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6 March 2023

The Honorable Patricia Ann Alexander Howard,  
Clerk of South Carolina's ("SC") Supreme Court  
1231 Gervais Street, Columbia, SC 29201

The Honorable Jenny Abbot Kitchings,  
Clerk of SC's Court of Appeals ("SC CoA")  
1220 Senate Street, Columbia, SC 29201

(originals hand-delivered with copies hand-delivered to opposing counsel)

Re: (1) *Persistent Issues of items in my cases NOT appearing on the public record*; (2) Request to File My PCR from the Conviction in SC Appellate Case 2021-000815 and to Schedule a Hearing on it; and (3) Request for Guidance on Obeying my Conscience WITHOUT Getting Re-victimized by Criminal Proceedings (PLEASE specifically file in SC Appellate Cases **2021-000815** and **2022-000339**)

Your Honors:

I inquire of Ms. Kitchings why does the 31 May 2022 email from Timothy Griffith is not on C-Track of 2022-000339 and request that said email be published; and I ask Ms. Howard why my petition for the U.S. Supreme Court ("SCOTUS") to review SC Appellate Case 2021-000815 never appeared in the South Carolina Advance Sheets ("SCAS"). The attached FILED document and docket report show SCOTUS case 22-6193 still pending. Would you please make the next SCAS so indicate?

Also, on 15 June 2022, as attachments show, I filed a timely *pro se* application for PCR from the conviction in 2021-000815. The Court "construed" it as a petition for rehearing even though a separate petition for rehearing was filed and even though the PCR application is on SC Form-5 as revised 3/2003 and downloaded from SC's judicial branch's website. Because the one-year limit approaches, please refile it as a PCR and assign it a number. Since *Floyd v. State*, 303 SC 298, 400 S.E.2d 145 (1991), holds the trial judge cannot be the PCR judge but state law requires the application to be filed in the court of conviction, I believe it proper for now-SC-Associate-Justice Hill, who was (to my knowledge) not involved in 2021-000815, to hear that PCR. If you disagree, please direct me how to get my PCR recognized as a PCR. My PCR is all the proverbial duck, please do not insist it is a monkey, not a duck.

Elsewise, in Alex Murdaugh's ("AM") trial, Mark Tinsley's ("MT") testified *in camera* of telling AM, "I can[] burn your house down" and "will make [AM] an offer he can't refuse." Apparently, only I found such Mafia-like language offensive from a lawyer and so commented publicly. Shortly thereafter, the windshield and driver's side window of my truck were smashed to pieces and Columbia's Police Department ("CPD") refused to swab for DNA a large piece of cinder block found near the truck after the glass was smashed. The responding officer would only agree to place the block in my truck until I spoke to a supervisor; but since the windows are smashed, the perpetrator can reach in and steal that piece of evidence. Also, Eric Bland ("EB") said on Megan Kelly's show that EB "strategizes" with Creighton Waters ("CW") every morning from 5:00 am to 7:00 am; EB said on another show "we" consider Stephen Smith's death a murder after someone shouted to AM "Buster is next." A prosecutor should not so intimately communicate with a lawyer who would gain advantage in civil litigation from a conviction of a third person. Or did the world change after I was falsely branded "frivolous" for, thank God, defeating *pro se* false criminal charges brought against me, in intimate communication with my malicious prosecutor, for others to gain unfair advantages in civil litigation? Please direct me how I can seek redress as a concerned person if my view of legal ethics is correct.

Thanks for your consideration and God bless.

[s/] Marie Assa'ad-Faltas, MD, MPH

c.c. with above-referenced attachments : Mr. James (CoC legal department) and Mr. Zelenka (SCAG) today, and others as necessary in the future, all God so willing.

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

APPLICATION FOR POST-CONVICTION RELIEF

Full name of Applicant: **Marie-Thérèse Assa'ad-Faltas, MD, MPH**

v.

State of South Carolina

**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers. Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct. If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention **N/A at present; but might, God forbid, be ASGDC**
2. Name and location of Court which imposed sentence **South Carolina Supreme Court ("SC S Ct"), 1231 Gervais Street, Columbia, SC 29201**
3. Name(s) of co-defendant(s) (if any) **N/A**
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed: **No warrant or indictment was provided; nor do I know if any exists. I only have SC Appellate Case 2021-000815.**
5. The date upon which sentence was imposed and the terms of the sentence: **10 June 2022, six months suspended to 10 days plus these terms:**

As an additional element of her sentence for contempt, we prohibit Respondent from filing any document in any form in any court of the Unified Judicial System of South Carolina except in the following limited instances:

- Respondent may file any action or any other document when represented by an attorney licensed to practice law in this state and the filing is signed by the attorney in compliance with Rule 11 of the South Carolina Rules of Civil Procedure and all other applicable rules.
- Respondent may file a timely post-conviction relief action on the form prescribed by this Court. See Rule 71.1(b), SCRPC.
- Respondent may file any document she is required to file in any criminal proceeding in which she is a defendant not represented by counsel.

6. Check whether a finding of guilty was made: **(b) after a plea of not guilty entered by the court on my behalf.**

7. Did you appeal from the judgment of conviction or the imposition of sentence? **Not yet. SC S Ct is in SC lower only than the Court for Trial of Impeachments which does not receive appeals from SC S Ct.**

8. If you answered yes to (7), list: (a) the name of each Court to which you appealed: **N/A.** (b) the result in each such Court to which you appealed: **N/A.** (c) the date of each such result: **N/A.** (d) if known, citations of any written opinion or orders entered pursuant to such results: **N/A.**

9. If you answered no to (7), state your reasons for not so appealing: **Motion for reconsideration pending; appeal would be to U.S. Supreme Court or to federal court for habeas, which requires this exhaustion in state court. Per Floyd v. State, 303 S.C. 298, 400 S.E.2d 145 (1991), the trial jurists (SC Associate Justice [Acting as Chief Justice] Kittredge, SCAS Justice Hearn, SCAS Justice Few, SCAS Justice James, and Retired/Active SC Court of Appeals ("SCCoA") Chief Judge Lockemy) cannot sit as the PCR judge(s). They are hereby requested to be recused from this PCR.**

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: **and 11.** State concisely and in the same order the facts which support each of the grounds set out in (10): **combined answers:**

- (a) **Complete denial of due process:** my accusers were my judges from warrant (if there was any) to trial, to sentencing. No man should be the judge of his own case.
- (b) **Cruel and unusual accusations and punishment:** per *Robinson v. California*, 370 U.S. 660, 667 (1962), criminalization of my legal and constitutionally-protected conduct violates the Eighth Amendment to the U.S. Constitution. *Timbs v. Indiana*, 586 U.S. \_\_\_ (20 February 2019), completed the making of the Eighth Amendment binding on the states.
- (c) **Denial of monitoring by Consul:** None of the exhibits or evidence against me were sent to the Egyptian Consul in Washington DC by SC S Ct. I requested remote access and/or live-

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streaming, both of which are easily accessible to SC S Ct and *routine* for oral arguments and ceremonies before that court; but all my requests were denied.

- (d) **Denial of public trial:** the case was not on the public index and most of the evidence is still hidden; and now, I am precluded for even filing the FOIA requests promised at trial. Compare the terms of sentence, *supra*, with Trial Tr. pp 40-41.
- (e) **Denial of compulsory process:** not being a lawyer, I could not issue subpoenas in my own name; but I was precluded, *under penalty of more contempt of court*, from contacting SC S Ct's Clerk or any other clerk of SC's Unified Judicial System to get subpoenas issued by the Court to effect procuring witnesses in my favor.
- (f) **Denial of compulsory process:** SC Deputy Attorney General ("SCDAG") Zelenka admitted in his 11 April 2022 submission, corrected with my cooperation on 15 April 2022, that I had asked him for the State to subpoena witnesses for me but he refused.
- (g) **Denial of right of confrontation:** many statements in the 10 June 2022 ORDER of conviction and sentencing were *physical* facts to which no one testified at the 22 March 2022 *quasi*-trial. I don't even know where the Court got some of those supposed facts from.
- (h) **Denial right of confrontation:** I was not allowed to confront the author(s) of the 23 December 2009 ORDER by then-SC-Chief-Justice Toal or of the 31 March 2010 ORDER by then-SC-Circuit-Chief-Judges-for-Administrative-Purposes Barber and Cooper, which ORDER was "cancelled and rescinded" in May 2016; but the Court still heavily relied on it.
- (i) **Denial of right of confrontation:** the Court keeps claiming an unusual and *incorrect* number of cases in which I was supposedly "involved" without ever showing the case names and numbers and whether I brought them or they were brought against me and whether I won. I have no idea where the Court got those numbers from; but no one testified as to those specific numbers at the 22 March 2022 *quasi*-trial nor was I allowed to confront anyone about them because my request to call Patricia Howard, the present Clerk, was denied.
- (j) **Denial of right to a complete defense:** Acting Chief Justice Kittredge kept saying that the only "relevant" defense is whether I did or did not send the e-mails. I had, *from the beginning*, asserted that my chosen defenses include: (i) the underlying order I am accused of violating is invalid and ambiguous; (ii) I never had a *mens rea* to demoralize the valid authority of a court; (iii) none of the restrictions against me were valid or necessary because I never filed anything frivolous in SC Circuit Court; and even if I had, it was the Circuit Court's judges' authority to address them; (iv) SC S Ct never had personal jurisdiction over me to issue the 27 September 2017 ORDER because there was no underlying case or controversy. I even cited *Holmes v. South Carolina*, 547 U.S. 319 (2006), at trial Tr. p 7; but ACJ Kittredge kept *essentially* saying anything favorable to me is "irrelevant" or "not germane"; e.g., Tr. p 115; then the order came out with irrelevant, false and "not germane" matters against me.
- (k) **Denial of trial by jury:** the 6-month-penalty dividing line does not apply in South Carolina, where the Legislature guaranteed trial by jury for even the pettiest of offenses and even where only a fine, not incarceration, is the maximum allowable penalty.
- (l) **Denial of equal protection:** the restrictions placed on me were not placed on even lawyers who were disbarred for crimes as serious as negligent homicide. I had in my motions provided the Court with a list of those lawyers who, from 1997 to 2022 were indefinitely or definitely suspended, publicly reprimanded, debarred, and/or disbarred; yet none of them was precluded from advocating *pro se* in his/her own case.
- (m) **Denial of equal protection:** I am the only one in South Carolina not allowed to contact courts by phone or e-mail even where and when murder-convicts are allowed to do so.
- (n) **Denial of disinterested prosecutor:** SCDAG Zelenka supervises the very PCR office who sued me in SC Appellate case 2019-000036 to reduce my right to advocate *pro se* in PCR cases. They did that after I had, thank God, won *pro se* PCR case 2017-CP-40-06832, which win later withstood the State appeal No. 2019-000708. It was in SCDAG Zelenka's interest that I get convicted even though, during the course of the case, I presented to him *objective*

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evidence of misconduct and subornation of perjury by his subordinates. SCDAG Zelenka's duty was to see that justice is done, not that a conviction is obtained. He failed and continues to fail his duty to report other lawyers' serious misconduct to which I alerted him.

- (o) **Denial of disinterested judges:** Justice Hearn is a law-school classmate of SCDAG Zelenka and co-authored a book with him. Justice James' son works for the law firm which had me falsely arrested and maliciously prosecuted for their client to gain unfair advantages in civil litigation against me. Acting Justice Lockemy has a financial incentive against a vote for early dismissal. And Justice Kittredge has a hatred of me stemming from his mentor W. Wilkins' employment with Nexsen Pruet and worsened by my having discovered that he had used his position as a judge to get a rare post-humous pardon for his grandfather. The bias of the judges is evident in the footnote "commending" SCDAG Zelenka but attacking me in unmeasured and unseemly hyperboles, all without a factual foundation admitted at trial.
- (p) **Denial of discovery:** at the 22 February 2022 *Farretta* hearing, I asked for discovery and repeated my request at the 22 March 2022 *quasi*-trial. **I still have no discovery and no access to the court's record on the genesis of the 27 September 2017 ORDER I was accused and convicted of violating.**
- (q) **Denial of transcripts of related cases exculpatory of me:** the transcript of 16 September 2011 hearing before SC Circuit Judge Barber was lost or destroyed. I have a constitutional right to said transcript under *Chessman v. Teets*, 350 U.S. 3 (1955). The recording from which can be made my 21 August 2017 hearing transcript before SC Circuit Judge Clifton Newman, where His Honor again complimented my advocacy, is about to be destroyed at the 5-year mark. I had a lawyer request funding for it; but no action on that request has been taken after more than a month; and I am prohibited from contacting court reporters myself.
- (r) **Denial of speedy trial and of trial by jury:** other allegations of contempt were included in the 24 January 2022 Rule to Show Cause; and there was no reason to not try them on 22 March 2022. On 18 April 2022, I moved for their dismissal with prejudice under *Klopper v. North Carolina*, 386 U.S. 213 (1967); but the 10 June 2022 ORDER holds them "in abeyance" specifically so that a new 6-month sentence may be imposed on me after the expiration of the current sentence and without ever giving me the right to a jury trial.
- (t) **Lack of jurisdiction by trial court:** criminal proceeding is initiated by warrant from neutral magistrate or indictments by secret grand jury. None of that occurred in my case. Contempt proceedings may be initiated by a Rule to Show Cause *in the context of a case or controversy*. **Here, the same court which "of its own volition," without underlying case or controversy, issued the 27 September 2017 ORDER, again, without submission to a neutral magistrate or a grand-jury issued the charging document.**
- (u) **No contempt lies from violation of an administrative, not judicial, order:** to the extent SC C Ct claims the 27 September 2017 ORDER issued in its authority to supervise the lower courts, it is an administrative order from which no contempt lies.
- (v) **SC S Ct's rule-making authority requires submission to SC's General Assembly:** the 27 September 2017 ORDER was never submitted to SC's General Assembly for its approval.
- (w) **Denial of substantive due process:** the clearly and *objectively* refutable false statements in the 10 June 2022 ORDER shock the conscience. An appendix of refutations is attached.
- (x) **Selective prosecution:** if the language in the 27 September 2017 ORDER can be read to limit my ability to file to physical paper, the same language also limits any lawyer representing me to such physical-paper filing. But the lawyers imposed on me have been phoning judges and sending them emails, of many of which I have copies. None of those lawyers was prosecuted or even told to stop. This shows that there is nothing inherently wrong or disruptive to courts about receiving communications and inquires by phone or e-mail.

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? **Yes, prior to conviction, I moved for dismissal.**

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(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? **Yes, 3:22-cv-923-TLW-SVH, U.S.D.C. (D.S.C.), pending at the Matthew J. Perry, Jr. Federal Courthouse 901 Richland Street, Columbia, South Carolina 29201, Telephone: 803-765-5816, Fax: 803-765-5960.**

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? **NO.**

(d) any other petitions, motions or applications in this or any other Court? **Yes. I moved the U.S. Court of Appeals for the Fourth Circuit for assignment of an independent jurist over my cases.**

13. If you answered yes to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof: **I believe the explanation in (12) above suffices.**

(b) the name and location of the Court in which each was filed: **Please see (12) Above.**

(c) the disposition thereof: **Please see (12) above.**

(d) the date of each such disposition: **Please see (12) above.**

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition: **N/A.**

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? **None other than explained above.**

15. If you answered "yes" to (14) identify: (a) which grounds have been presented: **See above.**

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented: **N/A.**

17. Were you represented by an attorney at any time during the course of: (a) your arraignment and plea? **There was no arraignment.** (b) your trial, if any? **No.** (c) your sentencing? **No.** (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? **No.** (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? **No.**

18. If you answered yes to one or more parts of (17), list: (a) the name and address of each attorney who represented you: **N/A.** (b) the proceedings at which each such attorney represented you: **N/A.**

19. State clearly the relief you seek in filing this application: **Vacate my conviction and sentence or stay the sentence pending appeals and PCRs; declare SC S Ct's 27 September 2017 ORDER for the alleged violation of which I was convicted void for lack of underlying case or controversy; declare all SC S Ct ORDERS restricting my right to pro se advocacy and to equal access to the courts unconstitutional; restore my rights to plenary pro se advocacy and equal access to the courts; reimburse my defense and PCR expenses with the statutory annual compound interest; and any such other and further relief this Court deems just and proper.**

20. Are you now under sentence from any other court that you have not challenged? **No.**

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STATE OF SOUTH CAROLINA

County of **Richland**

**VERIFICATION**

I, **Marie-Thérèse Assa'ad-Faltas, MD, MPH**, being duly affirmed, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

S/ *[Signature]* **Marie-Thérèse Assa'ad-Faltas, MD, MPH**, Applicant  
AFFIRMED to and subscribed before me this 15<sup>th</sup> day of June 2022.

(L.S.) Notary Public My Commission Expires: 11/22/2023



**APPLICATION TO PROCEED WITHOUT PAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF**

I, **Marie-Thérèse Assa'ad-Faltas, MD, MPH**, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true: (1) I am the applicant in this action and I believe I am entitled to redress. (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

S/ *[Signature]* **Marie-Thérèse Assa'ad-Faltas, MD, MPH**, Applicant  
Affirmed to and subscribed before me this 15<sup>th</sup> day of June 2022.

*[Signature]*  
Notary Public My Commission Expires: 11/22/2023



CLAYTON CARIMI  
NOTARY PUBLIC  
SOUTH CAROLINA  
MY COMMISSION EXPIRES  
11/22/2023

No A 22-6193

BEFORE THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2022

Marie Assa'ad-Faltas, MD, MPH,  
And Marie Assa'ad-Faltas, MD, MPH, *ex rel* the Arab Republic of Egypt  
vs.  
The State of South Carolina and the Supreme Court of South Carolina,

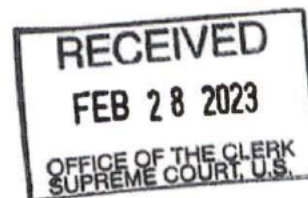
Petitioner for *certiorari*  
Respondents

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT ("S Ct") OF SOUTH CAROLINA ("SC") ("SC S Ct")

TIMELY PETITION FOR REHEARING OF DENIAL OF A WRIT OF CERTIORARI (Rule 44.2)  
And Certificate of Advocate as Required by Rule 44.2

Respectfully submitted by:

Marie Assa'ad-Faltas, MD, MPH, Petitioner for *certiorari*  
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Phone (803) 783 -4536 Cell Phone: (330) 232 - 4164  
e-mail: [Marie\\_Faltas@hotmail.com](mailto:Marie_Faltas@hotmail.com) and [MarieAssaadFalts@gmail.com](mailto:MarieAssaadFalts@gmail.com)



Questions Presented {Rule 14.1(a)} and Supplemental Questions Presented {(Rule 15.8)}

After *Pounders v. Watson*, 521 U.S. 982 (1997) (with Justices Stevens and Breyer dissenting), South Carolina's Supreme Court ("SC S Ct"), in conflict with many courts, assumed ever-expanding contempt powers. Meanwhile, *Kennedy v. Louisiana*, 554 U.S. 407 (2008), *basically* held the risk of *arbitrary* entry of *any* punishment violates the Eighth Amendment, especially when lesser punishment is effective; and *Alabama v. Shelton*, 535 U.S. 654 (2002), held that risk of even brief incarceration for minor misdemeanor conviction triggers all the constitutional protections due to a criminal defendant. Also, *Florence v. Board of [...] Burlington*, 566 U.S. 318 (2012), and *Brown v. Plata*, 563 U.S. 493 (2011), recognized, respectively, that "jails are often crowded, unsanitary, and dangerous places," imperiling "both correctional employees and inmates," and "*immediate* action is necessary to prevent **death** and harm caused by" prison overcrowding, for example by "diverting low-risk offenders" to non-incarceration, which would "lower the prison population without releasing violent convicts."

After a series of bizarre orders amounting to Jim Crowe revisited on *lawful* immigrants, SC S Ct convicted Petitioner of *criminal* contempt for no more than, during two years of *physical* closure of SC's courthouse buildings and *interim* and *permanent* orders instituting service and filing by e-mail and electronically *statewide*, having sent the then-SC S Ct clerk a total of two e-mails inquiring about the status of Petitioner's cases before SC S Ct (after that clerk "elected" to remove those cases from SC's public access website) and two more emails after that clerk retired, inquiring of his availability in private practice. **Nothing** in the *content* of the four emails was held improper *or even unjustified*. Yet, without opportunity to present a defense or compel witnesses therefor, **without a truly public trial, and without realistic opportunity for Petitioner's Consul to monitor the quasi-trial before SC S Ct**, Petitioner was sentenced to six months suspended upon service of ten days in a fearsome local jail. There, she was struck with atrial fibrillation and remained untreated for a day, with jail personnel later actively preventing her recovery when there was a chance of it.

In light of the evolution of this Court's jurisprudence, the questions presented are:

1. Given that: (a) CoViD-19 and monkey-pox make even an hour in jail a peril to life or limb, (b) jails are generally overcrowded and do nothing to "reform" minor non-violent offenders, (c) alternate but civilized measures can control *genuine* contempt, (d) the six-month-sentence line between summary punishment and due-process-mandated guarantees of fair trial was elsewhere eroded or overruled, (e) the potential for abuse of contempt powers by temperamental and/or vindictive judges, (f) six-month incarceration being long enough to cause irreparable injury but short enough to be capable of repetition yet evading review, and (g) this Court's exercise of its own judgment in Eighth Amendment cases, has civilized society evolved enough for this Court to find that **incarceration for up to six months for alleged *indirect* contempt without trial by jury is always *per se* cruel and unusual?**
2. Where a state constitution provides for jury trial *for all offenses*, and the state legislature provides trial by jury for petty offenses, even those punishable by fines only, may a state court of last resort deny an alleged *indirect* contemnor a jury in a trial before that court?
3. When a state court of last resort livestreams all proceedings before itself, and given that *one* consul cannot *realistically* travel to monitor all criminal trials of his/her nationals here, was due process denied when SC S Ct denied Petitioner remote access by her consul?
4. Does due process allow a court to be the judge of the validity of its own orders?

After the main petition was, thank God, docketed on 1 December 2022, Appendix 4 thereto (stamp-marked "Exhibit 4") was not seen among the rest of the appendices scanned on the docket. Whether App./Ex. 4 had been inadvertently omitted by Petitioner *ab initio* or was lost in the mail or in the clerical processing, it is attached hereto. Also, the Clerk ("Cl") of South Carolina's ("SC") Supreme Court ("S Ct") ("SC S Ct") ("SC S Ct Cl") **did not** note this petition in SC Advance Sheets ("SCAS"), despite having received **direct notice** from this Court's Clerk, and despite **all other** petitions to SC S Ct pending before *this* Court appearing on SCAS.

After decades of the Americans with Disabilities Acts, SC S Ct still **lacks** an ADA ramp but *hopes* one *may be* constructed in 2023. SC S Ct Cl just devised an alternative evidenced by the attached exchange of letters. That drive-by filing denies disabled litigants' and members of the public's ability to view in person public records **unavailable** outside SC S Ct's building, extends SC S Ct's revisiting Jim Crow on Dr. Assa'ad-Faltas, and maintains an oppressive secrecy of most matters concerning Dr. Assa'ad-Faltas in SC state courts, **even in this indirect contempt criminal case tried before SC S Ct itself, not any lower state court.**

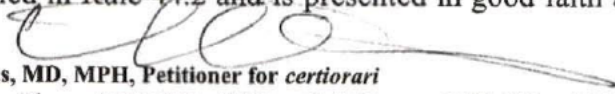
Alarming, Richland County's, SC, *purportedly*-short-term facility, the Alvin S. Glenn Detention Center ("ASGDC"), **just reported the death there of a second young male, presumably previously healthy, inmate this year alone.** That is, not a coincidence, but a trend caused by the now-documented *gross* mismanagement of ASGDC, where Dr. Assa'ad-Faltas was sent to serve the *active* part of her six-month contempt sentence and where she was struck with atrial fibrillation ("A-Fib") which could have, God forbade, killed her there and then.

In light of these post-docketing developments, the supplemental questions presented are:

5. Should this Court impose a nation-wide moratorium **on incarcerations of any length for contempt of court convictions not tried by a jury** and/or on the service of a contempt sentence in a facility **where the statistical likelihood of inmate death is inordinately high?**
6. Should this Court add to its Rule 12.b this language, **"or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power,"** present in Rule 12.a?
7. Should a lawful resident alien be allowed to remove, under 28 U.S.C. § 1251 (b)(3), to this Court in its original jurisdiction a *criminal* prosecution **by a state court of last resort?**
8. Alternatively, could a lawfully resident alien **tried as a criminal contemnor before a state highest court** appeal **as of right** to *this* Court because mere availability of discretionary review creates the disfavored "black hole" where liberty is taken without review **as of right in any forum?**

**Certificate of Advocate (Rule 44.2)**

I, Marie Assa'ad-Faltas, MD, MPH, Petitioner *pro se*, hereby certify that this Petition for Rehearing is restricted to the grounds specified in Rule 44.2 and is presented in good faith and not for delay.



Marie Assa'ad-Faltas, MD, MPH, Petitioner for *certiorari*

P.O. Box 9115, Columbia, SC 29290 Phone (803) 783 -4536 Cell Phone: (330) 232 - 4164

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***Timely* Petition for Rehearing (Rule 44.2)**

Within 25 days of this Court's 9 January 2023 ORDER denying *certiorari*, Petitioner sincerely moved for reversal of that denial for the strongest possible reason: **the complete petition was never considered *ab initio* because it was never distributed.** This is NOT Petitioner's imagination or "conspiracy theories" but the *sole* conclusion from a comparison of the case docket with the attached letter *on this Court's letter head*. The letter claims the timely-received Rule 15.8 supplement was "placed in the file" but the docket does not show it having been distributed *at all*. Nor were members of this Court's Clerk's Office able to locate it in the file *before a decision was made on the initial petition*. What was done to conceal, confuse, and excuse this non-distribution is unbecoming of this Court, of its Clerk, and of his subordinates who should uphold this Court's integrity and restore all shaken public confidence in it.

Also, the initial petition asked whether incarceration *without appellate review* for *indirect* contempt-of-court convictions has become cruel and unusual under current life-threatening conditions of jail and short-term incarceration facilities in general and **in the facility where Petitioner was incarcerated in particular**. Four months before Petitioner's incarceration for the *indirect* contempt conviction *sub judice* at Alvin S. Glenn Detention Center ("ASGDC"), one young male detainee had died there; between the initial petition and the tendered-but-never-distributed supplement, another young male detainee died in ASGDC; **and between this Court's denial of the original petition and the date of this petition for rehearing, a third young male detainee was killed by five other detainees at ASGDC, where Petitioner, a 69-year old female had been struck by atrial fibrillation and left untreated for two days.**

In addition to the important question affecting the powers of **all courts in the nation**, the different treatment of *pro se* papers is cited by Justice Sotomayor in her STATEMENT respecting denial of *certiorari* in *Schexnayder v. Vannoy*, 589 U. S. \_\_\_ (2019), slip opinion p 1:

**In 2007, a former employee of Louisiana's Fifth Circuit Court of Appeal shot himself in his courthouse office. The employee left a suicide note claiming that he had been tormented by his involvement in that Court of Appeal's secret 13-year policy of summarily denying *pro se* appeals.**

It is not unique to that Louisiana court but is replicated nationwide minus the suicide; *e.g.*, USCA 4<sup>th</sup> Cir.'s Judge Wilkerson's concurrence in *Nassim v. Warden*, 64 F.3d 951 (4<sup>th</sup> Cir. 1995):

[Courts] resort to adjudicative systems in which **decisions are handed down with only the tangential involvement of Article III judges.** The use of staff counsel and other alternative modes of judicial decision-making has been increased for the specific purpose of handling these claims. Doumar, *supra*, at 27-29. Whenever claims are disposed of without the closest attention of the judges, **the legitimacy of the federal courts is at risk.**

That violates the 28 U.S.C. § 453. Oaths of justices and judges:

Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, \_\_ \_\_, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_ under the Constitution and laws of the United States. So help me God."

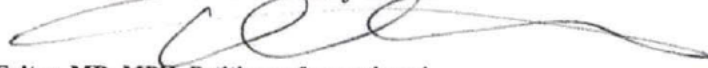
The previously non-distributed supplement and *most* appendices thereto, *along with three more reports of* after-occurring third inmate death within 11 months at the fearsome ASGDC are enclosed herewith for the Court's ready access. Also enclosed, and served on opposing counsel are copies of the envelope from this Court containing Mr. Meek's 30 December 2022 letter to Petitioner.

### CONCLUSION

**Kings act "of their own volition." America's judges may act only on cases or controversies.**

The departure of SC S Ct from normal *and basic* understanding of judicial power calls for this Court's grant of *certiorari* and assertion of supervisory powers over states' highest courts. *Certiorari* should be granted and the 10 and 21 June 2022 ORDERS of SC S Ct should be reversed, and Petitioner's contempt of court convictions should be vacated and expunged.

**Date:** 3 February 2023, resubmitted as revised on ~~22 February 2023~~.



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### Certificate of Word Count

The body of this revised two-page Petition for Rehearing consists of 810 words exclusive of the resubmission of the questions presented, the cover, the certificate of service, the appendix cover and contents, and the appendices.

**Date:** 22 February 2023.



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No A 22-6193

**BEFORE THE SUPREME COURT OF THE UNITED STATES**

**OCTOBER TERM 2022**

**Marie Assa'ad-Faltas, MD, MPH,  
And Marie Assa'ad-Faltas, MD, MPH, *ex rel* the Arab Republic of Egypt**

**Petitioner for *certiorari***

**vs.**

**The State of South Carolina and the Supreme Court South Carolina,**

**Respondents**

**ON PETITION FOR A WRIT OF *CERTIORARI***

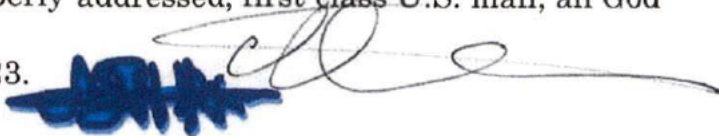
**TO THE SUPREME COURT ("S Ct") OF SOUTH CAROLINA ("SC") ("SC S Ct")**

**CERTIFICATE OF SERVICE OF PETITION FOR REHEARING**

**And of Certificate of Advocate as Required by Rule 44.2**

I, Marie Assa'ad-Faltas, MD, MPH, hereby certify that I have served a copy of my Petition for Rehearing of denial of my Petition for a writ of *certiorari* and Certificate of Advocate as Required by Rule 44.2 on Wednesday, 22 February 2023, on SC's Attorney General by postage-prepaid, properly-addressed, first-class U.S. mail, all God so willing.

Respectfully submitted 22 February 2023.



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**Additional material  
from this filing is  
available in the  
Clerk's Office.**