BEFORE THE SUPREME COURT OF SOUTH CAROLINA
Appellate Case No. 2016-002541

State of South Carolina, and City of Columbia, SC v. *Marie Assa'ad-Faltas, MD, MPH*

SECOND SUPPLEMENTAL Brief on the Necessity of: (1) *Chief Justice Beatty's Participation;* (2) Reinstatement and Grant of *Certiorari* in this Case; and (3) (a) Permission for Petitioner to take the July 2017 Bar Exam and (b) Deferral of Decision on Her Three Pending Cases until She is Admitted to the Bar, God Willing.

> **God loves a cheerful giver.** 2 Corinthians 9:7
> **Jesus said, "Father, you have hidden [it] from the wise and learned, and revealed [it] to children." "You yourselves do not enter, nor will you let those enter who are trying to."** Matthew 11:25 and 23:13
> **Woe to you experts in the law, because you have taken away the key to knowledge. You yourselves have not entered, and you have hindered those who were entering.** Luke 11:52

This supplement advises of: (1) Petitioner's discovery of details of a 2016 homicide which threaten her own life; (2) this Court's recent actions in comparable cases which show discrimination by alienage and national origin against Petitioner; and (3) Petitioner's desire, readiness, and need to take the bar exam.

Without a law degree, U.S. Justices Jackson and Reed sat until 1954 and 1957, respectively. The applied arts/sciences require teachers; but theoretical disciplines are amenable to self-tuition. Marie Assa'ad-Faltas, MD, MPH acquired wide legal experience (summary appended), read law extensively, and has by now learned of so many false convictions as to be certain that an MD, MPH is urgently needed to teach the legal profession *from within* to use science to reach accurate result *at first trial* instead of bungling cases and later exonerating *few* of the innocent only after lives are **lost** to false executions or incarcerations.[1]

Petitioner also needs to resume her *pro se* advocacy; if this Court insists on a *licensed* lawyer for her cases when she can hire none, it should allow *her* to *become* one. The scientific method tests all and discards what fails.[2] So, she asks to be put to the test of the bar and accepted if and when she passes, God willing.

Any claim of *prior* conduct mandating *ex ante* limitation of *pro se* advocacy is refuted by Kathleen Jennings Gresham having proceed *pro se* in all stages of *Blue Ridge v. Gresham*, No. 2015-1836, *cert.* dismissed, No. 2016-MO-032, **despite** her *prior* **conduct** having caused her ***continual disbarment*** since April 1996.[3]

Also, this Court set *City of Columbia v. Clark,* No. 2016-999, for 1 March 2017 argument but relegated *City of Columbia v. Assa'ad-Faltas*, No. 2015-941, to submission by staff counsel in February 2017, when each case challenges constitutionality of misdemeanor conviction(s) in Columbia's Municipal Court ("CMC").

Also set for 1 March 2017 argument is *State v. Samuel,* No. 2015-2401, a *certiorari* case which, like *City of Columbia v. Assa'ad-Faltas*, No. 2015-941, challenges denial of leave to proceed *pro se* in a criminal trial after defendant clearly expressed desire, and showed the judge mental competence, to advocate *pro se*.

Beyond disparate reception of similar cases, *Samuel's* bad facts might make bad law whereas Dr. Assa'ad-Faltas' perfection in *pro se* criminal defense (versus two false misdemeanor convictions garnering a sum of 50 days in jail when counsel was forced on her) may vindicate *Faretta* as written in this State for good.

Now, two false accusers in the harassment cases ended in Dr. Assa'ad-Faltas' favor are threatening her life **after** two homicides in said false accusers' homes were lightly dismissed as suicides although both homicides were accomplished (23 years apart) in SC's 5th Judicial Circuit (JC), in Larry Wayne Mason's sight, ***with his gun***, and to his financial profit,[4] ***and the victims' hands were never tested for gun residue***.

[1] An innocent (on whose case Dr. Assa'ad-Faltas was consulted as a medical expert) is serving a 30-year no-parole sentence on scientifically false "expert" testimony which remains unchallenged years after Dr. Assa'ad-Faltas' opinion was offered to that innocent man's three previous lawyers but all three ignored it to his damage.

[2] Dr. Assa'ad-Faltas' previously-sampled history of legal excellence should reassure this Court that her inclusion in the July 2017 SC administration of the National Bar Exam shall, God willing, elevate the average passing score.

[3] Discrimination is also evident in this Court's accepting *certiorari* petition 2017-153, **without appendix *or motion to dispense therewith,* after** Dr. Assa'ad-Faltas' here-sought-to-be-reinstated petition was dismissed *the day after it was filed* for lack of an appendix **despite its inclusion of a motion to defer or dispense with the appendix**.

[4] This Court allowed the execution of a man who killed his wife and son for insurance money, *State v. Williams,* **468 S.E.2d 626 (1996),** *Williams v. State,* **611 S.E.2d 232 (2005),** and *Williams v. Ozmint,* **671 S.E.2d 800 (2008).**

SC's 5th JC Solicitor's office inflicted on court, jury and Petitioner a five-day trial, aiming to imprison her for six years *solely* because she: (1) looked through her window when her false accusers ("them" "their") were admittedly causing commotions in the shared parking lot; (2) recorded them and their agents yelling "go back where you came from, you stupid-ass Egyptian bitch"; (3) photographed (a) their "guest" *in the acts* of making lewd gestures at, and threatening to rape, her, (b) them and their agents blocking her access to her own mailbox, and (c) them committing serious child neglect and endangerment in the parking lot and backyard of the two shared rental quadriplexes at 300 and 304 Byron Road ("there"); (4) asked an unknown prowler there about his purpose; and (5) *correctly* suspected prostitution and drug deals there from the number, appearances, conduct, and strange hours of furtive visits there. The same Sara Heather Savitz Weiss who prosecuted Petitioner for having photographed Corey/Cory Lamont Curry's public lewd acts had convicted that same Curry for PWID crack cocaine *in that vicinity.* **Weiss LIED about Curry's criminal record during the record-settlement trial phase and *falsely* claimed Curry's record was limited to burglary and simple possession of marijuana.** When public-records-search later uncovered that lie and others by Weiss and other Prosecution agents, **Weiss *ordered* Mason and Steele to kidnap Dr. Assa'ad-Faltas and procure her arrest** for the "crime" of going to her own apartment where no one else lived, in which her necessary belongings were kept, and for which she was timely paying full rent.

Same Solicitor's office never investigated the homicides of Ella Mason on 24 May 1993 or of Richard Mason on 22 April 2016. Both death certificates and public reports of Larry Wayne Mason's damaging the U.S. Army are attached to 28 December 2016 motion in 2015-941 and incorporated herein by reference.

Kershaw County Coroner David West volunteered to Dr. Assa'ad-Faltas, in a phone conversation begun by her self-identification that "Richard Wayne Mason had just come out of mental health hospital and went straight to his father's gun which was kept on top of the cupboard." Dr. Assa'ad-Faltas responded "Why was he released if still suicidal?" Coroner West replied "The family is trying to start litigation about it. I just finished talking to a lawyer from the Tetterton law firm about information from the case." When Dr. Assa'ad-Faltas inquired what proved it as a suicide, Coroner West responded that the shot was from below the head with blood spatter on the ceiling. Dr. Assa'ad-Faltas replied that it is not impossible for a murderer to shoot from a position simulating suicide and asked if the victim's hands were tested for residue. Coroner West responded that they were not and that it was the Sheriff's responsibility to do those tests.

At very best, Larry Mason was culpable of failure to keep adequate and accurate records of U.S. Army cash entrusted to him **and he is culpable of failure to keep his gun out of the reach of a suicidal person.**

But the *most plausible story* is far worse. Having, without evidence of actual innocence, avoided conviction for misdeeds in the Army, Larry Mason tasted impunity, built on his training as a CID to work as a private detective, and borrowed in his then-wife Ella's name. When creditors sued Ella, Larry killed her, had her killed, or presented another woman's body as Ella's, for the creditors' law suits to die with the debtor.

Larry Mason had married Mary Ann Loop, adopted her daughter, Angela Marie, and had with Mary Ann a son, Richard Wayne. Larry abandoned the children and Mary Ann, who then obtained a divorce. Larry also married Ella Faye Kizer and had with her another son, Christopher James. Meanwhile, Angela Marie had, with Larry's (brother or cousin) Al a son, Joshua Alexander Mason. Sometime later, a Las Vegas marriage *license* was issued to Larry Mason and Dinah Gail Steele; but no marriage between them is recorded.[5]

Why did SC's 5th JC Solicitor's office *continue* prosecuting Dr. Assa'ad-Faltas **after** it was clear that she was *a victim,* not perpetrator, of harassment, all for *credibly* reporting nefarious/suspicious acts by convicts **so known to that office?**[6] *Beside the ever-growing anti-immigrant discrimination,* once Larry Mason saw said solicitor's office coach the false witnesses procured by Mason and his gang,[7] said office came under "mutual assured destruction": "You prosecute *me,* I tell on *you.*" Such is the nature and course of evil.

[5] In February 2010, Dinah testified that she never changed her name but files her taxes as single, not as married filing separately. In December 2009, Larry claimed under oath that his property is in Dinah's name "for tax reasons."

[6] Richard Wayne Mason, Christopher James Mason and Joshua Alexander Mason have DUI/drug arrests/convictions. Creditors obtained judgments against the former two; and the latter two had Criminal Domestic Violence arrests and 300 or 304 Byron Road (or other Steele-owned rental property) addresses listed at the times of some arrests.

[7] Weiss also *made herself a false witness* against Petitioner in two failed attempts to hold her mentally incompetent.

These very serious allegations are supported by massive *objective, irrefutable* proof Dr. Assa'ad-Faltas seeks to present in a General Sessions hearing equivalent to a civil Rule 11 hearing or some other court-devised forum (short of a §1983 suit) to irreparably break the spiral of prosecutorial misconduct.

In 2012, Steele rented 304 Byron Road, Apt 4 (overlooking Dr. Assa'ad-Faltas' and her mother's vacant lot at 324 Byron Road) to Registered Sex Offender Anthony B. Pressley and had him throw rocks at, and direct threats and insults to, Petitioner when she visits her land. When a restraining order against Pressley was sought, Mason and Steele appeared and *ex parte* communicated to Richland County Magistrate Shealy that Dr. Assa'ad-Faltas cannot advocate *pro se*. Magistrate Shealy threatened Dr. Assa'ad-Faltas with contempt and dismissed her case without hearing any evidence even after Pressley made anti-Egyptian slurs in open court. Pressley later moved to a ground floor apartment from which Steele evicted him in 2015.

In February 2016, a since-resigned Richland County Sheriff's Deputy (RCSD) illegally stopped Dr. Assa'ad-Faltas' car to serve her with civil papers. Dr. Assa'ad-Faltas' volunteer counsel urged improper service as a fruit of an illegal stop; but said RCSD falsely testified he had stopped Dr. Assa'ad-Faltas' car "because she had tried to run [him] over with" it. The presiding jurist credited Dr. Assa'ad-Faltas' contrary testimony and dismissed the case without prejudice for non-service. Knowing that other LEOs had killed unarmed innocents under false pretexts that the innocent in question threatened the LEO's life, Dr. Assa'ad-Faltas complained of that RCSD's perjury to his superiors who asked for documentation. As volunteer counsel had ended the representation with dismissal of the case, Dr. Assa'ad-Faltas followed procedure to obtain a recording of the court proceedings. Magistrate Shealy *sua sponte* wrote to Dr. Assa'ad-Faltas that her *pro se* requests for public documents "will not be tolerated."[8] Physical attacks and perjury by LEOs are more "tolerable" than a *pro se* public records request by Dr. Assa'ad-Faltas, who was never convicted of anything until counsel was forced on her, and then only of two misdemeanors, both currently under appeal/PCR.

In word and picture, at the stop, said RCSD admits he stopped Dr. Assa'ad-Faltas only to serve her papers; but under oath, the RCSD falsely claims he "absolutely" told Dr. Assa'ad-Faltas she was being stopped for trying to run him over with her car but that he did not cite her for it "because I'm nice and she is elderly."

Chief Justice Beatty knows nice people do not perjure themselves;[9] His Honor's conscience must review all evidence of SC's courts tolerating perjury even to the point of punishing those who report it, not those who commit it. Petitioner's evidence is of supreme quality: a perjurer's own recorded/transcribed testimony in one forum and the very opposite testimony in another or on public documents created/signed by the perjurer. ***Proof of forgery is established by comparison of a purported author's signature on official public documents with that on papers used against Petitioner.*** **It reached 353 *objectively-provable* perjuries in the three-day testimony of one false witness alone in one trial alone.**

Justice cannot leave this *proven*-innocent Petitioner vulnerable to renewed wrongdoing to satisfy *some* prosecutors and unfair jurists' acquired lust for taking others' rights and property.[10] This Court should hear this case so that, *inter alia,* its members can rediscover and renew the joy of giving justice.

WHEREFORE, Chief Justice Beatty should grant the relief previously requested and also let Petitioner take the bar exam based on her self-tuition and extensive experience as few other states allow the self-taught to do.[11]

Submitted in renewed hope and served on SC's Attorney General by hand-delivery on 7 February 2017, God willing.

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[8] Copied with Magistrate Shealy's letter, the volunteer counsel resumed representation for the limited purpose of obtaining for Dr. Assa'ad-Faltas the court proceedings audio recording and the RCSD-made video of the stop.

[9] As compelling as Chief Justice Beatty's intellect is, Dr. Assa'ad-Faltas was most impressed with His Honor's conscientiousness, just as she is prouder of jurists' complimenting her "grace" in advocacy than her skills and intellect.

[10] Dr. Assa'ad-Faltas urgently needs: (a) a restraining order of Mason/Steele's renewed harassments and threats and (b) small-claims damages from others who converted her mother's car entrusted to her. But relevant courts refuse to appoint counsel, volunteer counsel is unavailable, and private counsel will not work on contingency or *pro bono*.

[11] "I owe you results, not attendance," Dr. Assa'ad-Faltas now promises Chief Justice Beatty if His Honor allows one who did not attend law school to take the bar exam and to suggest improvements to the system.

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APPENDIX to

***SECOND SUPPLEMENTAL* Brief on the Necessity of: (1) *Chief Justice Beatty's Participation;* (2) Reinstatement and Grant of *Certiorari* in this Case; and (3) (a) Permission for Petitioner to take the July 2017 Bar Exam and (b) Deferral of Decision on Her Three Pending Cases until She is Admitted to the Bar, God Willing.**

In chronological order, Marie Assa'ad-Faltas, MD, MPH ("Marie") summarizes her history of legal experiences and excellence in support of her Petition to take the July 2017 SC administration of the National Bar Exam and notes that: (1) few states allow non-law-school-graduates to take the bar exam; (2) law schools are recent institutions; (3) as recently as the 1950s, even U.S. Supreme Court Justices qualified by having read law, not necessarily having attended law school; (4) law, at least as taught in U.S. law schools, is a theoretical discipline; (5) Marie has had more and wider in-court and administrative-agency experience than a typical law-school graduate acquires before the bar; (6) at least one law student/graduate attended a trial conducted by Marie *pro se* to learn from her; (7) the transcript of said trial should be published because the ideal of an attorney is to act as if the case were his/her own and said trial shows, *inter alia*, how a well-informed, highly-disciplined innocent advocate acts when the case is really her own; (8) Marie always succeeded, thank God, in teaching herself theoretical disciplines, starting with English at age 11 (to transfer from an all-Arabic-and-French school to an all-Arabic-and-English school), then Mathematics at age 14-17 (she often read something else during class because she already knew the problems and answers and ultimately achieved a 119/120 score in Mathematics in the 1970 National High School Finals in Egypt), Biochemistry in medical school (at that level, students do not conduct the Biochemistry experiments and research that creates new knowledge but only learn what was discovered and proven by specialized researchers; thus Biochemistry is theoretical *at that level*) and achieved her class' highest honor in Biochemistry in June 1973; and (9) law practice in the U.S. presently corrupts science by subjugating it to the adversary system; *e.g.,* with dueling expert witnesses; whereas true science can never be partisan. Thus, Marie Assa'ad-Faltas, MD, MPH can uniquely advance law and justice if equipped with a law license.

Personal Statement:

Born in Egypt in 1953, an early childhood memory is of telling my multi-lingual parents in Arabic, "I shall soon learn French and understand what you are saying to each other." Ever since, I enjoyed self-tuition and thought of those who take tutoring as intellectually lazy. My extended family had only two lawyers: my Godfather and his brother-in-law, God rest their souls. The former was a *raconteur par excellence*. I retain his vivid stories of his law practice, of the history of Egypt's legal system and its renowned lawyers, and of legal systems' origins and evolutions. But I never wanted to be a lawyer. Of the 17 countries I visited or inhabited, I was involved with the law only in the U.S. and Egypt, and in the latter case only on a case challenging Suez Canal University's failure to give me, a Coptic Christian, an academic position for which a less qualified Moslem was hired. The case ended against me for the same reason I was not hired *ab initio.*

I first came to U.S. in August 1979 on an expedited subset of Fulbright Scholarships launched by President Carter upon the Camp David Accord between Egypt and Israel. Selection was extremely competitive. I ranked 16th among the 100 young scholars chosen for Phase-I from among over 3,000 applicants.

I applied my scholarship to an MPH degree from UNC-Chapel Hill, where, in February 1980, I underwent a thyroidectomy which caused me total laryngeal paralysis and other disasters requiring a three-month hospitalization entailing great physical and mental suffering, delay of my academic progress, and change of my life plans. The laryngeal paralysis, thank God, miraculously recovered, but only partially; and I still live with iatrogenic hypothyroidism and hypoparathyroidism, *inter alia.*

In Chapel Hill, Durham, and Concord, NC, I defended myself *pro se* successfully against traffic citations.

But my first major *pro se* experience was in a jury trial of my surgical malpractice against Colin Thomas, Jr., where I pioneered the use of a defendant as an expert witness against himself and was complimented by the trial judge who, nonetheless, directed a verdict against me; and I lost all subsequent appeals.

My second was a federal breach-of-contract/discrimination case against Duke University, UNC-CH and John Umstead Hospital, where I defeated Defendants' motions to dismiss, pioneered "cross-subpeonae" in discovery, and later partially survived summary judgment. The case settled in 1994. I am proud of: (a) U.S. District Judge Bullock's 6 April 1988 Memorandum Opinion; and (b) U.S. Magistrate Judge Paul Trevor Sharp's "I was very impressed by how much you know" and other statements in pretrial events that case.

Also in NC, I filed a *pro se*: (a) collision claim and, thank God, prevailed in arbitration; (b) legal malpractice claim against Patrice Solberg, who had taken a four-figure sum to represent me on appeal of the directed verdict in the medical malpractice case but abandoned it. She settled by refunding me all she had received from me; (c) an appellate brief in support of the default judgment for refund of the deposit I had obtained on a counterclaim against a landlord who had sued Mother and me. We prevailed at all stages; (d) another legal malpractice claim against David Henry Rogers, who had essentially solicited my business, lied to me about his background, and actively sabotaged my case so blatantly *opposing counsel* complained or Rogers on my behalf. Though the bench trial judge agreed that Rogers' conduct was "far from laudable," I was not awarded damages because Rogers' sabotaging brief was stuck and another lawyer filed a substitute brief in the case in question. Rogers, who had been suspended twice before, continued to sabotage my other cases in retaliation for my having sued him, was disciplined two more times, and finally disbarred and is now serving time for having shot a man. The Solberg and Rogers experiences planted in me a mistrust of lawyers which only grew with later evens. I believe courts' and disciplinary agencies' having discriminatorily (Coptic immigrant v. whit male) ignored my complaints of Rogers emboldened him to his doom.

I did not have any legal experiences in Tennessee; but in Illinois and Virginia, I defended myself successfully *pro se* against traffic tickets; and in Illinois a lawyer obtained for me a commensurate compensation for an occupational injury resulting from poor design of an instrument. Since then, I began designing instruments and studying patent law. In 2009, I submitted a *pro se* patent application detailed later herein.

In Arkansas in 1987, I started federal cases pioneering demands for better occupational safety for healthcare providers to prevent exposure to the then-undetectable-and-untreatable Hepatitis C virus. There, I argued *inter alia* that "discriminatory referencing" is prohibited by Title VII. The U.S. Supreme Court later unanimously so held in *Robinson v. Shell Oil Co.*, 519 U.S. 337 (1997). In the course of those cases, then-U.S.-District-Judge Elsijane Trimble Roy complimented me as the best *pro se* advocate she ever saw, and the late U.S. Chief Circuit Judge Arnold (8th Cir.) certified that I presented "substantial questions."

Earlier from NC, I had also *pro se* **successfully at every stage** completed all documentation for my mother to obtain labor certification as possessing skills in short supply in the U.S. and thereupon to obtain a preferred immigrant visa and for the qualified members of my family to obtain derivative immigrant visas. I later helped my parents prepare for their U.S. citizenship exams, which both passed at first attempt.

My first *pro se* SC case was a1992 federal suit for voting rights for immigrants and voting by telephone for all. Although the court found my goal "laudable," it dismissed for lack of standing. Next arose federal cases from USC, where I was non-tenured faculty from 1992-3 but was terminated in retaliation for my scholarly article showing the statistical fallacy of the claim that 10% of people are born gay. USC also conspired against my immigration status. As a result, Mother, represented by Orin G. Briggs, and I *pro se* sought and obtained initial injunctive relief. An immigration part of the controversy ended in my favor in 2005 when: (1) the Government conceded my entitlement to, and granted me, permanent lawful resident status; and (2) a class action begun in 1990 in U.S. Court for the Western District of Washington, in the final version of which I became a class representative, ended with the Government admitting it had misinterpreted and misapplied parts of the Immigration Reform and Control Act of 1986 ("IRCA"). U.S. District Judge Robard, who had approved that IRCA class action settlement, recently enjoined President Trump's travel ban. My immigration litigation suffered at least five dismissals *without prejudice*, always to allow exhaustion of administrative remedies before an agency which later admitted having misapplied the law over decades. Not only did that freeze my employability for 12 crucial years, it incorrectly inflates the real number of legal controversies I initiated *pro se* and gives a false appearance of the ultimate result. Yet, many subparts of that litigation raised questions that are still open and which I wish to pursue as a licensed lawyer.

I entered *no* SC *state* court until I defeated *pro se* a traffic citation in 1995, a disorderly conduct charge in 1999, and a series of eviction action by United Dominion in 1997-2001. Few other cases followed.

The ONLY FOUR civil *pro se* cases I initiated in SC *state* courts prior to the ban on my *pro se* advocacy took several procedural turns, including removal or change of venue by a defendant, severance, joinder, *etc.*, which falsely inflate their actual number and disposition as "dismissed" when all four were settled, two for all I sought, and the other two for lesser but still significant consideration. But disaster struck in 2008 and since, which is somewhat detailed in other submissions and shall, God willing, be further detailed in other submissions upon this Court's invitation or permission.

In sum, in addition to several civil and criminal jury and bench trials which I took to completion and on most of which I, thank God, prevailed *pro se,* the number of which far exceeds the experience of a typical candidate for the bar exam, I have extensive appellate experience before state and federal court and the U.S. Supreme Court. I also have extensive administrative experience which the average candidate, and even state judge, lacks including in immigration law and procedure, intellectual property law, and Title VII federal employment equal opportunity law.

WHEREFORE, Petitioner should be allowed to take the bar exam based on her self-tuition and extensive experience as few other states allow the self-taught to do.

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