



HALL BOOTH SMITH, P.C.
ATTORNEYS AT LAW

Morgan Prewitt
Phone: (843) 720-3460
mprewitt@hallboothsmith.com

111 Coleman Boulevard
Suite 301
Mount Pleasant, SC 29464

Office: (843) 720-3460
Fax: (843) 720-3458
www.hallboothsmith.com

April 5, 2022

RECEIVED

Apr 05 2022

SC Court of Appeals

VIA EMAIL + US MAIL


Jenny A. Kitchings, Clerk of Court
SC Court of Appeals
P. O. Box 11629
Columbia, SC 29211
E: ctappfilings@sccourts.org

RE: City of Columbia v. Marie-Thérèse Assa'd-Faltas
Case No.: 2019-CP-40-01374

Dear Ms. Kitchings,

In regard to the above mentioned matter, please find Judge D. Craig Brown's signed Order of April 4, 2022 Relieving R. Daniel Addison as Counsel of Record for Dr. Faltas for your records.

Sincerely,



Morgan Prewitt,
Legal Assistant to R. Daniel Addison

RDA/mpp
Enclosures

cc: Marshall James, City of Columbia (via email w/enclosures)
Dr. Marie Assa'd Faltas (via email w/enclosures)

MOUNT PLEASANT, SC

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SC Court of Appeals

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND)	C/A No. 2019-CP-40-01374
)	
City of Columbia,)	
)	
v.)	ORDER RELIEVING R. DANIEL
)	ADDISON AS COUNSEL OF RECORD
Marie-Thérèse Assa'd-Faltas,)	
)	
Defendant.)	

By Order of Chief Justice Donald W. Beatty this Court is vested with “exclusive jurisdiction to hear and dispose of the above cases,” including the ability to “decide all matters pertaining to those cases...” Order, September 15, 2020. Pursuant to that order and the prior order of the Honorable D. Craig Brown dated July 12, 2021, as well as pursuant to R. Daniel Addison’s Motion to be Relieved, this Court hereby relieves R. Daniel Addison as Counsel of Record for the Defendant in this case.

I. Findings of Fact

a. Concise Factual History

This case arises from a conviction of simple assault that occurred in the City of Columbia Municipal Court on April 25, 2013, Summons Number L-066971. Dr. Faltas was found guilty and sentenced to serve 20 days. Dr. Faltas appealed her conviction and sentence, both of which were upheld by the Supreme Court of South Carolina in *City of Columbia v. Assa’ad Faltas*, 800 S.E.2d 782, 420 S.C. 28 (2017). That opinion was issued on June 21, 2017. Our Supreme Court denied Dr. Faltas’ petition for a rehearing and remitted the case to the Circuit Court on August 17, 2017.

Dr. Faltas filed a motion for a hearing to present after-discovered evidence on September 29, 2017. On January 4, 2018, the Circuit Court denied Dr. Faltas’ motion and remitted the action to the City of Columbia Municipal Court. Apparently, all judges at the City of Columbia were

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recused from hearing Dr. Faltas' cases, and the case was transferred to the Richland County Magistrate's Court. A hearing on Dr. Faltas' motion to reopen the case based on after-discovered evidence was heard before the Magistrate's Court on February 4, 2019. Dr. Faltas' motion was denied from the bench. A motion to reconsider was denied on February 27, 2019. The current appeal followed.

Attorney R. Daniel Addison was appointed Dr. Faltas' counsel by letter dated September 20, 2019. Dr. Faltas filed a motion to relieve Mr. Addison as counsel for abandonment April 15, 2020. She subsequently filed three supplements.¹ These supplements and their attachments span hundreds of pages, including depositions from cases that are not related to the procedural history of this case and old newspaper clippings regarding funding issues at the Fifth Circuit Solicitor's Office. While Dr. Faltas asserts that Mr. Addison abandoned her when he moved his practice from Columbia to Charleston, there is nothing of substance in the filings tending to show that Mr. Addison has neglected his duties to her. In fact, Mr. Addison has been prompt and informative in his communications with this Court in regards to Dr. Faltas' case. Mr. Addison provided a proper prosecution of Dr. Faltas' case on her appeal of the Magistrate's Order. This Court ruled for Affirmation of the lower court Order, affirming in full the rulings of the Magistrate's Order denying Dr. Faltas' Motion to present after-discovered evidence. An order of the Undersigned was provided to all parties on February 9, 2022. Dr. Faltas timely filed a Motion to Reconsider the order under Rule 59(e). At that time, Mr. Addison cited his opinion that his duties to represent Dr. Faltas as per his Rule 608 appointment to the case had ended upon the initial February 9, 2022 ruling of this Court affirming the lower court, but that the Undersigned's Order of July 12, 2021

¹ The first supplement filed was filed on December 4, 2020; the second supplement was filed on December 22, and the third supplement was filed on January 5, 2021. These three supplements are the same as Dr. Faltas' six, seventh, and eight supplements to her motion to relieve Timothy Griffith in 2019-CP-40-0112, -2217, -2218, and -2219.

required that all filings from Dr. Faltas could not be submitted Pro Se, and must go through Addison as a conduit. Accordingly, Addison submitted Dr. Faltas' 59(e) Motion to the court with a written indication that he was not acting as counsel of record for her post-ruling Motions and Appeals, but was submitting her Motion to allow Dr. Faltas to comply with this Court's July 12, 2021 Order. Addison filed a Motion to be formally Relieved as Counsel per the requirements of this Court's July 12, 2021 Order. Before Addison's Motion could be heard, Dr. Faltas presented a Notice of Appeal of the Undersigned's Affirmation Ruling of 2019-CP-40-01374 to Addison requesting that the Notice of Appeal be submitted to the Circuit Court and to the Supreme Court. To comply with the requirements of the Undersigned's July 12, 2021 Order, Mr. Addison fulfilled his duties pursuant to that order and submitted Dr. Faltas' Notice of Appeal to the Supreme Court and the Circuit Court as a courtesy to the Defendant. Addison's cover letter to the Supreme Court and to Circuit Court very clearly delineated that he was not filing the Notice of Appeal as Dr. Faltas' attorney, but only so as to comply with the Undersigned's Order of July 12, 2021. The Supreme Court forwarded the Appeal the Court of Appeals, and an appeal is pending there per Dr. Faltas' Notice of Appeal.

II. Findings Based on the Facts and the Law as Set Forth Above.

This Court finds that R. Daniel Addison has fulfilled his duties per his appointment to the case under Rule 608, and thus his responsibilities to act as a conduit for the submission to the Court of Dr. Faltas' further motions and appeals of this matter based on the Undersigned's July 12, 2021 Order are complete. This Court therefore finds that Mr. Addison, pursuant to his Motion to be Relieved, should be relieved, and hereby is relieved, as Dr. Faltas' Counsel of Record.

Based on these findings, it is ORDERED that R. Daniel Addison is relieved as Counsel of Record for Dr. Faltas.

This ___ day of April, 2022.
Florence, SC

The Honorable D. Craig Brown
Presiding Judge
Fifth Judicial Circuit



Richland Common Pleas

Case Caption: City Of Columbia , defendant, et al VS Marie Assaad Faltas
Case Number: 2019CP4001374
Type: Order/Relieve Counsel

IT IS SO ORDERED

s/D. Craig Brown (2160)