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MAR 29 2024

THE STATE OF SOUTH CAROLINA

SC Court of Appeals

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, Former/Resigned 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 TIMELY Petition for Rehearing *en banc* of this Court's Chief Judge's 21 March 2024 Dismissal ORDER and for Immediate Reinstatement of this Appeal because the Chief Judge Misread the Record.

This Court's Chief Judge's 21 March 2024 Dismissal ORDER misread Appellant's 17 January 2024 clarification **and overlooked the pre-existence of the bound volume of the properly corrected Record on Appeal ("RoA")** which Appellant's 17 January 2024 clarification intended to **not disown** and overlooked the confusion created by this Court's *own clerk* in failing to note on the publicly-available C-Track this Court's receipts of the *bound* volume of the RoA and the *bound* volumes of Appellant's final brief and final reply brief. Appellant's 17 January 2024 timely clarification reads in pertinent part [with emphasis in the original]:

[T]he 16 November 2023 *unbound* volume **does not replace *inter alia* the identical 9 November 2023 bound volume but supplements it as each volume** (the bound of 9 November 2023 and the unbound of 16 November 2023) **timely complies with a different request from the Court.**

The pronoun "**it**" (*in the singular*) clearly signifies the *unbound* volume does **not** replace the "*identical 9 November 2023 bound volume*" [emphasis in original.] Had Appellant written the 16 November 2023 *unbound* volume replaced *all* previously-filed ones, she would have disowned the 9 November 2023 **bound volume** and been in default of this Court's 13 June 2023 "bound copy letter" which provided in pertinent parts [with emphasis added]:

Accordingly, each party must file an original record on appeal and/or final brief, in either electronic or unbound paper form, as well as one bound paper copy, **at the time the record on appeal and final briefs are due to be served and filed in accordance with the SCACR.** *****

[D]o not include names of counsel that have not previously made an appearance in this case. *****

We request large parcels such as bound paper copies of final briefs and the record on appeal be sent directly to the Court via the street address: 1220 Senate Street, Columbia, S.C. 29201. Thank you for your attention. If you have any questions, please do not hesitate to contact this office.

Both bound and unbound volumes are identical except that the bound volume is printed on both sides of each page (but for the cover) and was **not** served on Respondent per this Court's Chief Judge's 8 November 2023 ORDER which provides in relevant part [with emphasis added]:

The motion to hold the time for filing bound copies in abeyance is denied **although I note Appellant is not required to provide a bound copy to the respondent.**

Appellant *timely* filed the *bound* RoA copy **with all deficiencies corrected** on 9 November 2023 and the *identical unbound* RoA copy, **again with all deficiencies corrected** on 16 November 2023.

For reasons unknown to Appellant, this Court's Clerk never noted on C-Track her receipt of the bound RoA or final briefs volumes, kept Jocelyn Baker as if active on C-Track *even after her motion to be relieved was granted* on 22 January 2024 and kept the case on abeyance until the dismissal ORDER.

On 16 February 2024, Appellant visited this Court's office to inquire why **this Court's Clerk's own scanning errors remain uncorrected** despite Appellant having *in writing* noted them.

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D. Craig Brown, Former/Resigned Circuit Judge, Case No. 2019-CP-40-01374,

Which is an Appeal from Richland County (Dentsville) Magistrate Phillip F. Newsom ("DMN")
As transferred to DMN from the City of Columbia's Municipal Court ("CMC")

Summary Court No. L066971

City of Columbia, SC,

Respondent,

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v.

NOV 09 2023

Marie Assa'ad-Faltas, MD, MPH,

Appellant.

SC Court of Appeals

RECORD ON APPEAL

Sincerely submitted in bound form on 9 November 2023, God willing, by:

Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*
Post Office Box 9115, Columbia, South Carolina 29090
Phone (803) 783-4536; e-mail Marie_Faltas@hotmail.com

Other Counsel of Record:

Jocelyn Y. Baker, Esq.,
Counsel for Respondent, the City of Columbia, SC ("*the City*")
City of Columbia, Legal Dept.
PO Box 667, Columbia, SC 29202
Email: Jocelyn.Baker@columbiasc.gov
Phone: (803) 737-4230 Ext

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SC Court of Appeals

trial. I did not even have it after trial until a judge [sic] by the Honorable Judge Huff allowed me to make a photocopy of it.

And, and this is not only a red herring by the Prosecution, it is straight falsification of the record. Specifically on, on March 14th 2002, she wrote to my then-counsel that there, the items are not there; there is a photograph of it. He immediately faxed her, and that's on record page 39, saying "I need to see that photograph ASAP." She essentially faxes him back a one-sentence letter saying essentially "Go to hell. I'm not going to show you the photograph; and do whatever you want." So, what else? And in---

[minute 12:51] **The Honorable Judge Beatty:** What page of the record is that on?

[minute 12:53] **Appellant pro se:** Page 39 Your Honor; and this is very important and it was attempted. The, the exchanges are on page 39 and 40. And that's from, from the trial record. And then also, during the after-discovered evidence hearing, Mr. Briggs came and testified. (Advocate chokes and coughs.) Excuse me. And I specifically asked him to test, asked him: "Short of breaking into Ms. Thye's office to get that photograph before the trial, was there anything else you could have done?" And he said "I was relying on the discovery process." Besides, prior to that, there were 10 specific requests for production [sic]. Additionally,---

[minute 13:48] **The Honorable Judge Anderson:** Ms. Faltas, your time is up. Now, we need to let her talk then you can reply. Well give you time in reply. * * * * *

[minute 14:02] **The Honorable Judge Anderson:** All light, Counsel. you're recognized.

[minute 14:04] **Counsel for the City:** Thank you, Your Honor. Good afternoon. May I please the Court. My name is Dana Thye and I represent the City of Columbia in this matter. This case was decided correctly, first at the trial and on direct appeal, where a panel of this Court affirmed the conviction, and most recently by the Circuit Court in reversing the grant of a new trial. There was simply no manifest injustice done here despite Dr. Faltas' contentions.

[minute 14:29] **The Honorable Judge Beatty:** Was she or was she not denied the photograph that is the basis of the new trial motion?

[minute 14:32] **Counsel for the City:** She had the photograph on the morning of trial, yes, Your Honor.

[minute 14:36] **The Honorable Judge Beatty:** On the morning of trial; but they had requested it sometime before then. Didn't they?

[minute 14:39] **Counsel for the City:** They had requested it. That's correct There was no --

[minute 14:40] **The Honorable Judge Beatty:** It was not given to them.

[minute 14:42] **Counsel for the City:** There was nothing filed but they had requested it in writing. I informed that the Wal-Mart representatives had the photograph and they'd be bringing it to the trial. I then invited them to make whatever motions they needed to make --

[minute 14:52] **The Honorable Judge Beatty:** Actually, your letter doesn't say all that. It just says you (reading from the Record on Appeal) "intend to call the case for trial on" your "next term. You're welcome to make pre-trial motions as you deem necessary."

[minute 14:58] **Counsel for the City:** It was the preceding letter when I told them that the photograph, that there were not actually the folders. They wanted to see the actual folders. I told them the folders didn't exist; it was just the photograph.

[minute 15:06] **The Honorable Judge Beatty:** Well, let me ask you. The photograph, after she got it and used it at the pre-trial, well, excuse me, at the new-trial motion, digitally, I guess, enlarged the photograph and discovered certain things in that photograph. Would you consider that to be after-acquired evidence or not?

[minute 15:20] **Counsel for the City:** No, Your Honor, I wouldn't consider that. I would consider it after-created.

[minute 15:24] **The Honorable Judge Beatty:** It's not newly-discovered at all?

[minute 15:26] **Counsel for the City:** The magnification certainly was. I mean, she didn't. The magnification was after the trial. That much is, is true. The photograph itself and the opportunity to do that magnification, she had it at trial and could have made any request to have more time---

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Summary Court No. L066971

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City of Columbia, SC,

Respondent, SC Court of Appeals

v.

Marie Assa'ad-Faltas, MD, MPH,

Appellant.

APPELLANT'S provisional FINAL BRIEF

Sincerely submitted in booklet format on 7 November 2023, God willing, after having been,
thank God, filed and served in unbound format on 6 November 2023, all by:

Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant pro se
Post Office Box 9115, Columbia, South Carolina 29090
Phone (803) 783-4536; e-mail Marie_Faltas@hotmail.com

Other Counsel of Record (subject to pending motion to strike Respondent's brief):

Jocelyn Y. Baker, Esq.,
Counsel for Respondent, the City of Columbia, SC ("the City")
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City of Columbia, SC,

Respondent,

NOV 07 2023

SC Court of Appeals

v.

Marie Assa'ad-Faltas, MD, MPH,

Appellant.

APPELLANT'S *provisional* FINAL REPLY BRIEF

Sincerely submitted in booklet format on 7 November 2023, God willing, after having been,
thank God, filed and served in unbound format on 6 November 2023, all by:

Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*
Post Office Box 9115, Columbia, South Carolina 29090
Phone (803) 783-4536; e-mail Marie Faltas@hotmail.com

Other Counsel of Record (subject to pending motion to strike Respondent's brief):

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Summary Court No. L066971

City of Columbia, SC, **Respondent,**
Marie Assa'ad-Faltas, MD, MPH, **v.**
Appellant.

RECORD ON APPEAL

Sincerely submitted *and served* in UNBOUND form on 16 November 2023, God willing, by:
Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*
Post Office Box 9115, Columbia, South Carolina 29290
Phone (803) 783-4536; e-mail Marie Faltas@hotmail.com

Other Counsel of Record:
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Counsel for Respondent, the City of Columbia, SC ("*the City*")
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SC Court of Appeals

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NOV 16 2023
SC Court of Appeals

NOV 16 2023

Contents of Record on Appeal in SC Appellate Case 2022-000339
Items 1-23 Mandated by Rule 210(c), SCACR, are in descending Chronological Order
All Other Items are in ascending Chronological Order for ease of inferring causality

Document number and identification	Event Date	Page Length/Number
1. Revised Index of Contents per SC CoA's Chief Judge Williams' 8 November 2023 ORDER		2 pp 1
2. FJDCB denies reconsideration	2022-03-11	7 pp 3
3. Dr. Assa'ad-Faltas' timely Rule 59(e) motion	2022-02-22	18 pp 10
4. FJDCB's ORDER affirming magistrate	2022-02-09	11 pp 28
5. Extracted uncorrected Transcript of FJDCB's hearing of City vs Faltas	2022-01-28	6 pp 39
6. Magistrate's signature and itemization of Return to Circuit	2021-06-23	2 pp 45
7. Judge Pope's ORDER for Magistrate to make return	2019-12-12	3 pp 47
8. Magistrate's denial of reconsideration and of transfer	2019-02-27	1 p 50
9. Timely motion to reconsider and renewed request to transfer	2019-02-11	2 pp 51
10. Extracted-converted CMC's made-from audio transcript of hearing before DMN	2019-02-04	45 pp 53
11. Made-from-audio DMN transcript re recusal and transfer	2018-04-25	6 pp 98
12. Judge Jocelyn Newman's remand to summary court for SC Crim R 29(b) hearing	2018-01-04	3 pp 104
13. Clerk of Circuit Court Jeanette McBride's letter refusing to schedule motion	2014-06-05	1 p 107
14. Dr. Assa'ad-Faltas' Crim R 29(b) motion sent by certified mail to CMC	2014-01-31	18 pp 108
15. Motion to suspend appeal and present Crim R 29(b) motion to trial court	2013-12-23	15 pp 126
16. CMC's Solomon's Final Report on all Dr. Faltas' CMC cases	2013-07-25	1 p 141
17. Then-CMC's Solomon's Status Update to then-SC CJ Toal	2013-05-14	5 pp 142
18. Sentencing transcript highlighting improper factors infecting punishment	2013-04-25	6 pp 147
19. Then-SC-Chief Justice Toal Administrative Order re Dr. Faltas	2013-03-07	1 p 153
20. Dr. Faltas' Counsel's (Lupton) Service of CD as Defense's reciprocal discovery	2013-02-21	1 p 154
21. Lupton's specific Rule 5/Brady requests to Fernandez	2013-01-24	2 pp 155
22. City of Columbia's courtesy summons for alleged simple assault per City Ordinance	2009-09-11	1 p 157
23. Redacted disposition letters of all Dr. Assa'ad-Faltas previous charges at CMC	1999-2010	10 pp 158
24. Then-CMC Judge Dennis GRANTS Dr. Faltas' Rule 29(b) in another case	2005-07-23	6 pp 168
25. RC Public Index (PI) of Dinah Steele evicting Renard Walker	starting at 2006-11-17	1 p 174
26. Audio transcript of Dr. Assa'ad-Faltas' <i>pro se</i> oral argument before SC CoA	2007-02-06	9 pp 175
27. SC CoA's 2007-UP-193 unanimous opinion in Dr. Assa'ad-Faltas' favor	2007-04-26	4 pp 184
28. SC Advance Sheets No 2007-27, City's petition to rehear 2007-UP-193 DENIED	2007-07-02	5 pp 188
29. Charlene Crouch's Grand Larceny/auto-break-in Warrant in Winnsboro, SC	2007-07-08	2 pp 193
30. Crouch's 2007-GS-20-350 Plea extracted Tr highlighted	2007-08-15	3 pp 195
31. Charlene Crouch's grand larceny conviction documents	2007-08-07	4 pp 198
32. City of Columbia's Petition for SC S Ct to review SC CoA's 2007-UP-193 DENIED	2007-10-18	2 pp 202
33. Allegations of Charlene Crouch's prostitution filed with Lykesland Magistrate circa	2007-10-23	19 pp 204
34. Dinah Steele self-advertised "athletic, 5'7" single female" on MySpace.com	2008-05-28	2 p 223
35. City of Columbia resumes dual payments to Heather Savitz Weiss	2009-01-05	3 pp 225
36. Charlie White's letter & Delaney's response to discovery in civil suit	starting at 2009-08-20	2 pp 228
37. City's Police Department's incident report simple assault as given by Dinah Steele	2009-09-11	2 pp 230
38. Dr. Assa'ad-Faltas' <i>pro se</i> motion to dismiss first trespass charge brought by Steele	2009-11-04	1 p 232
39. CPD's Amanda Star Blanton interviews Charlene Crouch to testify for simple assault	2009-11-09	2 pp 233
40. Charlene Crouch's redacted 10-year driving record as pulled by CPD's Blanton	2009-11-11	3 pp 235
41. Photos of Dinah Steele's typical gestures at Dr. Assa'ad-Faltas	2009-11-09	2 p 238
42. Blanton's then-undisclosed purported case summary of false harassment charges	2009-11-17	7 pp 240
43. CMC-made transcript of hearing before Marion Oneida Hanna extracted, formatted	2009-11-17	4 pp 247
44. Dr. Assa'ad-Faltas' <i>pro se</i> Amend Comp 2009-CP-40-02219	2009-11-20	12 pp 251
45. City of Columbia renews payments to RC Solicitor's Office	2009-11-24-30	2 pp 263
46. Warrant Affidavit of false harassment signed against Dr. Faltas by Blanton, Weiss	2009-12-01	1 p 265
47. Made-from-audio transcript of bond setting for Dr. Assa'ad-Faltas at ASGDC	2009-12-02	12 pp 266
48. Bond modification Tr for Dr. Assa'ad-Faltas at RC Gen Sessions before Jurist James	2009-12-17	21 pp 278

49. Judge Lee's Order for Preliminary Injunction in 2009-CP-40-02219	2009-12-22	7 pp	299
50. Judge Lee's Order on Reconsideration in 2009-CP-40-02219	2010-01-04	2 pp	306
51. Tr. Hearing on further bond modification by then-SC-Circuit Judge James	2010-01-07	9 pp	308
52. CMC letter scheduling hearing on motion to dismiss	2010-01-12	4 pp	317
53. Extracted pre-harassment-trial Hearing before Judge Clifton Newman in GS	2010-02-11	8 pp	321
54. Confirmation of hearing scheduled on motions to dismiss other charges in CMC	2010-02-23	4 pp	329
55. David Fernandez' fax to Clark Newton also confirming hearing set for 2010-03-03	2010-03-01	2 pp	333
56. Extracted CMC Transcript with highlights re discovery	2010-03-03	5 pp	335
57. Motion to convert GS bond into PR bond after GS mistrial	2010-03-03	2 pp	340
58. Fernandez' denial that 2010-03-03 occurred, highlighted	2010-04-15	1 p	342
59. Plain copy of Fernandez' letter denying hearing occurred	2010-04-15	1 p	343
60. Daphne Helms' estimate of 2010-02-22-26 trial transcript	2010-04-26	2 pp	344
61. CMC's invoices to Dr. Assa'ad-Faltas for CMC 2009-11-17 Tr. and 2010-03-03 Tr.	2010-05-28	1 p	346
62. e-mail chain Daphne Helms re GS transcripts	2010-06-26	7 pp	347
63. Reviewing Two Banker's Boxes (note added on p 12 in 2012)	2010-11-12	12 pp	354
64. City of Columbia pays \$70K for Heather Savitz Weiss	2010-12-07	2 pp	366
65. Redacted SLED Report on Charlene Crouch	2012-02-21	6 pp	368
66. Separate arrest photos of Charlene Crouch and Teresa Ingram	2012	1 p	374
67. Charlene Crouch's bond and Bench Warrants for failure to appear at GS court	2012-06-10	5 pp	375
68. PG Expungement of K613792 & K613793 certified true copy	2012-08-24	1 p	380
69. Public Index Search Charlene Crouch's battery conviction	2012-2013	1 p	381
70. Lupton's specific Rule 5/Brady requests to Fernandez	2013-01-24	2 pp	382
71. Lupton's Service of CD as Defense's reciprocal discovery	2013-02-21	1 p	384
72. Extracted, Converted & Highlighted Tr. of simple assault trial	2013-04-25	45 pp	385
73. Extracted and highlighted Charlene Crouch's GS Guilty Plea Sentencing Transcript	2013-07-11	5 pp	430
74. Charlene Crouch's GS Sentencing Sheet for Assault & Battery 2 nd degree	2013-07-11	1 p	435
75. Complete transcript of appeal arguments before Judge Lee	2013-12-13	25 pp	436
76. CMC's letter belatedly disclosing Crouch's GUILTY disposition	2014-01-21	3 pp	461
77. Dr. Assa'ad-Faltas' Emergency Motion to SC's Supreme Court	2014-02-06	6 pp	464
78. Fernandez' RTSC motion against Dr. Assa'ad-Faltas' Rule 29(b)	2014-02-19	4 pp	470
79. SC S Ct Order to SCCOID 2015-000941 to represent Dr. Faltas	2015-06-17	1 p	474
80. CMC's renewed refusal to produce documents for Faltas	2018-05-01	1 p	475
81. Dinah Steele's RC cases includes v Renard Walker	2023-03-22 visited	1 p	476
82. Steele evicts 300 Byron Apt 1 tenant	2023-05-05 visited	1 p	477

Location of Court-Reporter-made/Nancy-Ahrens-made versions of transcripts included in the Unrevised Record on Appeal in SC Appellate Case 2022-000339 but not filed in the Circuit Court Transcript identification

	Transcript Date	Page Length	Found in filed-and-Scanned Volumes of 11 October 2023 at
Charlene Crouch's 2007-GS-20-350 Crouch Guilty Plea transcript	2007-08-15	11 pp	Volume III pp 48 to 58
CMC-made transcript of hearing before Marion Oneida Hanna	2009-11-17	14 pp	Volume IV pp 15 to 28
CMC-made-from-audio transcript of hearing on discovery, etc.	2010-03-03	13 pp	Volume V pp 35 to 47
Charlene Crouch's GS Guilty Plea & Sentencing Transcript	2013-07-11	14 pp	Volume VI pp 54 to 67

Locations of Transcript of 3 September 2015 Motion Hearing before Acting SC Circuit Judge Strickland

Extracted, formatted, and highlighted version of Transcript	2015-09-03	5 pp	Volume VII pp 6 to 10
Complete Original as prepared by now-retired Court Reporter	2015-09-03	26 pp	Richland County Public
Deborah M. McCurdy, RPR, and FILED in <i>City of Columbia v. Marie Therese Assa'ad Faltas</i>	2018-10-12		Index # 2013CP4003525

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND)	
)	
City of Columbia,)	C/A no. 2019-CP-40-01374
)	
v.)	
)	Order denying Appellant’s Rule 59(e), SCRC
Marie-Thérèse Assa’d-Faltas,)	Motion to Reconsider
)	
_____ Defendant.)	

THIS MOTION comes before the Court on appellant’s Rule 59(e), SCRC Motion to Reconsider. A hearing was held on January 28, 2022 on an appeal from Richland County Magistrate Judge Newsom’s denial of appellant’s motions that he recuse himself and to reopen her case. This court issued an Order on February 9, 2022 affirming the magistrate’s denial of appellant’s Motions. In light of the law governing Rule 59(e), and in consideration of the facts as stated below, the Motion to Reconsider is DENIED.

I. Legal basis for appellant’s rule 59(e) motion.

This court is vested with the authority to decide this matter pursuant to Chief Justice Beatty’s September 15, 2020 Order assigning jurisdiction to the Hon. D. Craig Brown over this and other cases involving appellant.

Appellant timely filed her Rule 59(e), SCRC motion within 10 days of this Court’s Order. “Rule 59(e), SCRC, provides for a motion to alter or amend judgment and preserve the record for appeal.” Pelican Building Centers v. Dutton, 311 S.C. 56, 60, 427 S.E.2d 673, 675 (1993). In her motion, appellant asks that this court “rule *in writing* on matters on which he may have ruled orally but did not reduce to writing, to correct errors of the recitations of facts, to require a complete return from [Magistrate Newsom] ... and to reconsider *all* Judge Brown’s rulings in this case.” (p.1.)

[16] *DR. FALTAS*: Thank you.

[17-19] *THE COURT*: Thank you all very much. I appreciate you coming forward and presenting the arguments. And I will review them further.

[20-22] *DR. FALTAS*: May I ask that the clerk not give me trouble if I come and see the exhibits and let Mr. Fernandez copy me the additional transcripts?

[23 to page 106, line 4] *THE COURT*: Yes. And actually I am going to have the City provide them to me. To the extent that Mr. Fernandez gets copies of them, then he should provide you with a copy of them. And I'll request the exhibits. They will be made a part of the record in the matter, so once I receive them, then they will be part of the appropriate file.

[5-16] *MR. FERNANDEZ*: Your Honor, as to that, typically what happens in our court is that the court will prepare the -- will transcribe any of the hearings. They will probably send you a copy and they will likely send me a copy. Typically the court does charge Defendants for transcription costs. And I don't know exactly what the cost is, but it is some sort of fee that they work out. So I don't generally share transcripts with other people. They are supposed to obtain it through the court. I don't know if Your Honor wants me to -- I just expect it to be a number of pages.

[17-25] *THE COURT*: I'm sure that it probably will be a number of pages. So I guess -- I don't know how that is handled normally. I know that I get a copy. And if she wants to come up here and get them. I think that if a copy is provided to you, then a copy needs to be provided to Dr. Faltas. I mean, if they only want to give you one copy and it comes to me, then that is a different story. But I'll leave it at that.

[page 107, lines 1-2] *DR. FALTAS*: I just wonder if Your Honor could extend Judge Manning's order on the transcript.

[3-16] *THE COURT*: And I don't know the parties' expenses on that, but that has to be done through an attorney, so if Mr. Tristan -- Mr. Shaffer wants to do that, that's what has to occur. Just because there is an order out there, it has to go through OID. And it is presumed that when Judge Manning -- that when any judge signs an order for somebody who is representing a defendant and someone has been appointed, that those funds come from the Office of Indigent Defense, and they are the ones who administer those funds. And so to the extent that Judge Manning has issued such an order, then the attorney will be responsible for submitting the costs to OID.

[17-24] *MR. SHAFFER*: And we have a slight, I guess, disagreement between me and Dr. Faltas, which hopefully will get resolved very soon, Your Honor, regarding that. But I do believe that the statute on the return from a municipal or magistrate court requires that they actually do provide a copy, both parties with a copy. I think it is stated in the statute that they provide them in the return.

[25 to page 108, line 3] *THE COURT*: And so, as I stated, if the Court is going to send the City a copy, the City Attorney's Office, then you need to send a copy to Dr. Faltas.

[4] *DR. FALTAS*: Thank you very much, Your Honor.

[5] *THE COURT*: Thank you.

[6-7] (WHEREUPON, the proceedings were concluded at 3:32 p.m.)

[25] (END OF TRANSCRIPT)

[page 109]

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Richland County, South Carolina, on the 13th day of December, 2013.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

October 13, 2015

s/Deborah M. McCurdy, RPR
Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

RECEIVED
MAR 29 2024
SC Court of Appeals

Ms. Marie Faltas
January 21, 2014
Page Two

As indicated in prior communications, the Court's records do not reflect a case involving Ms. Crouch on April 25, 2012. I am including what I believe to be the disposition letter that you are looking for with regard to Ms. Crouch.

Sincerely,



Dana D. Turner
Chief Administrative Judge

The Honorable Jean Toal
Chief Justice
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

The Honorable Alison Lee
P. O. Box 192
Columbia, SC 29202

Mr. David A. Fernandez, Esq.
Assistant City Attorney
City of Columbia Legal Department
P. O. Box 667
Columbia, SC 29202

RECEIVED
MAR 29 2024
SC Court of Appeals

Re: Now, do I get a thank you after I politely helped you correct a clerk of SC's supreme court's error?

RECEIVED

Marie Faltas <marie_faltas@hotmail.com>

Mon 2024-03-04 4:42 PM

To: dzelenka@scag.gov <DZelenka@scag.gov>; Angela Brown <abennett@scag.gov>

Cc: brookerlawfirm@aol.com <brookerlawfirm@aol.com>; Marie Assa'ad-Faltas <marieassaadfaltas@gmail.com>

Bcc: rah@harpootlianlaw.com <rah@harpootlianlaw.com>; mfox@griffindavislaw.com <mfox@griffindavislaw.com>;

holli@harpootlianlaw.com <holli@harpootlianlaw.com>; jgriffin@griffindavislaw.com <jgriffin@griffindavislaw.com>;

pdb@harpootlianlaw.com <pdb@harpootlianlaw.com>; Young, Hervery <hyoung@sccid.sc.gov>; hryan@sccid.sc.gov

<hryan@sccid.sc.gov>

MAR 29 2024
SC Court of Appeals

📎 2 attachments (677 KB)

2024-03-04 a SC S Ct's Patricia Howard de Tommy Evans re Vinvent Missouri's PCR petition Letter from Counsel.pdf; 2024-03-04 Brandy Rankin's Cover Email 2 SC S Ct's Pat Howard re Vincent Missouri's PCR petition.pdf;

Or has the obsession with **falsely** branding me "frivolous and vexatious" become incurable? I know that at least Ms. Miller, Maitresse Fox, and Messers Barber and Young, read my initial message.

Thanks for your attention and God bless./Marie Assa'ad-Faltas, MD, MPH

Phone: (803) 783 - 4536

From: Marie Faltas <marie_faltas@hotmail.com>

Sent: Thursday, February 29, 2024 9:06 PM

To: dzelenka@scag.gov <DZelenka@scag.gov>; Angela Brown <abennett@scag.gov>

Cc: brookerlawfirm@aol.com <brookerlawfirm@aol.com>; Marie Assa'ad-Faltas <marieassaadfaltas@gmail.com>

Subject: Because I get thrown in jail when I politely try to correct a clerk of SC's supreme court's error,

Repeating the subject line: **Because I get thrown in jail when I politely try to correct a clerk of SC's supreme court's error,**

I leave to one of you lawyers to bring to Ms. Howard's attention that she sent the initial letter to Judge Hall (who is also mistakenly listed as counsel for Respondent) instead of to SC's attorney general.

Or did Judge Hall quit the bench and immediately became a SCAG employee?

Wonders never end in South Carolina.

Thanks for your attention and God bless./Marie Assa'ad-Faltas, MD, MPH

Phone: (803) 783 - 4536



CLERK'S OFFICE
SUPREME COURT
COURT OF APPEALS

South Carolina Appellate Case Management System

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Appellate Case No. ...

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Cases

- Case Search
- Participant Search

Case Information: 2022-000339

Court:	Court of Appeals	Classification:	Appeal - Common Pleas - Crim. Appeal from Summary Ct.
Short Title:	City of Columbia v. Marie Assa'ad-Faltas View Full Title	Case Status:	Held in Abeyance
Consolidated:		RECEIVED	
Filed Date:	03/15/2022	Oral Argument Date:	
Disposition Date:		Disposition Type:	MAR 29 2024
Remittitur Date:		SC Court of Appeals	
Lower Court or Tribunal:	Richland (2019CP4001374)		

- Party Information

Appellate Role	Party Name	Former	Attorney(s)
Appellant	Marie Assa-ad Faltas	N	Self Represented
Respondent	City of Columbia	N	Marshall Schumpert James (Former) Jocelyn Y. Baker Jillian Miranda Souza Amye Leigh Rushing

Views

Display:

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03/23/2022	Non-Dispositional Decision - Transfer order	
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Disposition Date:		Disposition Type:	
Remittitur Date:			
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- Party Information
















































Appellate Role	Party Name	Former	Attorney(s)
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Display: Descending ▼

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03/15/2022	Notice of Appeal (Civil) - Initial	

Ms. Kitchings claimed that pages 26, 43, and 461 were not scanned into the *unbound* RoA because the Court never received them; Appellant responded that: (1) said pages are *in the bound volume*, (2) both *bound and unbound* volumes were printed from the same file, and (3) Respondent never reported missing pages from the *unbound* volume served on Respondent on 16 November 2023; thus the greater likelihood is that *this Court's Clerk omitted scanning those pages*.

Appellant also noted to Ms. Kitching that Ms. Baker still appeared as active counsel for Respondent on C-Track (**compare the attached case views before and after Appellant's 16 February 2024 visit**). Appellant then asked Ms. Kitchings why the case was still on abeyance, Ms. Kitchings claimed it is pending a decision on Volume II. **Appellant responded that the uncorrected Volume II was now moot and asked whether anything was wrong with the bound RoA which might explain the absence of a notation of its receipt on C-Track. Ms. Kitchings responded that, had any deficiencies remained with either the bound or unbound RoA amended volumes, Appellant would have received a deficiency letter.**

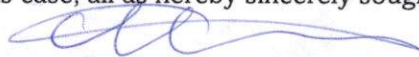
On 22 March 2024, Appellant re-visited this Court's office and asked to see her *bound* RoA and final briefs volume. This Court's Deputy Clerk Harrison complied and gave Appellant copies of the Court-received bound copies covers and of RoA page 26 (attached). Ms. Harrison then informed Appellant the appeal had been dismissed and produced a copy of the 21 March 2024 dismissal ORDER. Upon reading it, Appellant tried to explain that the Court misunderstood the 17 January 2024 clarification; but Ms. Harrison responded that any further clarification belongs in a petition for rehearing, **which is hereby timely filed**.

Appellant also attaches proof of an error by SC's supreme court's ("SC S Ct") clerk Pat Howard *in another party's case* which Appellant detected and brought to the attention of the parties resulting in correction of the errors. **It is utterly unfair to dismiss this serious and important appeal after Appellant complied with all this Court's directions and requests solely because this Court's clerk does not scan everything, writes confusing letters, and misreads responses.**

This petition for rehearing and reinstatement must be heard *en banc* to allow each judge of this Court to *independently* examine his/her conscience and decide whether (s)he wants to join the cruelty of having burdened Dr. Assa'ad-Faltas with so many demands **for two years now** when the intention was **always** to sooner-or-later dismiss her meritorious appeal **under false pretext** that she violated court orders **after** she had **fully** complied.

Now that Ms. Baker is relieved, this Court should give clear directions on what is to be done with the covers of the bound volumes which were correctly printed, bound, and filed when Ms. Baker was still counsel for Respondent. Dr. Assa'ad-Faltas suggests the volumes remain as are OR that she be allowed to provide to the Court **new covers only to be pasted on the old covers and to reflect the updated status of Respondent's counsel**.

WHEREFORE, this Court should reinstate this appeal and move promptly and open-mindedly to the important substance of this *very* meritorious case, all as hereby sincerely sought on 28 March 2024.



s/Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*
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Certificate of Service Satisfying the Substance of Form 7 and of all Relevant Rules, SCACR

On 28 March 2024, I served Counsel for sole Respondent in this case with a true copy of this document by personally going to the City of Columbia's Legal Department's office location on Washington and Main Streets, Columbia, SC 29201, and there and then hand-delivering a true copy of this document to a person long known to me to be approved and entrusted to deliver it to Counsel for Respondent in this, all God so willing.

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