

THE STATE OF SOUTH CAROLINA IN THE  
COURT OF APPEALS AND LOWER COURT,  
CHARLESTON, SOUTH CAROLINA

**RECEIVED**

AUG 16 2021

**SC Court of Appeals**

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

v

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

Respondents

REBUTTAL TO LETTER DATED  
AUGUST 3, 2021 from  
The South Carolina Court of Appeals Deputy Clerk

Critical Document (Request for an Extension of the Court Date of July 12, 2018) by the Appellant went out in a timely manner with plenty of time for Court to have responded. The Clerk of Court was responsible for Appellant not being in Court so you understand how important this issue is. But the Lower Court Judge has deleted all evidence why Appellant was not in Court. (After hearing nothing from the Court the Appellant called to see if they held Court? A Clerk checked the docket for Appellant. She came back and said the Judge did not have anything scheduled on the 12<sup>th</sup>, but she was scheduled later in the month?

Copies are being forwarded to all concerned via United States Mail:

Ms Catherine Harrison, Deputy Clerk  
Ms Jenny A. Kitchings, Clerk  
Ms. V. Claire Allen, Deputy Clerk  
YOUNG CLEMENT RIVERS, LLP:  
Mr. Stephen L. Brown, Esquire  
Mr. Russell G. Hines, Esquire  
P. O. Box 993  
Charleston, South Carolina 29402

Roger Townsend LLC  
Attention:  
Mr. Joseph J. Tierney, Jr., Esquire  
177 Meeting Street, Suite 320  
Charleston, S. C. 29401 .

*Honorable Judge Paula H. Thomas*

Date: August 13 2021

Reference: Rebuttal to Letter of August 3, 2021

TO: Chief Justice James E. Lockemy, and other Honorable Judges In the South Carolina Court of Appeals: Justice Thomas Huff, Justice H. Bruce Williams, ✓Justice Paula H. Thomas, Justice Athrodite K. Konduras, Justice John D. Geathers, Justice Stephanie P. McDonald and Justice D. Garrison Hill.

Your Honors:

I. Referring to the letter of August 3, 2021 received from the Clerk of the South Carolina Court of Appeals, Appellant has researched the Rule 221 (c) and subsequent rules and have come to the conclusion that it is a form of intimidation or threat for Appellant to “back off”.

The Court has known from the beginning the Appellant’s financial situation through the introductory package forwarded to the Attorneys for the Respondents. Appellant has never received any correspondence, or personal contact from these invisible attorneys since the conception of the case. Nor have they complied with any of Appellant’s requests for information concerning this case. They have only shown unprofessional conduct even though they are given a special responsibility for the Quality of Justice.

Therefore, knowing my financial situation the Lower and The Court of Appeals accepted appellant’s case, even though the Respondents Attorney deliberately filed a fraudulent reason the Appellant filed; and this was also carried into the South Carolina Court of Appeals. Two sets of paperwork filed by Appellant, with continued requests to the Court to correct, Clerks continued to file the way attorneys filed instead of the true filing by the Appellant. This should be a concern for the South Carolina Judicial Branch.

II. Appellant asks for a correction to the Motion Appellant made in error on July 20, 2021. Thank you. (Please see corrected Appendix I attached dated July 20, 2021.)

The document referred to a Motion but should have read REBUTTAL.

The enclosed copies of the correction have been manually corrected and properly Initialed. Thank you. (Copies to all listed.)

III. There has never been a Hearing of my Case unless you want to count the farce of one in the Lower Court where the Clerk of Court deliberately did not get back to Appellant regarding the error she made in not responding to Appellant's timely request for an extension, nor did she get back with a denial of her request and advise Appellant that she should keep the court date. (Appellant contacted Clerk five times, leaving messages for a return call four times, and one time actually caught her by telephone and she said she had to go to court and would call me back (which she never did). So I question if this too was intended, all actions points to this conclusion. (Dates of my calls are available.)

Appellant's Case deliberately filed incorrectly! The Clerk of Court, in the Lower Court Charleston knowingly and illegally recorded Appellant's reason why she filed upon advice of Respondents Counsel? Appellant never filed as Professional Negligence. The Clerk of The S.C. Court of Appeals followed this illegal action when Appellant filed in the Court of Appeals, Columbia; 2) Clerk of Lower Court did not respond (ever) to Extension Request; and 3) Attorneys ? (Who will now represent Mr. T in the Lower Court ?)and Clerk lied to Judge as to why she was not present in Court. The Judge took the word of the attorney, asked him to handle the paperwork and she would sign the dismissal. (See Appendix III dated 5-21, page 3, last paragraph.)

Appellant has tried not to harm anyone personally and have stressed about the illegal issues involved and how they will affect everyone from the Clerks to the Judges. God have mercy on all but Appellant has to be honest even if the Court is not.. This mess will not go away even if Appellant gets a final Dismissal. I figured out how this would end in Court when my case was never put on the docket. But it will not end there!

This leads to some unanswered questions:

Why was Judge Goodstein given permission to work with Clerk in The S.C. Court of Appeals when she was a Lower court Judge?

Why was Appellant's Case turned over to the Clerk of Court to assess the Case and make the decision? Her job description did not indicate that she is either an attorney or Judge; in other words not qualified to make decisions on Cases? Appellant was under the impression when she filed with the Court of Appeals the Judges would study the case and make their own best possible decision?

Why after three plus years, in the Appellant's condition, not put Appellant's Case on the Court docket? Not ever! This indicates everyone knew the outcome in the beginning and their intent to deliberately undermine and play/harass the Appellant pro se, who had already been through so much?

Why didn't the Court realize something was wrong after so many dismissals and put a stop to their farce of Appellant having to do so many appeals? Appellant constantly and repeatedly stated the truth of the case! But they (whoever they are? Clerk?) had no intention of letting the Case be heard,

And how could they legally remove a vital part of the Appellant's Case so they could dismiss the Case once again? The request for extension was finally recorded (Appellant has copy) so how was this piece of evidence destroyed?

Also, why was Judge Goodstein not recused from the Case as I had requested? I had every right. (The Court did not even ask the reason for the request to see if it was a legitimate request?)

Why did The Clerk of Court have an attitude dealing with Appellant, and why did she never answer any of my questions pertinent to the Case? They were never on how to file or prepare the case? (Of course the other Clerks were told not to assist me.)

Why is there so much prejudice against a person filing pro se? Of course my research shows very clearly how they are treated. I have firsthand knowledge. I can only say one thing; there are really no rules of proper conduct as I have learned.

The Court won the Case in the Lower Court based on Attorney's opinion and by illegal means, see information on page 4.

Appellant will not comment on two other dismissals but prayerfully you will study them and realize how I dreaded finding out what the Court would come up with next to dismiss her Case.

- IV. Dismissal of May 12, 2021 – See Appellant's response of May 28, 2021, and letter of May 25, 2021 pertaining to same. APPENDIX III (a and b). Thank you. (Only Judges to get copies because the rest of you have a copy in your files. (If you cannot find please contact Appellant 803-534-9912 and a copy will be mailed that day.) Page 3 of 7

IV. This Case should be a Criminal one not a medical malpractice. The neurosurgeon mentioned herein turned my body over to two Medtronic Technicians who performed a massive experimental operation by testing of a new Medtronic Navigational System (Robotic Arm) implanting three implants in Appellant's spine that had never been FDA approved, tried or tested. And one, FDA informed the medical field in 2008 not to use in the cervical spine. Seven years later Respondents gave permission to implant into Appellant's spine.

The statement of Professional Negligence was a farce when the surgeon did not even operate. In the surgeon's own words to Appellant, "I never did anything to you, I only put in a rod and two screws". Never did anything to me? But altered my entire spine and put me in pain mode for the rest of my life, and if it has to be removed to save my life it will do the opposite. Think of an air gun to drive a screw or nail, the pressure it requires. Numerous screws were imbedded in Appellant's spine. (And many left unsecured in the body.) To remove the spine would literally shatter. All of this information has been given to the Court along with the law suits of 10,000 + people who are disabled in five different States

Appellant has proven with evidence to the Court the illegal activities committed by Neurosurgeons and hospitals who are paid to perform these experimental operations.:

Crimes committed against Appellant:

1. On August 20, 2015 neurosurgeon premeditatedly, willingly, knowingly without Appellant's knowledge or permission turned her body over to two Medtronic Technicians who proceeded to perform a massive experimental surgery with a Robotic Arm (their new navigational system), implanting three medical devices into her spine that altered her entire spine.
  
2. Surgeon's PA's directed to drug Appellant immediately when she arrived at the hospital with Cyclobenzaprine and Midazolam, common brand name Versed. PA tried to hide the syringe behind her white coat. When Appellant saw it she asked what she was doing (still drugged from the cyclobenzaprine) PA quickly slipped the syringe into the IV port, immediately releasing the full syringe of Versed which was a very dangerous thing to do. I was awakened next as two techs or nurses were taking me to the operating room asking Appellant to sign the Release form to operate. I was so drugged they had to hold my hand to sign. I immediately went back to sleep. I was awakened the second time and asked to initial the top, it was so blurry I could barely make out that it was handwritten. Appellant tried to read but could not and was hesitant to initial. For some unexplained reason Appellant knew some how where to initial was important. I felt something was wrong so I continued to try to see when the word fusion came clear so I initialed right by this word. I remember telling the two attendants taking me to the operating room that all I was only supposed to have was a fusion to relieve pressure on the left sciatic nerve, and immediately went back to sleep.

Again, I was awakened with the two attendants/nurses arguing about who was going to witness my signature on the Release form, that they were not going to since I did not know what awaited me in that operating room. Later I found Surgeon's PA witnessed even though she had not been there when Appellant signed.

(Requested a copy of the medicine that was ordered for the day of the operation but no one would comply. The Hospital pharmacist tried her best to assist me but after much searching she told me she had no order for me for my surgery.)

3. Illegal payments made to Surgeon and Hospital to do experimental operations. Records, evidence, pulled from Government Internet site. Surgeon had a contract for four years, 2013, 14, 15, and 16. (Could have been longer but appellant had received the evidence she wanted.) It was now not the Appellant's responsibility to pursue any longer.)
4. Ignored unapproved FDA warning of 2008 not to use the BMP Infuse device in the Cervical Spine (upper back) due to serious, even life-threatening complications. (Seven years later this device was implanted in Appellant's spine. It required cutting the spine into, removing a piece of bone and implanting the battery operated device. Abnormal bone growth now covers parts of appellant's spine, and radiology no longer can read MRI 's complete spine. (The other implants are defective, and pain port rod holding it in place is broken at spine. (14 people have tried to have it removed, 14 people have died.)
5. Defrauded Medicare - by not advising them in their billing that this was an experimental operation, and did not list any of the implants in hospital records (Appellant has all information/evidence.)
6. Intent to Harm patient/Appellant. (Yes, the Respondents knew of FDA warning.)

They knew as they trained staff and others at the hospital with this operation that there was every possibility that I would die. (In my research no one has had three implants and tested a new Robotic Arm during the operation and lived to tell it! But God had a mission for me.) The inhumane pain Appellant endured no pain medicine would relieve it. I could only scream. My son, Major Todd Garrick, said the pain reminded him of pain of a wounded soldier and a lot of them were never all right again, the pain affected them mentally. The hospital reports were not truthful (I can prove that to); they said in their Operative Report I was fine, no problems but I have a CT Scan where it indicates it was necessary because of uncontrolled pain. Appellant would not have survived if she had not gone into a coma are whatever. Only God knows because when I called out to Him, he took me out of pain

He took me out of pain, days later I awakened with the normal pain of such a massive surgery. I could handle this pain because I have a strong tolerance to pain but it was stipulated again I left the hospital "fine" but this was not the case. Appellant still could not walk or move about because the pain was so great and had to be taken by ambulance to rehab place. It was over a week more before I could walk or move about.

What kind of sadistic person would keep Appellant's Case open for three plus years knowing they never intended for the Case to be presented to the Judges?

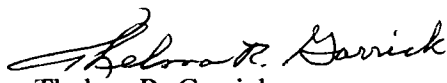
How can improper, unprofessional conduct such as this be acceptable in a Court of Law when someone who has no money, but a legitimate case, files Pro Se? And, keep said person mentally going over and over what had been done to her physically? Causing again nightmares of running from a syringe or waking in a cold sweat because of dreams of being in that inhumane pain again. This is the tip of the iceberg what I endure each day.

Appellant may never get answers to these questions, but she had to ask!

Honorable Judges of The South Carolina Court of Appeals, thank you for taking your time and attention to really study this case, sees the merit of the case, stop the pain and disabling of people, and then make the best possible decision you can make for justice. Does this remind you of Germany?

Have you been informed? Appellant has just learned of one of the Attorneys representing the Respondents has left the firm. He is a very important player in this case. The Clerk evidently did not think Appellant needed to know. However, since he no longer represents the Respondents should I not have been informed by the Court and Law Firm of Young Clement Rivers, LLP?

*Respectfully submitted*

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

/trg

Enclosures

Copies to all Judges

Page 7 of 7

1st copy

Appendix I  
I (a)

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

Correction - MOTION Rebuttal

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  
August 9, 2021

July 20, 2021

ADDENDUM/APPENDIX I

To be made a part of Motion Rebuttal <sup>A</sup>  
Correction 8-9-21

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

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 <sup>Rebuttal A</sup> 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

August 9, 2021 (3)  
July 20, 2021


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. <sup>Rebuttal</sup> 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

August 9, 2021  
July 20, 2021 (5)

TO: THE JUDGES OF THE COURT OF APPEALS

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

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,

- 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:

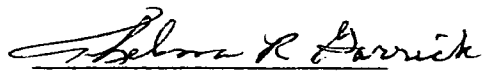
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- c. Correction to file her case as filed
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- e. Clerks being told not to help Appellant
- f. A Court Hearing date
- g. Case never put on docket
- h. Certain Supplemental Records on Research documentations
- 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.

  
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195 Crescent Oaks Court  
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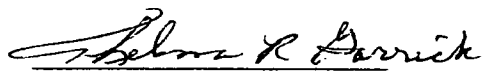
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803-534-9912

/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