

STATE OF SOUTH CAROLINA  
In the Supreme Court

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MAY 07 2019

S.C. SUPREME COURT

Appeal from Richland County  
Court of Common Pleas  
The Honorable Jean H. Toal, Circuit Court Judge

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Appellate Case No. 2018-001290

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Marie Assa'ad-Faltas,

Respondent,

v.

State of South Carolina,

Petitioner.

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**MOTION TO AMEND PETITION AND APPENDIX**

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Pursuant to Rules 240 and 243(f)(1) of the South Carolina Appellate Court Rules, as well as In Re Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings, 407 S.C. 607, 757 S.E.2d 421 (2014), counsel for the State moves for this Court to allow the State to amend the petition and appendix in this case. In support of this motion, the State would present the following facts:

1. The petition for writ of certiorari and appendix in this case were filed on April 22, 2019. At that time, the undersigned submitted the petition and appendix under the good faith belief that the appendix constituted a complete record of the proceedings in the lower court and lacked personal identifiers.
2. Subsequent to filing, the undersigned was made aware of at least one instance of personal identifying information which was not properly redacted from the appendix, as well as various errors and omissions.

3. Respondent Assa'ad-Faltas has kindly provided<sup>1</sup> a punchlist of concerns to be addressed by the undersigned.
4. The undersigned believes that at least part, if not all, of the concerns communicated in the punchlist are valid and, as such, the appendix contains errors and is incomplete. Because the documents may be relevant and pertinent in both the lower court and on appeal, and because the documents may have been properly part of the record before the lower court, without them the appendix does not satisfy the requirements of Rule 243(f)(1), SCACR. Therefore, the State moves this Court to permit it to submit an amended petition for writ of certiorari and associated appendix.
5. The proposed amended petition and appendix are submitted to the Court concurrently with this motion. Amendments to the petition are limited to scrivener's errors and updates to appendix citations.
6. The undersigned respectfully apologizes for the delay in the submission of this motion and associated proposed amendments, caused in part by a series of personal health issues in the previous weeks.

WHEREFORE, as the appendix is incomplete, counsel for the State respectfully requests this Court to: (1) grant the motion to amend the petition and appendix; and (2) accept the amended petition and appendix as filed with this motion.

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<sup>1</sup> Though Respondent Assa'ad-Faltas remains represented by counsel at the time of this writing, and though the undersigned has diligently declined to respond to missives regarding matters for which she is represented by counsel, Respondent Assa'ad-Faltas regularly contacts the undersigned by e-mail with counsel copied.

Respectfully submitted,

ALAN WILSON  
Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.  
S.C. Bar No. 101260  
Assistant Attorney General

By:   
ATTORNEYS FOR PETITIONER

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
803.734.3737

7 May, 2019

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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CERTIORARI TO RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Jean H. Toal, Circuit Court Judge

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Appellate Case No. 2018-001290

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MARIE ASSA'AD-FALTAS,

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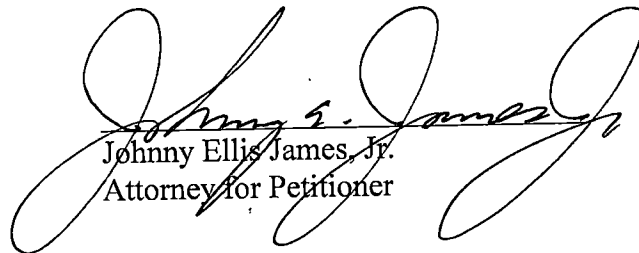
**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a true copy of the Motion to Amend Petition and Appendix, has been served upon opposing counsel by hand delivery of two (2) copies to:

**Robert Michael Dudek, Esquire**  
**S.C. Commission on Indigent Defense**  
**Post Office Box 11589**  
**Columbia, South Carolina 29211**

This 7<sup>th</sup> day of May, 2019



Johnny Ellis James, Jr.  
Attorney for Petitioner



ALAN WILSON  
ATTORNEY GENERAL

May 7, 2019

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MAY 07 2019

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse  
Clerk of the South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

**Re: Marie Assa'ad-Faltas v. State of South Carolina**  
**Appellate Case No. 2018-001290**  
**Lower Court Case No. 2016-CP-40-1444**

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion to Amend Petition and Appendix. By copy of this letter we are serving opposing counsel today.

Sincerely,

Johnny Ellis James, Jr.  
Assistant Attorney General  
SC Bar No. 101260

JEJ/can  
Enclosures

cc: Robert Dudek, Esquire (2 copies)