

RECEIVED

SEP 28 2023

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

Appellate Case No. 2023-000616

APPEAL from Former 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-40-001122

Marie Assa'ad-Faltas, MD, MPH

v.

State of South Carolina, and City of Columbia, SC

Applicant/Petitioner's **TIMELY PETITION** for REHEARING
and for Proper Relief Indispensable to Effectuate Public
Policy on Legal and Judicial Ethics.

This Court's Clerk's 14 September 2023 ORDER dismissing this appeal and hereby timely sought to be reheard and vacated OVERLOOKED the law that a clerk's role is ministerial only and thus violated the separation of powers fundamental to the U.S. and SC Constitutions.

IF, but only *arguendo*, the Clerk's ORDER were mere ministerial processing of the Court's earlier ORDER, it still OVERLOOKED the law that even a court order contrary to public policy is null and void.

This Petition coincides with the rest of the nation's shock and disgust at the brazen extent of Colleton County Clerk-of-Court Becky Hill's brazen *alleged-in-part-and-self-proven-in-part* jury tampering in Richard Alexandar Murdaugh's ("RAM") two-murder trial and follows the suspension of a Greenville County Assistant Solicitor reportedly for texting a *sitting* juror to avoid sympathy for the defendant.

Dr. Assa'ad-Faltas is NOT hereby arguing other entities' cases but insisting that this Court must halt and reverse its dereliction in enforcing judicial and legal ethics and, even yet, its hypocritical invocations thereof. This Court's actions in this case and Dr. Assa'ad-Faltas' *all other cases after October 2007* prove the truth of Justice O'Connor's dissent in *TXO Production Corp. v. Alliance Resources Corp.* et al. 509 U.S. 443, 500 (1993), which quoted the Supreme Court of West Virginia:

"[W]e understand as well as the next court how to ... articulate the correct legal principle, and then perversely fit into that principle a set of facts to which the principle obviously does not apply. [All judges] know how to mouth the correct legal rules with ironic solemnity while avoiding those rules' logical consequences." Garnes, supra, at 666, 413 S. E. 2d, at 907 (footnote omitted).

This Court mouthed "with ironic solemnity" the dignity of courts to deny Dr. Assa'ad-Faltas her *basic human right* to speak for herself; yet blithely ignores Prosecutor Sara Heather Savitz Weiss' 375 *objectively-documented* instances of subornation of perjuries, forgeries and fabrications against Dr. Assa'ad-Faltas in one 22-26 February 2010 jury trial under RAM-fame Judge Clifton Newman's eyes.

From RAM's two-murder trial, this transcript excerpt was filed in SC Appellate Case 2023-000392:

(Juror 785 exited the room.)

THE COURT: Well.

MR. WATERS: I got a name now.

THE COURT: A name, Clifford Dandridge, Bee Street. Oh boy. *I'm not too pleased about the clerk interrogating a juror as opposed to coming to me and bringing it to me.*

MR. GRIFFIN: I was surprised to hear that.

THE COURT: Yeah.

That "hands-off favored white women if they wrong a disfavored but maliciously-prosecuted criminal defendant" is consistent with RAM-fame Judge Clifton Newman's response to Dr. Assa'ad-Faltas' 21 August 2017 and 28 December 2018 *pro se* advocacy for redress of her now-14-year-neglected grievances, respectively, (complete transcripts on file with this Court as Exx. 11, 13 and 14):

From 21 August 2017 Tr. pp 16-17 and 38-42:

[Dr. Faltas:] I think you, sir, out of most judges, you had me in your courtroom for five days. You complimented me. There was even a woman, a law student or young lawyer, who was in the courtroom observing the trial, learning from me, so to speak. ¶ You, out of all judges, should have stood up for me. You should have said Dr. Faltas doesn't deserve this. ¶ Also, protecting the integrity of your courtroom, those -- I counted, in the testimony of Ingram alone, 353 objectively provable lies. Again, it's not I say/she says. It's things objective. ¶

This was done in your courtroom, and to protect the integrity of your courtroom, it doesn't matter if it was done seven years -- seven and a half years ago. The case of the -- of the protesters who were granted -- Judge Hayes had convicted them, and then Judge Hayes's nephew -- and he reversed the conviction 50 years later. [1] **It is never too late to do justice, Judge.**

[16-18] THE COURT: All right. You said you had -- needed 15 minutes. It's been 20 minutes. In two minutes, then I'm going to opposing side.

DR. FALTAS: Okay. But it's been more than eight years of suffering, of accusations, of handcuffs being put on my wrists and bruising them, and I have photos of them, of my knees being broken in the transportation van, of my being so afraid to be arrested for no reason, that, during sleep, my teeth would mash, and I had a beautiful tooth that split the long way. [1] So, I'm sorry; you are not a million times more of a human being than I am. You are begrudging me the few minutes to explain how much injustice was inflicted on me for eight and a half years, and you just want your hearing to be done in 12 minutes, just as, at the end of the trial, you said I [verbatim] devoted a week to me. You didn't devote anything, Judge. It was your job.

[8-9] THE COURT: All right. Thank you, Dr. Faltas. You may proceed.

[10] MS. MANGUM: May it please the Court? * * * * *

[page 38, lines 2-3] THE COURT: So the Supreme Court has ruled under your appeal of Judge Barber's order?

[4-5] DR. FALTAS: *Has not ruled on it. Has refused to take it.*

[6-7] THE COURT: The Supreme Court refused to permit you to appeal?

[8-9] DR. FALTAS: *Has refused to take the paper that I took to them timely.*

[10] THE COURT: Because you were not represented by counsel?

[11-14] DR. FALTAS: *Correct. And, at that time, they wouldn't even let me ask for counsel, and they didn't do their job. They were supposed to know that I'm entitled to appellate counsel on criminal matter.*

[15-16] THE COURT: So you're saying the Supreme Court didn't do their job.

[17] DR. FALTAS: *Yes, absolutely. And they still don't.*

[18] THE COURT: Well --

[19 to p 39, line 14] DR. FALTAS: *And I'm not going to apologize for being oppressed. It's the oppressors who should apologize. [1] And, again, I say there is equitable tolling. I give you the recent opinion in a PCR that said there is equitable tolling in PCR. In another PCR matter, they also said that my time to file PCR is equitably tolled, and it was tolled and I was successful in that PCR. It's not one of those cases. It's a different case, that the conviction happened after I was allowed to seek appellate counsel. [1] But, again, I was not allowed to appeal pro se, I was not offered counsel, and I was not even allowed to ask for counsel. And as soon as I asked for -- I was allowed to ask for counsel, I did that, and you have the motions before you. They stayed for four years; no one would hear it. It's as if I'm a leper. [1] And, again, I go back to the 50 years between the conviction that the Judge Hayes, the uncle, entered and 50 years later, Judge Hayes, the nephew, overturned. There is such thing as equity and there is such thing as justice and there is such thing as decency. **There is no decency in the way I was treated, and no one stood up for me. No one.***

[15-16] THE COURT: And you're standing up for yourself. That's why you're here now.

[17-18] DR. FALTAS: *Well, yes, but you have the duty to stand for me --*

[19] THE COURT: To stand up for you?

[20] DR. FALTAS: *Yes, sir.*

[21] THE COURT: Okay.

[22-23] DR. FALTAS: *Yes, sir. I was a litigant in your court. You complimented me when you saw all this --*

[24-25] **THE COURT: You did a very fine job.** I thought you were as worthy as your adversaries, and the jury agreed.

[page 40, lines 1-2] DR. FALTAS: *Well -- so do I deserve to be denied the Faretta right that is granted to Dylann Roof? Do I --*

[3-6] THE COURT: Well, during that trial, you had -- you represented yourself for a period of time, and then Orin Briggs came in and assisted you at some point in time during that trial.

- [7] DR. FALTAS: No --
- [8] THE COURT: Or following the trial or at some point.
- [9-10] DR. FALTAS: No, no, no, no, no, no. No. In the trial before you?
- [11] THE COURT: Yes.
- [12] DR. FALTAS: Orin Briggs came as a witness.
- [13] THE COURT: As a witness? Well, he --
- [14] DR. FALTAS: Yeah, he --
- [15-16] THE COURT: He might have been a witness, but he took on the role of an advocate as well.
- [17-18] DR. FALTAS: No, he just throws his weight around, and he does more harm than good. And --
- [19-20] THE COURT: Is he still practicing or is he still with us? Do you know?
- [21-23] DR. FALTAS: He's still a lawyer. And, in fact, Judge Toal had the case on PCR, and she found him ineffective. So -- I mean, Judge --
- [24] THE COURT: I --
- [25] DR. FALTAS: Go ahead, I'm sorry.
- [page 41, lines 1-3] THE COURT: I thought he was very complimentary of you on that day. He was there to -- and said many good things about you.
- [4-11] DR. FALTAS: That's neither here nor there, Judge. My right to represent myself is not contingent on whether a lawyer wants to compliment me or not. And, conversely, my right to counsel when I ask for one is not contingent on what I did or didn't do before. The (indiscernible) for which you appoint -- for when you appoint counsel, you know, have done horrible things, some of them. Some of them confess to you and you still appoint counsel.
- [12-14] THE COURT: I think you made your point clear as to what you're seeking. I want to hear the State's -- the City's response.
- [15-19] MS. MANGUM: Your Honor, just to clarify, the case ending in 7063, it appears to me that is another contempt hearing from 2010 in municipal court that Dr. Faltas appealed, which is how it wound up in this court and before Judge Barber. So that appears to be the procedural history of that court.
- [20-22] THE COURT: In his ruling, did Judge Barber address all of the various cases that are upon this roster, except for Mr. Mason's or did he address that one as well?
- [23] DR. FALTAS: He also had Mr. Mason's case.
- [24] MS. MANGUM: Your Honor, the order that I have --
- [25] DR. FALTAS: Yeah, (indiscernible).
- [page 42, line 1] COURT REPORTER: One at a time, ladies.
- [2-3] DR. FALTAS: Sorry, sorry. I was just trying to -- I'm sorry.
- [4-6] MS. MANGUM: The order that I have from Judge Barber lists the following cases: Ending with 2111, 8650, 7063, 6711, 8013, and 4483.
- [7] THE COURT: Those are ruled on by Judge Barber.
- [8] MS. MANGUM: Yes, Your Honor.
- [9-11] THE COURT: And, to clarify, Judge -- Dr. Faltas has attempted to appeal Judge Barber, and the Supreme Court would not accept the appeal.
- [12-18] MS. MANGUM: Your Honor, I believe she filed documents in both the Court of Appeals and the Supreme Court related to each of these cases, and both of those courts refused to hear or file the -- accept those documents. Judge Few did issue an order refusing to hear any of those matters. I'm not aware of anything that came out from the Supreme Court, but I did see documents that Dr. Faltas filed.
- [19-21] THE COURT: The day on which those were filed or accepted by the appellate courts were almost two years after or -- is that what you told me earlier?
- [22] DR. FALTAS: 30 days. It was within 30 days.
- [23] THE COURT: Pardon me?
- [24] DR. FALTAS: Within 30 days.
- [25] THE COURT: Within 30 days.

And from 28 December 2018 Tr. pp 14-18:

[Page 14, lines 18-21] *I have documented 378 instances of perjury that happened in your court. And it's not I say, they say; it's they say, they say in sworn testimony before you in your court.* [22 to page 15, line 4] *My false accuser, Ingram, said she was employed and unable to go to work because I was blocking her with my car. In another contemporaneous case, in both the*

deposition and the trial, she testified, under oath, that she was unemployed. She pretended to have been in the Navy for a year and a half. We FOIA'd her veteran's record. She was only there for three weeks and not in the Navy. [5-10] Things objective like that and this -- people want to be clear from crime, well, perjury is a crime. And I'm asking you, as the chief administrative judge for general sessions, to prosecute the prosecutor who suborns 378 perjuries. And you can get David Pasco to refer it to you. [11-20] But it has gone on long enough. The very false accuser, the very false accuser in that harassment case, which, thank God, I got dismissed with prejudice while acting totally pro se, is the same false accuser in that assault case from which I'm seeking PCR and from which I'm also seeking my Rule 29(b) motion to be heard. That's nine years ago. That's too long for -- nine years is way too long for courts to sit on perjury committed under their very eye, under their very eye. [21 to page 16, line 2] And the reason they are abusing Mr. Truluck, the reason they are abusing Mr. Truluck is that they want him. And the man has been noble and patient and brilliant. And I cannot say good enough about him. But I will not sit by and see him abused just so they can escape with perjury. It ends right here and right now. [3-9] Either you will tolerate perjury or you will not. And that, again, Judge, the Honorable Judge Clifton Newman, it happened in your court. And that's something that I began researching immediately after the jury deadlocked. And I think, I hope, that the clerk gave Your Honor that annotated transcript.

[10-11] **THE COURT:** Yes. Well, Dr. Faltas, the Court does not investigate perjury. The Court does not --

[12-13] **DR. FALTAS:** Then refer me to another solicitor, because --

[14-21] **THE COURT:** The Court does not prosecute perjury. If -- any person who wished to have anyone investigated for any crime, can pursue that through law enforcement channels who initiate warrants. I'm a judge and not a police officer, and I do not issue orders of arrest, other than as a result of a court contempt proceeding or something of that nature. But --

[22-23] **DR. FALTAS:** Except, Your Honor, that -- I'm sorry to interrupt.

[24 to page 17, line 5] **THE COURT:** And, in addition to that, I'm not here today to entertain any -- your perjury case or case of perjury against anyone else. I'm here because an emergency motion was filed seeking to have Mr. Truluck relieved as counsel and seeking to have you given the right to represent yourself. And this hearing will be limited to those two things.

[6-7] **DR. FALTAS:** Correct. I am giving you the background --

[8-10] **THE COURT:** Well, I've heard the background sufficient for me to entertain those two motions. But to --

[11] **DR. FALTAS:** All right. But --

[12-15] **THE COURT:** But to expect me to hear evidence of perjury of a case from years ago, that's beyond the scope of what I'm willing to entertain this morning.

[16-17] **DR. FALTAS:** Correct. I appreciate that. But I also appreciate that you let me make my record.

[18-23] **THE COURT:** Yeah. Well, no, you've made your record, you've interrupted Mr. Truluck to give some clarification to what he was explaining, and I've heard what you have to say on that point. I'll now move to the State's attorney and hear what they have to say.

[24 to page 18, line 1] **MR. TRULUCK:** Your Honor, I never got a chance to actually address your question, if I could be allowed to do so.

[2] **THE COURT:** Which question?

[3-5] **MR. TRULUCK:** Your Honor, your question was how to deal with the supreme court order with regard to Dr. Faltas proceeding pro se.

[6] **THE COURT:** Yes, sir.

Dr. Assa'ad-Faltas' Cases and RAM's Two-Murder Trial Share MORE Importance.

The colonial mentality and racism are two sides of the same coin which got polished in the 21st Century but its core remains as rusty and hollow as ever. Dr. Assa'ad-Faltas' late maternal grandfather told of how, as a teenager, he saw the British Army bring to Egypt Indian soldiers to fight WWI: in the heat, the British soldier would make the Indian soldier bend on all four and rode him like a donkey.

India is the first country ever to reach the south pole of the moon. Yet, it gets blamed for global warming because it was not allowed to invent its own climate-saving transportation. The indecency continues in this Court making Dr. Assa'ad-Faltas walk in the heat instead of filing by e-mail and in making this Court's Clerk send lies in the U.S. mail about an imaginary ADA ramp in the front of the building.

The colonial mentality went from insisting that Indians and Egyptians cannot think for themselves to trying to forbid them from thinking for themselves. That is why this Court, in February 2011, wrote "it is quite frankly shocking" that Dr. Faltas offered that the standard for a stand-your-ground motion should be "clear and convincing," not merely "preponderance"; and in September 2022 was "stunned" that Dr. Faltas dared point out a counter-productive mathematical anomaly in SC's Attorney General's ("SCAG") published schedule for contingency compensation of special counsel contracts.

Sure, the racist mentality would let a black man be a judge, televised and adulated over the nation, but ONLY if he were not to act on his displeasure with the white female clerk of court who interviewed a juror in the judge's absence and fabricated a FaceBook story to boot that juror off the panel; and ONLY if that black man would use excuses to evade the necessary and proper contempt hearing for the white female prosecutor who committed 373 perjuries against an Egyptian innocent.

RAM-famed Judge Clifton Newman may soon face decisions that would test his conscience to the core; but Dr. Assa'ad-Faltas had a different upbringing and a different education. Dr. Assa'ad-Faltas will NOT physically or figuratively bend on all four for a morally-bankrupt court to exact on her corporal and emotional punishment for daring to claim for herself basic rights afforded all others.

This is the last document Dr. Assa'ad-Faltas will file and serve in paper form. If this Court dismisses her case, it will have to answer to History, which, in the knowledge revolution, arrived sooner than expected in the form of Becky Hill's book and the national disgust with it, even by RAM haters.

The Clerk's dismissal of this case should be reheard and vacated; this appeal should be reinstated; but it should be held in abeyance pending the conclusion of SC Appellate Case 2022-000339, in which if, God willing, Dr. Assa'ad-Faltas prevails, this appeal would become moot.

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, to Richland County's Clerk of Court at 1701 Main Street Columbia, SC 29201, and to SCAD at 1330 Lady Street, Suite 401, Columbia, SC 29201, and *courtesy-copied* to Mr. Dudek at rdudek@sccid.sc.gov and to SCCOJD hyoung@sccid.sc.gov, and hryan@sccid.sc.gov, and relevant others, all on 28 September 2023, and all God so willing.



S/Marie-Thérèse Assa'ad-Faltas, MD, MPH, Applicant-Appellant
P.O. Box 9115, Columbia, SC 29290 e-mail: Marie_Faltas@hotmail.com
Phone: (803) 783-4536 Cell: (330) 232-4164