected many Charleston County Defendants. There is a high probability of judicial signature fraud surrounding the bond fraud in Appellant's case. These are public interest matters.

Appellant wishes to show this court the Rule 5 document findings in assessing their effects on this action and in determining whether such findings could have affected other Charleston County actions.

Appellant wishes to give evidence of all findings. Matters in Charleston County requiring review are not limited to those matters discussed herein.

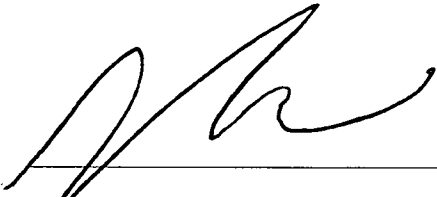
Finally, Appellant now states that Attorney Susanna Knox retaliated against her in drafting the Competency Evaluation Order on or about October 3, 2018 following Appellant's written statements to the attorney on September 5, 2018, shared with Knox in efforts to resolve the matter and move on with her life, that she was designated as both a Christian "end times" prophet/author and a "Catholic priest."

This action in Charleston County has obstructed Appellant's right to due process. Appellant was obstructed from a jury trial by the actions of Susanna Knox and the actions of Judge Rupert Markley Dennis, Jr.

The Competency Evaluation Order efforted to obstruct due process, to harass Appellant, to punish Appellant for making higher reports, to prevent Appellant from speaking in court, and to falsely imprison Appellant and/or violate her medical and/or civil rights in absence of Charleston County's ability to gain a conviction ("instead of" a conviction).

Appellant now urgently and gratefully requests all available assistance and relief, including but not limited to that described above, from this Court in resolving the disturbing matter.

Respectfully Submitted,



Mary Allison Griffith-Nesbitt

Appellant

11/2/18

Dated November 2, 2018



Please file the attached motion (as we previously discussed), with or without your concurrence

1 message

Susannah R. Knox <SKnox@charlestoncounty.org>
To: Mary Allison <holycityvirgin@gmail.com>

Fri, Oct 5, 2018 at 11:44 AM

I apologize for the delay – here is the signed order on your motion to relieve counsel. I know you had some concerns about attachments to my emails – would you like me to continue to send you documents via email or send them in the regular mail (or both)?

I will keep you posted on the judge's decision regarding the mental health evaluation. I submitted your written response to be filed and sent it directly to the judge, and can send you a file-stamped copy to confirm that it's been filed. The judge informed me and the solicitor orally that he will not have a hearing – I am not sure why, but it may be because he has the opportunity to review your written opposition and the fact that there are only five business days left before trial. As I mentioned in my prior email, it is common for judges to make decisions solely upon written submissions.

From: Mary Allison <holycityvirgin@gmail.com>
Sent: Thursday, October 04, 2018 12:46 PM
To: Susannah R. Knox <SKnox@charlestoncounty.org>
Subject: Please file the attached motion (as we previously discussed), with or without your concurrence

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

[Quoted text hidden]

Signed Order - Motion to Relieve.pdf
35 KB



Please file the attached motion (as we previously discussed), with or without your concurrence

5 messages

Mary Allison <holycityvirgin@gmail.com>
To: Susannah R. Knox <sknox@charlestoncounty.org>

Thu, Oct 4, 2018 at 12:46 PM

Case 2016A1010100200. Thank you so much!

Will you please also continue to copy me on all motions/filings/orders in this case until our counsel situation is resolved/you are relieved?

I see that a decision was filed 10/2/2018 regarding my motion to be relieved of your counsel in case #2016A1010100200.

Will you please attach a copy of that to me as soon as possible?

Thank you again!

Mary Allison Griffith-Nesbitt

 **MOTION_OPPOSING_MENTAL_HEALTH_MOTION_2016A1010100200.pdf**
241 KB

Susannah R. Knox <SKnox@charlestoncounty.org>
To: Mary Allison <holycityvirgin@gmail.com>

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[Quoted text hidden]

 **Signed Order - Motion to Relieve.pdf**
35 KB

Mary Allison <holycityvirgin@gmail.com>
To: Susannah R. Knox <SKnox@charlestoncounty.org>

Fri, Oct 5, 2018 at 12:12 PM

Good afternoon and thank you.

Yes, I apologize for that part being unclear (regarding attachments), under the circumstances.

I hate that all this happened.

You are welcome to snail mail them, too, but I know you are busy and, as you say, time until trial is short, so I am not sure how else to accomplish sharing.

Following the hacking, I only open e-mail from you utilizing a certain device, in hoping to ensure that no additional electronic device could potentially be vulnerable to any unintended security issue.

Please copy me on all case filings, including your mental health evaluation motion, at your earliest convenience.

It's certainly a precarious situation, but I know we can all remain positive and get through it.

Mary Griffith-Nesbitt
[Quoted text hidden]

Susannah R. Knox <SKnox@charlestoncounty.org>
To: Mary Allison <holycityvirgin@gmail.com>

Fri, Oct 5, 2018 at 4:27 PM

Did you mail the original to the clerk's office? They are telling me they cannot file the copy I gave them because they need original signatures. If you mail it to them it will get officially filed, like your last couple of filings did.


I do know that the judge received it and reviewed it; he told me verbally this morning that he had read it and I saw it on his desk. He signed the order for the evaluation and it was just filed. Please see the attached.

I know this is not what you wanted, but it does put off the trial date to give you more time to find another attorney and prepare.

From: Mary Allison <holycityvirgin@gmail.com>
Sent: Friday, October 05, 2018 12:12 PM

[Quoted text hidden]

[Quoted text hidden]

 **Eval Order Filed.pdf**
340 KB

Mary Allison <holycityvirgin@gmail.com>
To: quickminder@gmail.com

Mon, Oct 15, 2018 at 4:26 PM

[Quoted text hidden]



Eval Order Filed.pdf

340 KB

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FROM: *Mary A. Griffith*
502 Mill Pt
Bluffton SC, 29910

TO: *Supreme Court of*
South Carolina
1231 Gervais St
Columbia SC 29201

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