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SC Court of Appeals

No. 2024-0047

STATE OF SOUTH CAROLINA ("SC") BEFORE THE SOUTH CAROLINA COURT OF APPEALS  
APPEAL from RICHLAND COUNTY CIRCUIT COURT of COMMON PLEAS No. 2018-CP-40-00963  
Eugene C. Griffith, Jr., Circuit Judge ("SC-CJ-ECG, Jr.")  
on Appeal from Richland County Central Magistrate Court, Daniel M. Coble, then-magistrate

Austin Woods Apartments, Respondent v. Defendant's TIMELY NOTICE of APPEAL and Emergency Motions to:  
(1) Allow Appellant to Proceed in forma pauperis ("IFP"), and (2)(a)  
Marie Assa'ad-Faltas, MD, MPH, Appellant Summarily REVERSE SC-CJ-ECG, Jr. OR (b) Hold Appeal in Abeyance  
Pending the Circuit Court's Ruling on 22 March 2024 Motion to Reopen,  
all for Judicial Economy and to Uphold the Promise of Equal Access to the Courts.

Marie Assa'ad-Faltas, MD, MPH, tenant-defendant *pro se* ("Dr. Assa'ad-Faltas"), within thirty (30) days of her receipt of SC-CJ-ECG, Jr.'s attached 8 March 2024 ORDER denying without explanation "Respondent's" [sic] timely Rule 59 Motion and from SC-CJ-ECG, Jr.'s attached antecedent 10 January 2024 ORDER, time to appeal which is tolled by the timely filing of a Rule 59 motion.

Dr. Assa'ad-Faltas moves for leave to appeal *IFP* and shows in support: (a) though highly educated and diligent, she was for three decades forced to devote her time and energy to opposing malicious and ultimately-thank-God-failed efforts to deport her, delicense her, and incarcerate her for six to forty-six years; (b) she was found indigent *in this case* by the circuit court and her financial situation has not since improved but has worsened; (c) in other recent cases, SC's Commission on Indigent Defense ("SCCOID") found Dr. Assa'ad-Faltas indigent and so certified to SC's Supreme Court ("SC S C"); (d) *specifically* for residential tenants, **states may not allow tenants' indigency to foreclose their civil appeals from eviction ruling, *Lindsey v. Normet*, 405 U.S. 56 (1972); and (e) *specifically* for residential tenants, SC S Ct relaxed some requirements; *eg.*, 2024-02-08-02 South Carolina NAACP Housing Advocate Program; the South Carolina State Conference of the NAACP; Marvin Neal; Robynne Campbell; De'Ontary Winchester, Petitioners (allowing non-lawyers to assist tenants).**

Dr. Assa'ad-Faltas further moves for summary reversal of SC-CJ-ECG-Jr.'s attached orders as, to the extent they give any reasoning, they are self-admittedly based on SC-CJ-ECG-Jr.'s *advisory* view that now-Resigned/Retired-SC-Circuit-Judge D. Craig Brown ("R/R-SC-CJ-DCB") had dismissed the case but not reopened it. While on the bench, R/R-SC-CJ-DCB had, on 26 June 2023, clearly "**vacate[d]**" his own prior dismissal of Dr. Assa'ad-Faltas' appeal from the magistrate. So, SC-CJ-ECG-Jr. had no authority to overrule R/R-SC-CJ-DCB and reinstate his 10 May 2023 dismissal order. Alternatively, if the appeal had *arguendo* been truly dismissed when SC-CJ-ECG-Jr. first looked at it on 10 January 2024, then SC-CJ-ECG, Jr. had no authority to issue an advisory opinion. The judiciary may act *only* on a *live* case or controversy. That is a fundamental principle.

**SIGNATURE** and *Certificate of Service Satisfying the Substance of Form 7 and of all Relevant Rules, SCACR*

This Notice of Appeal and Motions are sincerely submitted on 8 April 2024, and served the same day **by hand-delivery** to Richland County' Clerk of Court and on Respondent Austin Woods. by properly addressed postage-prepaid first-class U.S. mail to Austin Woods rental office at 7648 Garners Ferry Road, Columbia, SC 29209 and by **additional courtesy** email to Ms. Valencia Hutcherson of Austin Woods and to Attorney Laura Miller of LoebSack-Brownlee, all God so willing.



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

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