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SEP 15 2022

S.C. SUPREME COURT
City of Columbia

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

Plaintiff/Respondent,

Number 2021-000048

From Richland County 2010CP4008650

Marie Assa'ad-Faltas, MD, MPH Defendant/Appellant.


DEFENDANT/APPELLANT'S TIMELY PETITION FOR REHEARING

Defendant-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 the above-captioned case *combined* with two others. 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"), the originator of the three convictions addressed in this Court's 31 August 2022 *combined* order, 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 maintain a risk of its recurrence.

This Court's Opinion 28111 admits: "**legal decision-making is often context dependent, and the result shifts as the facts shift.**" Dr. Assa'ad-Faltas saw this Court's records of this case for the first time since it disappeared from C-Track in January 2021 **only after her receipt of this Court's 31 August 2022 combined ORDER.** If the reappeared record on C-Track is what this Court considered, it lacks *both* the entire record this Court requested from the circuit court and Dr. Assa'ad-Faltas' 11 April 2022 submission to this Court *in this case*, which may have been *through this Court's Clerk's error* not filed at all **or filed in other cases which still do not appear on C-Track.**


The facts in these missing records and submission are capable of shifting the result in light of Opinion 28112's statement: "**Therefore, we 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.) A key *factual* error of the *combined* ORDER is that Dr. Assa'ad-Faltas' July 2013 motion for appointment of counsel was not "tardy" but promptly filed after this Court's 28 June 2013 ORDER *partially* lifted **this Court's** (now-apparently-*totally*-ineffective) **8 April 2011 ORDER's** prohibition on SC's unified court system's clerks accepting *anything* for filing from her in a *pro se* capacity. 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 Dr. Assa'ad-Faltas promptly did what she was allowed to do as soon as allowed to do it, and reopen this appeal for plenary hearing of its merits.

Sincerely submitted on 15 September 2022.


s/ Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*
Post Office Box 9115, Columbia, South Carolina 29090
Phone (803) 783-4536; e-mail Marie.Faltas@hotmail.com

Certificate of Service Satisfying the Substance of Form 7 and of all Relevant Rules, SCACR

On 15 September 2022, I served Ms. Amye Rushing and Mr. Marshall James, Counsel for the City of Columbia and sole opposing counsel in the three above-captioned cases, with a true and complete copy of this document by **personally hand-delivering a paper copy** of it to the location of the City of Columbia's Legal Department's office on Washington and Main Streets, Columbia, SC 29201, and there and then hand-delivering it to a **person long known** to me to be approved and entrusted to deliver it to Ms. Rushing and Mr. Marshall, **all God so willing.**


s/Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant/Petitioner and here server *pro se*
P.O. Box 9115, Columbia, SC 29209, Phone: (803) 783-4536 Cell: (330) 232-4164
e-mail: Marie.Faltas@hotmail.com and MarieAssaadFaltas@GMail.com



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!

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SEP 15 2022

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

S.C. SUPREME COURT



"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 <tgriffith@tlgriffith.com>; Ted Lupton <ted@luptonlawfirm.com>; cwaters@scag.gov; Davis, Charlie T

<ctex.davis@dss.sc.gov>; Knox, Teresa A <Teresa.A.Knox@columbiasc.gov>; Brent Arant <Arant.Brent@richlandcountysc.gov>; Brent Arant <brent.arant@gmail.com>; whlitch@scag.gov; dzelenka@scag.gov;

Dan Addison <daddison@hallboothsmith.com>; Saxon, Jessica <jsaxon@scid.sc.gov>; Robert Michael Dudek <rdudek@scid.sc.gov>; Johnny James <JJames@scag.gov>; James, Marshall S

<Marshall.James@columbiasc.gov>; amy.e.rushing@columbiasc.gov; tsmith@scag.gov; tommyevansji@scag.gov; Ed Salter <ESalter@scag.gov>; Lilly Meadows <lillymeadows@scag.gov>; Megan Jameson

<MJameson@scag.gov>; Young, Hervery <hryoung@scid.sc.gov>; hryan@scid.sc.gov; hweisss@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

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.

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: 803-351-0115



We Are Columbia

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SEP 15 2022
S.C. SUPREME COURT

Katherine.Jackson@courtnhance.gov

"Nothing is impossible, the word itself says, "I'm possible!" - Audrey Hepburn
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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 Assaad-Faltas
Importance: High

You don't often get email from smith.nicole@richlandcountysc.gov. Learn why this is important
CAUTION: This email originated outside of the organization. Do not click links or open attachments from unknown senders or suspicious emails. Never enter a username or password on a site that you did not knowingly access.

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 Assaad-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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