

The Supreme Court of South Carolina

Marie Assa'ad-Faltas, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-000145

Lower Court Case No. 2019CP4000112

ORDER

Petitioner has filed a *pro se* notice of appeal from an order denying her request to relieve counsel and to proceed *pro se* in this post-conviction relief case (PCR). She also seeks to obtain a transcript for use in this appellate proceeding.

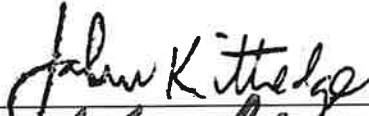
The State has filed a motion to dismiss, and petitioner has filed a return to that motion. The State has also filed an amended motion to dismiss.

The notice of appeal is dismissed for two reasons.


First, in a post-conviction relief case (PCR), only the final judgment or decision is subject to appellate review. *Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006) ("Under Rule [243], SCACR, and S.C. Code Ann. § 17-27-100 (2003), only a final decision or judgment in a post-conviction relief action is subject to review. 'Any judgment or decree, leaving some further act to be done by the court before the rights of the parties are determined, is interlocutory; but if it so completely fixes the rights of the parties that the court has nothing further to do in the action, then it is final.' *Adickes v. Allison & Bratton*, 21 S.C. 245 (1884); see also *Mid-State Distributors, Inc. v. Century Importers, Inc.*, 310 S.C. 330, 426 S.E.2d 777 (1993)."). Since the order under appeal is not the final decision or judgment in this PCR case, the notice of appeal is not proper.

Second, dismissal is warranted because of the completely meritless nature of this matter. In this Court's order dated September 20, 2019,¹ this Court clarified how this Court's order of September 27, 2017 applies to PCR proceedings. In relevant part, this order states: "[W]e clarify that [petitioner] may file an initial PCR application *pro se*. However, [petitioner] is prohibited from proceeding *pro se* any further than filing the initial PCR application." Since this PCR case had progressed beyond the filing of the initial application, the PCR judge committed no error in denying her motion to proceed *pro se*. The fact that petitioner attempted to seek relief from the PCR judge which is prohibited by the order of this Court is further evidence of the appropriateness of the restrictions this Court has imposed on petitioner, including the additional restrictions imposed in this Court's order dated June 22, 2022.²


Accordingly, the notice of appeal is dismissed. Further, the relief sought regarding the transcript is denied as moot. The remittitur will be sent as provided by Rule 221, SCACR.




A.C.J.



J.



J.



Beatty, C.J., not participating.

Columbia, South Carolina
August 31, 2022

cc: Yasmeen Ebbini Klein, Esquire
Timothy Lee Griffith, Esquire

¹ This order is filed in Appellate Case Number Appellate Case Number 2019-000036.

² This order, which was filed in Appellate Case Number 2021-000815, finds petitioner in criminal contempt for multiple violations of this Court's order of September 27, 2017.