

**RECEIVED****BEFORE THE SUPREME COURT OF SOUTH CAROLINA**

Appellate Case No. 2016-002541

MAR 21 2017

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

v.

**On Petition for a writ of certiorari****S.C. SUPREME COURT***Marie Assa'ad-Faltas, MD, MPH* **To the Court of Appeals of South Carolina****Petitioner's Notice of JUST-RELEASED U.S. Supreme Court DECISION which Supports Her Motion to Summarily Grant, Vacate and Remand to the Court of Appeals**

Petitioner promptly brings to this Court's the just-released U.S. Supreme Court decision in *Manuel V. City Of Joliet, Illinois, Et Al.*, 580 U. S. \_\_\_\_ (2017), which has huge implications for this case and which now urges this Court to summarily GRANT *certiorari*, VACATE the Court of Appeals' dismissal of Petitioner's appeal from Richland County's Circuit Court of General Session's denial of her claim for defense expenses as the prevailing party and for reimbursement of her *pro se* defense expenses, and REMAND but to the circuit court for further proceedings and detailed findings of fact in light of *Manuel V. City Of Joliet, Illinois, Et Al.*, 580 U. S. \_\_\_\_ (2017).

While *Manuel* reinstates a §1983 federal claim for damages for Fourth Amendment violation, ***its ratio decidis, as indicated in clear and emphatic language throughout the opinion controls this case: "legal process," whether warrant, probable cause finding, or grand jury indictment, if tainted by false/fabricated evidence, is not legal process at all***, and thus does not extinguish a Fourth Amendment claim for damages. The timeliness issue left open in *Manuel* is not at issue here.

And while *Manuel* addressed use of false/fabricated evidence to effect seizure *of a person*, the Fourth Amendment, by its clear terms, applies to "persons, houses, papers and effects", and Petitioner's apartment was seized from her for years through false/fabricated evidence.

WHEREFORE, this Court should allow further briefing, and oral arguments if necessary, on the effect of *Manuel*, or summarily GRANT, VACATE AND REMAND to the Circuit Court for findings in light of *Manuel*. **Respectfully submitted on March 21, 2017.**



Orin G. Briggs, Counsel for Petitioner

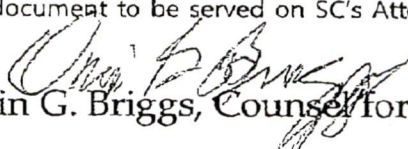
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Orin G. Briggs hereby certifies that he has caused this document to be served on SC's Attorney General by hand-delivery on March 21, 2017, all God so willing.



Orin G. Briggs, Counsel for Petitioner

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S.C. SUPREME COURT

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