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S.C. SUPREME COURT

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

City of Columbia

Plaintiff/Respondent,

Number 2021-000049

v. From Richland County 2011CP4002111
Marie Assa'ad-Faltas, MD, MPH Defendant/Appellant.

DEFENDANT/APPELLANT'S TIMELY MOTIONS FOR AN EXTENSION OF TIME TO SUPPLEMENT HER PETITION FOR REHEARING AND FOR OTHER PROCEDURAL RELIEF

True contempt, in *pro se* Defendant-Appellant Marie Assa'ad-Faltas, MD, MPH's ("Dr. Assa'ad-Faltas" or "Dr. Faltas") conscience, is a **silent (*hence beyond any court's punishment powers*) loss of hope in a court's fairness**. Courage and innovative ideas (frivolous or "clever and prescient," rude or "most pleasant and gracious") wither. The contrast between Justice Kittredge's brilliant writings *in other cases* and what he did in SC Appellate Cases 2013-000862 and 2021-000815 and their ancestry and progeny saddened Dr. Assa'ad-Faltas; yet, the true Christian question is not "What does this man want so badly to take away from me?" but "What good can *I alone* give him?"

Then came the 26 September 2022 *combined* ORDER in SC Appellate Cases 2021-000047, 48, and 49; and this Court's Opinions 28118 (*State v. Rampey*, SC Appellate Case 2020-001595, filed October 5, 2022) and 28117 (*State v. Frasier*, SC Appellate Case 2020-001405 filed September 28, 2022); and came the *draft* of the 21 August 2017 hearing (which engendered the orders herein appealed) before SC Circuit Judge Clifton Newman: a dean of SC state trial judges holds Dr. Assa'ad-Faltas "worthy."

Dr. Assa'ad-Faltas' *errata* to the *draft* transcript (Attachment 1) were **as transmitted via forced Attorney Timothy L. Griffith** greatly appreciated by SC Court Reporter III Bobbi Fisher, who promised to provide the corrected transcript soon. Nor could the audio sent from Richland County Circuit Court of Common Pleas ("RCCCP") be opened from C-Track: it consistently returns an error message (Attachment 2). And the 28 March 2011 *audio* is necessary both for the public *and for this Court's new practice stated in Frasier, supra, to use technology to assess for itself the effect of witnesses and jurists' words as recorded in the lower courts in certain situations*.

Therefore, Dr. Assa'ad-Faltas seeks a 30-day extension from her receipt of the *corrected* transcript of the 21 August 2017 hearing before Judge Newman or from the audio in this case becoming publicly accessible on C-Track, **whichever is later**, to, God willing, file the allowed supplements. She also seeks **leave to: (1)** file a consolidated supplement in all three cases; **(2)** file the consolidated supplement and any further documents, God and this Court willing, by e-mail; **and (3)** receive this Court's issuances in her cases by e-mail, all to streamline and economize this Court's staff's *administrative* processing of the documents, to accommodate Dr. Assa'ad-Faltas' increasing difficulties in *physically* accessing this Court's and Respondent's offices and the U.S. Post Office, and to promote public confidence in the Judiciary by fulfilling then-Acting-SC-Chief Justice Kittredge's promise in the 22 February 2022 *Faretta* hearing in SC Appellate Case 2021-000815 at Tr. p 21, lines 9-15:

JUSTICE KITTREDGE: I will on behalf of the entire Court echo what Justice Few said about our duty to treat *all litigants*, represented *and unrepresented* fairly, *equally*, and in accordance with the law, *both procedurally* and substantively. [*italics and underlining added for emphasis*]

This excerpt from the end of the 22-26 February 2010 General Sessions jury trial, Judge Newman presiding, will hopefully reassure this Court that what *appears* vexatious intransigence is *in reality* "clever and prescient" convictions of one who believes her intellectual gifts and education *are a debt to God and to her parents* **which must be paid by improving all people and things around her**.

[17 - 18]

(Whereupon, the jury was brought into open court at 9:46 p.m.)

[19 - page 72, line 18] **The Court:** Ladies and gentlemen, Mr. Foreman, you have sent out a note stating, "We are deadlocked with no hope of reaching a unanimous decision." And certainly, as I instructed you earlier, the verdict of the jury

must be unanimous. Now, when a matter is in dispute, any matter for that matter, it isn't always easy to -- for even two people to agree. So when 12 people must agree, it obviously becomes even more difficult. In most cases, absolute certainty cannot be reached or even expected. However, you have a duty to make every effort to reach a unanimous verdict. In doing this, you should -- and I'm sure you have -- but you should consult with one another, expressing your own views, and listen to the opinions of your fellow jurors. Tell each other how you feel and why you feel that way. Discuss your differences with open minds. Although the verdict of the jury must be unanimous, every one of you has the right to your own opinion. The verdict you agree to must be your own verdict, the result of your own convictions, and you should not give up your firmly held beliefs merely to be in agreement with your fellow jurors. The majority should consider the minority's opinion. The minority should consider the majority's opinion and position. You should carefully consider and respect the opinions of each other and reevaluate your opinions and your position for reasonableness, correctness, and impartiality. You must lay aside all outside matters and reexamine the questions before you based on the law and the evidence in this case. If you do not agree on a verdict in this case, I must declare a mistrial. In that case, it does not mean that anybody wins. It just means that at some future time I, or another judge, will try this case with some other jury sitting where you now sit. The same participants will come and the same questions will basically be asked and get the same answers -- basically get the same answers and we'll have to go through this whole process again. You were selected in the same manner and from the same source as any future jury will be selected from, and there is no reason for me to suppose that 12 more intelligent, impartial, conscientious, or competent jurors than you can be found or selected or that more clearer -- more or clearer evidence will be produced by one side or the other. I, therefore, ask that you return to your deliberations **with the hope that you can arrive at a verdict** within a reasonable time. Please return to the jury room.

[14 - 15]

(Whereupon, the jury was excused from open court to continue deliberating at 9:52 p.m.)

[16 - 17] **The Court:** Any exceptions to the charge from the State or the defense?

[18] **Ms. Weiss:** No, Your Honor.

[19-21] **Dr. Faltas:** Your Honor, I don't think they were charged that if they still cannot agree they may so report to the Court.

[22 - 24] **The Court:** I said within a reasonable time, and they must determine what a reasonable time is. I cannot give a time period on the deliberations of the jury.

[25 - page 75, line 3] **Dr. Faltas:** But I was saying that I don't think they were told that they still have the option of being deadlocked.

[3 - 5] **The Court:** I can't give the jury a time limit. I give them a reasonable time, and that's for the jury's determination what a reasonable time is.

[6] **Dr. Faltas:** I understand.

[7 - 10] **The Court:** I understand. I understand your exceptions of what you want me to tell them, the words you would like for me to use, and what you would tell them if you were in my position.

[11] **Dr. Faltas:** And I'm not the judge. There is---

[12 - 23] **The Court:** I have given them the *Allen* charge which is the approved charge using the approved wording, for the most part stating it to them verbatim from the *Allen* charge script that I was looking at as I was talking to them. And the Court will never tell the jury that you have a half an hour to make a decision or the case is going to mistrial or an hour or any specific time limit. We have 12 intelligent, impartial, conscientious, and competent jurors back there who have heard what I've told them, and if they're unable to reach a verdict within a reasonable time, they will be the very first to let me know, and I'm confident about that.

[24 - page 76, line 1] **Dr. Faltas:** I'm sorry, Your Honor. Just to put it on the record, I don't think they were told that they have the option of coming back without a verdict.

[2 - 8] **The Court:** Right. You're exactly right. **They were not told that they have an option of not deciding because they have a duty to decide,** and if they can't decide, then I must declare a mistrial. That's what I told them, and that's what the law is. I understand your position, and it's well stated in the record as she transcribes any and everything that is stated in court.

[9] **Dr. Faltas:** Thank you, Your Honor.

[10 - 11] **The Court:** You're welcome. And with that, we'll be at ease waiting on the jury.

[12] **Ms. Weiss:** Thank you, Your Honor.

[Page 76, lines 18 - 18] (Pause in proceedings while the jury continues to deliberate. Court's Exhibit 7 was marked for identification only.)

[16 - 17] **The Court:** The note says, "This jury cannot come to a unanimous verdict." What says the State?

[18 - 21] **Ms. Weiss:** Your Honor, I think -- I mean, you can talk to the jury, but I believe at this point the instructions are pretty clear. We can't send them back, so we have to do what we have to do.

[22 - 23] **The Court:** All right. All right. What says the defense?

[24 - 25] **Dr. Faltas:** Yes, Your Honor, I am agreeable to a mistrial, and I thank Your Honor for doing that.

[Page 77, line 1] **The Court:** All right. If you'll bring the jury.

[2 - 3] (Whereupon, the jury returned to open court at 11:15 p.m.)

[4 - 6] **The Court:** All right. Mr. Foreman, your note says, "This jury cannot come to a unanimous verdict." Is that correct?

[7] **Foreman:** Yes, sir. [8] **Juror:** Yes, sir.

[14 - 15] (Whereupon, the jury was excused from the trial at 11:18 p.m.)

[16] **The Court:** Any other matters before the Court?


[17 - 25] **Ms. Weiss:** Your Honor, at this time I would assume the bond goes back into effect since there's been no verdict? And I would just ask Your Honor to admonish the defendant -- it has come to the State's attention that at least two times or at least once while out on bond she ignored the orders of the Court and still went back to the apartment, and I would ask Your Honor to admonish the defendant that the conditions of the bond are in place, remain in place, and that she must abide by them.

What Dr. Assa'ad-Faltas urged on 26 February 2010 at 9:52 pm this Court made the law of this State on 5 October 2022: a jury **need not** return a verdict *if individual jurors' consciences prevent unanimity*.

This Court is asked to start allowing Dr. Assa'ad-Faltas to share her talents to advance the law and public health instead of demeaning and incarcerating her for her sincere beliefs *inter alia* that she is no less human than ones with law degree. *Rampey, supra*, vindicates Dr. Assa'ad-Faltas' *legal* thought (*the opposite of vex and frivolity*) **and supports her request for this Court to open-mindedly hear her analysis as a physician and biostatistician that the so-called "It's normal to be normal" study should be titled "It's stupid to be stupid" after it wrongly convicted so many innocent working-class men in the absence of physical evidence.** Dr. Assa'ad-Faltas offered this Court an *amicus* in *Elders v. State*, SC Appellate Case 2020-000891 but was summarily denied. She asks this Court to see her email to Tristan Shaffer ("my blood ran cold") and take it from there.

Sincerely submitted on 7 October 2022.



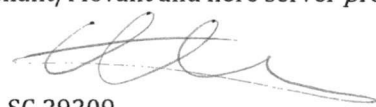

s/ Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*
Post Office Box 9115, Columbia, South Carolina 29090
Phone (803) 783-4536; e-mail Marie.Faltas@hotmail.com

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

On 7 October 2022, I served Ms. Amye Rushing and Mr. Marshall James, Counsel for the City of Columbia and sole opposing counsel in this case, 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 with an additional copy served by e-mail, **solely as a courtesy**, all God so willing.

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