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BEFORE THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA DEC 31 2015
Appellate Case No. 2015-000941

APPEAL from RICHLAND COUNTY Court of Common Pleas
Alison Renée Lee, Circuit Court Judge

S.C. SUPREME COURT

Circuit Court Case No. 2013-CP-40-03522

City of Columbia, South Carolina,

Respondent,

v.

Marie-Thérèse Assa'ad-Faltas, MD, MPH

Appellant.

**Appellant's Motions and Brief to Relieve Lara Mary Caudy as Counsel for Good Cause
AND for such appropriate relief to Marie-Thérèse Assa'ad-Faltas, MD, MPH**

And one of the malefactors which were hanged railed on him, saying, If thou be Christ, save thyself and us. But the other answering rebuked him, saying, Dost thou not fear God, seeing thou art the same condemnation? And we indeed justify for we receive the due rewards for our deeds; but this man has done nothing amiss. And he said unto Jesus, Lord, remember me when thou comest into thy kingdom. And Jesus said unto him, Verily I say unto thee, Today thou shalt be with me in paradise. Luke 23:39-43

The other gospels report same malefactor *initially* tormenting Jesus. The parable of the laborers who were paid equally irrespective of when they started may be taken as a prophecy of the malefactor who, *only at the end of the day*, comforted Jesus and was saved thereby. Dr. Assa'ad-Faltas has the courage to brand Jean Toal and Daniel Shearouse as malefactors who aided those who knowingly brought false criminal charges against Dr. Assa'ad-Faltas and continue to torment her by denying her right to speak for herself even after she proved she "*has done nothing amiss.*" But Dr. Assa'ad-Faltas continues praying for Toal's and Shearouse's repentance even on Toal's last day as SC's Chief Justice.

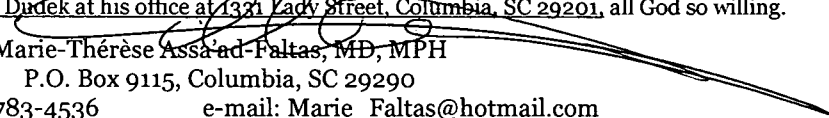
Concisely put, it is now clear to Dr. Assa'ad-Faltas that Lara Caudy intends to lose this appeal to please Jean Toal as Toal's hand-picked Tristan Shaffer did at the lower appellate court and S.C. Circuit Court Judge Barber's hand-picked Ted Lupton did at trial. Lupton's trial debacles are in stark contrast to Dr. Assa'ad-Faltas' successes when she was allowed to defend herself against two false harassment counts, one of which by the same false accuser as in this charge. Caudy's oppressive refusal to pursue after-discovered evidence is in stark contrast to Dr. Assa'ad-Faltas' success in exonerating herself from *another* previous false conviction using after-discovered evidence which destroyed the credibility of her *other* false accusers.

Without waiving attorney-client privilege, it is **now established** that the false witness on whose credibility bench-trier City of Columbia's Municipal Court (CMC) Judge Solomon relied had lied about her shocking criminal record and that lie was aided by CMC which, *to this day*, does not disclose on the public record Charlene Crouch's May 2012 conviction of public drunkenness on Dr. Assa'ad-Faltas' false accuser's premises. Crouch and CACA Fernandez LIED in April 2013 by pretending on the record that charge was "still pending." CMC's Chief Dana Turner, in January 2014, finally disclosed the conviction in a letter copied to SC's Chief Justice Toal. Dr. Assa'ad-Faltas later discovered that Crouch agreed to testify falsely against Dr. Assa'ad-Faltas in return for Dinah Steele waiving the no-trespass notice associated with the drunkenness arrest and conviction of Crouch. Crouch needs to access Steele's property to provide prostitution services to Steele's tenant, Charles White, who had testified in recorded magistrate court proceedings that Crouch is a prostitute to whom he had given, *and continues to give*, money in return for sex.

In total lack of investigative skill *or in a deliberate attempt to sabotage Dr. Faltas' efforts to bring the truth to light*, Attorney Caudy wrote a letter to White inviting him to call Caudy to confirm the foregoing, **despite Dr. Assa'ad-Faltas' having given Caudy written proof that Steele causes her tenants, including Charles White, to testify falsely against Dr. Assa'ad-Faltas.** *Some male* called Caudy and denied the matter. Dr. Assa'ad-Faltas asked Caudy how she could possibly have ascertained that the caller was indeed Charles White. **Caudy still has no legitimate answer for that.** Caudy also refuses to show Dr. Assa'ad-Faltas the brief, if any, before filing it and has refused to give Dr. Assa'ad-Faltas any control over how the appeal is handled. Dr. Assa'ad-Faltas was initially optimistic and enthusiastic about Caudy but has come to see her as an uninspired and unprincipled functionary just doing a job for a salary.

As winning this appeal requires a courageous advocate to tell this Court that it committed structural error by having *ex ante* taken away Dr. Assa'ad-Faltas' right to self-representation at the 25 April 2013 trial, and as Caudy has clearly demonstrated the lack of courage, principles, and skills to confront this Court, Caudy must be replaced with another attorney who does not pander to this Court or with Dr. Assa'ad-Faltas' restored equal right to self-representation on appeal, which right is granted to those similarly situated

Submitted on 31 December 2015 and served by personal delivery of a copy thereof to the City Attorney for the City of Columbia, Attorney for Respondent, at her office located at 1401 Main Street, Columbia, South Carolina, 29201, on SC's Attorney General's office, and on Mr. Dudek at his office at 1321 Lady Street, Columbia, SC 29201, all God so willing.


Marie-Thérèse Assa'ad-Faltas, MD, MPH

P.O. Box 9115, Columbia, SC 29290

Phone: (803) 783-4536

e-mail: Marie_Faltas@hotmail.com

RICHLAND COUNTY
CENTRAL COURT

August 20, 2009

2009 SEP -3 PM 4:24

Ms Marie:

This is just a few words or suggestions from a tenant in the same complex in which you live in on Byron Road, I wish to remain anonymous but wish to offer advice if I may which may be helpful in resolving the ongoing conflict between you and Mgt.

We and a few others have been subpoenaed to appear in court in behalf of Miss Dinah Steele and to protect our own interest we will have to support her interests but some things are true but others are blown out of proportion against you.

There was a petition circulated against you one time everybody signed it but nobody really read it verbatim but understood the contents but it failed I heard. The thing is I think the best thing to avoid further conflict you should consider your alternatives rather than court system.

What I am trying to say is the Apts across the street are cheaper, newer, better maintained, better landlord who lives on premises and is a company owned business not private so it is not governed by the whim of an individual like these if you understand what I mean!

Also just about everybody who lives here has skeletons in their closets or secrets they do not want made public!
THATS ALL A concerned tenant!



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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

November 24, 2015

Dr. Marie Assa'ad-Faltas
P.O. Box 9115
Columbia, SC 29290

Re: Your call

Dear Dr. Faltas:

I received your voicemail yesterday, November 23, 2015. Please accept this letter as my response. The Initial Brief of Appellant in your case is currently due on December 14, 2015. Due to my schedule, I will likely ask for a thirty day extension on that date.

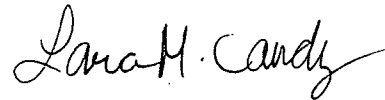
As I informed you by letter dated September 15, 2015, I have decided not to file a motion with the Supreme Court requesting the Court hold your appeal in abeyance so that you may pursue relief pursuant to Rule 29(b), SCRCrimP. Unfortunately, I have been unable to verify the existence of any after-discovered evidence that would warrant filing such a motion with the Supreme Court. Specifically, I have been unable to verify the existence of an agreement between Dinah Steele and Charlene Crouch regarding Ms. Crouch's testimony at your trial in April 2013. Charles White, who you indicated told you about this alleged agreement, told me he had no knowledge of any agreement between Ms. Steele and Ms. Crouch pertaining to Ms. Crouch's testimony and that he did not recall telling you of such an agreement. Also, despite my letter to Ms. Crouch dated September 28, 2015 requesting she contact me at her earliest convenience, I have not heard from her. Again, in my opinion, an affidavit from you indicating Mr. White told you of the existence of an agreement between Ms. Steele and Ms. Crouch is insufficient.

During our prior discussions and on the voicemail you left yesterday, you mentioned that you are considering either filing a motion to relieve me as counsel or filing a motion to withdraw your current appeal because I will not file a motion with the Supreme Court requesting the Court hold your appeal in abeyance so that you may file a motion pursuant to Rule 29(b). According to the Supreme Court's Order dated January 30, 2014, the only *pro se* motion you may file is a motion to either appoint or relieve counsel. Therefore, if you would like to file a *pro se* motion

to relieve me as counsel, you may do so. However, if you want to withdraw your current appeal, I will have to file a motion with the Supreme Court on your behalf requesting the Court dismiss your appeal. I will be happy to do so if that is what you choose.

I hope this letter adequately addresses your questions and concerns. I will be in touch by letter as soon as I have an update regarding your case.

Sincerely,

A handwritten signature in cursive script that reads "Lara M. Caudy". The signature is fluid and elegant, with a long horizontal flourish extending to the right.

Lara M. Caudy
Appellate Defender

LMC/blw



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December 7, 2015

Dr. Marie Assa'ad-Faltas
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Re: Your call

Dear Dr. Faltas:

I received your voicemail on Thursday, December 3, 2015. Please accept this letter as my response. As I explained by letter dated November 24, 2015, the Initial Brief of Appellant in your case is currently due on December 14, 2015. However, due to my schedule, I will likely ask the Supreme Court for a thirty day extension on that date. In your voicemail, you asked when I plan to file the initial brief. Unfortunately, I do not know at this time when I will file the brief. It will depend on my schedule and caseload. However, I hope to file the brief sometime in January 2016 if my schedule permits.

Additionally, you asked whether I will file an Initial Brief of Appellant or an Anders Brief of Appellant asserting your appeal is without legal merit sufficient to warrant a new trial. Because I have not reached your case yet, I do not know at this time whether I will file a merit brief or an Anders brief. I will not be able to make this decision until I have thoroughly reviewed your case and researched the issues preserved for review.

Moreover, you asked whether I intend to allow you to have any input in the brief I ultimately file. As I advise all clients, you are more than welcome to write me a letter detailing the issue or issues you would like for me to raise and why and I will consider your letter when I reach your case. However, please understand that I have complete discretion regarding which issue or issues to raise on appeal. Further, you will not be able to review my brief before I file it.

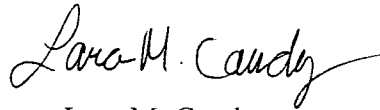
You again expressed concern in your voicemail that the individual I spoke with over the telephone on September 3, 2015 was not Charles White. I spoke to Mr. White at length on that date and I have no reason to suspect that he was not in fact Charles White. He indicated he had received my letter, which I sent to the address you provided, and was calling me per my request.

Moreover, he was very familiar with the background of your case. Again, I have no reason to suspect that the man I spoke to was not Charles White.

Lastly, you asserted that part of the alleged after-discovered evidence you believe warrants filing a motion with the Supreme Court to hold your appeal in abeyance is your discovery that Charlene Crouch lied under oath at your trial regarding her conviction for public drunkenness. However, as I have advised you before, in my opinion this evidence is insufficient to warrant the granting of a new trial. As we have discussed, in order to warrant the granting of a new trial on the ground of after-discovered evidence, you “must show the evidence (1) is such as will probably change the result if a new trial is granted; (2) has been discovered since the trial; (3) could not have been discovered before the trial by the exercise of due diligence; (4) is material to the issue; and (5) is not merely cumulative or impeaching.” See State v. Harris, 391 S.C. 539, 545, 706 S.E.2d 526, 529 (Ct. App. 2011) (citing State v. Spann, 334 S.C. 618, 619-620, 513 S.E.2d 98, 99 (1999)). In my opinion, evidence that Charlene Crouch lied about her conviction for public drunkenness fails to meet this standard. Specifically, I do not believe this evidence would “probably change the result if a new trial is granted” nor do I think this evidence “is material.” Moreover, it is my opinion that this evidence is “merely impeaching” since Ms. Crouch’s conviction could only be used to impeach her credibility.

I hope this letter adequately addresses your questions and concerns. I will be in touch by letter as soon as I have an update regarding your case.

Sincerely,

A handwritten signature in cursive script that reads "Lara M. Caudy". The signature is written in black ink and is positioned above the typed name and title.

Lara M. Caudy
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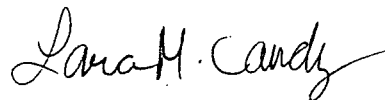
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