

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

RECEIVED

Appeal from RICHLAND COUNTY of Common Pleas  
Alison Renee Lee, Circuit Court Judge  
Circuit Court case no. 2013-CP- 40-03522

JUL 06 2017

City of Columbia, South Carolina,

Respondent,

S.C. SUPREME COURT

v.

Marie-Therese Assa'ad-Faltas, MD, MPH

Appellant.

**Appellant's Timely Petition for Rehearing**

Appellant, through volunteer counsel, Petitions for Rehearing of this Court's Opinion No. 27723 dated June 21, 2017. Appellant shows that the Court's Opinion is controlled by several errors which must be reviewed and corrected.

- (1) The court's administrative and ceremonial functions were wrongly mixed with its adjudicative role.
- (2) A criminal defendant's testimony in a case was wrongly mixed with her advocacy in others cases, all ultimately won by Dr. Faltas won *pro se* when allowed to so proceed.
- (3) Respectfully, Opinion 27723's details of Appellant's alleged lack of charm, tact, or brevity, in several courts is irrelevant to whether or not she committed an assault as charged. Opinion 27723's page 2 phrasing "unrelenting litigation and harassment" shows that the opinion's authors view Appellant as guilty even after having been proven innocent of the harassment charges brought by the same person (and her tenant) who brought the assault charge at bar.
- (4) The Court misapprehended SCOTUS' actions related to Dr. Faltas. The relevant SCOTUS order cites, and is limited by, a published, Congress-approved, and often previously applied rule; but this Court has no similar rule and never previously took against anyone else the extreme actions directed against Dr. Faltas.

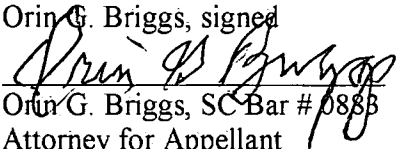
- (5) There is no basis for the Court to maintain the gap in denial of Appellant's *Faretta* rights. Opinion 27723 acknowledged that Dr. Faltas' *Faretta* rights were restored on November 6, 2013, after this Court acknowledged that its prior orders were not consistent with the holding in *Faretta*. There is no reason for the restoration to have been only prospective. The restoration was not an act of grace but a remedy of the wrong of the denial of the right *ab initio*. That restoration should not be withheld from the one instance where the denial injured Appellant most: the one case where, with counsel forced on her a conviction was obtained against her in a misdemeanor charge of which, by past experience, she would have exonerated herself *pro se*.
- (6) This Court erred, and conflicted with the U.S. Supreme-Court teachings on structural error, by assuming that the permission given to Appellant to speak after her forced counsel spoke, specially at sentencing, remedies the denial of her self-representation. That right means the right to be the only voice for herself, not merely one voice in a cacophony of voices.
- (7) This Court admitted that Appellant clearly and unequivocally invoked her right to self-representation before sentencing in what was essentially a bifurcated trial. The trial judge did not address that issue before sentencing. At the very least, the sentence should be vacated, specially since was not addressed at all by Circuit Judge Lee. Thus, the matter should be remanded to the trial court for resentencing by a judge who is not influenced by the words of counsel whom Appellant considered forced on, and unwanted by, her. That would be automatic since Carl L. Solomon is, upon information from public records, no longer a judge for the City of Columbia.

Counsel has reached agreement with the Appellant that he can ask this Court to limit his representation of Appellant for the sole purpose of preserving her right to timely request the Court's reconsideration of Opinion 27723, and the right of Appellant to supplement this Petition if she were to have new counsel or to be allowed to supplement/amend the petition for rehearing in a *pro se* capacity. Counsel respectfully asks the Court relieving him from further representing Appellant in this case after this petition is served and filed.

WHEREFORE, Opinion 27723 should be withdrawn, reheard and reversed. At the very least, the sentence should be reversed and the matter should be remanded for resentencing.

Respectfully served and submitted on June 21, 2017.

Orin G. Briggs, signed



Orin G. Briggs, SC Bar # 0883

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#### **CERTIFICATE OF SERVICE.**

Counsel has caused a copy of this Petition for Reconsideration to be served by hand-delivery to the attorney for the City of Columbia, located at 1401 Main Street, Columbia, SC 29201, and to Mr. Robert Dudek at 1331 Lady Street. Columbia, SC 29201.

Orin G. Briggs, signed

