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BEFORE THE SUPREME COURT OF SOUTH CAROLINA

Appellate Case No. 2018-001290

On Petition for a Writ of *Certiorari* to RICHLAND COUNTY Court of Common Pleas,
Jean Hofer Toal, sitting as Circuit Judge
Circuit Court Case No. 2016-CP-40-01444

S.C. SUPREME COURT

The State of South Carolina, Petitioner,
v.
Marie-Thérèse Assa'ad-Faltas, MD, MPH, Respondent.

**Dr. Assa'ad-Faltas' EMERGEMCY Motion to Relieve Appellate Defense for Conflict
And to Appoint NON-CONFLICTED Outside Counsel as Stand-by Appellate Counsel here
Because Dr. Assa'ad-Faltas is the Respondent to this Matter
And the Proper Balance Should Restore her Right to Defend pro se
what She Already Won Below, whether pro se or counselled.**

Dr. Assa'ad-Faltas had, in a pending *separate* PCR, named SC's Office of Appellate Defense for its ineffective assistance of appellate counsel in SC Appellate Case 2015-000941, **two months before the written order in her favor was entered in PCR case 2016-CP-40-01444 and three months before the State filed its Petition for certiorari in this case.** Not only is that a sufficient conflict of interest, SC's Appellate Defense's performance in *State v. Samuel*, decided and remitted earlier this year, and *State v. Polite*, pending before this Court, indicates a continuing conflict between serving Dr. Assa'ad-Faltas' interests in advocating *pro se* and serving Appellate Defense's other clients' interests. In *Samuel* and *Polite*, instead of arguing that *Assa'ad-Faltas* was wrongly decided and/or should have been overruled by *Samuel*, SC Appellate Defense chose to *imply* that Messrs. Samuel and Polite are wonderful people entitled to unfettered self-representation while Dr. Assa'ad-Faltas is a horrible person deserving of all this Court "right or wrong" does to her.

Dr. Assa'ad-Faltas contacted SC's Chief Appellate Defender Dudek to explain these conflicts to him and to explore solutions. Mr. Dudek responded that he will not *initiate* his own motion and did not want to see an advance copy of Dr. Assa'ad-Faltas' motion to relieve SC's Appellate Defense for conflict *but that Mr. Dudek MIGHT consent to it once it is filed and a response is requested.* Mr. Dudek also allowed Dr. Assa'ad-Faltas to represent this part of the conversation to this Court. Not conceding any validity to this Court's self-admitted "extreme" denials of her rights to *pro se* advocacy, any real or feigned fears of Dr. Assa'ad-Faltas initiating a "frivolous" case do not apply where she is a defendant in a criminal or civil case. This Court *implicitly* so admitted in its 27 September 2017 ORDER restoring Dr. Faltas' right to advocate *pro se* in every civil case where she is a defendant. **The same reasoning applies to every appeal and petition where Dr. Assa'ad-Faltas is the respondent. Nor is there any precedent from this Court or the U.S. Supreme Court denying the right to pro se OPPOSE any State appeal or petition in criminal or civil case.**

WHEREFORE, SC's Appellate Defense should be relieved for conflict; and non-conflicted outside counsel should be immediately appointed as stand-by for Dr. Assa'ad-Faltas' *pro se* opposition both to the State's *certiorari* petition itself and to any relief the State seeks if its petition were granted.

Submitted on 20 July 2018 and served on SC's Attorney General by hand delivery to his office, and on Mr. Dudek at his office at 1331 Lady Street, Columbia, SC 29201, all God so willing.

Marie-Thérèse Assa'ad-Faltas, MD, MPH, Respondent *pro se* for purposes of this motion
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