

Oct 08 2021

S.C. SUPREME COURT

Before THE SUPREME COURT OF SOUTH CAROLINA  
On CERTIORARI TO THE COURT OF APPEALS

Appellate Case No. 2020-000891

MICHAEL ELDERS, Respondent,  
v.  
STATE OF SOUTH CAROLINA, Petitioner.

**PROPOSED *amicus*' MOTION for Reconsideration of this Court's 5 October 2021 Denial of *amicus*' 1 October 2021 Motion but with *Full Participation of SC Chief Justice Beatty As the Importance of Reconsideration here goes beyond this Case to the Future of ALL South Carolina's Children.***

To leave this Court's Clerk no excuse to NOT file this motion or the exhibits thereto, proposed *amicus Marie Assa'ad-Faltas, MD, MPH* ("Dr. Assa'ad-Faltas") also files some of the substance and exhibits to this motion in other cases because this Court's 20 September 2019 ORDER in 2019-000036 (which this Court somehow found important enough for original jurisdiction) idiosyncratically wants Dr. Assa'ad-Faltas to file the same document separately and repeatedly in several cases instead only once under the combined captions of the relevant cases to spare this Court the re-reading the same substance under multiple case titles. (Attachments 1 A-B). Otherwise, SC Chief Justice Beatty does NOT act administratively recused from all Dr. Assa'ad-Faltas' matters as proven by SC Chief Justice Beatty's 15 September 2020 SPECIAL ORDER (Attachment 2) of which Dr. Assa'ad-Faltas had not learned until 14 October 2020 and *would never have learned* had she not called to ask why her cases were not moving.

**Parenthetically, in the year since, no *substantive* progress occurred in Dr. Assa'ad-Faltas' cases; no *substantive* hearing was held, and *nothing substantive* was filed by Dr. Assa'ad-Faltas' *current* forced counsel in the circuit court, Timothy L. Griffith and Dan Addison. No order on the State's motions to dismiss Dr. Assa'ad-Faltas' PCR application was filed. The only documents filed by specially-assigned SC Circuit Judge Brown are ones insulting Dr. Assa'ad-Faltas and further deny in her basic human right to speak for herself while ordering her to "rest assured" that she will due process, that being whatever SC Circuit Judge Brown says due process is.**

SC Chief Justice Beatty' participation in reconsidering Associate Justice Kittredge's 5 October 2021 ORDER *in this case* is called for by SC Chief Justice Beatty's: (1) non-delegable duty of *conscience*, (2) special (a) experience with, and (b) history of opposition to, prosecutorial misconduct, some of which now-SC-Chief-Justice Beatty had shared with Dr. Assa'ad-Faltas in 2013 (Attachment 3), and (3) *moral duty* to facilitate Dr. Assa'ad-Faltas' exercise of her freedom of conscience, which *for physicians* includes Good-Samaritanism *both* in administering medical treatments which may save lives *and in sharing knowledge* which may have that result.

Dr. Assa'ad-Faltas therefore asks SC Chief Justice Beatty to participate and enable Dr. Assa'ad-Faltas to share her knowledge that this epidemic of 30-year-to-life epidemic of incarcerations of mostly-working-class men done under pretext of benefiting children is harmful *to children*. Attachment 4, for example, is an *amicus* brief to the U.S. Supreme Court ("SCOTUS") in *Thompson v. Clark*, No. 20-659, set, God willing, for oral argument to SCOTUS on 12 October 2021.

For brevity and time pressures, the remaining exhibits are the complete extracted annotated testimony of one Teresa Ingram in Dr. Assa'ad-Faltas' 22-26 February 2010 General Sessions jury trial with SC Circuit Judge Clifton Newman presiding. The annotations being *objective* proof of the 373 forgeries, fabrication and subornation of perjury against Dr. Assa'ad-Faltas by then-Assistant Solicitor Sara Heather Savitz Weiss, who of course, falsely accused Dr. Assa'ad-Faltas of "scaring the children with her camera" while Weiss ignored that Ingram gave the child in the photos keys to play with and put in her mouth, *a classic choking hazard*.

On 21 October 2009, Tiffany Lurke went to leave her 18-month daughter, Kyra, with Teresa Ingram, an unemployed Vicodin-addicted college drop-out convicted felon who was then hosting Corey Lamont Curry, a convicted PWID crack dealer. But Curry was not *any* convicted crack dealer, he had been convicted by **Weiss herself, who lied to Judge Clifton Newman and to Dr. Assa'ad-Faltas about Curry's criminal record.** Nor has Curry been convicted *anywhere*; he had been convicted near, **and sentenced to never return to, the very location where he stood committing lewd acts and gestures and threatening to rape the real victim,** Dr. Assa'ad-Faltas, who could do no more than document those attacks on herself and on Kyra with photographs. **Whom did Prosecutor Weiss prosecute?** The PWID convict who returned to the site of his previous crimes? **No.** Teresa Ingram, who *physically* abused and endangered Kyra? **No.** Tiffany Lurke, who left her daughter with a Vicodin addict and crack dealer? **NO.**

**Only** Dr. Assa'ad-Faltas was prosecuted for taking photos of the situation. Of course, the false pretext is always protecting the children when, more often than not, it is for such petty gains such as a daughter not wanting to obey her father's command to do the dishes, or a niece wanting her uncle's room all to herself in the grandmother's small house, or a parishioner wanting a house the pastor had refused to deed to the accuser's guardian, *etc.* That is the reality as only Dr. Assa'ad-Faltas can *objectively* document it to this Court and asks this State's Chief Justice to permit Dr. Assa'ad-Faltas to discharge the duties of her exquisite conscience.

Again, Dr. Assa'ad-Faltas has much that is timely and very useful to say and asks this Court to consider it, preferably directly from her, but through the wasteful and unnecessary appointment of a lawyer to transmit it if this Court is stuck on that. What matters is that truth be known and that innocents not remain behind bars. Hopefully this Court finds no "vex" or "frivolity" in those purposes of Dr. Assa'ad-Faltas'.

### **Certificate of Service**

Sincerely submitted by e-mail to [supctfilings@sccourts.org](mailto:supctfilings@sccourts.org) and served the same day by e-mail to Mr. Gillian at [tgilliam@sccid.sc.gov](mailto:tgilliam@sccid.sc.gov), and *maîtresses* Meadows and Jameson at [lillymeadows@scag.gov](mailto:lillymeadows@scag.gov) and [mjameson@scag.gov](mailto:mjameson@scag.gov), respectively, and out of courtesy also served on other entities mentioned in this document, all on 8 October 2021, all God so willing.

[S/] Marie-Thérèse Assa'ad-Faltas, MD, MPH, Proposed *amicus pro se* for purposes of this submission

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