

The Supreme Court of South Carolina

City of Columbia, Respondent,

v.

Marie Assa'ad Faltas, Appellant.

Appellate Case No. 2021-000047
Lower Court Case No. 2010CP4007063

and,

City of Columbia, Respondent,

v.

Marie Assa'ad Faltas, Appellant.
Appellate Case No. 2021-000048
Lower Court Case No. 2010CP4008650

and,

City of Columbia, Respondent,

v.

Marie Assa'ad Faltas, Appellant.
Appellate Case No. 2021-000049
Lower Court Case No. 2011CP4002111

ORDER

These appeals are related to municipal court convictions which occurred in October 2010, December 2010, and March 2011. On November 1, 2011, the circuit court dismissed the direct appeals regarding these convictions.

Although a *pro se* notice of appeal was served from the dismissal order of the circuit court, the Clerk of this Court refused to accept this notice of appeal for filing. This rejection occurred on December 2, 2011.¹ Since the notice of appeal was not submitted by an attorney and approved by this Court, these documents were properly rejected for filing under this Court's order dated April 8, 2011.

Because no *proper* notice of appeal was served and filed within the time prescribed by Rule 203 of the South Carolina Appellate Court Rules (SCACR), the order of dismissal by the circuit court was the final judgment regarding the appeal, and that order is the law of this case. *Cf. State v. Smith*, 413 S.C. 194, 775 S.E.2d 696 (2015) (unappealed ruling of the South Carolina Court of Appeals is the law of the case); *Atl. Coast Builders & Contractors, L.L.C. v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012) ("[A]n unappealed ruling, right or wrong, is the law of the case.").

On July 12, 2013, more than 18 months after the appeals were dismissed and ended, appellant filed a motion in the circuit court seeking to have counsel appointed for the purpose of "reopening" the circuit court appeals or for the purpose of filing applications for post-conviction relief (PCR) regarding the municipal court convictions. The circuit court did not rule on the tardy motion at the time, apparently because the matter was final, for the time for appeal had long since run and the one-year statute of limitations for post-conviction matters had passed.

On September 27, 2017, this Court issued an order addressing appellant's history of abusing the court system.² To be sure, this Court had issued prior orders in an

¹ The documents relating to this rejection are filed in Appellate Case Number 2011-203946.

² Petitioner is a prolific frivolous filer. *City of Columbia v. Faltas*, 420 S.C. 28, 800 S.E.2d 782 (2017). In an attempt to control her abusive filings and actions which are disruptive to the orderly and effective administration of justice, this Court has found it necessary to impose restrictions on her ability to represent herself before the courts of this State. On September 27, 2017, this Court issued an

effort to manage appellant's abusive litigation tactics. The September 2017 order continued restrictions on appellant, but that order relaxed some restrictions to ensure appellant had meaningful access to the courts of this state. Appellant believed the September 2017 order allowed her to revive and relitigate previously entered final judgments, such as the appeals related to these municipal court convictions. As discussed below, appellant's reading of and reliance on the September 2017 order is incorrect.

Relying on the September 2017 order, appellant filed on October 2, 2017 a *pro se* motion in the circuit court to convert her July 12, 2013 motion to appoint counsel into a motion seeking relief under Rule 60(b) of the South Carolina Rules of Civil Procedure (SCRCP). By order filed on November 8, 2017, the circuit court properly denied "all of the pending motions and related petitions." While the circuit court manifestly understood the underlying appeals from the municipal court convictions had been ended many years earlier, the denial of appellant's motions, including appellant's motion for reconsideration, has resulted in additional waste of judicial resources. This is so because appellant filed in January 2021 a notice of appeal from the denial of her motions, all filed long after the underlying matters had been concluded by final judgment.

While appellant's attempted service of the purported service of the notice of appeal in January 2021 was improper, we need only go so far as to recognize that these matters were previously dismissed with finality. The July 12, 2013 motion to reopen the appeals was untimely. It necessarily follows that appellant's effort to convert the July 2013 motion to a Rule 60 motion³ in 2017 must be viewed in the same light. An untimely motion cannot be renamed and become a timely motion.



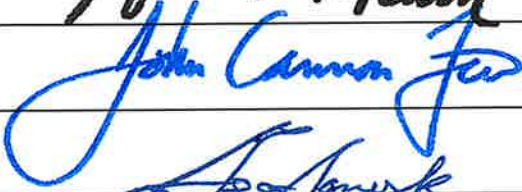

Appellant's reliance on the September 2017 order as a basis to revive her already-final challenges to the municipal court convictions is rejected. As noted, the September 2017 order relaxed some of the previously imposed restrictions on appellant. To prevent appellant from applying the September 2017 order retroactively—the very thing she seeks to do here—the Court expressly provided:

order revising the restrictions placed on appellant's ability to appear or make filings as a *pro se* litigant.

³ While we finally end these appeals for the reasons stated, we note that appellant's "Rule 60" motion is meritless in any event.

“Neither this order nor the prior orders or opinions of this Court shall have any impact on actions previously taken in connection with Respondent.”

Accordingly, these appellate cases are dismissed, and the remittitur will be sent as provided by Rule 221, SCACR. In light of this dismissal, all of the pending motions filed by appellant are denied as moot.


_____ A.C.J.

_____ J.

_____ J.

_____ J.
Beatty, C.J., not participating.

Columbia, South Carolina
August 31, 2022

cc: Marie Assa'ad Faltas
Amye Leigh Rushing, Esquire
Michael D. Davidson, Esquire
Timothy Lee Griffith, Esquire
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