

BEFORE THE 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 No. 2019-CP-40-00112

**Marie Assa'ad-Faltas, MD, MPH, Appellant**  
v.  
**State of South Carolina, and City of Columbia,**  
**SC, Respondents.**

Applicant/Appellant's (1) Submission of Just-received Transcript of proceedings below as she believes herself "required" to do so; AND (2) *errata* to same transcript; both submitted in fulfillment of duty of Candor to the Tribunal which is holding this Case in Abeyance, *possibly* pending receipt of the relevant transcript

**I. Errata to Transcript of the 27 January 2022 Hearing before SC Circuit Judge Brown in 2019-CP-40-00112**

<u>PAGE</u>	<u>line(s)</u>	<u>reads</u>	<u>should read</u>
<b>1</b>	<b>4 and 17-18</b>	<b>Plaintiff</b>	<b>Applicant</b>
	<b>7 and 19-20</b>	<b>Defendant</b>	<b>Respondent</b>
5	8-9	need word	mid-word
6, line 2		<b>is 2017-CP-14 - I'm sorry - 14-06831</b>	<b>is 2017-CP-40 - I'm sorry - 40-06831</b>
6, lines 17-18		with two appeals	withstood appeals
17, lines 3-4		with two appeals	withstood appeals
<b>11, line 22</b>		<b>Fourth Circuit,</b>	<b>Fifth Circuit,</b>
13, line 21		Jim Burns.	Jane Burns.
13, line 25	finding order		funding order
16, line 9		<b>Will Mason</b>	<b>Wayne Mason</b>
35, line 3		<b>interlocutory</b>	<b>interlocutorily</b>
36, line 14	alteration		iteration
37, line 21		that five frivolous things	that I file frivolous things
42, lines 4 and 5	15 years		50 years
44, line 4		interlocutorally	interlocutorily
45, line 7	guess in my		guess and my

**II. Certificate of Submission AND Certificate of Service AND of Copies**

Sincerely submitted and served by hand-delivery (without the copy of the transcript of which Respondent already has the original) to **SC Attorney General's ("SCAG") office at 1000 Assembly Street Columbia, SC 29201**, with additional courtesy e-mail copies to [lillymeadows@scag.gov](mailto:lillymeadows@scag.gov) and [tsmith@scag.gov](mailto:tsmith@scag.gov) and courtesy-copied to: Tim Griffith at [tgriffith@tgriffith.com](mailto:tgriffith@tgriffith.com), Jessica Saxon at [jsaxon@sccid.sc.gov](mailto:jsaxon@sccid.sc.gov), Robert Dudek at [rdudek@sccid.sc.gov](mailto:rdudek@sccid.sc.gov), and relevant others **on 18 July 2022**, all God so willing.

S/Marie-Thérèse Assa'ad-Faltas, MD, MPH, Applicant/Appellant *pro se*  
P.O. Box 9115, Columbia, SC 29290 e-mail: [Marie\\_Faltas@hotmail.com](mailto:Marie_Faltas@hotmail.com)  
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**JUL 18 2022**

1	State of South Carolina	)	In the Court Of Common Pleas
		)	Case No.: 2019-CP-40-02219
2	County of Richland	)	
		)	
3	Marie Assa'ad Faltas,	)	
		)	
4	Plaintiff,	)	
		)	
5	vs.	)	Transcript of Proceedings
		)	Via Webex
6	State of South Carolina,	)	
		)	
7	Defendant.	)	
		)	

8

9

January 27, 2022

10

Columbia, South Carolina

11

12 BEFORE:

13

The Honorable D. Craig Brown, Judge.

14

15 APPEARANCES:

16

17

Timothy L. Griffith, Esquire  
On behalf of the Plaintiff

18

19

Yasmeen E. Klein, Assistant Attorney General  
On behalf of the Defendant

20

21

Harley Kirkland, Esquire  
On behalf of Heather Weiss

22

23 ALSO PRESENT:

24

Marie Assa'ad Faltas

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**JUL 18 2022**

**S.C. SUPREME COURT**

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INDEX

PAGE

HEARING ON STATE'S MOTION TO DISMISS

3

Certificate of Reporter

46

EXHIBITS

NONE

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**JUL 18 2022**  
**S.C. SUPREME COURT**

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JUL 18 2022 3  
S.C. SUPREME COURT

1 Thereupon, the following proceedings were had,

2 THE COURT: Ms. Klein, are you ready to proceed?

3 MS. KLEIN: Yes, Your Honor. I am currently on the  
4 phone with Mr. Lupton. He's having problems still. He  
5 can testify via just without his camera, but for some  
6 reason he's not able to log on. He's getting some odd  
7 messages from the Webex system whenever he's using a  
8 certain operating system so I don't know if Your honor  
9 would like him to keep trying or if you want to just  
10 proceed with him testifying over the phone essentially.

11 THE COURT: Well, Mr. Griffith, are you there?

12 MR. GRIFFITH: I am, Your Honor, and I have no  
13 objection to him over the phone.

14 THE COURT: Okay. All right. Before we get  
15 started, let me ask this question. All the parties  
16 appear to be appearing via Webex today in some capacity.  
17 Mr. Griffith and your client had actually requested, Dr.  
18 Faltas had requested to participate via Webex as well.  
19 Any objection by any of the parties to proceeding via  
20 Webex here today? Mr. Griffith?

21 MR. GRIFFITH: We have no objection, Your Honor.  
22 Dr. Faltas had asked me if she could do Webex because she  
23 was concerned about communications with covid, et cetera,  
24 health concerns.

25 THE COURT: Is that correct, Dr. Faltas?

1 DR. FALTAS: Your Honor, am I unmuted yet? \*

2 THE COURT: You are. I just unmuted you.

3 DR. FALTAS: Okay.

4 THE COURT: Do you consent to proceeding today via  
5 Webex?

6 DR. FALTAS: Yes, sir, but I do not consent to being  
7 represented and I need --

8 THE COURT: I understand your objection to that.  
9 I'm sorry. Go ahead.

10 DR. FALTAS: I needed as a threshold matter to renew  
11 and update my motions to relieve Mr. Griffith and I ask  
12 that the Court allow me to make a record for appellate  
13 purposes and for Federal habeas purposes.

14 THE COURT: Go ahead and tell me your reason for  
15 requesting that he be relieved as your lawyer. We'll  
16 address that first.

17 DR. FALTAS: Thank you. But first may I just as a  
18 housekeeping matter ask, I don't think I ever appeared in  
19 court to where Mr. Steve LeBlanc was the court reporter  
20 and least of all I don't think I ever appeared where he  
21 was the court reporter on Webex so as a threshold matter  
22 may I ask if Mr. LeBlanc can hear me?

23 COURT REPORTER: I can hear you.

24 THE COURT: Yes. He can.

25 DR. FALTAS: Okay. And if I say something that he

1 cannot decipher with all the other court reporters they  
2 usually take note and at the end ask me what I said when  
3 it was fresh in my memory and thank God that always works  
4 so with the Court's permission I extend that invitation  
5 to him and again on housekeeping, I would like the Court,  
6 I remind the Court in case I haven't said it before that  
7 I have breathing difficulties and I have a half paralyzed  
8 larynx so sometimes I need to stop mid sentence or need  
9 word to take my breathe. I hope the Court does not take  
10 that as my having ended what I'm going to say.

11 THE COURT: Okay.

12 DR. FALTAS: Second, so about updating the motion to  
13 relieve Mr. Griffith. I recently came across a direct  
14 published opinion from the state of South Carolina  
15 Supreme Court that says PCR applicants have a right to  
16 proceed pro se. They have a right to remove, to relieve  
17 the court appointed lawyer and proceed pro se. What they  
18 don't have the right to do is to keep changing court  
19 appointed lawyer. That has never been my intent. I have  
20 always wanted to proceed pro se on PCR. There is  
21 absolutely no reason for me not to do that. That is the  
22 law of this state and the law of the United States  
23 including the Constitution of the United States  
24 guaranteeing equal protection.

25 Additionally, additionally, I was thank God

1 permitted to prosecute one PCR pro se in this Judicial  
2 Circuit which is 2017-CP-14 - I'm sorry - 14-06831.  
3 Thank God I prevailed in that case twice at the Circuit  
4 Court level. First Judge Goldsmith granted me PCR, the  
5 state sought reconsideration, he vacated his order, not  
6 reversed it, and then the Honorable, the truly Honorable,  
7 perhaps the only truly Honorable Judge in this state,  
8 state Judge in South Carolina, Judge Gravely granted me  
9 PCR again. The state sought reconsideration. The truly  
10 Honorable Judge Gravely denied reconsideration. The  
11 state sought certiorari and delayed the matter for three  
12 years, and recently certiorari was denied and the case  
13 was remitted.

14 So, not only do I have no history of being frivolous  
15 with PCR applications, I have a history better than  
16 lawyers of prevailing on PCR in such a manner that the  
17 record I created while prosecuting the PCR pro se with  
18 two appeals. That hasn't been the case with the PCR on  
19 which a lawyer was forced on me. In another PCR Ms. Leah  
20 Moody, whom I like very much, but she was forced on me  
21 and Justice, retired Justice Toal sitting as a Circuit  
22 Court Judge granted PCR, but the State appealed and the  
23 State Supreme Court reversed and now I am in Federal  
24 Court and in Federal Court the State is saying I did not  
25 preserve this and I did not preserve that when I had no

Steven E. LeBlanc, R.P.R., Circuit Court Reporter  
P.O. Box 184, Lexington, South Carolina 29071

1 choice because counsel was forced on me. But that one  
2 PCR case where I was allowed to proceed pro se, thank God  
3 not only did I win, the record I created I created with  
4 two appeals.

5 Second, in the process of advocating pro se which  
6 I'm allowed to do in Federal Court I was able to  
7 scientifically and methodically look at all the cases of  
8 lawyers in South Carolina who were sanctioned ranging  
9 from public reprimand to disbarment or debarment and none  
10 of them, none of them, some have done things so  
11 outrageous as to kill a person by driving drunk, some  
12 have been stealing from their clients, some have been  
13 insulting and sexually harassing to court personnel --

14 MS. KLEIN: Your Honor, I have to object to the  
15 relevance of this. The question was what has  
16 Mr. Griffith done specifically for her motion to relieve  
17 and I don't believe that this information is relevant at  
18 all.

19 DR. FALTAS: I believe it is relevant to equal  
20 protection. The State Supreme Court in the --

21 THE COURT: Hold on just a minute.

22 DR. FALTAS: -- in the thousand lawyers that they  
23 punished for several ranges of malfeasance, they never --

24 THE COURT: Dr. Faltas. Dr. Faltas.

25 DR. FALTAS: When the Court speaks, I - I - I stop

1 talking so I stopped talking. Yes, sir.

2 THE COURT: I want to make sure you can hear me. I  
3 understand what you're talking about. You're talking  
4 about your desire to represent yourself in this matter  
5 and you're talking about other lawyers and disciplinary  
6 proceedings against other lawyers. Other than your  
7 assertion of your right to represent yourself, what  
8 allegations, if any, do you have to relieve, against  
9 Mr. Griffith to have him relieved as your lawyer?

10 DR. FALTAS: Several, sir. Several.

11 THE COURT: Well, let's hear them please.

12 DR. FALTAS: Yes, sir. Most recently, for example,  
13 he filed in this case what he called a reply to the  
14 State's motion to dismiss which is the same thing except  
15 for the caption of the other three cases. The other  
16 three cases the State made a purported motion to dismiss  
17 based on untimeliness. In this case it did not make such  
18 motion because there is no allegation of untimeliness in  
19 this case and yet without any change, without review of  
20 the facts, Mr. Griffith filed a reply that now concedes  
21 that there is an allegation of untimeliness in this case.  
22 He should have been at minimum careful not to willy-nilly  
23 stick anything he files in cases in which it does not  
24 apply.

25 His grammar has been horrible, embarrassing really,

1 and he has not at all availed himself of the facts as I  
2 need to tell them to him. In fact, I had provided him  
3 with transcripts, official transcripts that I ask that he  
4 supplement the Court with, the record with, and he  
5 did not do that and I am willing to list even from memory  
6 these transcripts.

7 Now, why if, with leave of the Court, may I say what  
8 they are because the record is not complete and now the  
9 State Supreme Court after going to instead of paper  
10 electronic filing, it says that in PCR cases it will not  
11 request an appendix, but instead will look at the public  
12 record. The public record, the public index in this  
13 case is woefully incomplete. So let me tell you the  
14 available transcripts which both the State and  
15 Mr. Griffith has colluded, have colluded in not  
16 completing the record with.

17 The first transcript is from November 17, 2009.  
18 2009, sir, which is almost 13 years ago. That transcript  
19 was made by the City of Columbia's Municipal Court. They  
20 have a retired court reporter who doesn't actually sit in  
21 the courtroom, but they make recordings and she makes the  
22 recording, the transcripts from that audio. So the 17  
23 November 2009 transcript shows at least three things.  
24 Number 1, I was not given sufficient discovery in this  
25 case, in this case because that hearing was about this

1 case and another, and a trespass case brought by my same  
2 false accuser in this case. Thank God the jury acquitted  
3 me of that trespass case when it was finally tried in  
4 2013. But in this case not only did the city --

5 (Webex transmission interruption.)

6 THE COURT: I'm sorry. Your video went blank for a  
7 minute.

8 DR. FALTAS: What was the last thing he --

9 (Partial last sentence by Dr. Faltas read back by  
10 court reporter.)

11 (Webex transmission interruption.)

12 COURT REPORTER: Can y'all hear me?

13 THE COURT: Mr. LeBlanc?

14 COURT REPORTER: Can you hear me, Judge?

15 THE COURT: I can hear you. What was the last thing  
16 you heard Dr. Faltas say?

17 COURT REPORTER: "But in this case not only did the  
18 city."

19 THE COURT: And that was it?

20 COURT REPORTER: Yes, sir.

21 THE COURT: Dr. Faltas?

22 DR. FALTAS: Yes. May I resume now?

23 THE COURT: Yes. Go ahead.

24 DR. FALTAS: Thank you. So when I say this case, I  
25 don't mean this PCR case. I mean the simple assault case

1 underlying this PCR. Is this shorthand acceptable? Do  
2 all understand what I mean when I say this case?

3 THE COURT: You're talking about the simple assault  
4 case.

5 DR. FALTAS: Yes, sir.

6 THE COURT: Okay.

7 DR. FALTAS: So in this case I was not given  
8 discovery.

9 THE COURT: All right. Well, let me ask you this,  
10 Dr. Faltas.

11 DR. FALTAS: Yes, sir.

12 THE COURT: You're going into issues of not being  
13 given discovery. I want you to stay focused on why  
14 you want Mr. Griffith removed.

15 DR. FALTAS: Because he did not include this very  
16 important transcript which shows that, so I am listing  
17 the transcripts that are missing from the record.

18 THE COURT: All right. And you talked about the  
19 November 17, 2009 transcript.

20 DR. FALTAS: Yes, sir.

21 THE COURT: All right. What's the next one?

22 DR. FALTAS: The next ones would be January 11, the  
23 Fourth Circuit, Judge Cooper.

24 THE COURT: January 11th of what year?

25 DR. FALTAS: I'm sorry. I'm sorry. I thank the

1 Court for reminding me of that. 2010.

2 THE COURT: Okay.

3 DR. FALTAS: Before Circuit Judge Cooper who was  
4 then the chief administrative, the Chief Judge for  
5 administrative purposes for General Sessions and that was  
6 one where Heather Weiss claimed that she has all the  
7 discovery for me. How is that relevant? Because Heather  
8 Weiss was trying to frame me for two counts of harassment  
9 in the first degree. One of them was pretended by my  
10 false, same false accuser in this case Dinah Gale Steele.  
11 The discovery I received was not, did not include the  
12 statement by my false accuser.

13 THE COURT: The victim impact statement?

14 DR. FALTAS: Yes, sir, which admitted that she had  
15 no physical effect and did not need medical attention and  
16 did not seek medical attention. I am sorry. Before that  
17 there is a transcript of 7 January 2010 which was before  
18 then Circuit Judge James who is now an Associate Justice  
19 of the Supreme Court, it was to reconsider the conditions  
20 of the bond.

21 THE COURT: And that was referenced, or that was  
22 brought up to Judge Solomon during your trial on the  
23 simple assault charge back on April 25th of 2013.

24 DR. FALTAS: I am saying that transcript does not  
25 exist in this PCR case and the record needs to be

1 completed with this transcript. The importance of this  
2 transcript is that for the first time Heather Weiss  
3 announced that Dinah Gail Steele, my false accuser, was  
4 having some difficulties or had to see a doctor. I  
5 believe that when you put things together including the  
6 fact that the victim impact statement was not given to me  
7 in discovery anywhere and that Heather Weiss knew that  
8 she sent --

9 MS. KLEIN: Your Honor, again, I have to object.  
10 This information is primarily Dr. Faltas airing her  
11 grievances and it's not specifically relevant to  
12 Mr. Griffith's representation.

13 DR. FALTAS: It is relevant to Mr. Griffith to  
14 complete the record.

15 THE COURT: All right. So you have asserted that he  
16 didn't complete the PCR record by including these  
17 transcripts, correct?

18 DR. FALTAS: These and many others, sir, and so this  
19 has to - and then there is also -- I'm sorry. I need to  
20 go back. There is the transcript of 2 December 2009 bond  
21 hearing before then Columbia Municipal Judge Jim Burns.  
22 That was recorded by audio by the city and I made the  
23 transcript from that audio and I told Mr. Griffith  
24 several times if the transcript I made from the audio is  
25 not acceptable, to please get a finding order from you so

1 that another court reporter can make a transcript from  
2 that audio. The crucial part in that transcript are two  
3 things. My false accuser lied provably because she said  
4 that I was harassing people by preventing them from going  
5 to work. That person was proved to have been unemployed  
6 during that period.

7 The second thing is that Heather Weiss in her own  
8 words, in her own voice said that she advised the city to  
9 not bring a simple assault case, this case, to trial  
10 because basically she said because it was underlying or  
11 under something the harassment charges meaning that she  
12 was afraid that if I got acquitted of the assault, then  
13 the harassment case pretended by Dinah Gale Steele would  
14 crumble. So this is prosecutorial misconduct and this  
15 transcript is probative of it.

16 The previous transcript -- And I'm sorry I keep  
17 going back -- would be the two transcripts of 1 December  
18 2009 when I stood before Judge Lee and told her there is  
19 a conspiracy to get me arrested for the defendants in the  
20 civil case, to get unfair advantage in the civil  
21 litigation.

22 MS. KLEIN: Your Honor, objection. This is all  
23 hearsay, it's all speculative. This has nothing to do  
24 with her motion to relieve Mr. Griffith as counsel.

25 DR. FALTAS: It cannot be hearsay, ma'am, if there

1 is court transcripts of it. And all I'm --

2 THE COURT: Hold on, Dr. Faltas. Hold on, Dr.  
3 Faltas.

4 DR. FALTAS: Yes, sir.

5 THE COURT: I want you -- You've told me that  
6 Mr. Griffith did not include transcripts in this PCR  
7 action that's currently before me, several different  
8 transcripts. What else or what other reasons do you have  
9 for him not, or whatever reason you have to have him  
10 relieved?

11 DR. FALTAS: That shameful thing that he recently  
12 filed in this case, it doesn't apply to this case at all  
13 and it keeps pushing me backward. Even in it, I told,  
14 and previously I told him to please denominate me in the  
15 caption as applicant not as plaintiff because I have  
16 taken the position and I insist on it that PCR cases are  
17 not civil cases but are hybrid cases. He doesn't --  
18 There is nothing wrong with - with - with, uh - with  
19 calling me the applicant. This is what I am in PCR  
20 parlance, but he still calls me plaintiff and that  
21 document which he filed in this case, in the PCR case  
22 ending in 112 should be struck because it doesn't apply  
23 to this case at all. So he takes positions contrary to  
24 my interests.

25 THE COURT: Okay. All right. What else?

1 DR. FALTAS: And he has not once, not once let me  
2 tell him the facts from person to person. He keeps  
3 sending me emails and doesn't read the response to it, my  
4 responses to them. He has not subpoenaed five essential  
5 people today for the after discovered part of this PCR  
6 case, the after discovered evidence part of it.

7 THE COURT: And who are those people?

8 DR. FALTAS: Yes, sir. Dinah Gale Steele, Larry  
9 Will Mason, Charles Randolph White, Charlene Crouch who  
10 also now uses the name Charlene Boyd, and Theresa Felicia  
11 Ingram Jackson sometimes known as Nikki Ingram, sometimes  
12 known as Theresa Ingram and she has several other names.  
13 I provided him with the names and addresses from previous  
14 subpoenas to them. He has not subpoenaed them. I also  
15 asked him to subpoena Orin Briggs who represented me in  
16 the underlying case in the motion for rehearing, he did  
17 not subpoena him even though I explained to him that.  
18 And even though, even though there is a recent,  
19 relatively recent Federal habeas opinion from Federal  
20 Judge Gergel that says that the representation and the  
21 right to effective appellate representation extends to  
22 the rehearing - the rehearing part of an appeal in  
23 criminal cases.

24 THE COURT: All right. Next allegation against  
25 Mr. Griffith.

1 DR. FALTAS: He has been lying to me.

2 THE COURT: Okay.

3 DR. FALTAS: He has been lying to me. For example,  
4 he said, and I have the emails, he said that he attached  
5 the orders to the other, to the reply to the motion to  
6 dismiss in the other cases. You can see that there are  
7 no exhibits to the...

8 THE COURT: All right. So he allegedly lied to you.  
9 What else?

10 DR. FALTAS: In his submissions his grammar and  
11 syntax --

12 THE COURT: All right. You've already told me about  
13 - you've already told me about the Grammar. What else?

14 DR. FALTAS: -- and syntax are embarrassing and do  
15 not clarify the issues. He does not understand or  
16 respect the duty to create a record and to, I don't want  
17 to say compel, but to do everything to extract from all  
18 levels of state court rulings on PCR issues so that they  
19 can be reserved for Federal habeas purposes. He  
20 withholds issues because he is afraid that the Court will  
21 get upset with him or that the Attorney General will get.  
22 Frankly, he's been talking to the Attorney General more  
23 than he has been talking to me and he's been conceding to  
24 the Attorney General's wishes, not mine. Basically he's  
25 working for the Attorney General in effect, not for me.

1           Also, he does not keep me informed. I understand  
2           the Court does not want me to email things to the Court.  
3           Even though I object to that I understand it. But  
4           whenever the Court sends Mr. Griffith an email, there is  
5           nothing that says he cannot forward it to me so I can  
6           look at it in its entirety. He has consistently refused  
7           to do that so he does not keep me informed and he has  
8           categorically, categorically refused to share with me any  
9           email he receives from the Attorney General in my cases.

10           THE COURT: All right. Let me hear from you,  
11           Mr. Griffith.

12           MR. GRIFFITH: Your Honor, I do communicate with  
13           her. I have 669 emails passed back and forth between her  
14           and I and the Court. Your Honor, I don't pass emails to  
15           her right from the Attorney General because she sometimes  
16           has been asked by the Court not to communicate and I  
17           don't want to contribute to any kind of a problem so I do  
18           send her excerpts of communications with the Attorney  
19           General and, of course, I send her copies of filing.

20           But, Your Honor, I think that I don't think that  
21           I should be relieved. I believe that she needs  
22           representation. Dr. Faltas is very intelligent, very  
23           capable, very knowledgeable in the situation, however, in  
24           her zeal I'll say towards some of the cases she tends to  
25           not make it as easy to move the case forward. By not

1 making it easy I mean she may - I think that it's in her  
2 best interest to have an attorney to put forth some of  
3 these things in following all our rules.

4 In her communications about people I subpoenaed or  
5 didn't subpoena, she sent me lists of 25 or so people to  
6 subpoena. I went through every one of them. I asked her  
7 specifically on each one tell me exactly what this person  
8 is gonna contribute to our case so that I will know what  
9 to question them and oftentimes it just wasn't relevant  
10 to the case and to her PCR. It may be relevant in an  
11 appeal type thing or something like that, but so I didn't  
12 subpoena every single one of those people. But in the  
13 meantime I do think she needs representation. I'm not  
14 against representing her and I believe that she and I  
15 have talked very pleasantly over the phone at times and I  
16 think that we all in all get along. In fact, at one time  
17 she had another case going she said she was gonna ask  
18 that I get the case because better the devil you know.

19 But, Your Honor, I would ask that her motion to  
20 relieve me be denied but, of course, that's up to the  
21 Court.

22 THE COURT: All right. Well, based upon what I have  
23 heard here today and pursuant to the Supreme Court order  
24 dated September 20th of 2019 which prohibits Dr. Faltas  
25 from representing herself, this Court is bound by the

1 ruling of the Supreme Court. I am respectfully denying  
2 Dr. Faltas' motion to relieve Mr. Griffith as her  
3 attorney. That will certainly be an issue that she can  
4 appeal if she so desires and she can do that if and when  
5 it's necessary. .

6 Now, having made the ruling upon that, I would ask  
7 the State at this time to call the case.

8 MS. KLEIN: Your Honor, if I may, I believe that  
9 there has been a motion to quash that has been filed by  
10 counsel Kirkland on behalf of Heather Weiss who was  
11 subpoenaed to testify and with your permission, Your  
12 Honor, I believe that it would be appropriate to have  
13 that motion argued first just before we get to the merits  
14 of the case. I believe you should have received a copy  
15 of that to your chambers.

16 THE COURT: Hold on just a second. Well, I have  
17 reviewed your motion to quash as well as Mr. Griffith's  
18 reply that I received this morning. I read it before I  
19 took the bench this morning. Let me hear from you on  
20 your motion.

21 MS. KIRKLAND: Thank you, Your Honor. Can you hear  
22 me okay?

23 THE COURT: Yes.

24 MS. KIRKLAND: So, uhm--

25 THE COURT: I'm sorry. Tell me your name for the

1 record.

2 MS. KIRKLAND: I'm sorry.

3 THE COURT: Just tell me your name for the record.  
4 I see your name but I want it clear on the record please,  
5 ma'am.

6 MS. KIRKLAND: Yes, sir. My name is Harley Kirkland  
7 and I represent Heather Weiss in this motion to quash.  
8 Essentially we've got kind of two related grounds for  
9 quashing the subpoena. First is the allegations against,  
10 the allegations that concern Ms. Weiss are subject to  
11 dismissal. They're allegations 42 and 43, and I believe  
12 the State has moved to dismiss those in their return.  
13 And then kind of tied into that, Ms. Weiss didn't  
14 prosecute this case so I don't believe that she would  
15 have any really relevant testimony to give here so the  
16 case that's before the court, the lower court case was a  
17 simple assault and my client was involved in two  
18 harassment charges, but not in the simple assault so she  
19 had nothing to do with charging or prosecuting this case  
20 and therefore we would ask the Court to quash the  
21 subpoena.

22 And furthermore, should this hearing continue past  
23 today or into another term of court, we would ask for a  
24 protective order that she not be subpoenaed again in the  
25 future.

1 THE COURT: All right. Let me hear from you,  
2 Mr. Griffith.

3 MR. GRIFFITH: Your Honor, if it please the Court.  
4 I understand Ms. Weiss desired to be left out in this  
5 case as her attorney pointed out. She did not prosecute  
6 for this underlying case, however, she did for others in  
7 which some of the allegations brought forth in this case  
8 were also brought out in that case and so in this case  
9 Ms. Weiss, I just want to ask her a couple of simple  
10 questions. My questioning won't last more than ten  
11 minutes I don't believe, but Dr. Faltas has in her PCR  
12 application accused her of prosecutorial misconduct.

13 The State through the Attorney General's Office has  
14 declined to call her as a witness and to answer those  
15 allegations other than to ask that they be dismissed.  
16 They have not been dismissed. Since they have not been  
17 dismissed, then we are entitled to argue those  
18 allegations in this PCR case. If the State does not wish  
19 to answer those allegations, then we are happy to accept  
20 that the Court would take Dr. Faltas' word and with no  
21 rebuttal because, of course, her being the only witness,  
22 then there would be no answer. But we would give the  
23 State an opportunity for Ms. Weiss to answer those  
24 allegations and I don't believe it would take very long.  
25 In fact, I have informed the Court that I would plan to,

1 and in my reply, that I would plan to call those persons  
2 first so that they can go on with their work and just get  
3 them out of the way before we move on to others that  
4 would be called.

5 THE COURT: Well, let me ask you this, Ms. Kirkland.  
6 Or excuse me, Mr. Griffith. The allegations that Dr.  
7 Faltas, that you have asserted, or Dr. Faltas has  
8 asserted in this PCR, those issues of, as it relates to  
9 Ms. Weiss were brought up in her trial before Judge  
10 Solomon on April 25, 2013, more specifically on pages 76,  
11 excuse me, 74, 75, and 76, so those issues were certainly  
12 before Judge Solomon at that time. Were the issues of  
13 alleged prosecutorial misconduct appealed pursuant to her  
14 conviction on this simple assault?

15 MR. GRIFFITH: Dr. Faltas has appealed the simple  
16 assault. Those allegations I believe were brought up as  
17 well, but in the meantime in this PCR we have alleged  
18 prosecutorial misconduct and it's quite a simple question  
19 really. I think we can clear it up if Ms. Weiss would  
20 testify. And this case I do believe that it is in the  
21 best interest of finding of the fact to have this  
22 heard.

23 THE COURT: Ms. Klein, do you have anything to add?

24 MS. KLEIN: Yes, Your Honor. The allegations that  
25 do reference Ms. Weiss, the State not only moved to

1 dismiss them, but those allegations are also included in  
2 the State's motion to strike those supplemented  
3 allegations in their entirety. We would assert that it  
4 is not related to the underlying conviction of the simple  
5 assault which is the subject of this PCR and it would be  
6 unnecessary to elicit testimony from a witness who is not  
7 directly involved in that case.

8 THE COURT: Well, let me ask you this, Ms. Klein. I  
9 mean, it appears in my review of everything in this  
10 simple assault, when you go back to I guess the settings  
11 somewhat of these trials by Judge Solomon back in March  
12 of 2013, it's apparent that all of these cases in some  
13 way, shape or form are intertwined and while Ms. Weiss  
14 didn't directly prosecute this particular case, if there  
15 is documentation or evidence as it relates to, say, the  
16 harassment charge and which has been asserted here as a,  
17 that a victim impact statement, for instance, was not  
18 provided in discovery, a victim impact statement from Ms.  
19 Steele that in some way is interrelated with the simple  
20 assault and that was not provided to Mr. Fernandez who  
21 actually prosecuted this case, how would that, if at all,  
22 I guess play into the whole scenario? Does that make  
23 sense?

24 MS. KLEIN: Your Honor, I don't know it makes sense.  
25 I agree that there are several cases around this time

1 period that are somewhat related because the same  
2 defendant was the individual involved in all of those  
3 cases, but with regards to the allegations for post  
4 conviction relief, the underlying charge is the simple  
5 assault charge and Ms. Weiss was not involved directly in  
6 that case.

7 Now, if there is any ancillary component, that is  
8 more properly addressed through talking to Mr. Lupton  
9 about his representation of Dr. Faltas for that offense.  
10 Getting testimony from Ms. Weiss I don't believe would be  
11 relevant. I don't believe it would be necessary. I  
12 think that there are questions that would be more  
13 appropriate for Mr. Lupton, but I would also refer to Ms.  
14 Kirkland if she wants to elaborate on the time frame of  
15 how Ms. Weiss was involved or not involved in these cases  
16 as well to support the contention that she should not be  
17 required to testify.

18 THE COURT: All right. Ms. Kirkland.

19 MS. KIRKLAND: Thank you, Your Honor. So I believe  
20 that the simple assault charge came first and then the  
21 harassment charges followed and those charges as far as  
22 Ms. Weiss was concerned were resolved I think in 2010 and  
23 so really I think that that should have been the end of  
24 her involvement in this. Like everybody else has said,  
25 she didn't prosecute this case so I'm just struggling to

1 see how prosecutorial misconduct against someone who  
2 wasn't her prosecutor would be relevant here today.

3 THE COURT: Hold on just a minute. Go ahead, Mr.  
4 Griffith.

5 MR. GRIFFITH: If it please the Court. Your Honor,  
6 this document has to do, and we will, of course, get into  
7 that, but with the initial assault which the victim  
8 claimed caused her to have ongoing emotional distress and  
9 problems in the future and what Dr. Faltas was trying to  
10 ascertain and receive was a copy of statements whether  
11 they existed or not. I don't know that. That's why  
12 I want to ask Ms. Weiss if those documents actually  
13 existed. If they existed, then they would have had an  
14 impact on this case, Your Honor, and underlying cases, so  
15 would have also affected the other cases and so the  
16 simple question is, did documents exist, were they  
17 withheld from Dr. Faltas.

18 THE COURT: Well, this is what I'm gonna do, okay?  
19 I'm gonna reserve ruling on the motion to quash  
20 at this point. I'm going to hear testimony from Dr.  
21 Faltas, Mr. Fernandez, Mr. Lupton and then I'll make a  
22 determination as to whether or not I think any input or  
23 testimony from Ms. Weiss is pertinent or relevant to what  
24 we have here before us, okay?

25 MR. GRIFFITH: Thank you, Your Honor.

1 MS. KIRKLAND: Thank you, Your Honor.

2 THE COURT: All right. Having said that, now, Ms.  
3 Klein, will you call the case please, ma'am.

4 MS. KLEIN: Yes, Your Honor. Your Honor, would you  
5 like me to do a full procedural history or a truncated  
6 version?

7 THE COURT: I do so the record's clear please,  
8 ma'am.

9 MS. KLEIN: Certainly. Thank you, Your Honor. May  
10 it please the Court. This is the matter of Marie Assa'ad  
11 Faltas versus the State of South Carolina. Docket number  
12 2019-CP-40-0112. Dr. Faltas was charged with simple  
13 assault by the City of Columbia via warrant number  
14 L066971 in September of 2009. She was represented by  
15 Theodore Lupton and proceeded to a bench trial before the  
16 Honorable Carl Solomon on April 25th of 2013. She was  
17 eventually convicted and sentenced by Judge Solomon to a  
18 period of confinement of 20 days for the simple assault.

19 She filed a notice of appeal in the Circuit Court  
20 and a hearing regarding that matter was held before Judge  
21 Alison Lee on December 13th of 2013. She appeared pro se  
22 after having her appellate counsel relieved and on April  
23 17th of 2015 the Circuit Court affirmed her conviction by  
24 written order.

25 Applicant had additionally at that point filed a

1 motion for a new trial based on after discovered evidence  
2 on December 23rd of 2013. The Honorable Jocelyn Newman  
3 denied applicant's motion for a new trial by written  
4 order which was filed January 4th of 2018 and the case  
5 was remanded to the City of Columbia Municipal Court  
6 where Magistrate Judge Phillip Newsom heard the matter at  
7 a hearing on February 4th of 2019 where he orally denied  
8 the pending motion. Applicant submitted a motion to  
9 reconsider and Judge Newsom additionally denied that  
10 motion by written order on February 27th of 2019.

11 Following the direct appeal of the simple assault  
12 charge, applicant filed an appeal to the South Carolina  
13 Supreme Court wherein she was represented by John Strom,  
14 Esquire. Following the submissions of briefs, the South  
15 Carolina Supreme Court affirmed the conviction. She then  
16 filed a petition for writ of certiorari to the United  
17 States Supreme Court which was denied on October 1st of  
18 2018. Applicant then filed a petition for rehearing to  
19 the Supreme Court which was denied on January 7th of  
20 2019.

21 While her appeal was pending in the United States  
22 Supreme Court, applicant filed her first application for  
23 post conviction relief which was then titled  
24 2018-CP-40-1798. Respondent filed a return and moved to  
25 dismiss the application due to the pendency of the direct

1 appeal. Following the conclusion of the direct appeal,  
2 applicant refiled and resubmitted the same PCR. There  
3 were several various -- With regards to the first PCR,  
4 there were several pending appeals and motions that were  
5 ultimately denied by Judge Sprouse due to the fact that  
6 her first PCR was dismissed without prejudice due to the  
7 pendency of the appeal. The remittitur from all of those  
8 appellate actions was issued November 20th of 2019. This  
9 application was then filed and the State has since  
10 submitted a original return, amended return and second  
11 amended return with regards to various supplemental  
12 allegations that have been filed by counsel and, Your  
13 Honor, at this time the State would renew its motion to  
14 strike supplemented allegations 31 through 45 as  
15 impermissible hybrid representation under Rule 11 and  
16 would additionally move to renew all of its partial  
17 motions and motions to dismiss various allegations that  
18 have been listed as part of this action.

19 I would be happy to number those for you if you  
20 would like, but other than that the State is ready to  
21 proceed.

22 THE COURT: Go ahead and number those motions.

23 MS. KLEIN: Your Honor, to my knowledge the State  
24 has moved to dismiss allegations number 1 through 8, 10  
25 through 14. We have additionally moved to dismiss

1 allegation 30, allegations 34, 35, and 38 through 45.

2 THE COURT: All right. Anything else at this time?

3 MS. KLEIN: No, Your Honor.

4 THE COURT: All right. Mr. Griffith.

5 MR. GRIFFITH: Please the Court. Your Honor, Dr.  
6 Faltas submitted her applications some time back. At  
7 that time she was permitted to represent herself. The  
8 allegations that she submitted, 1 through 8, 10 through  
9 14, 30, 34, 35, et cetera, were all included in that  
10 application. She also herself submitted an application  
11 which included the other following one, the 38 through  
12 45. I looked at those and also submitted it, Your Honor.  
13 It's not a hybrid. I looked at them and, in fact, I  
14 thought, well, you know, she had decided that this is  
15 what she wanted to submit. I as her attorney am obliged  
16 to do what she would like to do.

17 I did change the wording on some of them and she  
18 yelled at me for it, but we got past that and, in fact,  
19 so after I had submitted them, the State wanted to, of  
20 course, say they didn't have to do those because they had  
21 not replied to them, but we would say that, Your Honor,  
22 those were submitted as an amended complaint in PCR. An  
23 amended complaint in PCR is the complaint and so the  
24 Court is obligated, that is the State is obligated to  
25 answer that complaint and to be held accountable for

1 those allegations and if they can't give answer to those  
2 allegations, then they should be, a PCR should be granted  
3 on those allegations.

4 THE COURT: All right. Well, based upon prior  
5 rulings of the Supreme Court, and I'm paraphrasing here,  
6 not specifically setting out the language, I know that  
7 the Supreme Court in a previous order indicated that any  
8 filings would have to go through an attorney, go through  
9 an attorney and while Dr. Faltas initially submitted  
10 those, I do recognize here that on or about August 24,  
11 2021 they were subsequently resubmitted by Mr. Griffith  
12 on her behalf or at least that's what it appears to me  
13 and so at this time I'm gonna respectfully deny the  
14 State's motion to dismiss those allegations and I am  
15 prepared to at this time proceed with testimony, all  
16 right? Mr. Griffith.

17 MR. GRIFFITH: If it please the Court, Your Honor, I  
18 would call, if the Court would allow, I would call Dr.  
19 Marie Faltas.

20 THE COURT: All right. Dr. Faltas, can you hear me?

21 DR. FALTAS: Yes, sir. Can you hear me?

22 THE COURT: I can hear you. Let me remind everyone  
23 involved here that the Chief Justice has previously  
24 issued an order concerning the recording of these  
25 proceedings and no one, no one other than the Court or

1 the court reporter is permitted to record any of these  
2 proceedings. If there is a violation of such, there will  
3 be penalties which could be contempt which could be fine  
4 and/or incarceration, so I would advise all parties that  
5 no one other than the Court and the court reporter is to  
6 be recording any of these proceedings. Any questions  
7 about that?

8 DR. FALTAS: Yes, sir. May I ask a question?

9 THE COURT: Yes, ma'am.

10 DR. FALTAS: Thank you. I have never actively  
11 recorded anything from the Webex, but sometimes when I am  
12 silently observing other cases, I see something on the  
13 panel that says recording in progress.

14 THE COURT: Well, I am recording and the judges are  
15 supposed to and required to record the proceedings and  
16 I'm recording the proceedings and that's what you may  
17 see. So I'm just telling you that no one -- I can't  
18 speak for what may be going on in other Webex hearings,  
19 I'm speaking as to what is expected and required in my  
20 hearing and that is pursuant to a prior order of the  
21 Chief Justice concerning other parties other than a Judge  
22 or court reporter recording the proceedings, okay?

23 DR. FALTAS: So because I have been falsely accused  
24 too many times, I don't want the red light if and when it  
25 comes up to be misused to pretend that I'm recording.

1 I'm not recording and I never recorded from Webex.

2 THE COURT: Okay.

3 DR. FALTAS: So, the other thing is, I want  
4 transactional immunity because I think that anything I  
5 say will be twisted and try to set me up for contempt of  
6 court. If I try to be audible, someone is going to lie  
7 and say that I yelled. There is no end to the false  
8 accusations that have been made against me and so I would  
9 like transactional immunity.

10 Second, before I even testify, I want leave to take  
11 interlocutory appeal from the denial of my motion to  
12 represent myself.

13 Third, I affirm and do not, I do not swear. I  
14 affirm for religious reasons and affirmation would be to  
15 tell the whole truth and I take that very seriously. So  
16 there are factual misstatements that Ms. Klein made and  
17 if I'm going to affirm to tell the whole truth, I need  
18 leave to correct those without being held in contempt of  
19 court. So I need transactional immunity for my testimony  
20 and if I'm not given that, there is no reason for me to  
21 testify because I'm also objecting to this case  
22 proceeding by counsel.

23 THE COURT: Mr. Griffith.

24 MR. GRIFFITH: Your Honor, we're ready to proceed.

25 THE COURT: Ms. Klein.

1 MS. KLEIN: Yes, Your Honor. We can go ahead and  
2 proceed.

3 MR. GRIFFITH: Dr. Faltas, Dr. Marie Assa'ad Faltas,  
4 please state your name and maybe spell it.

5 THE COURT: Hold on a minute, Mr. Griffith. All  
6 right. The Supreme Court has already ruled and issued an  
7 order concerning Dr. Faltas' right to proceed pro se.  
8 I've referenced that pursuant to a September 20th, 2019  
9 order of the Supreme Court. The State is ready to  
10 proceed, applicant's counsel is ready to proceed and,  
11 therefore, we are going to proceed at this time.

12 Dr. Faltas, do you affirm to tell the truth, the  
13 whole truth and nothing but the truth?

14 DR. FALTAS: Sir, I would like before that to assert  
15 my right to object to that ruling and there are too many  
16 cases that says, for example, if a motion to suppress is  
17 denied, you still need to object again when the evidence  
18 is being introduced, so I am objecting again to being  
19 forced to testify under examination by counsel who is  
20 forced on me.

21 No one else in the entire state is required to have  
22 PCR counsel if they do not want it and I would like leave  
23 to interlocutory appeal your recent decision because  
24 under the logic of the State Supreme Court itself in  
25 other cases, it says that the party who has a claim needs

1 to renew it at the most recent opportunity because the  
2 Judge may change his mind. I need to appeal that  
3 interlocutory because the State Supreme Court may change  
4 its mind especially after the evidence I compiled that  
5 shows shameful, shameful, blatant discrimination based on  
6 my national origin.

7 A thousand lawyers have been publicly reprimanded,  
8 suspended, disbarred or debarred and not one of them, not  
9 one of them has lost the right to speak for him or  
10 herself. Not one of them. Also, there are murderers,  
11 rapists, in fact, there is a case of one rapist who raped  
12 the victim three times to where she needed surgery and he  
13 still is allowed to prosecute his PCR pro se. I cannot  
14 as a matter of conscious cooperate with a system so  
15 discriminatory.

16 THE COURT: Hold on just a second. I want to look  
17 at something. Ms. Klein, let me ask you this: I was  
18 looking back through these prior orders issued by the  
19 Supreme Court pertaining to her filings. Is there  
20 anything in any of those prior orders pertaining to her  
21 filing of appeals?

22 MS. KLEIN: Your Honor, are you asking if she's  
23 prohibited from filing appeals?

24 THE COURT: Yeah. Pro se.

25 MS. KLEIN: To my knowledge I believe that the

1 orders from the Supreme Court apply to all courts in this  
2 state and I do know that the 2019 order specifically like  
3 does include PCR as an action.

4 THE COURT: Right.

5 MS. KLEIN: So to my knowledge it is pretty much at  
6 every level that she is required to have counsel. I  
7 apologize that I am not able to point to one more  
8 specifically which would articulate that but that is my  
9 understanding.

10 THE COURT: That's what --

11 DR. FALTAS: That's not correct.

12 THE COURT: That's what I was looking at.

13 DR. FALTAS: That's not -- Judge, that's not  
14 correct. Under the latest alteration I am allowed to  
15 file an initial appeal pro se and then either seek  
16 appointment of counsel or something. And, in fact,  
17 that's what's going on with the other three cases that  
18 you got assigned to yourself. The three cases,  
19 2019-CP-40-02217, 2218 and 2219 are now before the State  
20 Supreme Court on my pro se appeal.

21 So it's not correct. I am allowed to file an  
22 initial appeal pro se. What happens after that depends  
23 frankly on the Supreme Court's latest whim that they  
24 have. I have absolutely, absolutely no confidence and no  
25 admiration of the whimsical nature to put it charitably

1 in which - and baseless, baseless, totally baseless, the  
2 way in which the State Supreme Court discriminated  
3 against me.

4 So I would like this to be the point where they have  
5 to say yes, we have all those horrible lawyers and all  
6 the horrible criminals that we let appeal, proceed pro se  
7 but, Dr. Faltas, because she is a Coptic Orthodox  
8 Christian and is not a citizen and cannot vote for the  
9 state representatives who elect us, we're going to treat  
10 her differently. I want them on the record. You know, I  
11 --

12 THE COURT: Dr. Faltas, I think the record has been  
13 clear or at least the orders previously issued by the  
14 Supreme Court have been clear as to why they have  
15 restricted you from representing yourself pro se.

16 DR. FALTAS: They have been lying. They have been  
17 lying. I never stood in - in - in oral argument and said  
18 how the case should be and once more, there is a video of  
19 that that shows not, my not having stood up or anything  
20 and they are lying. And - and - and then they are saying  
21 that the five frivolous things. If they were frivolous,  
22 how come did I win? Are all the judges before whom I won  
23 idiots?

24 In fact, I orally argued pro se before now Chief  
25 Justice Beatty who was then a Court of Appeals Judge and

1 I prevailed unanimously.

2 THE COURT: All right. Listen, Dr. Faltas.

3 DR. FALTAS: But I am allowed to file a pro se  
4 appeal as it stands now so what Ms. Klein represented to  
5 the Court was false.

6 MS. KLEIN: Your Honor, if I may clarify, I do have  
7 a copy of the Supreme Court order that's dated January  
8 30th of 2014 and this order is clarifying the previous  
9 orders of the Court and the first point says that  
10 applicant may not represent herself pro se in any court  
11 of the state. She must be represented by counsel before  
12 any court of this state. And with regards to whether she  
13 can file a pro se appeal, she has to have counsel of  
14 record so it's a bit of logical inaccuracy --

15 DR. FALTAS: No. No.

16 MS. KLEIN: -- to say that she --

17 DR. FALTAS: No. No. The most - the most --

18 MS. KLEIN: -- has the ability to --

19 THE COURT: Go ahead, Ms. Klein. I'm not gonna let  
20 her interrupt you while you're talking.

21 MS. KLEIN: Thank you, Your Honor. So with regards  
22 to what the orders of the Supreme Court and the state  
23 have said, Dr. Faltas is not allowed to represent herself  
24 pro se and that is in any court of the state presumably  
25 also including appellate courts because she is required

1 to have counsel and she is specifically required to have  
2 counsel for post conviction relief hearings. As of the  
3 2019 order it's my understanding that she may not appeal  
4 pro se.

5 THE COURT: Let me ask you this now. She's  
6 certainly entitled to file under those orders a pro se  
7 PCR application. Would you agree with that?

8 MS. KLEIN: Yes, Your Honor. She is allowed to file  
9 a pro se initial application, but then must be  
10 represented by counsel.

11 THE COURT: Well, what would be the difference in  
12 filing a pro se appeal and then having to be represented  
13 by counsel?

14 MS. KLEIN: Well, counsel would have to be - that  
15 would be up to, I guess, the discretion of the Court. My  
16 understanding is that initiating an action is very  
17 different than proceeding in the action full-time, so  
18 there's no right to hybrid representation. When it comes  
19 to the actual litigation of action, she has to have  
20 counsel either retained or appointed in the courts of  
21 this state.

22 THE COURT: Well, and once she filed an appeal, then  
23 the Appellate Court could determine how or if she could  
24 proceed and in what manner she could proceed in that  
25 appeal; is that correct?

1 MS. KLEIN: Yes, Your Honor, but assuming that she  
2 would be appealing from a lower court where she is  
3 already required to have counsel, it would be her counsel  
4 who would file the appeal on her behalf and not her  
5 herself and then it would be the Appellate Courts who  
6 would determine whether, you know, who would require her  
7 to either retain or would appoint counsel for her.

8 And, Your Honor, if I may, at this point it seems  
9 fairly obvious to at least the State that Dr. Faltas is  
10 refusing to have counsel for this hearing, she's refusing  
11 to participate in the hearing or be sworn to testify.  
12 It's the applicant's burden of proof for a post  
13 conviction relief action and at this point it seems that  
14 there's reason for the State to move at least tentatively  
15 for failure to prosecute under Rule 41(B). If she's not  
16 willing to testify, if she's not willing to participate  
17 in the hearing because of these beliefs that she has,  
18 these grievances against the judicial system, it's her  
19 burden to raise these allegations. It's her burden of  
20 proof under post conviction relief and so the State would  
21 move for failure to prosecute.

22 MR. GRIFFITH: Your Honor, I would argue that she is  
23 not saying that she does not wish to participate. She is  
24 saying that she wanted to just make sure that the record  
25 was clear that she objects to being represented by

1 counsel. She would definitely be willing to participate  
2 and I believe that we could move forward with the case,  
3 but she is not failing to prosecute - she's not unwilling  
4 to get up and take the stand, Your Honor. We're prepared  
5 to go forward.

6 THE COURT: All right. I'm gonna stand down for  
7 just a second, okay?

8 (Short break.)

9 THE COURT: All right. We are back on the record  
10 now. Mr. Griffith, are you there?

11 MR. GRIFFITH: I am here, Your Honor.

12 THE COURT: Dr. Faltas, are you there?

13 DR. FALTAS: Yes, sir, and I want to say that if I  
14 get over zealous, don't anyone ever forget that I love  
15 you all, but loving you doesn't mean acquiescing to  
16 wrongdoing.

17 THE COURT: Well, I know you're passionate about  
18 your cases and I understand that. You don't need to  
19 apologize to me. If I think you're getting too loud, you  
20 got a little loud last time, but if I think you're  
21 getting too loud, I'll let you know, okay?

22 DR. FALTAS: Thank you. And I also wanted to say  
23 that if a PCR applicant dies before the hearing, the  
24 hearing can still go forward and the burden of proof can  
25 be met without the applicant's testimony.

1 THE COURT: All right.

2 DR. FALTAS: Additionally, for example, in the case  
3 of Judge Hayes the uncle and Judge Hayes the nephew, they  
4 granted PCR after 15 years or somehow revoked the  
5 conviction after 15 years and many of those people were  
6 already deceased. I think only one previous defendant  
7 was still alive.

8 So, sir, you have in me a very rare person and I  
9 take my very unique talents, not bragging, but with a  
10 sense of responsibility and the first time I appeared  
11 before you, I told you that I feel responsibility towards  
12 all the falsely accused and the falsely incarcerated who  
13 were -- sorry -- who were not given the intellectual  
14 gifts and the gift of strength of character that I have.  
15 So I'm not acting just out of responsibility for myself,  
16 but for all the others that I know to be falsely  
17 incarcerated.

18 THE COURT: Well, this is what I'm gonna do, okay?  
19 I'm gonna let you file your interlocutory appeal on this.  
20 I'm hesitant to but by the same - because all of the  
21 parties are here, all of the parties are ready to go  
22 forward, but I don't think based upon my review of these  
23 orders that you are prohibited from filing an appeal.  
24 However, and therefore I'm gonna let you do it.

25 Now, what the Appellate Court decides on that issue,

1 I'll let them decide from there and this issue will be  
2 resolved by allowing you to do that. I'm not sure how  
3 long it may take them to make a ruling on it. I will ask  
4 for another PCR term in this circuit the end of this year  
5 and we'll see what happens.

6 DR. FALTAS: Sir, thank you. May I just ask you as  
7 a housekeeping matter, you're gracious allowing me to  
8 appear by Webex tomorrow is for the two cases, the Austin  
9 Woods case and the magistrate's appeal case?

10 THE COURT: Yes.

11 DR. FALTAS: Okay. And just as a courtesy because I  
12 told you I'm a loving person, may I tell the Austin Woods  
13 people first they cannot prosecute or represent the  
14 corporation not being lawyers in Circuit Court anyway,  
15 but may I tell them that if they want to, they can appear  
16 by Webex as well?

17 THE COURT: Well, let me say this: My law clerk  
18 received an email from them yesterday about asking for a  
19 continuance. I'm telling my -- Because they need to get  
20 representation. I've told my law clerk to respond to  
21 them that they need to appear tomorrow via Webex to  
22 address that issue because both of you are entitled to be  
23 heard on it.

24 DR. FALTAS: Well, I thank you. So both of us can  
25 be there on Webex tomorrow, right?

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S.C. SUPREME COURT

1 THE COURT: Yes.

2 DR. FALTAS: God willing. And then also on the  
3 other case that Mr. - that Mr. - Mr. Dan Addison is  
4 forced on me on that case. I - I -- There is the motion  
5 to relieve him as well and I think if you granted that,  
6 that would be great. I could go forward. If you deny  
7 it, I will ask for the same leave to interlocutorally  
8 appeal, that I'm not allowed to prosecute my appeals pro  
9 se.

10 THE COURT: All right. Very well. We'll take that  
11 up tomorrow morning.

12 DR. FALTAS: At what time?

13 THE COURT: 9:30.

14 DR. FALTAS: Thank you very much, sir.

15 THE COURT: All right. That will conclude this  
16 matter for today.

17 MR. GRIFFITH: Thank you, Your Honor.

18 THE COURT: Ms. Klein, anything else? I can't hear  
19 you.

20 DR. FALTAS: I can't hear her. I can't hear her.

21 MS. KLEIN: Sorry. Can you hear me now, Your Honor?

22 THE COURT: Yes, ma'am. I think I unmuted you and  
23 then you inadvertently maybe muted yourself thinking you  
24 were unmuted.

25 MS. KLEIN: I apologize.

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THE COURT: That's okay.

MS. KLEIN: I just want to, I guess, get clarification. So with regards to your granting the interlocutory appeal, is that specifically just with regards to Dr. Faltas' issues of her pro se representation?

THE COURT: Yeah. I guess in my failure to relieve Mr. Griffith.

MS. KLEIN: Okay.

THE COURT: Yes.

MS. KLEIN: Thank you for clarifying.

THE COURT: All right. All right. That will conclude this matter for today.

MR. GRIFFITH: Thank you, Your Honor.

THE COURT: Thank you.

WHEREUPON, THE HEARING WAS CONCLUDED.

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CERTIFICATE OF REPORTER

(STATE OF SOUTH CAROLINA)

(COUNTY OF LEXINGTON )

I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R., and Official Circuit Court Reporter for the Eleventh Judicial Circuit in and for the State of South Carolina, do hereby certify that I reported the proceedings in the before captioned case in the Court of Common Pleas in and for the State of South Carolina on the 27th day of January, 2022.

I FURTHER CERTIFY that the forgoing 45 pages constitute a true and accurate record of said proceedings.

I FURTHER CERTIFY that I am neither related, counsel to, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand at Lexington County, this 24th day of February, 2022.

By:s/Steven E. LeBlanc

Steven E. LeBlanc, Sr., R.P.R.  
Eleventh Circuit Court Reporter  
State of South Carolina.

Steven E. LeBlanc, R.P.R., Circuit Court Reporter  
P.O. Box 184, Lexington, South Carolina 29071