

The Supreme Court of South Carolina

Marie Assa'ad-Faltas, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-001344

Lower Court Case No. 2017CP4006831

and,

Petition of Marie Assa'ad-Faltas, Petitioner.

Appellate Case No. 2020-001424

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ORDER

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. The restrictive orders which are currently in effect are an order dated December 23, 2009,¹ an order dated September 27, 2017,² an order dated September 20, 2019 clarifying how the September 27, 2017 applies in post-conviction relief (PCR) actions filed by petitioner,³ and an order dated June 22,

¹ This order was filed in Appellate Case Numbers 2009-147975 and 2009-148266.

² This order was filed in Appellate Case Number 2013-000862.

³ This order was filed in Appellate Case Number 2019-000036.

2022, finding petitioner in criminal contempt for multiple violations of the order of September 27, 2017.⁴

Appellate Case Number 2021-001344.

In this case, the circuit court granted petitioner post-conviction relief, and the State filed a notice of appeal. The case was assigned Appellate Case Number 2019-000708, and the case was transferred to the South Carolina Court of Appeals.

After the Court of Appeals denied petitioner's motion to relieve counsel and proceed *pro se*, petitioner petitioned this Court to:

- (1) Review the Court of Appeals' denial of her motion.
- (2) Grant her a "direct hearing or appointment of counsel to argue against precedent on the issues of unappealability and City's non-sovereignty."
- (3) Allow her to speak "for herself or from an advocate on her behalf, why grants and [Courts of Appeals'] reversals of PCR denials should be unappealable"⁵ and why lawyers who formerly worked for the

⁴ This order was filed in Appellate Case Number 2021-000815.

⁵ This position is completely frivolous. South Carolina Code Ann. § 17-27-100 (2014) states: "A final judgment entered under this chapter may be reviewed by a writ of certiorari as provided by the South Carolina Appellate Court Rules." Rule 243(a) of the South Carolina Appellate Court Rules (SCACR), states: "A final decision entered under the Post-Conviction Relief Act shall be reviewed by the Supreme Court upon petition of *either party* for a writ of certiorari, according to the procedure set forth in this Rule." (Emphasis added). Since the State of South Carolina is a party to a post-conviction relief case, it has a right to seek appellate review from a final decision in a PCR case.

Further, when the Court of Appeals reverses an order denying post-conviction relief, the State may seek review from this Court. Rule 242(a), SCACR ("The Supreme Court, or any two (2) justices thereof, may in its discretion, *on motion of any party to the case* or on its own motion, issue a writ of certiorari to review a final decision of the Court of Appeals.") (Emphasis added); *but see Ellison v. State*, 382 S.C. 189, 192, 676 S.E.2d 671, 672 (2009) (holding this Court will not

South Carolina Attorney General's Office "who worked on those very cases as adversaries should not sit as *quasi*-judges (staff counsel) to decide them."

- (4) Lift the restrictions on her ability to represent herself *pro se* in appellate cases.

By order dated December 10, 2021, the Court of Appeals denied the petition for a writ of certiorari filed by the State, and the remittitur was sent to the circuit court on December 31, 2021. Except for the request to lift the restrictions on her ability to represent herself in appellate cases, this action by the Court of Appeals renders moot all other relief sought by the petitioner, and those requests for relief are hereby dismissed as moot.

As to the request to lift the restrictions on her ability to proceed *pro se*, this request is denied for two reasons. First, this *pro se* request is improper under the order of September 17, 2017.

Second, in light of the filings made by petitioner in this case, and her long and continuing history of making frivolous and abusive filings as reflected in the contempt order of June 22, 2022, it would be inappropriate for this Court to lift any of the current restrictions.

Appellate Case Number Appellate Case No. 2020-001424.

In this case, petitioner attempted to file a petition to lift the filing restrictions imposed on her by this Court. After the Clerk of this Court refused to accept this petition for filing, petitioner filed a motion to require the Clerk to accept the petition for filing.

We find that this petition to lift the filing restrictions is a request for relief under Rule 245, SCACR, relating to the original jurisdiction of this Court. Therefore, this *pro se* petition was properly refused for filing under this Court's order dated

entertain a petition for a writ of certiorari to the Court of Appeals when the Court of Appeals denies a petition for a writ of certiorari in a PCR matter).

December 23, 2009.⁶ Further, even if this petition was properly before this Court, we would deny the petition.



A.C.J.


J.


J.


J.

Beatty, C.J., not participating.

Columbia, South Carolina
August 31, 2022

cc: Jessica M Saxon, Esquire
Michael D. Davidson, Esquire
The Honorable Jenny Abbott Kitchings
Marie Assa'ad-Faltas

⁶ That order states, in relevant part, "we hereby direct the Clerk of this Court to refuse to accept further filings from petitioner in which she seeks an extraordinary writ or to invoke this Court's original jurisdiction unless they are signed and filed by an attorney."



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Case Information: 2021-000049

Court:	Supreme Court	Classification:	Appeal - Common Pleas - Crim. Appeal from Summary Ct.
Short Title:	City of Columbia v. Marie Assaad Faltas	Case Status:	Petition for Rehearing Pending
Consolidated:	View Full Title		

Filed Date: 01/12/2021 **Oral Argument Date:**

Disposition Date: 08/31/2022 **Disposition Type:** Petition for Extraordinary Writ/Relief Denied

Rehearing Date:

Lower Court or Tribunal: Richland (2011CP4002111)

- Party Information

Appellate Role	Party Name	Former	Attorney(s)
Appellant	Marie Assaad Faltas	N	Self Represented
Respondent	City of Columbia	N	Amye Leigh Rushing

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Event Information

Filed Date	Event Information	Doc
10/07/2022	Motion - Extension of Time to file supplemental petition for rehearing and receive documents by email	
09/26/2022	Correspondence - Outgoing (Order Only)	
09/26/2022	Non-Dispositional Decision - Order	
09/15/2022	Rehearing - Petition for Rehearing	
08/31/2022	Correspondence - Outgoing order emailed to counsel and clerk	
08/31/2022	Correspondence - Outgoing (Order Only)	
08/31/2022	Dispositional Decision - Order Dismissing Appeal	
04/11/2022	Motion - Pro Se Motion	
02/16/2022	Motion - Motion to Withdraw Request to Appoint Counsel	
12/16/2021	Correspondence - Incoming requested case file from Richland County	
12/15/2021	Correspondence - Outgoing Letter from the Clerk	
12/13/2021	Non-Dispositional Decision - Order directing the Richland county clerk of court to deliver records	
11/23/2021	Correspondence - Incoming (Pro Se Inquiry)	
10/21/2021	Correspondence - Incoming (Pro Se Inquiry) (Exhibits Uploaded in Appellate Case No. 2021-000047)	
01/12/2021	Notice of Appeal (Criminal) - Initial	

EXHIBIT
No. 20

Cassette Audio Envelope
Cassette Audio submitted by Richland county
Lower Court Filings