



JUDICIAL MERIT SELECTION COMMISSION)
)

In the Matter of: Rosalyn Frierson-Smith)
Candidate for)
Richland County Family Court Judge)

**WITNESS AFFIDAVIT
FORM**

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony. I am currently subject to incarceration despite having multiple millions of dollars in assets as a result of the biased and unfair judicial rulings of Judge Rosalyn Frierson-Smith . I believe Judge Frierson-Smith is not fit to serve as a Judge in South Carolina because she lacks the character to judge fairly, independently, and in the best interests of the children of this state. I believe Judge Frierson-Smith is not fit to serve as a Judge in South Carolina because she is not competent to carry out her duties and frequently looks to the attorneys to provide guidance to complete her judicial tasks. I do not believe she follows the ethical tenants that Judges are required to adhere to and as such should not be re-elected. I believe she has committed misconduct in office by suborning the perjury of Sheila Robinson, Esquire and refusing to Order an investigation and should not be re-elected. I believe this Judge collaborated, conspired, and coordinated my arrest in the court room so that the other parties to the proceedings would view the arrest and report to the community. I would request that the Judicial Merit Selection Committee provide for video conferencing in the event that I am unable to attend the hearing due to incarceration. It is my opinion that the Richland County Family Court is not operating as intended and is rife with corruption that should be addressed by removing the judges that allow such corruption to occur, starting with Judge Frierson-Smith.

I understand that this written statement and all supporting documentation, if any, must be completed and the hard copies of all such documents shall be returned to the Judicial Merit Selection Commission by the deadline for complaints in order for the Commission to hear my testimony, and that the deadline for complaints is 12:00 Noon, Monday, October 31, 2022. I understand I must be available to testify at the Public Hearing, and failure to appear will result in a dismissal of my complaint.

In regard to my intended testimony, I will offer information as to the following:

- (1) Set forth your full name, age, address, and both home and work telephone numbers. Rhonda Lewis Meisner (57) Post Office Box 689 Blythewood, South Carolina. **(PLEASE USE THIS ADDRESS FOR NOTIFICATIONS) EMAIL SCOREQUIPMENT@GMAIL.COM**

[Redacted]
Cell phone [Redacted]

- (2) Set forth the names, addresses, and telephone numbers (if known) of other persons

who have knowledge of the facts concerning your testimony.
Edna Burdette PO Box 194 Concord, Georgia 30206
Various Court Reporters assigned to the hearings.
Sheriff's deputies assigned to the hearings.

- (3) State the nature of your testimony regarding the qualifications of the above-named judicial candidate, including:
- (a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate.

(Event #1) [REDACTED] (April 29, 2020
Emergency Hearing on Custody, Visitation, Child Support, Equitable Distribution, and request for husband to be checked out for a neurological disease)

Judge Rosalyn Frierson-Smith told me in open court "you are not credible because you said [REDACTED]

[REDACTED]

[REDACTED]²Family Court judges are required to deal with self-represented parties on almost a daily basis, instead of focusing on the child, her focus was on the messenger and the delivery of the information irrespective of the serious actions of the child at school supported by reports from the school that indicated serious emotional problem related to custody that was being left unaddressed.

[REDACTED]

Judge Frierson-Smith's refusal to Order netesting delayed my husband's blood cancer treatment for over 1 year and 9 months.

I alleged in this hearing, and in multiple affidavits before this hearing, that my husband of over 26 years was acting strangely and was the reason for my children acting out at school. I alleged he had Lewy Body Dementia and requested he be checked out. Judge Frierson-Smith denied this request and relied on an incomplete Neurological Test by a neurosurgeon that worked with my husband in the operating room.³ Her denial of my request to have my husband evaluated delayed his diagnosis and treatment for Acute Myeloid Leukemia by almost two years. This delay in diagnosis and treatment subjected my children to the pre-separation sporadic dementia, sporadic hallucinations, and delusional thinking that I had experienced prior to separation and I believe the cause of his crazy antics and of course our separation and request for divorce. Nevertheless, this Judge ignored the emotional well-being of my children, denied a change in custody, or increased

[REDACTED]

³ EXHIBIT C Affidavits of Rhonda Meisner submitted prior to this hearing and in the hearing.

visitation, and ordered that I pay my husband's attorney's fees⁴ denied spousal support,⁵ denied the request for testing, and denied an equitable distribution. All of which would significantly affect the minor children, their academic endeavors, their emotional well-being and my husband's health, not to mention the unconstitutional denial of my right to parent. I have appealed her decision.

It was clear to me in that moment Judge Frierson-Smith's decisions were being influenced by factors outside of the courtroom.⁶ She did not fairly, impartially, or equitably review the information before her and was not acting in the best interest of the children, as precedent and statute requires, which will be further explained. Judge Frierson-Smith's actions display a lack of competency because she "downplayed" the significance of the *events and the child at school* and focused on *delivery* of the information instead of the information itself.

I also presented information at this hearing that my profoundly gifted twins were also acting out as a result of the egregious family court rulings and being left alone as the lost boys of Blythewood. The twins failed multiple classes and/or made Ds despite the fact they were honored as National Merit Scholarship contenders, entered more correct answers than any other participants in the Richland Two middle school quiz whiz, were designated Gifted and Talented by Richland School District Two and subject to §29-59-170 and Regulation 43-200. The twins are/were also members of the Duke University Talent Identification Program or TIPS and were invited to apply for a summer camp for the top 1% of children in the country at Harvard University. In every possible way, Judge Frierson-Smith ignored the facts before her and the effect the custody decision had on my children or the seriousness of their situation both academically and emotionally due to my husband's undiagnosed disease. Her inability to comprehend how serious her failure to act and change custody and/or visitation was in the context of child custody and visitation decisions makes Judge Rosalyn Frierson-Smith unfit to act as an impartial judge for the Family Court.

Judge Frierson-Smith "rubber stamps" Guardian's request for fee increase in contravention to the Private Guardian Reform Act, the Guardian's Order of Appointment, and common sense. The Guardian's request for an increase in fees was not before the Court.

In this same hearing, Judge Frierson Smith considered the private Guardian *ad Litem's* request for an increase in his fee-cap to \$25,000 despite the fact that he was already over his fee cap by \$11,000 before he filed a motion for an increase and his motion was not before the Court, at that hearing. When I complained about the Guardian's fees, Judge Frierson-Smith commented on the record that "I should be glad the Guardian is spending so much time on the case and if I don't want high guardian bills, I shouldn't call the Guardian" or words to this effect. The Guardian's billing, in my opinion, was not supported by the Private Guardian *ad Litem* Reform Act or his Order of Appointment; however, I could not fully make those arguments because I was not prepared to defend a motion that was not before the Court. For example, the Guardian billed for support staff, for activities excluded by the Reform Act, and billed in quarter hour (15- minute increments) despite the fact all other attorneys in the case billed in 6-minute increments including

⁴ My husband, an anesthesiologist, was represented by multiple attorneys and an appellate attorney, but because of the egregious family court rulings I was denied spousal support, equitable distributions, and any other financial relief during the pendency of a multi-million dollar dissolution of an almost 30 year relationship and a 26 year marriage at the time of her rulings. I have made constitutional claims that her rulings violate the equal protection clause and the due process clause of the United States Constitution and is currently on appeal.

⁵ My husband was making close to \$300,000 per year and had re-hired a full-time housekeeper that was being paid over \$27,000 per year to assist him in caring for the children.

⁶ I think Judge Frierson-Smith's decisions were influenced based on my criticisms of Richland School District Two and particularly the Superintendent and Amelia McKie a School Board Member with whom Judge Frierson Smith worked on a Children's committee. My criticisms of Amelia McKie was heavily covered by the media on all outlets.

the attorney guardian that he took the place of.

Judge Frierson-Smith, without providing me an opportunity to prepare for the Guardian's motion, allowed the Guardian to speak on his request for an increase in his Guardian fees to \$25,000, despite only being assigned the case since December. Judge Frierson-Smith's "rubber stamp" of the Guardian's billing practices in a hearing where his motion was not before the court and his billing practices were not discussed or reviewed during the hearing, I believe amounts to an abuse of discretion. This hearing without review of the Guardian's billing or reasonableness would then be placed in the written order as if the practices were determined as reasonable without evaluation of the charges or analysis of the Reform Act or his Order of Appointment yet it became a "finding of the Court that his billing was reasonable." In fact, he was billing for support staff despite the fact the Guardian is a private appointment and there is no language supporting such billing. To bolster this fact, both non-attorneys and attorneys are subject to the Private Guardian *ad Litem* Reform Act.⁷ In effect, Judge Frierson Smith sanctioned a private Guardian *ad Litem* to bill parties close to \$4000 per month that was appointed by the Court without input from the parties. Her comment regarding Guardian fees flies in the face of common sense and calls into question her ethics because she did not follow the SCFCR rules regarding motions. Guardian's are court appointed to represent the best interests of the children; however, it is not in the interest of children to violate the Court rules and provide payment to an attorney for work not allowed by statute. I also cannot think of one South Carolina parent that would think it is in the best interests of children to be suspended from two different schools or expelled (forced to withdraw) from another. It was clear Judge Frierson-Smith's comments were meant to silence my complaints of the Guardian's billing practices and the egregious custody and financial orders. Most insidious was her acceptance without question of the Guardian's comments that custody should not change and my husband's position that the child was experiencing trauma from the divorce and not from his custody. As a result, she determined there was no "significant change" in status and she rewarded my husband by ordering me to pay his attorney's fees and ordered the Guardian's fees to be paid directly out of my equitable distribution without notice. I of course appealed this Order, which was found to be interlocutory and will be addressed in the future. Not only did Judge Frierson-Smith grant my husband's request for attorney's fees for the hearing, but my husband's attorney also put language in the Order that he could pay his attorneys fees without limiting the amount to the attorney's fees requested in the hearing. In effect, making me responsible for a disproportionate share of my husband's attorneys fees at a time when I could not even pay my own attorney's fees and as a result lost representation. Importantly, she ordered money for the attorneys representing my husband, the private Guardian *ad litem* but not me so that I could re-hire an attorney. This disparate treatment in the Richland County Family Court would be a continuing theme with this judge. She continually allows the attorneys to exceed information submitted, presented, and ruled on from the bench in the written order and then refuses to change the Order when the written Order does not conform to the hearing or her ruling from the bench. She, in my opinion has violated the Equal Protection Clause and the due process clause of the United States Constitution during a multi -million dollar divorce where by statute and precedent the parties should remain equal during the pendency of the divorce. In this case, I lost my ability to have legal counsel, based in part on Judge Frierson-Smith's refusal to grant spousal support or an equitable distribution of my money to me.

Hearing- Motion to Compel the deposition of Courtney Lehr _____

Judge Frierson-Smith awarded attorney's fees against me to a deponent (my husband's

⁷ Private Guardian *ad litem* Reform Act

purported paramour) when I filed a motion to compel. The attorney representing her contrary to SCFCR Rule 8 did not enter a Notice of Appearance in *my* case or with the Court. The attorney also did not provide a motion for attorney's fees accompanied by her affidavit of attorney's fees 10 days in advance of the hearing, as required by the SCRCF 6(d). Even if the affidavit was supplied as a defense, the attorney should have provided the affidavit two days in advance of the hearing. It is my opinion the reason the family court is known as the "wild west" is because the judges, like Rosalyn Frierson-Smith, apply discretion to almost all rulings and "pick sides" early in the case in part based on who the client has as an attorney.

This Order is also on appeal. I believe this to be both an ethical violation and a competency issue because the Family Court Rules require the attorney to notify the court, that they are representing someone in a proceeding.

SCFCR Rule 8 requires

upon retention of counsel in a *proceeding* in family court, counsel *shall* immediately notify the court and opposing counsel, if any, of his appearance.

The notification shall include the attorney's current address and telephone number.

There was no notification by Rebecca Creel, Esquire that was entered into the family court files and served on me that she would be representing the Deponent Courtney Lehr, in this proceeding, nor did Ms. Creel file her affidavit of attorney's fees two days in advance of the hearing as required by SCRCF Rule 6(d). Even though she was representing her client, Courtney Lehr in a different family court case, this does not allow Ms. Creel to avoid complying with SCFCR Rule 8.

Judge Frierson-Smith refers to "we" when she asked my husband's attorney "is there any money "we" can find so she (meaning me) could hire an attorney?"

Hearing on _____

I filed *yet another request for relief* specifically requesting a change in custody with a continuation of the many problems associated with the educational and emotional health of the children to no avail. My husband has at least two representing him at every hearing with him. Recently, my husband's attorney took my deposition and there were three attorneys in attendance. In this hearing, Judge Frierson-Smith asked my husband's attorney "is there any money we can get her so she can hire an attorney?" When my husband's attorney looked dumbfounded and stated she would have to consult her client. I was in disbelief. For a sitting judge to ask a party's attorney whether the Judge can award money to the other party is absurd and concerning because Judge Frierson-Smith is supposed to be the one making the decisions, not my husband or his attorney.

More disturbing was her reference to "we" making it appear she was on my husband's side.

Different standards for the parties

Additionally, in this hearing she "quizzed me" extensively on my ability to work and that "real estate and the medical business is really good right now" or words to this effect. Interestingly, although she said she reviewed the file before issuing the Order, my husband has worked part-time since I think somewhere around 2010, but for at least the last 8 years. She used a different standard for the wife than the husband, because in addition to representing myself in my multi-million-dollar divorce, I am maintaining several rental properties, but am making significantly less than my physician husband who employs at least 3 attorneys, multiple paralegals, secretaries and appellate counsel while I am left to defend myself and my children alone.

Finding a physician that has not been paid and has no contract is a "retained expert" and

entitled to expert witness fees when he also conducted the evaluation and the expert witness designation references retained expert.

In a motion to compel the deposition of a treating physician, (which was not scheduled for almost a year by the clerk's office) Judge Frierson-Smith ruled that the physician was obviously *not* a treating physician because there were no medical records, or payments made; however, she totally disregarded the fact that the statute for expert witnesses requires the party "retain" the expert. Since there was no money paid to him, how could this "expert" possibly be "retained." This was not only disturbing because the physician submitted a neurological evaluation of my husband which was used by the court on two different occasions (November of 2019 to Judge Rankin and submitted to Judge Frierson-Smith who herself relief on the report on April 29, 2020 hearing) before my husband's attorneys named the physician as an expert witness. The South Carolina Rules of Civil Procedure provide that a treating physician can be deposed without payment of expert witness fees.

Contrary to SCFCR Rule 8 She allowed an attorney to represent the deponent despite the fact he did not enter an order of appearance.

She again, contrary to Rule 8 allowed an attorney to represent Dr. Mangubat who had not entered a notice of appearance. In this hearing, Sheila Robinson, my husband's attorney, stated she had never spoken with the physician, so it is unclear how the physician could possibly be an expert witness, if my husband's attorney has not spoken to him or his office staff. Rather, he was part of a fraudulent submission to the Court in that he did not have a doctor/patient relationship with my husband, but nevertheless submitted an evaluation for my husband's neurological health. It was disturbing to think a fraud that was perpetrated on her court seemingly unphased the Judge.

Motion for Judicial Recusal or in the alternative for a change in Venue.

In the Motion for Judicial Recusal and for a change in venue, I objected to the Guardian *ad Litem* attending because there is nothing related to custody or visitation or the fitness of parents with which judge hears motions or the final hearing; however, not only did Judge Frierson-Smith ignore my complaint she rearranged the hearing schedule to accommodate the Guardian *ad Litem's* schedule. The first hearing lasted longer than intended so the Guardian basically admitted that he was going to bill the parties for his wait time. Not only was this outrageous because the Private Guardian *ad Litem* Reform Act only provides for billing for certain things which do not include a judicial recusal hearing.

Second Denial of Change in Venue despite the fact the current Chief Administrative Judge is my husband's former attorney.

In the hearing on Judicial Recusal, I also requested a change in venue to no avail. In that hearing, one of the reasons I requested a change in venue is that the current Administrative Judge is C. Vance Stricklin my husband's former attorney and a former partner with Sheila Robinson, who previously stated in front of sheriff's deputies and others that "I'm sorry I'm late, I was just in Judge Stricklin's office" as the reason she was late for a hearing. I pointed to this event as one example of why my request for a change in venue should be granted because he is the Chief Administrative Judge. C. Vance Stricklin was also at the hearing where the fraudulent report was submitted; however, his involvement or awareness of the neurological report is unclear as Ms. Robinson argued the case. In the Motion for Judicial Recusal and change in venue, Ms. Robinson stated that she was in Judge Stricklin's *court room*; however, immediately prior to that assertion, Ms. Robinson stated that Judge Stricklin has recused himself in all her cases and does not hear her motions. I am not mistaken to the fact she said she was in Judge Stricklin's *office*

and multiple sheriff's deputies heard the statement too. I believe there will be sheriff's deputies that remember her comment as well. Also, another member of the bar, Lawrence Dale Turner, I believe may have heard this comment.

Subornation of Perjury/ or Failure to Investigate

After I accused Ms. Robinson of perjury, she subsequently stated without admitting that she was in fact in Judge Stricklin's office that she was *not* discussing my case with him, and her conversation was related to his contacts being lost during his transition to Judgeship and Ms. Robinson "I told him that he could call our office administrator to get access to his contacts." I requested Judge Rosalyn Frierson-Smith order an investigation as to whether Ms. Robinson perjured herself because she stated she was in court when she spoke to Judge Stricklin and not his office, Judge Frierson-Smith stated she would not order an investigation. If I am correct and I believe that I am because I did not "imagine" Ms. Robinson stating she was just in Judge Stricklin's office. If Ms. Robin perjured herself, then Judge Rosalyn Frierson-Smith suborned her perjury. Most concerning is that Ms. Robinson changed two of the items in the Rule to Show Cause hearing (retraction of a discovery request) which she later submitted to Judge Frierson-Smith without explaining that the discovery had been updated.

Failure to require my husband to produce missing documents that were specifically noted while Ordering me to produce documents not specifically indicated.

It is clear, the "Wild West of Family Court" is hurting children and one parent. In this case, it is clear there are extra-judicial forces being entertained for the **ridiculous rulings**.

It is my position that Judge Rosalyn-Frierson Smith is not fit to be a family court judge because she does not rule fairly, equitably, or follow precedent or the court rules. Additionally, she seems to not comprehend the information before her to ensure that the children of South Carolina are protected from the system, even if that includes a corrupt Guardian *ad Litem*. Rogue attorneys cannot function without Judges that allow their misconduct. Incompetent Guardians cannot function without Judges that allow them to not follow the statute, bill indiscriminately, and fail to protect highly gifted children under their guardianship.

- (b) specific dates, places, and times at which or during which such allegations took place.

See Orders Associated with Judge Frierson-Smith attached (or will be sent in separate cover)

- (c) names of any persons present during such alleged actions or possessing evidence of such alleged actions; and

Sheriff's deputies assigned to the court room and court reporters, Edna Burdette (one hearing) and me.

- (d) how this information relates to the qualifications of the judicial candidate.

South Carolina law requires the court to decide custody decisions based on the best interests of the child. The information submitted to the Court and in consideration of the custody issue indicates that the youngest child was having serious and profound emotional and mental issues with their custody arrangement, yet this Judge made no efforts to help these children, by impartially evaluating the evidence before her. Her inaction would lead to the older profoundly gifted twins losing over \$250,000 each in academic scholarships. In a Court of Equity, it is inconceivable, a judge that cannot evaluate serious issues with children and understand the etiology of the issues. The twins almost did not graduate high school and the youngest child had significant and serious issues related to custody with not only school, but also mental health issues. Application of the law, at its basest level requires a jurist to apply the facts to the case to conclude what is best for

the children. It is my opinion that influences outside of the courtroom, including my criticisms of Richland School District Two Board Members that Judge Frierson-Smith has a working relationship affected Judge Frierson-Smith's decisions because they did not conform to state law or even basic logic. In this situation, my youngest child was suspended from two different schools. At the time of the hearing on April 29, 2020, I did not yet know the details of why he was required to leave the school; however, later I would learn it was a simulated suicide as reported by multiple parents and students. I would later learn that the Guardian *ad litem* had this information and recommended no changes in custody or visitation but failed to present the information to the court. Regardless, the information was subsequently presented to Judge Frierson-Smith to no avail. I personally do not trust Judge Frierson-Smith to be fair or to fully comprehend the issues before her.

- (3) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate.

Listed as exhibits to this affidavit along with miscellaneous documents from the file.

1. Children's school records.
2. I hope to have transcripts of the hearings; however, I may not be able to afford all of the transcripts.
3. Exhibits as designated above.
4. Reports from the schools.
5. The Guardian *ad Litem* Order of appointment.
6. Orders associated with Judge Frierson-Smith.
7. Affidavits in this case that have been submitted to Judge Frierson-Smith and those that were previously available for her to view.
8. Miscellaneous documents.

(4) State any other facts you feel are pertinent to the screening of this judicial candidate. I think the Judicial Merit Selection Committee should review the Orders entered by this Judge and see the disparity of rulings depending on the law firm involved in the case. In effect, this Judge panders to certain well connected law firms, attorneys, and Guardian *ad litem*s to the detriment of the children in this state. I think the Judicial Merit Selection Committee should interview previous Richland County Sheriff's deputies that are no longer associated with the Court and former Court employees that are no longer with the Court for input. Most importantly, I think a review of this Judge's Orders and outside speaking engagements particularly the ones associated with Senator Mia McLeod. I think the Judicial Merit Selection Committee should review the relationship with Richland School District Two's Amelia McKie and her participation as a Court appointed Guardian *ad litem* for Richland County. Richland School District Two Board, upon information and belief is currently under investigation by the Office of Inspector General. It is my opinion that the Judges appoint Guardian *ad Litem*'s to reflect their Orders and not to protect the children.

I believe Judge Frierson-Smith panders to perceived power of some attorneys and rewards her friends either with attorneys fees, or guardian appointments instead of making sound, fair, equitable decisions for families during the dissolution of their marriage and to the detriment of the minor children involved.

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate, and counsel.

WAIVER

I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that the Commission may fully investigate my complaint,

I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the Commission to question other parties, including my attorney, concerning the facts and issues of my case.

[Handwritten Signature] October 1, 2022

Signature

Sworn to me this 1 day of October, 2022

[Handwritten Signature] L.S.
Notary Public of South Carolina

My commission expires: 05/24/2031

Daja Scott
Notary Public for South Carolina
Commission Expires: 05/24/2031

