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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, James R. Barber, III, Circuit Judge  
Case # 2011-CP-40-02111, a criminal appeal in which Dr. Assa'ad-Faltas is Now Permitted to Advocate pro se

**RESUBMITTED NOTICE OF APPEAL WHICH WAS TIMELY SUBMITTED ON 1 December 2011**

Marie Assa'ad-Faltas, MD, MPH, *pro se*, now diligently resubmits to this Court her timely 1 December 2011 appeal to this Court (which appeal was returned to her unfiled on 2 December 2011) from Circuit Judge Barber's 1 November 2011 ORDER erroneously dismissing Dr. Assa'ad-Faltas' appeal for alleged "failure to prosecute" after Dr. Assa'ad-Faltas had, per Judge Barber's own 22 September 2011 order, appeared for the appeal hearing and proved that she had contacted several lawyers other than Orin Briggs but was unable to secure representation yet was not allowed to participate because she had no lawyer.

Imposition on Dr. Assa'ad-Faltas conditions in excess of those placed on other similarly-situated parties violates SC's Code of laws §14-1-100, which provided *in toto*:

**SECTION 14-1-100.** *Rights in court shall not be affected by race or color.*

*Whenever authority has heretofore been conferred by law upon any free white person or persons to institute any suit or proceedings or to prefer any information or complaint in any matter, civil, penal or criminal, the same rights shall be enjoyed by and the same remedies shall be applicable to all persons whatsoever, regardless of race or color, subject to the same conditions and none other.*

No free white person in South Carolina was ever before or since required to have a lawyer *as a condition* to be heard in SC's courts. And under the federal constitution, the Supreme Law of the Land, a criminal defendant has an absolute (*Faretta v. California*) right to self-representation with the *sole* exception of *severe* mental illness which does not approach the case of Dr. Assa'ad-Faltas, who had defended herself *pro se* in *inter alia* her 22-26 February 2010 jury trial in Richland County General Sessions Court on and was NOT convicted but later acquitted despite the extreme unfairness of the trial, and whom then-presiding Circuit Judge Newman described on the transcribed record as "**most pleasant and gracious.**"

*Lindsey v. Normet*, 405 U.S. 56 (1972), and its progeny established that, once a state provides for appeals, it cannot impose different conditions on different appellants. And *Turner v. Rogers*, 131 S.Ct. 2505 (2011), held that a Court's failure to consider a party's inability to comply with court order violates due process.

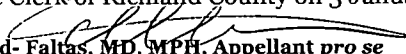
And "failure to prosecute" is the *very opposite* of Dr. Assa'ad-Faltas' diligent filing of detailed grounds of appeal, securing availability of the lower courts' exhibits and transcripts to the circuit court, and by her then-volunteer attorney Orin Briggs, filing more arguments **pre-approved by this very Court.**

Circuit Judge Barber should *at the very least* have reviewed, and ruled fairly on, the record before him even if had been constrained by this Court's 8 April 2011 ORDER to not hear *more* from Dr. Assa'ad-Faltas *pro se*. This appeal is filed with this Court as (1) SC's Court of Appeals may be unaware it may now accept a *pro se* submission from Dr. Assa'ad-Faltas, at least in criminal cases (2) it involves constitutional questions and (3) SC's treatment of immigrants is an issue of national public importance.

Briefly, the constitutional issues are that South Carolina's "Home Rule Act" violates the "no-new-State" provision of the U.S. Constitution insofar as the Act *effectively* creates numerous municipalities with powers to legislate, appoint judges, and own and operate courts, which powers are exclusive to the federal and state sovereigns and Congress has never consented to make any South Carolina city or county a state.

This appeal presents another important constitutional question: does *execution* of *summary criminal direct* contempt orders without the safeguards of appeals and collateral review violate the Eighth Amendment as cruel and unusual as subject to abuse of powers and inherently "freakish" in application?

Respectfully submitted and served by hand delivery to South Carolina's Attorney General's office on 3 January 2014, and by hand delivery to the Clerk of Richland County on 3 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

STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

Marie A. Faltas, )

Appellant, )

vs. )

City of Columbia, )

Respondent. )

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT


2011-CP-400-2111

RICHLAND COUNTY  
FILED  
2011 NOV - 1 AM 9:43  
CLERK  
COURT REPORTER & G.S.

**ORDER**

This appeals hearing came before the Court on September 16, 2011. Appellant appeared but was not represented by counsel so she was unable to participate in the hearing pursuant to an order dated April 8, 2011 from the Supreme Court of South Carolina. The Court heard from the Respondent. This Court determined the Appellant would have thirty (30) days, that being until October 16<sup>th</sup>, to secure counsel. As the Appellant has failed to secure counsel, her appeal is dismissed for failure to prosecute.

**AND IT IS SO ORDERED.**

  
The Honorable James R. Barber, III  
Fifth Judicial Circuit

Columbia, South Carolina

10/31 2011

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

Marc A. Fallas,

C/A NO. 2009-CP-400-448  
C/A NO. 2009-CP-400-801  
C/A NO. 2010-CP-400-67  
C/A NO. 2010-CP-400-70  
C/A NO. 2010-CP-400-865  
C/A NO. 2011-CP-400-211

Appellant,

vs.

Larry Mason, Dmah Steele,  
City of Columbia, et al

Respondents.

**ORDER**

These six (6) appeals hearings came before the Court on September 16, 2011. Appellant appeared but was not represented by counsel so she was unable to participate in the hearings pursuant to an order dated April 8, 2011 from the Supreme Court of South Carolina. The Court heard from all Respondents. This Court then inquired to determine if Dr. Fallas wished to have counsel and what efforts she had made to secure counsel. Appellant indicated she wanted counsel and stated she had met with at least four (4) attorneys about representing her but she was unable to employ an attorney as of the hearing. This Court has determined the Appellant shall have thirty (30) days, that being until October 16, to secure counsel. If she is unable to secure counsel within that time then this Court will rule on the appeals.

AND IT IS SO ORDERED.



The Honorable James R. Barber, III  
Fifth Judicial Circuit

Columbia, South Carolina  
9/17/2011

FILED  
SEP 22 PM 2:04  
RICHLAND COUNTY



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11530  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1000

FAX (803) 734-1499

December 2, 2011

Dr. Marie Assaad Faltas  
P.O. Box 9115  
Columbia, SC 29290

Re: Faltas, Marie Assaad v. Larry Mason, 2009-CP-40-04483  
Diana Steele and Larry Mason v. Faltas, Marie Assaad, 2009-CP-40-08013  
City of Columbia v. Faltas, Marie Assaad, 2010-CP-40-07063  
City of Columbia v. Faltas, Marie Assaad, 2010-CP-40-08650  
City of Columbia v. Faltas, Marie Assaad, 2011-CP-40-02111

Dear Dr. Faltas:

Yesterday, you submitted *pro se* notices of appeal in the above matters. As you know, this Court's order of April 8, 2011, directs the clerks of court of this state not to accept any filing from you "unless they have been prepared by an attorney, submitted by an attorney to this Court first for approval, and filed by the attorney." Therefore, I am unable to accept the *pro se* notices of appeal for filing since they do not meet the requirements of the April 8, 2010 order. Accordingly, no action will be taken on them.

Further, you have also submitted a *pro se* motion to rescind or modify this Court's order of April 8, 2011, and a *pro se* motion to stay various orders. These motions are dated October 25, 2011, and November 4, 2011, respectively. Once again, since these *pro se* motions do not comply with this

Court's order of April 8, 2011. I cannot accept them for filing, and no action will be taken on them.

Accordingly, I am returning the notices of appeal and motions to you. I do call your attention to the last paragraph of the Court's order which warns you that continued filings in violation of the order of April 8, 2011, may be punished as a contempt of this Court.

Very truly yours,



CLERK

Enclosures

cc: Kenneth E. Gaines, Esquire  
Office of the Attorney General  
Mr. Larry Mason  
Ms. Dinah Steele  
The Honorable Jeanette W. McBride

CLERK