

RECEIVED

JAN 03 2014

S.C. SUPREME COURT

BEFORE THE SUPREME COURT OF SOUTH CAROLINA

City of Columbia

Plaintiff-Respondent

v.

Marie Assa'ad-Faltas, MD, MPH,

Defendant-Appellant

RICHLAND COUNTY CIRCUIT COURT, Alison Renee Lee, Circuit Judge

Case # 2013-CP-40-03522, a criminal appeal in which Dr. Assa'ad-Faltas is Now Permitted to Advocate pro se

NOTICE OF APPEAL FROM TWO ORDERS OR ACTIONS WHICH ARE IMMEDIATELY APPEALABLE OR WHICH SHOULD BE IMMEDIATELY APPEALABLE BUT ARE COLLATERAL TO THE APPEAL COMBINED WITH Suggestion for This Court to Rule on the Substance of the Matter Itself

Marie Assa'ad-Faltas, MD, MPH, *pro se*, timely hereby appeals to this Court from Judge Lee's attached 31 December 2013 ORDERS denying the release of the appeal bond to Appellant.

The attached ORDERS finally dispose of Appellant's request for refund of bond and, thus, irrespective of the outcome of the appeal itself, are immediately appealable in that they are controlled by errors of law and clear errors of fact. The questions Appellant submits in this appeal are of such public importance as to require this Court's review and consideration of amending South Carolina's (SC) Rules of Procedure.¹

Dr. Assa'ad-Faltas is uniquely talented and has unique standing to seek such amendments and clear SC state case law stating that possible harm to a criminal defendant is **not** limited to a false conviction and the execution of a sentence but also includes being subjecting the presumed innocent to bond conditions violating the Eighth Amendment to the U.S. Constitution and/or relevant provisions of SC's Constitution. Under *Stack v. Boyle*, 342 U.S. 1 (1951), bond conditions are immediately appealable. And *Sells v. United States*, 129 S.Ct. 1391 (2009), explains that the harm to a criminal defendant forced to take medication to be able to stand trial is complete upon the compulsion regardless of the outcome of the trial itself.

But SC does not, *by rule*, allow for appeal of bond conditions. This appeal submits it should do so.

Dr. Assa'ad-Faltas was exiled from, while being forced to pay rent for, her own apartment where she had lived alone until her 2 December 2009 false arrest on harassment charges of which she, thank God, fully and finally exonerated herself *pro se* on 13 August 2012. That exile was effected **because a then-unemployed college dropout and convicted felon falsely claimed that** Dr. Assa'ad-Faltas was "blocking [unemployed the felon] in" from "going to work in the morning." Dr. Assa'ad-Faltas had often attempted to contest and appeal said bond conditions and argued that the deprivation of such an important basic right as shelter and access to one's personal and intellectual property should not be denied without opportunity to cross-examine, under oath or affirmation, those who seek such deny such rights. This Court's *current* Chief Justice reacted intemperately even though bonds in the federal system are set after a due process hearing where witnesses are examined and cross-examined under oath.

Honorable Judge Lee erroneously held that Dr. Assa'ad-Faltas is sentenced to fines. But the record clearly shows the sentences are for "jail time only." The order for transcripts is not *per se* appealable but may be reviewed in conjunction with an appealable order. As the latter order does not require the municipal court to provide a free copy of the additional transcripts to Dr. Assa'ad-Faltas, it violates *Mayer v. Chicago*, 404 US 189 (1971). That violation was exacerbated by Columbia's Municipal Court's ("CMC") attached letter dated 27 December 2013 but not mailed until yesterday and setting exorbitant price for copies.

Further, §§ 14-25-95 and 105 provide *in toto* with emphasis added:

SECTION 14-25-95. Appeals to Court of Common Pleas; procedures and time limits.

Any party shall have the right to appeal from the sentence or judgment of the municipal court to the Court of Common Pleas of the county in which the trial is held. Notice of intention to appeal, setting forth the grounds for appeal, must be given in writing and served on the municipal judge or the clerk of the municipal court within ten days after sentence is passed or judgment rendered, or the appeal is considered waived. The party appealing shall enter into a bond, payable to the municipality, to appear and defend the appeal at the next term of the Court of Common Pleas or shall pay the fine assessed.

¹ This Court's *current* Chief Justice involved herself in Dr. Assa'ad-Faltas' cases even to the point of insisting (in April to June 2011 until the draconian counter-productive nature of that involvement became clear even to *current* SC Chief Justice Toal) on pre-screening any document any *attorney* intends to file on behalf of Assa'ad-Faltas).

SECTION 14-25-105. Municipal judge to make return to Court of Common Pleas in event of appeal; no appeal de novo.

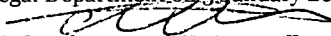
In the event of an appeal, **the municipal judge shall make a return to the Court of Common Pleas**, and the appeal must be heard by the presiding judge upon the return. The return of the municipal judge shall consist of a written report of the charges preferred, **the testimony, the proceedings**, and the sentence or judgment. When the testimony has been taken by a reporter as provided herein, the return shall include the reporter's transcript of the testimony. The return must be filed with the Clerk of the Court of Common Pleas of the county in which the trial was held and the cause must be placed on the motion calendar for the Court of Common Pleas. There shall be no trial de novo on any appeal from a municipal court.

And *Chessman v. Teets*, 354 U.S. 156 (1957), held it a violation of due process for a criminal defendant to not be provided a complete *accurate* transcript and to not be able to contest it or argue based on it.

If the Honorable Judge Lee's ORDERS foreclose Dr. Assa'ad-Faltas' supplemental briefs in light of the added transcripts and exhibits, it violates *Chessman*. The additional transcripts the Honorable Judge Lee ordered include the sentencing hearing which is already transcribed but omit the 8 April 2013 jury qualification event in which comments *very* derogatory to Dr. Assa'ad-Faltas were made by CMC's J. Steady Bogan within the hearing of the venire panel form which the jury for the 11 April 2013 trial was drawn.²

For these foregoing reasons, and because Dr. Assa'ad-Faltas' contemporaneously-filed appeals challenge, on federal constitutional grounds, the existent and current out-of-state-control operations of CMC, this appeal should be heard by this Court on an expedited schedule. Meanwhile, this Court is asked to order that Dr. Assa'ad-Faltas' appeal bonds be forthwith refunded to her as she had fulfilled the purpose of the bonds by appearing and defending the appeals when called by the Circuit Court on 13 December 2013.

Respectfully submitted and served by hand delivery to South Carolina's Attorney General's office, to the Clerk of Richland County, and to the City of Columbia's Legal Department on 23 January 2013, all God so willing.


Marie Assa'ad-Faltas, MD, MPH, Appellant pro se
P.O. Box 9115, Columbia, SC 29290, Cell Phone: (330) 232 - 4164
e-mail: Marie_Faltas@hotmail.com

² This inadvertence by the Honorable Judge Lee could have been easily corrected were Dr. Assa'ad-Faltas not foreclosed from submitting any supplements.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
City of Columbia,)
)
Plaintiff,)
)
vs.)
)
Marie Therese Assa'ad Faltas,)
)
Defendant.)


IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2013-CP-40-03522

ORDER

RICHLAND COUNTY
FILED
2013 DEC 31 PM 2:39
JENNETTE W. MCNEIL
C.C.P. & G.

This matter came before the Court on appeal from City of Columbia Municipal Court on December 13, 2013. The corresponding Municipal Court case number is L066971. At the appeal, Dr. Faltas requested her appeals bond be released. Upon review of the facts, this request is **DENIED** on the basis that the bond equates to the fine the Municipal Court sentenced her to pay and must be held until a final order is issued. Additionally, this matter is currently under advisement and no supplemental filings by the parties will be accepted by the Court.

AND IT IS SO ORDERED.


ALISON RENEE LEE
Presiding Judge

Columbia, South Carolina
December 31, 2013

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 City of Columbia,)
)
 Plaintiff,)
)
 vs.)
)
 Marie Therese Assa'ad Faltas,)
)
 Defendant.)
 _____)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO. 2013-CP-40-03522

ORDER


RICHLAND COUNTY
 FILED
 2013 DEC 31 PM 2:39
 JEANNETTE W. McBRIDE
 C.C.P. & G.S.

This matter came before the Court on appeal from City of Columbia Municipal Court on December 13, 2013. The corresponding Municipal Court case number is L066971. Additional information is needed from the Municipal Court proceedings.

It is **ORDERED** that the Municipal Court produce the following court records to this Court:

1. Transcripts from pre-trial proceedings for Municipal Court case number L066971 on March 12, 2013 and April 10, 2013.
2. Copies of exhibits and proposed exhibits for the trial of Municipal Court case number L066971.
3. Transcripts from the sentencing proceedings held the afternoon of April 25, 2013.

AND IT IS SO ORDERED.


 ALISON RENEE LEE
 Presiding Judge

Columbia, South Carolina
 December 31, 2013

SCANNED

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

City of Columbia,

Plaintiff,

vs.

Marie Therese Assa'ad Faltas,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT


CIVIL ACTION NO. 2013-CP-40-03525

ORDER

2013 DEC 31 PM 2:39
JEANETTE W. MORRIS
C.C.P. & G.
RICHLAND COUNTY
FILED

This matter came before the Court on appeal from City of Columbia Municipal Court on December 13, 2013. The corresponding Municipal Court case number is 201310. At the appeal, Dr. Faltas requested her appeals bond be released. Upon review of the facts, this request is **DENIED** on the basis that the bond equates to the fine the Municipal Court sentenced her to pay and must be held until a final order is issued. Additionally, this matter is currently under advisement and **no** supplemental filings by the parties will be accepted by the Court.

AND IT IS SO ORDERED.


ALISON RENEE LEE
Presiding Judge

Columbia, South Carolina
December 31, 2013

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

City of Columbia,

Plaintiff,

vs.

Marie Therese Assa'ad Faltas,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO. 2013-CP-40-03525

ORDER


RICHLAND COUNTY
FILED
2013 DEC 31 PM 2:39
JEANETTE R. HARRIS
C.C.P. & C.S.

This matter came before the Court on appeal from City of Columbia Municipal Court on December 13, 2013. The corresponding Municipal Court case number is 201310. Additional information is needed from the Municipal Court proceedings.

It is **ORDERED** that the Municipal Court produce the following court records to this Court:

1. Transcripts from pre-trial proceedings for Municipal Court case number 201310 on March 12, 2013 and April 10, 2013.
2. Copies of exhibits and proposed exhibits for the trial of Municipal Court case number 201310.
3. Transcripts from the sentencing proceedings held the afternoon of April 25, 2013.

AND IT IS SO ORDERED.


ALISON RENEE LEE
Presiding Judge

Columbia, South Carolina
December 31, 2013



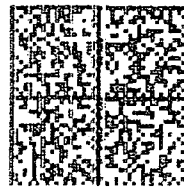
CITY OF COLUMBIA
SOUTH CAROLINA

MUNICIPAL COURT
P. O. Box 644
Columbia, SC 29202

RETURN SERVICE REQUESTED

Dr. Marie Assa'ad Faltas
P. O. Box 9115
Columbia, South Carolina 29209

FIRST CLASS



ncpost

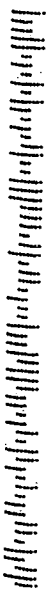
Mailed From 29203
US POSTAGE

\$00.460

01/02/2014

1011267
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CITY OF COLUMBIA
SOUTH CAROLINA

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, SC 29202 / (803) 545-3150 FAX (803) 733-8433

December 27, 2013

Dr. Marie Assa'ad Faltas, M.P.H.
P. O. Box 9115
Columbia, South Carolina 29209

Re: Hand delivered materials dated December 16, 2013

Dear Dr. Faltas:

In response to your written communication dated December 16, 2013, please be advised as follows:

You reference a hearing before Judge Lee and demand that certain actions be taken in response. Please be advised that the City of Columbia Municipal Court will comply with any order issued by Judge Lee. Once a written order is received by this Court, the Court will take steps to comply with the order.

With regard to the parking ticket payment you made in November 2010, I will be surprised to find that it is covered by Judge Lee's order. Once I receive Judge Lee's order, I will review it and respond accordingly.

Paragraph 3 of your communication appears to refer to transcripts that are a part of Judge Lee's order. If in fact Judge Lee's order requires that the transcripts be provided, the Court will provide the transcripts to the Circuit Court. If you would like a copy of the transcripts, you will be allowed to obtain a copy for \$3.50 per page. As you know, the Court's normal procedure requires a deposit of \$125.00 toward the per page cost of a transcript. In light of the circumstances, I will waive the \$125.00 deposit and allow you to purchase the transcripts by paying per page. Once the Court receives the order from Judge Lee ordering the production of the transcripts, we will advise you on the number of pages in each transcript.

In paragraph 3 of your communication, you request a copy of the July 25, 2013 CD of the trial of City vs. Ingram. As you know, the Municipal Court charges \$5.00 per CD. Once the Court has received your payment, we will prepare the CD and advise you accordingly. If the trial is longer than can be contained on one CD, you will be required to deposit \$5.00 per CD.

The fourth paragraph of your communication requests permission to review the "exhibits". I am unclear as to which exhibits you reference. If the exhibits you reference in your communication dated December 16, 2013 are exhibits that are the subject of Judge Lee's order, the Court will comply with that order and will provide those exhibits to the Circuit Court. The Court will not allow you to review these exhibits before they are provided to the Circuit Court.

The fourth paragraph of your communication also requests permission to review the "two banker's boxes" which you reviewed in November 2010. As you knew then and know now, the "banker's boxes" are not in the possession of the Municipal Court. I cannot authorize inspection of materials that are not in the possession of this Court.

Finally, your communication requests a formal disposition letter on Charlene Crouch's April 25, 2012 plea to the charge of drunkenness. Please be advised that the Court's records do not reflect a plea by Charlene Crouch on April 25, 2012.

Sincerely,



Dana D. Turner
Chief Administrative Judge

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

Marie Assa'ad-Faltas, MD, MPH
P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)
Cell Phone (330) 232-4164 (Please use until further notice)
e-mail: Marie_Faltas@hotmail.com

3 January 2014

Columbia Assistant City Attorney (CACA) David Fernandez
To P.O. Box 667, Columbia, SC 29202
Columbia Municipal Court (CMC) Chief Administrator Dana D. Turner
To P.O. Box 644, Columbia, SC 29202

By U.S. Mail and Fax

By hand-delivery

Re: (1) Reply to CMC's Chief Administrator Tuner's 27 December 2013 letter not mailed until yesterday

Ma'am and Sir:

This is copied to the Honorable Judge Lee and to South Carolina's (SC) *current* Chief Justice Toal in her administrative capacity because that letter creates serious concerns about court administrative issues.

At the threshold, nothing in my 16 December 2013 letter suggests the Honorable Judge Lee heard or was about to issue an order concerning the appeal bond for the parking ticket. Parking ticket documents were attached as a follow-up to a conversation you and I had in which you confirmed that the City declined to proceed with the parking ticket trial and I responded that is all the more reason for me to be refunded my \$15.00. You replied that you had no record of that payment; and I sur-replied by promising to provide you the documentation. I provided receipt No. 1617531 and summons L - 081716-CSW.

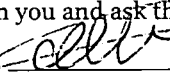
To the extent you demand \$3.50 per page of copies of transcript, please be advised the SC's Office of Court Administration sets the current rate at \$3.25/page for the original and \$0.75/page for copies. I know of nothing that allows you to set your own rates independently of any state law or even city ordinance.

If you do not have the "two banker's boxes," CACA Fernandez is hereby asked to let me to view them again ASAP with the option of selecting documents for copying. Or CACA Fernandez may review the audio-recording of my having viewed those boxes on 12 November 2010 and provide the copies I identified. This is legitimate discovery and also very relevant to my 23 December 2013 motion to suspend one appeal.

For the CD from the 25 July 2013 trial of *City v. Ingram*, \$5.00 are paid herewith. Please instruct your staff to provide a receipt. Again, I ask you to correct the public index to reflect that Ms. Ingram received a jury trial in absentia, not a bench trial in absentia. It insults the jury who served for you to eliminate them.

Whether Charlene Crouch pled guilty or was found guilty of the public drunkenness charge underlying her 2 April 2012 public drunkenness arrest, and whether that disposition occurred on 25 April 2012 or on any other day, I need the formal disposition letter of Charlene Crouch's said charge and of any and all other offenses with which Charlene Crouch was charged in CMC. If you claim that Charlene Crouch was acquitted of that charge, please give the date of acquittal and please explain why my then-lawyer Lupton and I were told both on 21 March 2013 and 25 April 2013, in Charlene Crouch's presence, that the charge is still pending. If it is in fact still pending, please explain why it does not appear on the public index.

Again, I am willing to cooperate with you and ask that you cooperate with me.

Thanks and God bless,  Marie Assa'ad-Faltas, MD, MPH, pro se

c.c.: The Honorable Judge Lee
SC's *current* Chief Justice Toal, in her administrative capacity
Others as needed and proper in the future.



Richland County 5th Judicial Circuit Public Index



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 [S.C. Judicial Department](#) |
 [Summary Ct Dockets](#)

State of South Carolina vs Marie Therese Assaad Faltas					
Case Number:	LD66971	Court Agency:	City Of Columbia Municipal Court	Filed Date:	07/26/2012
Case Type:	Criminal	Case Sub Type:			
Status:	Disposed	Assigned Judge:	City Of Columbia Municipal Court	Disposition Judge:	Solomon, Carl L
Disposition:	Guilty Bench Trial Jail Only				
Disposition Date:	04/25/2013	Date Received:		Arrest Date:	
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:		Waiver Date:	
Probation Case:					

Case Parties								
Name	Address	Race	Sex	Date Of Birth	Party Type	Party Status	Last Updated	
Assaad-Faltas, Marie	P.O. Box 9115 Columbia SC 29209		M		Bond Entity		04/26/2013	
Faltas, Marie Therese Assaad	P O Box 9115 Columbia SC 29290	White	F	04/04/1953	Defendant		04/26/2013	
Inactive, Officer (Inactive)	#1 Justice Square Columbia SC 29201				Officer		11/05/2012	
Lupton, Theodore Nichols	140 Gibson Rd. Lexington SC 29072				Defendant Attorney		03/08/2013	
Steele, Dinah G.	1403 Haigs Creek Drive Elgin SC 29045				Affiant		11/05/2012	

Charges			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Faltas, Marie Therese Assaad	401431-CTY Simple Assault	401431-CTY Simple Assault	04/25/2013

Sentencing							
And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
Or	Fine or Jail Time		20 Days	04/25/2013	05/15/2013		
	Fine		Amount	04/25/2013			

Actions							
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents	
Faltas, Marie Therese Assaad	Criminal/Traffic Jury Trial Day Certain	Event		04/25/2013-08:00	04/26/2013-08:01		
Faltas, Marie Therese Assaad	Criminal/Traffic Jury Trial Roster/Jury Term	Event		04/16/2013-08:00	04/25/2013-08:01		
Faltas, Marie Therese Assaad	Continued	Filing		03/12/2013-10:41	04/16/2013-10:41		
Faltas, Marie Therese Assaad	Criminal/Traffic Jury Trial Roster/Jury Term	Event		03/12/2013-08:00	03/28/2013-08:01		
Faltas, Marie Therese Assaad	Continued	Filing		12/04/2012-16:47	03/12/2013-16:47		
Faltas, Marie Therese Assaad	Continued	Filing		12/04/2012-10:44	03/12/2013-10:44		
Faltas, Marie Therese Assaad	Criminal/Traffic Jury Trial Roster/Jury Term	Event		12/04/2012-08:00	12/05/2012-08:01		
Faltas, Marie Therese Assaad	Criminal/Traffic Jury Trial Roster/Jury Term	Event		11/06/2012-08:00	12/04/2012-08:01		
Faltas, Marie Therese Assaad	Continued	Filing		08/13/2012-12:07	11/06/2012-12:07		
Faltas, Marie Therese Assaad	Criminal/Traffic Jury Trial Day Certain	Event		08/13/2012-08:00	08/20/2012-08:01		
Faltas, Marie Therese Assaad	Criminal/Traffic Jury Trial Roster/Jury Term	Event		08/07/2012-08:00	08/13/2012-08:01		
Faltas, Marie Therese Assaad	Jury Trial Requested	Filing		07/26/2012-12:22	08/07/2012-12:22		
Faltas, Marie Therese Assaad	Criminal/Traffic Court	Event		01/02/2012-08:00	08/07/2012-08:01		

Financials					
Summary					
Fine/Costs:	\$0.00	Total Paid for fine/costs:	\$0.00	Balance Due:	\$0.00

Costs				
Description	Cost Code	Amount	Charge Action	Disbursed Amount
Fine to General Fund	AFNEGF	\$0.00		\$0.00
Victim Services Asm 38.0013% / 5.7831%	ASNVIC	\$0.00		\$0.00
Victim Conviction Surcharge \$100 / \$25	CVSRCH	\$0.00		\$0.00
Law Enforcement Funding Surcharge \$25	LEFSUR	\$0.00		\$0.00
SC Criminal Justice Academy Training	SCCJAT	\$0.00		\$0.00
State Assessment	STAASH	\$0.00		\$0.00

Payments				
Payment Date	Receipt Number	Entered By	Transaction Type Code	Payment Amount
04/26/2013	19125	CTYWESTONR	BP	\$1,092.50

Bonds									
Bond Information									
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition	
2013B402161304897	04/26/2013	04/26/2013	Solomon	Cash Bond	\$1,092.50	Cash Bond	\$1,092.50		
Post Information									
Bond Id	Bond Type	Amount	Date Posted	Posted By					
2013B402161304897	Cash Bond	\$1,092.50	04/26/2013	Assaad-Faltas, Marie					

OSW 4.1
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