

THE STATE OF SOUTH CAROLINA

No. 2022-000339

In The Court of Appeals (as Transferred from the Supreme Court of South Carolina)

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

As transferred to Richland Count Magistrates from the City of Columbia' Municipal Court (CMC) Summary Court No. L066971

City of Columbia, SC,

Respondent,

v.

Marie Assa'ad-Faltas, MD, MPH,

Appellant.

Appellant's Motion for Limited-Purpose Appointment of Stand-by Counsel SOLELY to Assist Appellant in Printing, Binding, Filing and Serving, her Record on Appeal and Final Briefs.

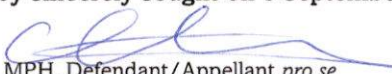
For the reasons in her contemporaneously-filed motion for a third extension, Appellant Marie Assa'ad-Faltas, MD, MPH ("Dr. Assa'ad-Faltas" or "Dr. Faltas") *pro se* **separately** seeks limited-purpose appointment of stand-by counsel *solely* to assist her in printing, filing and serving the Record on Appeal ("RoA"). **In further support hereof**, she shows that South Carolina's ("SC") Supreme Court ("S Ct") *sua sponte* did so at least in *Stephens v. State*, SC Appellate Case # 2018-000116, and *Sessions v. State*, SC Appellate Case # 2018-000117, each available on SC C-Track at <https://ctrack.sccourts.org/public/caseView.do?csIID=66647> and <https://ctrack.sccourts.org/public/caseView.do?csIID=66648> respectively. Dr. Faltas also attaches her 25 July 2018 e-mail to SC Appellate Defense's (SCAD) Robert Dudek and laments that SCAD's David Alexander had been blithely representing Messers. Stephens and Sessions since SC's Attorney General ("SCAG") had filed his appeal on 25 January 2018 and did NOT heed the conflict of interest until Dr. Faltas pointed it out in her e-mail which shamed Mr. Alexander into filing his motion to be relieved from both cases on 26 July 2018. **SCAG's certiorari petition was denied on 16 March 2021, three years after filing.** Dr. Faltas' email in said two closed cases **is relevant to this case and to two other cases now open before this Court:** *Carnie Norris v. State* and *State v. Murdaugh*.

In *Norris*, U.S. District Judge Mary Geiger Lewis (DSC) was constrained to order monthly updates on the 12-year delayed adjudication. In *Murdaugh*, shocked public and press asked, "how did no juror or court officer know that Becky Hill's *alleged* conduct was improper?" **A righteously indignant and falsely-branded-"frivolous" Dr. Faltas answers in sorrow, not vindictiveness:** "This is South Carolina, where SCAD does not know a conflict when it sees it and where SC S Ct, the supposed guardian of legal ethics, is asking *me* to accept SCAD's conflicted representation or hire private counsel, which, being indigent, I cannot afford *even if I wanted to forfeit my basic human right to speak for myself.*" The world now sees that what SC flaunts as "justice" against the rich and the poor alike is a clerk of court *allegedly* tampering with a jury.

In 2019-000708, Dr. Faltas sought leave to relieve SCAD so she could argue *pro se* that PCR grants should be unappealable by SCAG, at least until SC's appellate courts have managed their dockets to a point that does not deny the re-presumed-innocent criminal defendant his/her right to speedy retrial.

Dr. Faltas' initial and reply briefs showed how she is **ahead of her time in seeking to advance the law** which is **the opposite of frivolous**. With that in an *open* mind, this Court should appoint SCAD as stand-by counsel *solely* to assist Dr. Faltas in the printing and service of her brilliant papers in this case.

WHEREFORE, this motion should be granted as hereby sincerely sought on 8 September 2023


s/Marie Assa'ad-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 8 September 2023, I served Ms. Jocelyn Baker, sole Counsel for sole Respondent in this case, with a true copy of this document by going to 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 Ms. Baker, all God so willing.


s/Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*

RECEIVED

SEP 08 2023

SC Court of Appeals

YOU twice said for me to call you today. What time would you like the call?

Marie Faltas

Wed 2018-07-25 9:07 AM

To: Marie Assa'ad-Faltas <marieassaadfaltas@gmail.com>; Robert Michael Dudek <rdudek@sccid.sc.gov>

Repeating the subject line: **YOU twice said for me to call you today. What time would you like the call?**

Another related question: I noticed that you are representing before SC's Supreme Court two now-respondents, Jimmy Lee Sessions and Christophe Maurice Stephens, whom you had represented before SC's Court of Appeals as criminal defendants/appellants. **As PCR applicants, Messers Sessions and Stephens were *granted PCR on TWO GROUNDS*: (1) ineffective assistance of trial counsel; and (2) ineffective assistance OF YOU, personally for one and by Joey Savitz for the other, AS APPELLATE COUNSEL.**

Do these cases not also present a conflict of interest for you? *Specifically, to uphold the PCR they won, you would have to directly admit that you were ineffective as appellate counsel.*

Whether YOU continue to represent Messers Stephens and Sessions and Dr. Assa'ad-Faltas or not, the appellate counsel for all three cases MUST present the ground-breaking but very reasonable argument that grant of PCR should NOT be appealable by the State. I previously explained to you that the Sixth Amendment would prohibit the systemic prevention of a speedy retrial which is injected by the realistic length of the appellate process.

That some grants of PCR get reversed on appeal matters not. The appeals process delays the retrial for those whose grant of PCR is affirmed. **And the societal AND CONSTITUTIONAL choice is clear:** it is better to hold ten unnecessary retrials than to deny the speedy retrial of a deserving defendant. That assumes that all those grants of PCR even concern trials and would result in retrials. In reality, some are from pleas/sentences; and even those for which retrial is ordered, one is rarely mounted. Usually, something else is worked out.

I hope you do not discard my ideas and concerns without considering them just because they are from me.

Thanks and God bless./Marie