

The Supreme Court of South Carolina

State of South Carolina and City of Columbia, SC,
Respondent,

v.

Marie Assa'ad-Faltas, MD, MPH, Petitioner.

Appellate Case No. 2016-001859

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SEP 21 2016

SC Court of Appeals

ORDER

On August 23, 2016, the Chief Deputy Clerk of this Court transferred the appeal in this matter to the South Carolina Court of Appeals.¹ By order dated September 1, 2016, the Court of Appeals denied petitioner's request for appointed counsel and gave her ten days to notify the Court of Appeals that she had obtained counsel.²

¹ Under the longstanding custom and practice of this Court, the Clerk's Office has been delegated the authority to transfer appeals to the Court of Appeals when the appeal does not fall within one of the categories specified in Rule 203(d)(1)(A)(i)-(iv). Since the appeal in this case does not involve one of those categories, the appeal should have been filed with the Clerk of the Court of Appeals under Rule 203(d)(1)(A), SCACR. Therefore, the appeal was properly transferred to the Court of Appeals under Rule 204(a), SCACR, by the Chief Deputy Clerk of this Court.

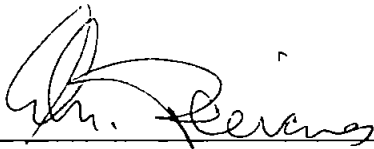
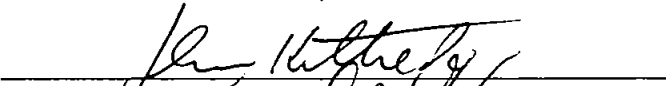

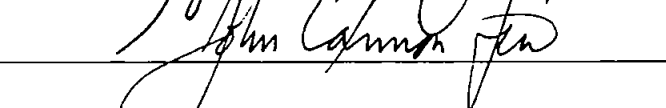
² Under this Court's order dated January 30, 2014, petitioner may not appear *pro se* in an appeal before either this Court or the South Carolina Court of Appeals. As indicated by that order and an earlier order dated June 28, 2013, petitioner has a long history of making frivolous filings and engaging in inappropriate conduct toward the courts of this State and its officers and employees. Indeed, regarding this appeal, petitioner has sent an improper *ex parte* e-mail to members of this Court and the Court of Appeals, and the staff of both appellate courts, in violation of the restrictions contained in the January 30, 2014, order.

On September 16, 2016, the Court of Appeals dismissed the appeal based on petitioner's failure to provide the requested notification.³

Meanwhile, on September 9, 2016, petitioner filed a *pro se* petition with this Court asking Justice Hearn to appoint counsel for her. This request is denied since any issue regarding appointment of counsel was a matter for the Court of Appeals to determine in the first instance, and it has done so. This denial is without prejudice to whatever right petitioner may have to seek review of the Court of Appeal's decision under Rule 242 of the South Carolina Appellate Court Rules.

Finally, petitioner asks this Court to nullify the transfer of the appeal and to "restore" the appeal to this Court. This request is denied.

Since this order does not have the effect of dismissing or finally deciding the appeal, no petition for rehearing shall be accepted for filing regarding this order. Rule 240(i), SCACR.

	C.J.
	J.
	J.
	J.

Beatty, J., not participating.

Columbia, South Carolina
September 20, 2016

cc: Alan McCrory Wilson, Esquire
Ms. Marie Assa'ad Faltas
Jenny Abbott Kitchings, Esquire

³ The appeal before the Court of Appeals is proceeding under Appellate Case Number 2016-001730.