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OCT 31 2022

THE STATE OF SOUTH CAROLINA ("SC")

No. 2022-000339

In The Court of Appeals (as Transferred from the Supreme Court of South Carolina {"SC S Ct"})

APPEAL from RICHLAND COUNTY Court of COMMON PLEAS

D. Craig Brown, Circuit Court Judge, Case No. 2019-CP-40-01374.

Which is an Appeal from Richland County (Dentsville) Magistrate Phillip F. Newsom ("DMN") as transferred to Richland Count Magistrates from the City of Columbia' Municipal Court ("CMC") No. L066971

City of Columbia, SC,

Respondent,

v.

Marie Assa'ad-Faltas, MD, MPH,

Appellant.

APPELLANT'S EMERGENCY MOTION FOR LEAVE TO FILE, RECEIVE AND SERVE, by e-mail UNDER THE UPDATED RULES, SCACR, AND OTHER RELEVANT COURT ORDERS

SC S Ct's 23 March 2022 transfer of this case carries faith in, and expectation of, this Court's reasoned and even-handed disposition of this case, all after then-Acting-SC-Chief-Justice Kittredge had, in the 22 February 2022 *Faretta* hearing for Marie Assa'ad-Faltas, MD, MPH ("Dr. Assa'ad-Faltas" or "Dr. Faltas") *pro se* in SC Appellate Case 2021-000815, promised 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 Court is allowing Dr. Faltas to proceed *pro se* in this case; **and reason does not appear why she should be denied the procedural convenience (here, *medical necessity*) of filing, receiving, and serving by e-mail according to below-cited SC statutes, rules, and relevant orders.** Rather, due to her age, her prior ailments, and the dangerous atrial fibrillation ("A-fib") which struck her on the first evening of her 27 June to 4 July 2022 now-under-separate-federal-appeals incarceration in Alvin S. Glenn Detention Center ("ASGDC"), Dr. Faltas has difficulty reaching this Court's and Respondent's *physical* offices and reaching even the nearest printing facilities and U.S.P.O. but needs to focus her *very* limited time and financial resources on obtaining, God willing, toward cure or stabilization of her A-fib.

Sections 14-1-100 and 40-45-80, SC Code of Laws, provide, respectively, with emphasis added:

SECTION 14-1-100. Rights in court shall not be affected by race or color.

Whenever authority has heretofore been conferred by law upon any free white person or persons to *institute any suit or proceedings or to prefer any information or complaint in any matter, civil, penal or criminal*, the same rights shall be enjoyed by **and the same remedies** shall be applicable to all persons whatsoever, regardless of race or color, **subject to the same conditions and none other.**

SECTION 40-5-80. Citizen may prosecute or defend own cause. This chapter may not be construed so as to prevent a citizen from prosecuting or defending his own cause, if he so desires.

Rule 1, SC Rules of Civil Procedure ("SCRCF"), provides *in toto* with emphasis added:

SCOPE OF RULES

These rules govern the procedure in all South Carolina courts in all suits of a civil nature whether cognizable as cases at law or in equity, with the exceptions stated in Rule 81. *They shall be construed to secure the just, speedy, and inexpensive determination of every action.*

Rule 262, SCACR, as amended by 29 April 2021 ORDER, provides *in relevant part*:

FILING AND SERVICE

(a) Filing [...] may be accomplished by: * * * * (3) [...] electronic means in a manner provided by order of the Supreme Court of South Carolina.¹ ("The Supreme Court's May 6, 2022 amended order establishing the methods for the electronic filing and service of documents under this paragraph and paragraph (c)(3) is available at: <https://sccourts.org/whatsnew/displayWhatsNew.cfm?indexId=2695>.") * * * * (c) Service [...] upon the attorney or upon a party shall be made by: * * * * (3) Serving a copy on the person by electronic means in a manner provided by order of the Supreme Court of South Carolina.

“The Supreme Court’s May 6, 2022 amended order” provides *in relevant part*:

(2) Filing by E-mail. Filings may be made by e-mail. For the Supreme Court, the e-mail shall be sent to supctfilings@sccourts.org; for the Court of Appeals, the e-mail shall be sent to ctappfilings@sccourts.org. * * * * **(2) Service by an Appellate Court.** [...] **A self-represented litigant may request the appellate court serve the litigant by e-mail under this provision.** Any request must be in writing and must include the e-mail address for service. It is the responsibility of the self-represented litigant to immediately inform the appellate court of any change in e-mail address.

Dr. Faltas hereby requests to be served by e-mail at Marie_Faltas@hotmail.com and undertakes to keep this Court’s Clerk apprised of any change in Dr. Faltas’ e-mail address or desire to be so served. She further notes that, *in this particular case*, the expected length of the Record on Appeal (“RoA”), the important novel issues raised, and the necessity of media materials (color photos, audios of court events not taken by official court reporters, *etc.*) make filing by means which preserve word-searchability and “link-clickability” of the submissions crucial. It also economizes this Court’s clerical staff’s time and effort as they would not have to scan any-length documents but simply download them from the e-mail.

Dr. Faltas also reports that, since 2012, she has been allowed to file electronically at the U.S. Court of Appeals for the Fourth Circuit and has, thank God, consistently done so successfully procedure-wise.

There is **no risk** of Dr. Faltas’ abusing *procedural* equality for vex or frivolity as she, like all similarly-situated parties and advocates, is subject to page/word limits on, and *substantive* review of the contents of, all her submissions, subject to the same punishments (if warranted) “and none other.”

WHEREFORE, this request should be granted forthwith.

Sincerely submitted on 31 October 2022.



s/Marie Assaad-Faltas, MD, MPH, Defendant/Appellant *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

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

On 31 October 2022, I served Mr. Marshall James, sole Counsel for sole Respondent in this case, with a true copy of this document by personally going to the the City of Columbia’s Legal Department’s office location on Washington and Main Streets, Columbia, SC 29201, and there and then hand-delivering the true copy of this document to a person long known to me to be approved and entrusted to deliver it to Mr. Marshall, all God so willing.



s/Marie Assaad-Faltas, MD, MPH, Defendant/Appellant, here server *pro se*
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APPELLANT'S EMERGENCY MOTION FOR PERPETUATION PENDING APPEAL

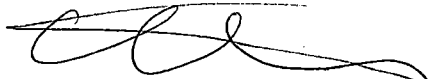
Weary v. Cain, 577 U.S. 385, 106 S.Ct. 1002,1008 (2016) concluded, *inter alia*:

The alternative to granting review, after all, is forcing Weary to endure yet more time on Louisiana's death row in service of a conviction that is constitutionally flawed.

Appellant may not be *de jure* on death row but she risks death from being, God forbid, returned to ASGDC upon affirmance of the conviction and sentence here challenged *or upon contrived new contempt-of-court convictions* constantly being dreamed-up against her; and all to protect a blatant lie by one Dinah Gail Steele, who is even inconsistent about her own name.

For brevity, and subject to Dr. Faltas' contemporaneous request to file, serve, and receive by e-mail, which (if granted) would allow a more detailed factual foundation of this request, Dr. Faltas respectfully asks this Court to order Officer-of-the-Courts Marshall James, Counsel for Respondent, to forthwith produce Steele's December 2009 "victim impact statement" and all other reports by Steele's "primary care provider" which resulted in the prescription of Paxil to Steele about which she testified on 4 February 2019 as having lasted from January 2010 to 25 April 2013 due to her purported "non-stop crying" **or to apprise this Court of what happened to these documents.** For more details, this Court is invited to review (while indulging the obvious typos) Dr. Faltas' provisional amended initial brief.

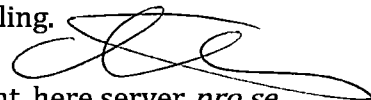
Sincerely submitted on 31 October 2022.



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