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BEFORE THE SUPREME COURT OF SOUTH CAROLINA

Appellate Case No. 2016 - 001730

State of South Carolina, and City of Columbia, SC

SEP 09 2016

v.

Marie Assa'ad-Faltas, MD, MPH

S.C. SUPREME COURT

APPEAL from RICHLAND COUNTY Court of Common Pleas/Court of General Sessions

Alison Renée Lee, Circuit Court Judge

Circuit Court Case Nos. 2010-GS-40-11980 and 2010-GS-40-11987,

originated as City of Columbia Warrants Nos. K-613792 and K-613793 (all dismissed WITH prejudice)

AND K-613866 (City of Columbia, dismissed WITH prejudice)

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SC Court of Appeals

Dr. Assa'ad-Faltas' EMERGENCY APPLICATION to Justice Hearn
To Nullify This Court's Clerk's Transfer ORDER in this Case
Or to Appoint Counsel for Dr. Assa'ad-Faltas to Pursue this Matter

Unlike the U.S. Supreme Court, this Court's Rules do not list motions grantable by the Clerk, much less specify the Clerk's power to act *sua sponte* on matters more of a judicial than ministerial nature, or give any guidance on the recourse of a party aggrieved by a *sua sponte judicial* act by this Court's Clerk.

Contrary to this Court's portrayal of her, Marie Assa'ad-Faltas, MD, MPH is very legally-talented and serious in all pioneering legal arguments she made, at least three of which recently became SC state law (grant of new trial to a criminal defendant due to after-discovered evidence unappealable by Prosecution, prosecutorial control over the criminal docket unconstitutional, and last word in closing arguments independent of criminal defendant's offer of evidence at trial) and she had WON all criminal cases where she defended herself *pro se* and all five civil cases she ever brought in SC state courts before this Court arbitrarily and discriminatorily denied her right to self-advocacy. So, she believes this application is proper.

Justice Hearn was Chief of SC's Court of Appeals when Dr. Assa'ad-Faltas orally argued *pro se* and won in 2007-UP-193. Now-Justice Hearn was that Court's first female Chief as Retired Justice Toal was this Court's female chief. As *quasi niece* to Justice Toal, Justice Hearn is asked to do what SC Circuit Judge Hayes did to his late uncle's unjust convictions of the sit-in nine, but not wait 50 years to render justice.

Dr. Assa'ad-Faltas asks SC's first two female chiefs of appellate courts: What can be more anti-feminist and more violative of the First Amendment than forcing Dr. Assa'ad-Faltas, a female perfectly able and willing to speak for herself, to have a male lawyer speak on her supposed behalf and, in that capacity, say "for her" things she does not wish to say, and refrain "on her behalf" from saying what she wants to say?

Only yesterday, Dr. Assa'ad-Faltas observed Jean Toal, sitting as an SC Circuit judge, hear from, and be even very helpful and sweet to, a male inmate who admitted to a crime punishable by twenty years. What could the exonerated Dr. Assa'ad-Faltas possibly have done to forfeit a right retained by a male convict?

Irrespective of the answers, if any exist to the above questions, this Court's Clerk exceeded his authority in undertaking to determine that the question is not important enough for this Court to consider, and also made a factually and legally incorrect decision on a matter outside his authority. This Court heard *ex parte Brown* and other cases from Attorneys Tara Shurling and Charles Thomas Brooks involving the Defense of Indigents Act but has never ruled on reimbursement for *pro se* defense expenses. In Richland County Circuit Court's Book 247, pages 479 and 487 are transcribed pronouncements from SC Circuit Judge Clifton Newman to the effect that appellate courts should provide more guidance on the Act.

WHEREFORE, Justice Hearn is asked to restore this case to this Court or to appoint for Dr. Assa'ad-Faltas a non-conflicted lawyer, preferably Tara Shurling, to represent Dr. Assa'ad-Faltas in this matter.

Submitted and served on SC's Attorney General by hand-delivery on 9 September 2016, all God so willing.

Marie-Thérèse Assa'ad-Faltas, MD, MPH, Appellant and Movant *pro se*

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