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JUL 23 2021

SC Court of Appeals

The State of South Carolina in the
Court of Appeals and Lower Court,
Charleston, South Carolina

Appeal from Charleston County
Diane Shaffer Goodstein, Circuit Court Judge
(Judge of the Court of Appeals never assigned.)

Appellant Court Case No. 2018-001842
Circuit Court Case No. 2018-CP-10-1163

Thelma R. Garrick

Appellant

vs

Dr. George H. Khoury and Bon
Secours St. Francis West Ashley

Respondents

MOTION

The reason for this appeal is that Three Judges of the Court of Appeals using the assessment of the Clerk of Court's written opinion of the above case issued an Order to Dismiss on July 14, 2021.

Appellant, pro se, has no choice but to declare herein with evidence that she has been denied her Due Process of the Law, her fundamental constitutional right to a fair legal proceedings in which all parties are given notice of the proceeding, and have an opportunity to be heard. Proof of this statement may be found herein.

Copies have been forwarded to all concerned via U.S. mail:

Ms. Jenny A. Kitchings, Clerk of Court
Young Clement Rivers, LLP
Mr. Stephen L. Brown
Mr. Russell G. Hines
P. O. Box 993
Charleston, South Carolina 29402

Roger Townsend LLG
Mr. Joseph J. Tierney, Jr.
177 Meeting Street, Suite 320
Charleston, S. C. 29401

Date: July 20, 2021

July 20, 2021

ADDENDUM/APPENDIX I
To be made a part of Motion

Ms. V. Claire Allen, Chief Deputy Clerk
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: Thelma R. Garrick v. Dr. George H. Khoury
and Bon Secours St. Francis West Ashley
Case No. 2018-001842

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Dear Ms. Allen:

I am enclosing my final Motion in reference to the Order of July 14, 2021, and signed by Judge James E. Lockemy, Judge Thomas C. Huff and (?) possibly Judge Athrodite K. Konduros. I would like this letter to be made a part of the Motion as an addendum as it definitely pertains to the above case.

The order as per assessment of the Clerk of Court of the Court of Appeals and directed from the Lower Court in Charleston; eliminated (only now) a critical piece of evidence in the Lower Court case that is illegal anyway you access it. (Appellant was under the impression that coming to The Court of Appeals, a totally different Court, the Judges there would decide the case.)

Please understand that I am far from stupid. Eliminating this evidence was to do with an error of the Lower Court and by doing so it makes it appear that Appellant just did not show up for Court, thus could count as my day in court so that they could dismiss her case. The attorney for the Respondents deliberately told the Judge that Appellant filed "Professional Negligence" that was far from the true filing. It appears that there is no justice throughout this case.

The Court of Appeals of Columbia and the Lower Court of Charleston have erred in its' written opinions, therefore, the reason for filing this Motion.

I asked the Court for the qualifications and duties of the Clerk of Court, and as so many requests over the years I was ignored. However, during my research this past week I found the Court Clerk Job Description: "A court clerk is an administrative worker in the criminal and civil justice systems, providing support to judges, attorneys and other officers of the court. They manage all secretarial duties including maintaining court records, distributing orders of the court, and preparing meeting agendas."

I want to be kind here but cannot because of the treatment I have received, she is not a lawyer or judge and should not have been assigned to access my case, only a Judge from the Court of Appeals. (Appellant knows that filing Pro Se she became invisible, the clerks

only help the attorneys, and I could go on but you know how horribly someone is treated who has to file a Pro se on a legitimate case.

The person or persons who wrote the Order of July 14, 2021 had not or could not have made such a statement.

“After careful consideration of the petition for rehearing (never been a first one), the Court is unable to discover any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a Rehearing accordingly, the petition for rehearing is denied.”

The Court and all who have had anything to do with this case intellectually know the injustice of this statement. The law in this case has been creatively interpreted, but illegal activities plainly in sight. I am told that there is no justice with the law. I truly concur with this statement.

Yours truly,

Thelma R. Garrick, Appellant
195 Crescent Oaks Court
Orangeburg, South Carolina 29115
803-534-9912

P.S. This letter is an addendum to the Motion attached. Thank you.

Copies to:
Young Clement Rivers, LLP
Mr. Russell G. Hines
Mr. Stephen Brown
P. O. Box 993
Charleston, S. C. 29402

Mr. Joseph J. Tierney, Jr. @
Roger Townsend LLG
177 Meeting St., Suite 320
Charleston, S. C. 29401

Ms. Jenny Abbott Kitchings, Clerk of Court

Appellant Case No. 2018-001842 continued

July 20, 2021

TO: THE JUDGES OF THE COURT OF APPEALS

RE: Dismissal of the above case under ORDER OF JULY 14, 2021

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SC Court of Appeals

Appellant has been denied her Due Process of the Law, the fundamental Constitutional right to a fair legal proceedings in which all parties are given notice of the proceedings, and have an opportunity to be heard.

Not only has the Appellant, pro se, been denied her legal rights but has been denied civility, only treated as if she were invisible, and everything Appellant said or the evidence presented was dismissed as unimportant. The Clerk was rude, withheld information, worked with the lawyers of the Respondents to have the Case dismissed; and took instruction from the Lower Court, Charleston. (Appellant was under the impression that she was in the Court of Appeals who would study the case and make an unbiased opinion.) There has definitely been actions that prevented or hindered Appellant receiving a full fair impartial hearing or the full, fair impartial administration of Justice. In other words, Appellant, as pro se, has been abused by the Court and others, or a more legal term would be with misconduct unbecoming the law.

Also the comment overheard, a very insulting bromide that seems to be popular, "He who represents himself has a fool for a lawyer". Appellant is no fool! A horrible crime had been done to her, premeditatedly, planned in advance that should have taken her life without her knowledge or permission. The message had to get out to the elderly, unsuspecting, trusting people to be aware of the new age of doctors and hospitals illegally taking money to do experimental operations with medical devices that were never tested,

never tried or approved. The Dismissal of this case gives them a license to continue.

Therefore, I ask the kind Judges to rescind their Order of July 14, 2021. And with honesty and integrity study this case before making a decision.

There are still questions Appellate needs answers to from the Clerk as well as the attorneys who have ignored my requests.

1a) How did the Respondents attorneys come up with the false charges of why appellant filed? Where did the Professional Negligence come from? It definitely did not come from any record of the Appellant. Why did the Clerks in the Lower Court and the Court of Appeals take the unsubstantiated word of the attorney? How do you get Professional Negligence out of the reason Appellant filed in both courts "Doctor premeditatedly, willingly, knowingly without Appellant's knowledge or permission" in writing as she recorded the filing with the Clerk of Courts offices?

b) Appellant wants actual evidence where she filed "Professional Negligence"? I get the Professional part because he is a doctor/neurosurgeon but where did the negligence come from? You see, the neurosurgeon did not operate; per him he said when asked how he could do that to me, "I did not do anything to you, I only put in a rod and two screws. Did not do anything to me? But turned my body over to two Medtronic Technicians (not doctors) who operated on my spine with their new navigational system (Robotic Arm) altering my entire spine that would leave me in pain the rest of my life. There was no negligence because the surgeon did not operate.

c) Where or when did the appellant say she accused hospital employees of not taking care of her? That is so far from the truth! Everyone knew what had happened to me in that operating room because as appellant's hand was being held so she could signed an incomplete release to operate, the hospital employees realized that Appellant did not know what awaited her in that operating room. They all treated me with respect and all were very upset because of what had been done to me. I embraced them all for trying to help me in that inhumane pain after the surgery. In fact, two years ago Appellant went to the hospital and spoke to everyone in the out patient surgery that was still there (almost everyone). They remembered and the anesthesiologist who was still there was surprised that I was walking.

Will the Court continue to withhold information pertinent to the Case?

2. Who was the panel Clerk called to discuss my case and why did she give them information she did not forward to me after Appellant received permission and forwarded a check for the information? Where are the minutes and names of said meeting that I requested? It is a known fact

that there were discussions/meetings that appellant should have been advised to be there. Another reason she has not been heard.

3. Why did Clerk discuss the case many times without appellant being present, does she not know the law?

Why has the Court and Respondents attorneys not turned over a copy of the video taken of the operation as requested? To date not even an acknowledgement of request. Of course, attorneys have not acknowledged Appellant at all. What are they so afraid of to treat people who have to file pro se with such disrespect; is it because they are not a part of the system?

4. Why was Appellant's case not ever put on the docket? Never given to the Judges for study? Why did the Judges allow the Clerk of Court total control of my case, an administrative assistant to assess a criminal case? It appears the case judgment had already been decided just a few days after Appellant filed in the Lower Court of Charleston because the fraud statement on how she filed was accepted in less than two weeks of filing. This case has been a travesty of the Justice system! It has abused a person who had already been greatly abused

In fact, if everyone has been treated as Appellant then each of these cases that the attorneys have won should be looked into to see if justice was indeed given. It is not the duty of the Clerk or Judge to help an attorney win a case.

Everyone in the Court knew that my documents and evidence given to the Court could be proven but they were not even taken into consideration. Just words without proven evidence is like "hear say". As you can see Appellant's case was never heard, only the attorneys case.

Appellant would like to also point out to the kind Judges a list of all the Court has

denied her:

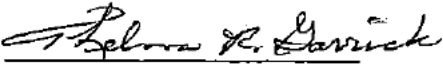
- a. First step with attorneys
- b. Continued illegal Dismissals
- c. Correction to file her case as filed
- d. Oral Argument
- e. Clerks being told not to help Appellant
- f. A Court Hearing date
- g. Case never put on docket
- h. Certain Supplemental Records on Research documentations
- i. Why would the Judge from the Lower Court help Clerk with the dismissal (Is the appellant not legally filed under the jurisdiction of the Court of Appeals?) Many others but felt this sufficient at this time.

Sirs, as you can see everything has been done to undermine this case so that it would be dismissed. Why? That is the only way this case could be dismissed without condemning themselves for misconduct. Appellant has been disappointed and disillusioned by the people administering the law. I became depressed, not over losing a case but because I saw no justice for the criminal activity of the Respondents, and it was like being back in that operating room in inhumane pain. Appellant never thought of this case as a medical malpractice case but a premeditated case of criminal activity (already proven). Just being a doctor/surgeon does not preclude the criminology of the case. But the justice system said it had to be filed medical malpractice.

A friend trying to console me said that it would be better to have an attorney for litigation. I told him there was no litigation. He went on to say the problem is attorneys are, for most part, unaffordable and untrustworthy. Most are so concerned with appeasing the system, others/lawyers, their income and Judges that their willingness to really fight your case is already compromised. This certainly did not console Appellant.

Appellant has more faith in the human race that everyone is not corrupt but good God-fearing people. We better be because there are consequences to our actions because we each are responsible for our actions and deeds. Are we all on trial?

Appellant is a person of strong faith, trust and obedience. Please study this case and give your own verdict. Thank you.


Thelma R. Garrick, pro se
195 Crescent Oaks Court
Orangeburg, South Carolina 29115
803-534-9912

/tg

Copies to:

Ms. Jenny A. Kitchings, Clerk of Court

Attorneys for Respondents:

Mr. Joseph J. Tierney

Mr. Stephen L. Brown

Mr. Russell G. Hines

Enclosed Addendum/Appendix, page 1

195 President
Orangeburg, S.C. 29118



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M. V. Clara Allen
Chief Deputy Clerk
The S.C. Court of Appeals
1220 Senate Street
Columbia, S.C. 29201

