

RECEIVED

FEB 16 2022

S.C. ~~BEFORE THE SUPREME COURT~~ SUPREME COURT ("S Ct") OF SOUTH CAROLINA ("SC")

Appellate Case No. 2022-000145

AND STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE CIRCUIT COURT OF COMMON PLEAS
On Application for Post-Conviction Relief (PCR) No. 2019-CP-40-00112

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

Applicant/Appellant's **OPPOSITION** to Respondents'
Motion to Dismiss this Appeal

v.

State of South Carolina, and City of Columbia, SC, Respondents.

Applicant/Appellant Marie Assa'ad-Faltas, MD, MPH ("Dr. Assa'ad-Faltas" or "Dr. Faltas") *pro se* shows that Respondents' Motion to Dismiss should be stricken for having been filed *without* a certificate of service **and for making to this Court the material misrepresentation that a motion for SC Circuit Judge Brown to reconsider was "submitted and served" on 9 February 2022 before Dr. Assa'ad-Faltas filed her instant appeal.** In fact, Dr. Assa'ad-Faltas was **not** copied with any motion for reconsideration by Respondents **until after she had filed the instant appeal.** Respondents' motion to dismiss should also be stricken as punishment for Respondents' failure/refusal to follow procedure in purportedly having ordered the transcript of the 27 January 2022 hearing in 2019-CP-40-00112 before SC Circuit Judge Brown. Or, if such procedure was followed and Mr. Griffith was copied with the electronic transcript order form, his failure to so inform his client is more reason to relieve him.

If Respondents' motion to dismiss is not stricken, it and the belated motion for reconsideration below should be denied as meritless and hypocritical in the extreme. Respondents had brought SC Appellate Case 2019-000036 **for the express purpose of forcing this Court to rule in the dark that PCRs are civil cases when brought by Dr. Assa'ad-Faltas but hybrid civil-criminal or sui generi when brought by others. Yet, respondents cite criminal Rule 29(a) for the circuit court's retention of jurisdiction for ten days after sentence.** The time for *civil* appeals is thirty (30) days; but SC Circuit Judge Brown ("right or wrong") shortened the time for Dr. Assa'ad-Faltas to file her interlocutory appeal with leave to ten days. Respondents knew it but made no motion until *after* the last minute.

Thus, Respondents' motion for reconsideration is dilatory and should be stricken and/or denied.

Otherwise, it misses the significance of the new challenge by Dr. Assa'ad-Faltas to this Court's jurisdiction to have entered *any* orders limiting her *pro se* advocacy **whether in the context of SC Appellate Case 2013-000862 or in any other context which did not involve a case or controversy.**

Challenges to a court's jurisdiction, and hence to all orders made without jurisdiction, may be made at any time. **Further, Dr. Assa'ad-Faltas never had a "full and fair" opportunity to litigate anything.** The orders were hitting her out of the blue. **For example, the 24 October 2012 ORDER by then-SC-Chief-Justice Toal claims, "it has been reported that [Dr. Assa'ad-Faltas] may have held up placards during another court proceeding in an attempt to convey her objections."**

To this day, Dr. Assa'ad-Faltas has no clue it was "reported" by whom to whom and was never given any opportunity, much less a "full and fair" one, to refute such mysterious reports. Au contraire, what was "may have" in the 24 October 2012 ORDER became "reports that [Dr. Assa'ad-Faltas] thereafter attended circuit court proceedings in which she was not involved and disruptively held up placards in an attempt to convey her objections to the proceedings" in City of Columbia v. Marie Assa'ad-Faltas, Opinion 27723 at p 5.

Same goes for the ever-growing parade of horrors fabricated against Dr. Assa'ad-Faltas.

Suffice it to show that even if all the parade of horrors were *arguendo* true, Dr. Assa'ad-Faltas fully rehabilitated herself by *twice* on the merits winning *pro se* her PCR 2017-CP-40-06831 and there having created a record so strong as to withstand Respondents' appeal *sub numero* SC Appellate Case 2019-000708, available at <https://ctrack.sccourts.org/public/caseView.do?csIID=69765>.

Dr. Assa'ad-Faltas has every right to now return to this Court and demand the "full and fair" opportunity she was never previously given to show that her plenary rights to *pro se* advocacy, the denials of which "failed to pass constitutional muster" *ab initio*, should now be fully restored. Dr. Assa'ad-Faltas again reminds this Court of the compliments to her conduct and advocacy as "**most pleasant and gracious [but] not frivolous at all,**" on 24 February 2010 and as "appreciate[d] good faith efforts" on 7 April 2011; and that SC Code of Laws **does not exclude frivolous people** from these sections:

SECTION 14-1-100. Rights in court shall not be affected by race or color. Whenever authority has heretofore been conferred by law upon any free white person or persons to institute any suit or proceedings or to prefer any information or complaint in any matter, civil, penal or criminal, the same rights shall be enjoyed by and the same remedies shall be applicable to all persons whatsoever, regardless of race or color, **subject to the same conditions and none other.**

Any *frivolous* white person may plead his own case in SC's Courts:

SECTION 40-5-80. Citizen may prosecute or defend own cause. This chapter may not be construed so as to prevent a citizen from prosecuting or defending his own cause, if he so desires.

HISTORY: 1962 Code Section 56-102; 1952 Code Section 56-102; 1942 Code Section 326; 1932 Code Section 326; Civ. P. '22 Section 282; Civ. C. '12 Section 3922; Civ. C. '02 Section 2819; G. S. 2167; R. S. 2295; 1721 (7) 173; 1868 (14) 97; 2002 Act No. 307, Section 2

The only approved tools against vex/frivolity are Rule 11, SCRCP, and § 15-36-10, SC code.

No SC state *trial* or appellate court used either tool against Dr. Assa'ad-Faltas before 8 April 2011, and she had by then won all closed civil cases she had brought there *pro se* and had won an appeal she orally argued *pro se* before SC CoA and preserved her win against her opponent's *certiorari* petition.

WHEREFORE, to honor its representation of "tailor[ing] to target *only*" whatever SC S Ct "consider[s] abusive and harassing," this Court should admit that Dr. Assa'ad-Faltas had never previously abused the right to PCR. Thus, Dr. Assa'ad-Faltas should be allowed to prosecute her pending PCRs fully *pro se*. That will save resources and further litigation, state and federal, about what she is or is not allowed to do *pro se* and about effectiveness of her current *forced* PCR counsel. Respondents' motion to dismiss should be denied.

Certificate of Submission AND Certificate of Service AND of Copies

Submitted by hand-delivery to an agent of this Court's and served by e-mail to Mr. James at marshall.james@columbiasc.gov, to Ms. Rushing at amye.rushing@columbiasc.gov, to Ms. Saxon at jsaxon@sccid.sc.gov, to Timothy Griffith at tgriffith@tgriffith.com, and to Robert Dudek at rdudek@sccid.sc.gov, and by U.S. mail to Ms. Klein, all with a copy to the Clerk of Richland County's Circuit Court Clerk, all on 15 February 2022, and all God so willing. *by hand-delivery*

[s/] Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*
P.O. Box 9115, Columbia, SC 29290
Phone (803) 783-4536 e-mail: Marie.Faltas@hotmail.com

RECEIVED

FEB 16 2022