

JUN 09 2023

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

Appellate Cases Nos. 2023-000617, 618 and 619

APPEALS from SC Circuit Judge D. Craig Brown ("JDCB"), sitting in CIRCUIT COURT OF COMMON PLEAS IN RICHLAND COUNTY and Denying Applications for Post-Conviction Relief (PCR) No. 2019-CP-40-02217,

No. 2019-CP-40-02218, and No. 2019-CP-40-02219

Marie Assa'ad-Faltas, MD, MPH

v.

State of South Carolina, and City of Columbia, SC

Applicant/Petitioner's PROVISIONAL SUPPLEMENT to her Timely pro se 19 May 2023 Dennison Responses COMBINED WITH Motion for a 30-day Extension to Complete her pro se Dennison Responses and Receive Transcripts.

I. Incorporation by Reference of 19 May 2023 pro se Dennison Responses and Exhibits

On 3 May 2023, this Court issued to, and by e-mail served on, Applicant/Petitioner's forced PCR and appeal counsel Timothy L. Griffith ("FC Griffith") a *Dennison* ORDER which FC Griffith as usual ignored and/or played dumb about despite Applicant/Petitioner Marie Assa'ad-Faltas, MD, MPH's ("Dr. Assa'ad-Faltas" or "Dr. Faltas") several phone calls to FC Griffith and e-mails to him which were also copied to all relevant lawyers in South Carolina's ("SC") Attorney General's ("AG") ("SCAG") office, to Messrs. Young and Ryan of SC's Commission on Indigent Defense ("SCCOID") and to off-and-off forced appellate counsel Jessica Saxon ("FAC Saxon") and Robert Dudek ("FAC Dudek"), *inter alia*. Fearing this Court *might* count FC Griffith's inaction as triggering Dr. Faltas' duty to respond measured from 3 May 2023, Dr. Faltas on 19 May 2023 filed and served in each of the above cases her *pro se* *Dennison* response proving with self-authenticating public documents attached as exhibits thereto that: (1) from 8 April 2011 and 28 June 2013, no clerk of any SC court would accept from Dr. Faltas any written submission, not even a motion to appoint counsel; (2) only after 28 June 2013 was Dr. Faltas allowed to file *pro se* only a motion to appoint counsel or a motion to relieve counsel; (3) promptly thereupon in July 2013, Dr. Faltas filed a motion to appoint counsel in each of the cases underlying the above cases "for a timely PCR or a belated appeal" but said motions remained unheard for **four years and incompletely adjudicated thereafter for five more years**; and (4) in Dr. Faltas' cases in particular, **this Court explicitly ruled that the pendency of a motion/petition to appoint counsel tolls Dr. Faltas' time to seek PCR by the duration of pendency of the motion to appoint**. Dr. Faltas' 19 May 2023 *pro se* *Dennison* responses **amply prove her PCRs are NOT time-barred** and complained of this Court's indulgence, even "commending," of forced lawyers' derelictions of their duties to Dr. Faltas. Apparently in an effort to show some supervision of its bar, this Court's Clerk's assigned case manager e-mailed, with copies to SCAG and to FAC Dudek, FC Griffith that *his* *Dennison* response was overdue. After playing dumb in an exchange of e-mails that, thank God, was made visible to Dr. Faltas on C-Track, FC Griffith sent a boiler-plate claim that "as an officer of the courts" he cannot defend Dr. Faltas' PCRs as not time-barred. Not content with the harm he already inflicted on Dr. Faltas, FC Griffith added that "as an officer of the courts" Dr. Faltas deserves dismissal of her PCRs because she could not be *physically* present in Richland Count Circuit Court courthouse on 16 and 17 November 2022 but was able to be *briefly* present for a different matter on 18 November 2022. That *very harmful and false* statement by FC Griffith went beyond the *Dennison* ORDER which is limited to showing why Dr. Faltas' above-referenced PCRs are not time-barred, not to whether there is another reason to dismiss them. It is also clearly meant to entrap Dr. Faltas in a no-win: if she refutes the claim that her *physical* inability to appear on 16 and 17 November 2023 deserves dismissal, she will be accused of going beyond what she allowed to do *pro se* under *Dennison*; if FC Griffith's false interpretation of Dr. Faltas' *physical* inability to appear is left answered, the appeals get dismissed. Dr. Faltas incorporates her 19 May 2023 *pro se* *Dennison* responses and exhibits herein by reference as a complete and sufficient answer to the claim that her PCRs are time-barred **and adds the relevant transcripts numbered *seriatim* to her 19 May 2023 exhibits** to show that FC Griffith did NOT act "as an officer of the courts" in these cases **but obtained SCCOID-paid appointment and actively objected to Dr. Faltas' several motions to relieve FC Griffith under false pretext that he wanted "to help Dr. Faltas" and**

"can help her" when FC Griffith's intent all along was to never *effectively* contest SCAG's motions to dismiss, to never submit probative documents in Dr. Faltas' favor, and to never subpoena necessary witnesses in support of Dr. Faltas' case but to *falsely* pretend that Dr. Faltas' PCR's can be proven *solely* by her own testimony and thus entrap her into *more* contempt if she refuses to testify (a right of hers she would not be able to exercise if her own counsel calls her) or if she refuses to answer questions her own counsel poses or SCAG poses without objection from FC Griffith.

SCAG's motions to dismiss as time-barred were pending *before* FC Griffith accepted the SCCOID-paid appointment. In addition to the law that PCR counsel may NOT be appointed *before* a motion to dismiss as time-barred is denied, *at a minimum* FC Griffith should have reviewed the status of the cases to which he was offered an appointment. Had he then decided that the time-bar is unsurmountable, FC Griffith should not have accepted the appointments *ab initio*. ***But FC Griffith had three more years to study the time-bar issue and either withdraw from representation of what he might "right or wrong" have believed to be an indefensible case or prepared all valid defenses against SCAG's motions to dismiss as time-barred.*** The records of these cases show that, finally, FC Griffith filed a weak-kneed opposition to SCAG's motions to dismiss and filed motions to reconsider JDCB's dismissals of these PCR's. **Clearly, FC Griffith's self-contradictory submissions and oral representations in the transcripts are not the conduct of "an officer of the courts" and all his claims of acting "as an officer of the courts" in these cases should be disallowed and this Court should impose on him what discipline it sees fit on a lawyer who accepts paid representation under false pretext of "helping" his client but *actively* undermines that client and sets her up for contempt.**

II. Motion for Copies of the 1 and 29 July 2021 Transcripts of Hearings before JDCB

On Dr. Faltas' belief based on Exx 15 and 16 hereto, the original transcripts of said hearings were obtained by SCAG and/or other entities but no copy was provided to Dr. Faltas or FC Griffith. As Dr. Faltas is presently prohibited from contacting SC Judicial Branch court reporters directly but FC Griffith is *extremely* uncooperative, Dr. Faltas asks this Court to *at least* obtain information on those transcripts from SCAG or Ms. Hardoon and to cause the record to be supplemented with said transcripts, preferably as direct, word-searchable PDFs to this Court and visible to, and searchable by, the public.

III. Motion for a 30-day Extension of Time to further Supplement pro se Responses

Physical panic from her prior false arrests to thwart her pursuit of civil matters makes Dr. Faltas file before the last due date incomplete/unrevised submissions; but she has more arguments to advance, even revolutionize, the law and prays this Court recognizes her unique talents and life experiences and open-mindedly hears her. She seeks a 30-day extension to further supplement these responses.

Otherwise, the *audio* recording of the 28 March 2011 event in Columbia's Municipal Court ("CMC") before CMC's Marion Oneida Hanna ("M.O. Hanna"), was returned to this Court on 16 December 2021 in SC Appellate case 2021-000049 at <https://ctrack.sccourts.org/public/caseView.do?csIID=73218>. In SC Associate Justice Kittredge's exclamation in the 7 June 2023 orals, the abuse is "breath-taking" and deserves to be *fully* audible to the public **and subjected to this Court's moral authority to halt abuse of power by police and so-called judges.** Dr. Faltas also incorporates by reference all her arguments and exhibits in 2021-000049 in particular and other cases generally herein by reference.

CONCLUSION: equitable tolling makes the three PCR's underlying these three appeals timely.

Certificate of Submission AND Certificate of Service AND of Copies

Submitted **and served** by hand-delivery to SC Attorney General's ("SCAG") office at 1000 Assembly Street Columbia, SC 29201, **and by hand-delivery to Richland County's Clerk of Court at 1701 Main Street Columbia, SC 29201**, and *courtesy-copied* to: Griffith at tlgriffith@tlgriffith.com, and to SCCOID at hyoung@sccid.sc.gov, and hryan@sccid.sc.gov, and relevant others, **all on 9 June 2023**, and all God so willing.

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