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S.C. SUPREME COURT

BEFORE THE SUPREME COURT ("S Ct") OF SOUTH CAROLINA ("SC")

Appellate Case No. 2022-000145

Marie Assa'ad-Faltas, MD, MPH, Applicant-Appellant

v.

State of South Carolina, and City of Columbia, SC, Respondents.

APPLICANT/APPELLANT'S TIMELY PETITION FOR REHEARING

Applicant-Appellant Marie Assa'ad-Faltas, MD, MPH ("Dr. Assa'ad-Faltas" of "Dr. Faltas") *pro se* deems herself required to seek rehearing of this Court's 31 August 2022 ORDER in this case. She is encouraged by two opinions of this Court's (28111 and 28112) in the 14 September 2022 SC Advance Sheets ("SCAS") and by the attached recent documents which prove that Columbia's Municipal Court ("CMC"), originator of the conviction challenged in Dr. Assa'ad-Faltas' underlying PCR case, had faulty record-keeping which could have subjected Dr. Assa'ad-Faltas to *more* unfair incarceration had she contacted CMC *herself* to alert it to its own error—a result no fair court should accept or tolerate a risk of such unfairness recurring.

This Court's Opinion 28111 admits: "**legal decision-making is often context dependent, and the result shifts as the facts shift.**" But this Court continues to ignore that speaking for oneself is a basic human right and that all the insults of vex and frivolity heaped on Dr. Assa'ad-Faltas were in the context of her own zealous *pro se* defense against harassment charges of which she was *in fact* not guilty and, thank God, *ultimately* so proved it *pro se*. This Court also continues to ignore the key fact that, Dr. Assa'ad-Faltas, when allowed to prosecute *pro se* a different PCR case, thank God, prevailed *twice* after creating a record so strong it withstood the State's *certiorari* petition. "**There is no intellectually honest way**" to reconcile Dr. Assa'ad-Faltas' winning *pro se* advocacy in her prior PCR with a claim that she is precluded from prosecuting *pro se* her current PCRs (which she was allowed to initiate *pro se*) due to a purported history of vex and frivolity.

If such history *arguendo* existed (but it does not) were an impediment to *pro se* advocacy, Dr. Assa'ad-Faltas should not have been allowed to defend *pro se* against SC Appellate Case 2021-000815 *before this very Court*.

The erroneous denial of her *Faretta* and basic human rights which procured the underlying conviction **should not be the law of this case** after Opinion 28112's holding: "[W]e decline to invoke the law of the case doctrine. See *State v. Hewins*, 409 S.C. 93, 113 n.5, 760 S.E.2d 814, 824 n.5 (2014) (stating the law of the case doctrine 'is a discretionary appellate doctrine with no preclusive effect on successive trial proceedings')." "

(The rest of that Opinion 28112 cannot in intellectual honesty be reconciled with this Court's harsh treatment of Dr. Assa'ad-Faltas' respectful offer of *amicus* in a public-interest case.) This Court should therefore not penalize Dr. Assa'ad-Faltas for this Court's own shifting pleasures but construct a *correct* timeline of its own orders, admit that what was viewed as "scorched-earth approach" by Dr. Assa'ad-Faltas was the necessary and *ultimately-effective* zeal against well-connected prosecutors determined to frame her for crimes of which all knew her to be innocent, and restore her basic human rights to speak for herself in all cases and *fora*.


s/ Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*

Post Office Box 9115, Columbia, South Carolina 29090

Phone (803) 783-4536; Cell: (330) 232-4164

e-mail: Marie.Faltas@hotmail.com and MarieAssaadFaltas@GMail.com

Certificate of Submission AND Certificate of Service AND of Copies

Sincerely submitted **and served** by hand-delivery to SC Attorney General's ("SCAG") office at 1000 Assembly Street Columbia, SC 29201, with additional courtesy e-mail copies to lillymeadows@scag.gov and tsmith@scag.gov and courtesy-copied to: Tim Griffith at tlgriffith@tlgriffith.com, Jessica Saxon at jsaxon@sccid.sc.gov, Robert Dudek at rdudek@sccid.sc.gov, and relevant others, all on **15 September 2022**, and all God so willing.


S/Marie-Thérèse Assa'ad-Faltas, MD, MPH, Applicant/Appellant *pro se*

P.O. Box 9115, Columbia, SC 29290

e-mail: Marie.Faltas@hotmail.com

Phone: (803) 783-4536

Cell: (330) 232-4164



CITY OF COLUMBIA
SOUTH CAROLINA

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

September 2, 2022

Ms. Nicole Smith Frier
Victim Advocate
Firth Judicial Circuit
1701 Main Street, Suite 302
Columbia, SC 29202

Dear Ms. Frier,

RE: Dr. Marie Assa'ad-Faltas
2012C4021600269/CTY Disorderly Conduct
2012C4021600270/Harassment / 1st Degree Harassment
2012C4021600261/Trespassing / Unlawful entry into enclosed places

Reference the cases above, upon research; these cases were indeed disposed in 2013 with a not guilty disposition and was scheduled in error.

The court apologizes for any inconveniences this may have caused Dr. Marie Assa'ad-Faltas.

Sincerely,

Katherine Jackson
Court Administrator
Municipal Court

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S.C. SUPREME COURT

RE: [EXTERNAL] Defendant: Anthony Presley, Victim: Marie Assa'ad-Faltas. I cannot thank you enough; and congratulations to Mr. Douthit on his new child.

NICOLE SMITH <SMITH.NICOLE@richlandcountysc.gov>

Fri 2022-09-02 2:56 PM

To: 'Marie Faltas' <marie_faltas@hotmail.com>

You're welcome!



Nicole Smith Frier

Victim Advocate
Fifth Judicial Circuit
1701 Main Street, Suite 302 • P.O. Box 192 (29202)
Columbia, South Carolina 29201
Phone: 803.576.1892 • Fax: 803.748.4776

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"We give a great deal of attention to those who break the law, but the system often neglects those whose harm forms the very basis for the system's existence... We may not be able to prevent this from being a country in which the innocent are victimized, but we can reduce the number of victims and ensure that those victims who remain are treated with care and concern".
- The Honorable Lois Haight Herrington

From: Marie Faltas <marie_faltas@hotmail.com>

Sent: Friday, September 2, 2022 2:18 PM

To: NICOLE SMITH <SMITH.NICOLE@richlandcountysc.gov>; Will Douthit <Douthit.Will@richlandcountysc.gov>

Cc: Marie Assa'ad-Faltas <marieassaadfaltas@gmail.com>; Timothy L. Griffith <tigriffith@tlgriffith.com>; Ted Lupton <ted@luptonlawfirm.com>; cwaters@scag.gov; Davis, Charlie T <tex.davis@dss.sc.gov>; Knox, Teresa A <Teresa.Knox@columbiasc.gov>; Brent Arant <Arant.Brent@richlandcountysc.gov>; Brent Arant <brent.arant@gmail.com>; wblitch@scag.gov; dzelenka@scag.gov; Dan Addison <daddison@hallboothsmith.com>; Saxon, Jessica <jsaxon@sccid.sc.gov>; Robert Michael Dudek <rdudek@sccid.sc.gov>; Johnny James <JJames@scag.gov>; James, Marshall S <Marshall.James@columbiasc.gov>; amye.rushing@columbiasc.gov; tsmith@scag.gov; tommyevansjr@scag.gov; Ed Salter <ESalter@scag.gov>; Lilly Meadows <lillymeadows@scag.gov>; Megan Jameson <MJameson@scag.gov>; Young, Hervery <hyoung@sccid.sc.gov>; hryan@sccid.sc.gov; hweiss@scag.gov; dzelenka@scag.gov; dfernandez@scag.gov

Subject: Re: [EXTERNAL] Defendant: Anthony Presley, Victim: Marie Assa'ad-Faltas. I cannot thank you enough; and congratulations to Mr. Douthit on his new child.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Repeating the subject line: **Re: [EXTERNAL] Defendant: Anthony Presley, Victim: Marie Assa'ad-Faltas. I cannot thank you enough; and congratulations to Mr. Douthit on his new child.**

You, Ms. Nichole Smith Frier, were *the only one* among all the above-copied persons who was willing to help me or even take my concerns seriously.

God bless you for that and for all you do.

And Happy Labor Day to you and yours.

You certainly made mine less stressful than it could have been and less stressful than I could, health-wise, afford it to have been.

Your kindness shall, God willing, never be forgotten. And I hope Mr. Douthit's new child grows up to be happy, healthy, holy, and as kind as you are.

Thanks again for everything and God bless./Marie Assa'ad-Faltas, MD, MPH

Phone: (803) 783 - 4536

From: NICOLE SMITH <SMITH.NICOLE@richlandcountysc.gov>
Sent: Friday, September 2, 2022 12:07 PM
To: 'marie_faltas@hotmail.com' <marie_faltas@hotmail.com>
Subject: FW: [EXTERNAL] Defendant: Anthony Presley, Victim: Marie Assa'ad-Faltas

Dr. Faltas,

Please see the attached letter/document from Municipal Court Administration indicating that the case is indeed closed and the summons being sent out was in fact in error. So, please disregard. I hope this addresses your concerns in full.

Thank you,



Nicole Smith Frier

Victim Advocate
Fifth Judicial Circuit
1701 Main Street, Suite 302 • P.O. Box 192 (29202)
Columbia, South Carolina 29201
Phone: 803.576.1892 • Fax: 803.748.4776

"We give a great deal of attention to those who break the law, but the system often neglects those whose harm forms the very basis for the system's existence... We may not be able to prevent this from being a country in which the innocent are victimized, but we can reduce the number of victims and ensure that those victims who remain are treated with care and concern".
- The Honorable Lois Haight Herrington

From: Court Continuances <CourtContinuances@columbiasc.gov>
Sent: Friday, September 2, 2022 11:57 AM
To: NICOLE SMITH <SMITH.NICOLE@richlandcountysc.gov>; Court Continuances <CourtContinuances@columbiasc.gov>
Cc: Mangum, Jessica R <Jessica.Mangum@columbiasc.gov>
Subject: RE: [EXTERNAL] Defendant: Anthony Presley, Victim: Marie Assa'ad-Faltas

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Good Morning Nicole,

It was a pleasure speaking with you. Please see the attached memo.

If we can be of further assistance to you, please feel free to let us know.

Warm regards,



Katherine M Jackson

Court Administrator
Municipal Court
811 Washington Street
Columbia, SC 29201
Phone: 803-545-3040
Mobile: 803-351-6115

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S.C. SUPREME COURT

Katherine.Jackson@columbiasc.gov

"Nothing is impossible, the word itself says, "I'm possible!" - Audrey Hepburn

FOIA Disclaimer

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From: NICOLE SMITH <SMITH.NICOLE@richlandcountysc.gov>
Sent: Thursday, September 1, 2022 3:30 PM
To: Court Continuances <CourtContinuances@columbiasc.gov>
Subject: [EXTERNAL] Defendant: Anthony Presley, Victim: Marie Assa'ad-Faltas
Importance: High

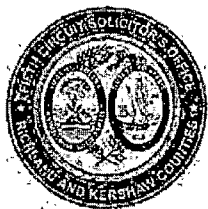
You don't often get email from smith.nicole@richlandcountysc.gov. [Learn why this is important](#)

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Presley, Anthony Bernard	Defendant	2012C4021600269	09/30/2012	Rescheduled	Criminal	Columbia Municipal Court
Presley, Anthony Bernard	Defendant	2012C4021600270	09/30/2012	Rescheduled	Criminal	Columbia Municipal Court
Presley, Anthony Bernard	Defendant	2012C4021600271	09/30/2012	Rescheduled	Criminal	Columbia Municipal Court

This is in regards to the above cases. The victim, Dr. Marie Assa'ad- Faltas, called me because she received a summons for court. However, she said this case went to trial and was a not guilty back in 2013/the defendant was acquitted (proof shown in these documents attached that she sent me she said). Additionally, she said she has been held in contempt of court before and does not want to be held in contempt again for not coming to court for the recent summons she received(also attached). She said she has been banned from going to or contacting municipal court or any courts in SC I believe (the attachments she sent me prove this as well she said) – hence why she has reached out to ask me to send this to you all. Told her this is all I can do- pass this information along to you all and ask that she be excused from court if there is in fact still a pending case coming up.. since she is apparently banned. Feel free to call me if you have any questions. I am a little confused on this myself, though.

Thank you and best,



Nicole Smith Frier

Victim Advocate
 Fifth Judicial Circuit
 1701 Main Street, Suite 302 • P.O. Box 192 (29202)
 Columbia, South Carolina 29201
 Phone: 803.576.1892 • Fax: 803.748.4776

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