

The Supreme Court of South Carolina

In the Matter of Marie Assa'ad-Faltas, Respondent.

Appellate Case No. 2013-000862

ORDER

On June 28, 2013, this Court filed an order declining to issue a rule to show cause for contempt against respondent. In that order, this Court detailed respondent's long history of vexatious filings and inappropriate conduct toward the courts of this State, its officers and employees. Further, this order placed restrictions on respondent's ability to appear *pro se* and make *pro se* filings, and on her ability to contact judges and other court personnel. Many of these restrictions were simply restatements of restrictions previously imposed on respondent by this Court or its Chief Justice. On rehearing, this Court issued an order on November 7, 2013, which relaxed the restrictions to allow respondent to appear *pro se* in a criminal case in which she is the defendant.

Respondent has now filed a motion for clarification. While we deny her motion, we do clarify our prior orders of June 28, 2013, and November 7, 2013, by restating the restrictions that apply to respondent as follows:

- (1) Except as otherwise provided in this order, respondent may not represent herself *pro se* in any court of this State. Instead, she must be represented by counsel before any court of this State. Respondent is advised that she is not precluded from addressing any grievances she may have in the courts of this State, assuming that she is represented by an attorney licensed to practice law in South Carolina and such grievances are not frivolous.
- (2) Except as otherwise provided in this order, respondent shall not make any *pro se* filings with any court of this State, and no clerk of court shall

accept any filing from or on behalf of respondent unless it is signed and filed by an attorney licensed to practice law in South Carolina.

(3) Except as otherwise provided in this order, respondent may not contact any judge, justice, law clerk, clerk of court or any other officer or employee of the Unified Judicial System in person, in writing or by mail, telephone, fax, e-mail or any other form of electronic communication. Instead, if it is necessary for respondent to contact an officer or employee of the Judicial System outside a scheduled hearing or trial, that contact shall be made in writing and shall be filed with the appropriate clerk of court by an attorney licensed to practice law in South Carolina.

(4) Respondent may file a written *pro se* motion to either appoint counsel or relieve counsel with the appropriate clerk of court as long as she has good cause to make the motion. Nothing in this order shall be construed as preventing a court of this State from imposing restrictions on respondent's ability to make a motion to either appoint or relieve counsel if she repeatedly files such motions without good cause.


(5) Respondent may appear *pro se* in a criminal case in which she is a defendant if the trial court determines that she has made a knowing and intelligent waiver of the right to counsel after being warned of the dangers and disadvantages of proceeding without counsel. If allowed to proceed *pro se* by the trial court, respondent may file *pro se* documents with the clerk of the trial court, and may serve and file a notice of appeal from the trial court to the appropriate appellate court. In light of her prior conduct and the fact that there is no right to appear *pro se* in appellate proceedings,¹ respondent's ability to proceed *pro se* shall end with the service and filing of the notice of appeal, and she shall be represented by counsel in the appeal (including any subsequent appeal to a higher court and any discretionary review under Rule 242 of the South Carolina Appellate Court Rules). Respondent is reminded that her right to proceed *pro se* as a criminal defendant is not absolute and may be forfeited, on a case-by-case basis, at the discretion of the trial court if she is unable or unwilling to abide by the rules of procedure and courtroom protocol. *McKaskle v. Wiggins*, 465 U.S. 168, 104 S.Ct. 944, 79 L.E.2d 122 (1984); *Faretta v. California*, 422 U.S. 806, 95 S.Ct. 2525, 45 L.E.2d 562 (1975).

¹ *State v. Roberts*, 364 S.C. 583, 614 S.E.2d 626 (2005).


(6) If a *pro se* filing with a clerk of court is permitted under either (4) or (5) above, that filing shall be made in writing and shall either be hand-delivered or mailed in the United States Mail to the clerk of court. Respondent shall not send filings to the clerk of court by fax, e-mail or any other form of electronic communication.

Neither this order nor the order of November 7, 2013, shall have any impact on actions previously taken under this Court's order of June 28, 2013, or the earlier orders of this Court or its Chief Justice referenced in that order. Further, nothing in this order shall be construed as precluding the lower courts from placing additional restrictions on respondent if she engages in frivolous, disruptive or inappropriate conduct or filings.

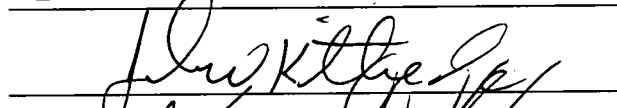
Respondent is warned that a violation of the restrictions contained in this order may result in contempt proceedings being initiated against her.



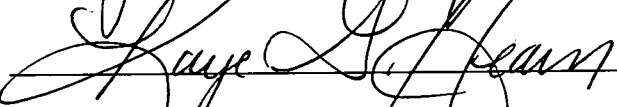
C.J.



J.



J.



J.

Beatty, J., not participating.

Columbia, South Carolina
January 30, 2014

cc: Alan McCrory Wilson, Esquire
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