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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 Hoefler Toal, sitting as Circuit Judge

Circuit Court Case No. 2016-CP-40-01444

OCT 12 2018

S.C. SUPREME COURT

The State of South Carolina,

Petitioner,

v.
Marie-Thérèse Assa'ad-Faltas, MD, MPH,

Respondent.

Dr. Assa'ad-Faltas' EMERGENCY SUPPLEMENT TO HER REPLY to Return to Motion to Relieve Appellate Defense and to Appoint NON-CONFLICTED Outside Counsel as Stand-by COMBINED WITH MOTION TO DISMISS THIS APPEAL for Failure to Prosecute It.

A PCR grantee stands the same as a *Faretta* defendant: presumed innocent until convicted at trial or in the new trial granted by the PCR. Dr. Assa'ad-Faltas now stands PCR-cleansed, thus presumed innocent, of her April 2013 City of Columbia Ordinance Summons conviction.

Never did this Court deny another respondent a right to defend her trial court result pro se. In *Blue Ridge Electric Cooperative, Inc., v. Kathleen J. Gresham*, Appellate Case 2015-001836, this Court let a DISBARRED lawyer; i.e., one already proven to have "polluted the administration of justice," still represent herself (and prevail) as the respondent to a civil appeal before this Court.

So, Dr. Faltas should also be allowed to now move to dismiss the State's appeal because the State interposed it for delay and failed to diligently prosecute it. The State ordered the transcript from the court reporter by e-mail on 16 July 2018 and again by hard-copy letter on 25 July 2018, which made the transcript due by 24 September 2018 at the latest. To date, three weeks later, a complete transcript is not on hand and no extension was timely granted.

Had the shoe been on the other foot, this Court would have *sua sponte* dismissed.

Dr. Faltas also submits that grant of PCR should be unappealable by the State because *in reality* the average three-year length of such appeals DENIES THE SIXTH AMENDMENT RIGHT TO SPEEDY RETRIAL FOR PCR GRANTEES. Any risk of a PCR grantee getting a new trial which would have been obviated by appellate reversal of PCR is outweighed by the reality of delay of retrial of those persons whose PCR grant is affirmed on appeal.

The primacy of the Sixth Amendment outweighs any false economy the State may reap by avoiding retrial of those criminal defendants whose PCR grant is reversed on appeal.

Circuit Judge's grant of PCR means a reasonable jurist lacked confidence in the conviction. So, immediate retrial *without appellate delay* also achieves convictions or acquittals in constitutional-error-free retrials and consequent public confidence in the outcome.

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

Submitted on 12 October 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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