

Oct 29 2021

Before THE SUPREME COURT OF SOUTH CAROLINA
On *certiorari* to THE SOUTH CAROLINA COURT OF APPEALS

S.C. SUPREME COURT
Appellate Case No. 2020-000891

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

PROPOSED *Amicus*' EMERGENCY MOTION to Appoint Counsel
To Assist Proposed *Amicus* in Alerting the Trial Court
To the Meaning of this Court's Disposition of this Case
And/or to Assist Proposed *Amicus* in Offering her Expertise.

For I desired mercy, and not sacrifice; and the knowledge of God more than burnt offerings. [Hosea 6:6](#)

He replied, "If one of you has a sheep and it falls into a pit on the Sabbath, will he not take hold of it and lift it out? [How much more valuable is a man than a sheep! Therefore it is lawful to do good on the Sabbath.](#)" Then Jesus said to the man, "Stretch out your hand." So he stretched it out, and it was restored to full use, just like the other. **Matthew 12:11-13**

Then Jesus said to the man with the withered hand, "Stand up among us." [And He asked them, "Which is lawful on the Sabbath: to do good or to do evil, to save life or to destroy it?" But they were silent.](#) Jesus looked around at them with anger and sorrow at their hardness of heart. Then He said to the man, "Stretch out your hand." So he stretched it out, and it was restored. **Mark 3:3-5**

All laws should receive a sensible construction. General terms should be so limited in their application as not to lead to injustice, oppression, or an absurd consequence. It will always, therefore, be presumed ^{487*487} that the legislature intended exceptions to its language, which would avoid results of this character. **The reason of the law in such cases should prevail over its letter.** *United States v. Kirby*, **7 Wall. 482, 486-87 (1869)**. *Vide etiam Helvering v. Hammel*, **311 U.S. 504, 510 (1941)**; *U.S. v. Katz*, **271 U.S. 354, 362 (1926)**.

The objective facts are: (1) Michael Ray Elders spent **ten (10) years** imprisoned for what the intermediate and highest appellate courts of South Carolina ("SC") **ultimately found with finality to be an unconstitutional conviction**; (2) two of those ten years are due to a DIGed *certiorari* sought by SC's Attorney General ("SCAG"), not by Inmate Elders; (3) a 27 September 2017 ORDER of this Court acknowledged, albeit inadequately, its duty to guarantee Marie Assa'ad-Faltas, MD, MPH ("Dr. Assa'ad-Faltas") equal access to the courts, (SC Appellate Case 2013-000862); and (4) had Dr. Assa'ad-Faltas been allowed to offer her medical and public health expertise in the August 2013 PCR evidentiary hearing, **there is a reasonable probability** that Mr. Elders would have been freed shortly thereafter, for Judge Dickson's ORDER at 8-9 found the absence of a medical expert from the PCR evidentiary hearing fatal. This Court's duties to Dr. Assa'ad-Faltas include **allowing her freedom of conscience**.

Physicians' conscience in general, and Dr. Assa'ad-Faltas' in particular, are inspired by Jesus Christ, who was a healer and very critical of "the lawyers" of His time. Whether the lawyers of this time differ much from then is not necessary to accept that some lawyer(s) of this time failed Mr. Elders to his damage and detriment.

Dr. Assa'ad-Faltas asks this Court to allow her to submit to it the results of her statistical studies which diagnose, and offer *resource-conserving* solutions for, the injustice inflicted on Inmate Elders and tens, if not hundreds, of SC working-class men like him. She also asks this Court to enable her to testify to the trial court on Mr. Elders' retrial or, *at a minimum*, to inform him of her ability to assist. Supporting exhibits hereto, numbered *seriatim* to Dr. Assa'ad-Faltas' first submission in this case, show the trial court *today* listed the PCR-cleansed Michael Elders as guilty and lists his ultimately successful PCR as "dismissed." Dr. Assa'ad-Faltas prefers to act directly but would act through the wasteful and unnecessary appointment of a lawyer if this Court insists. 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 and served the same day by e-mail to Messers. Gillian and Shaffer respectively at tgilliam@sccid.sc.gov, and tristan@shafferlawsc.com and *maîtresses* Meadows, Jameson, Saxon, and Fullwood at lillymeadows@scaq.gov, mjameson@scaq.gov, jsaxon@sccid.sc.gov, and efullwood@lex-co.com, respectively, all on 29 October 2021, all God so willing.

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