

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
 COUNTY OF RICHLAND) TRANSCRIPT OF RECORD

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 MARIE ASSA'AD FALTAS, MD,
 MPH,

Plaintiff,

vs.

Case No. 2009-CP-40-04483

CITY OF COLUMBIA,

Defendant.

-----x
 CITY OF COLUMBIA,

Plaintiff,

vs.

Case No. 2009-CP-40-04483

2009-CP-40-08013

2010-CP-40-07063

2010-CP-40-08650

2011-CP-40-02111

2011-CP-40-03547

MARIE ASSA'AD FALTAS, MD,
 MPH,

Defendant.

-----x

August 21, 2017

B E F O R E:

The Honorable Clifton Newman, Presiding Judge

A P P E A R A N C E S:

Jess Mangum, Esq.

Teckla Henderson, Esq.

Attorney for the Defendnat (2009-CP-40-04483)

Attorney for the Plaintiff (all other cases)

Marie Assa'ad Faltas, M.D.

Pro Se Plaintiff (2009-CP-40-04483)

Pro Se Defendant (all other cases)

Recorded by: Bonnie Kelly (retired)

Transcribed by: Bobbi Fisher

SC Official Court Reporter III

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I N D E X

WITNESS/DESCRIPTION

PAGE

Proceedings

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E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--) Indicates an interruption in speech

Ellipses (...) Indicates trailing off in speech

(ph) Indicates phonetic word

[Verbatim] Indicates the word is said as written

(Indiscernible) [Transcription] Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

(Whereupon, the proceedings commenced as follows:)

THE COURT: All right. Good morning.

COURT REPORTER: Your Honor, I'm going to need counsel to introduce themselves.

MS. MANGUM: Good morning, Your Honor. Jess Mangum for the City of Columbia.

COURT REPORTER: Jess?

MS. MANGUM: Jess. J-e-s-s.

COURT REPORTER: And the last name is?

MS. MANGUM: Mangum. M-a-n-g-u-m.

COURT REPORTER: Thank you very much.

MS. HENDERSON: Teckla Henderson.

COURT REPORTER: I'm sorry; there's too much noise. I can't hear you.

MS. HENDERSON: I apologize.

COURT REPORTER: Say it again.

MS. HENDERSON: Teckla, T-e-c-k-l-a, Henderson for the City of Columbia.

COURT REPORTER: Thank you very much.

And I know you, Dr. Faltas.

DR. FALTAS: Yes, ma'am. Thank you.

Good morning, Your Honor.

THE COURT: Good morning.

COURT REPORTER: Your Honor, may I put this closer to

1 Dr. Faltas? Her voice is so soft. I'm going to put this
2 right here.

3 Thank you, Your Honor.

4 THE COURT: All right. Dr. Faltas?

5 DR. FALTAS: Good morning again. Your Honor, for my knee
6 issues, may I have permission to address the Court from a
7 seated position, please?

8 THE COURT: Why is that?

9 DR. FALTAS: My knee. My knees. Both my knees had
10 spontaneous fractures and the left one, in 2011, and the right
11 one in 2013. And they -- thank God, they are much better. At
12 the (indiscernible) when I would be asked the pain from a
13 scale of 1 to 10 what's the number, I would say 200. Now,
14 it's about -- it varies between 8 and 6 but it's still
15 painful.

16 THE COURT: Okay. That will be fine.

17 DR. FALTAS: Thank you. Thank you, Your Honor.

18 And, Your Honor, you may remember when you presided over
19 the trial in the case that was falsely pretended [verbatim]
20 against me by Teresa Ingram and Dinah Steele [verbatim].

21 THE COURT: All right. Dr. Faltas, I can't understand
22 what you're saying.

23 DR. FALTAS: If Your Honor remembers when you presided
24 over the jury trial from February 22nd to February 26th, 2010,
25 in the harassment, the false accusation of harassment in which

1 I defended myself pro se, in the (indiscernible) it's still
2 too low? Can Your Honor hear me?

3 THE COURT: I can understand about 50 percent of what
4 you're saying.

5 DR. FALTAS: In February 2010 --

6 THE COURT: Yeah, I remember presiding over a trial and
7 the result of the trial was a hung jury. In fact, one of the
8 matters that are scheduled --

9 DR. FALTAS: Matters that arise from it, sir.

10 THE COURT: In what way? Which motion -- what's the
11 title of whatever proceeding arises from that?

12 DR. FALTAS: What arose from that is that, at the end of
13 that trial, you left me at the prosecution's mercy, and the
14 prosecution had no mercy. They --

15 THE COURT: Is that case still pending? Is it over?

16 DR. FALTAS: Your Honor, I wanted -- it was dismissed
17 with prejudice but only in August 2012.

18 THE COURT: The case has been dismissed since 2012?

19 DR. FALTAS: On August 13, 2012, after I had been
20 brutalized.

21 THE COURT: Okay. The case was dismissed with prejudice,
22 so why are we here today concerning that particular matter?
23 You filed --

24 DR. FALTAS: We're not in that captioned case. We are
25 because I was falsely pronounced in contempt several times.

1 Whenever I'm -- okay. What had happened is that, you know,
2 there was a hung jury, and they tried only one of the false
3 indictments. There were two of them. You did not make them
4 try the other one. And you said that because they have the
5 right to call the case.

6 At that time, I argued that that statute was
7 unconstitutional and they had given (indiscernible), Your
8 Honor, the extracted transcript. But of course no one listens
9 to me just because I'm a Coptic orthodox Christian, I must be
10 crazy and evil and an ogre and no longer forbidden what's been
11 done to me.

12 So between the hung jury and the time it was dismissed
13 with prejudice, they would refuse to either retry the cases or
14 give me a hearing on the evidence I discovered after the
15 trial, objective evidence that it was all false. Not I say
16 they say. That woman, Ingram, she sat on the stand and said
17 that she was employed and I was delaying her from going to
18 work. Lo and behold --

19 THE COURT: Well, Dr. Faltas, I have, on this docket,
20 under description, "Motions for appointment of counsel."

21 DR. FALTAS: Yes, sir.

22 THE COURT: Is that what you're seeking? And so I
23 don't -- we don't have the time to -- to --

24 DR. FALTAS: You don't have the time, but I have eight
25 years to waste --

1 THE COURT: Yes.

2 DR. FALTAS: -- on being forced to (indiscernible) --

3 THE COURT: I don't have the time to go through the
4 entire history, the transcript. You emailed me transcripts of
5 a 2010 trial. These matters are scheduled as motions for
6 appointment of counsel.

7 DR. FALTAS: Yes, sir.

8 THE COURT: I need you to stay focused on the purpose for
9 which this is scheduled.

10 DR. FALTAS: Okay.

11 THE COURT: A motion for appointment of counsel. We have
12 allotted one hour for this matter to be heard or an hour and a
13 half. At 11:00, I have other matters scheduled. You have
14 five or six motions for appointment of counsel, and if you're
15 seeking to have counsel appointed on a case that was ended in
16 2012, then I need to know that. I need you to express
17 succinctly in what way you're seeking to have counsel
18 appointed for that particular matter, if you are. If you're
19 not, then we'll move on to Motion No. 2 or Matter No. 2. If
20 you cannot succinctly explain that to me, then I'll move to
21 the opposing side and have them make an effort to explain why
22 we're here, what is it you're seeking, what is your position,
23 and what's the opposing position.

24 So proceed.

25 DR. FALTAS: Sir, if you let me give it to you

1 coherently, it will take me exactly ten minutes for over six
2 motions.

3 THE COURT: All right. You have ten minutes then.

4 DR. FALTAS: Or maybe 15.

5 THE COURT: You have 15 minutes.

6 DR. FALTAS: Okay. So because they had no case, they
7 kept on taking me to proceedings that they created. The first
8 criminal appeal is the city attorney who preceded Ms. Mangum.
9 His name was David Fernandez. He filed the motion to have me
10 enjoined from going to the municipal courthouse except between
11 2:00 and 4:00.

12 Now, first, the municipal court has no civil jurisdiction
13 so it cannot issue civil injunctions. Second, that is totally
14 way outside a Court (indiscernible) a trial because there was
15 no trial scheduled.

16 So he put his colleague -- I'm sorry for a moment; I'm
17 blocking on her name -- as a witness. And I was
18 cross-examining her. And I said, Do you remember after he
19 said this or do you remember after he give me the receipt, did
20 I accept it? She said, By that time, I had tuned you out.

21 I said, Well, does that still make you a reliable witness
22 if you have tuned out the matters to which you're testifying?

23 So that judge held me in contempt of court. So I
24 appealed that immediately to the Court of Common Pleas. She
25 had not entered either the injunction or some -- and she fined

1 me \$50. That's still a criminal thing when it's a fine
2 because it's not as if there had been a civil injunction and I
3 violated it. She held me in criminal contempt for asking a
4 witness -- and there was a transcript, and the transcript is
5 available in the case file.

6 A witness who said she had tuned out and I asked her does
7 that make you reliable -- she's an adverse witness, and I'm
8 impeaching her. That is very proper. I didn't yell. I
9 didn't use profanity. I didn't do any of that.

10 So that was the first appeal.

11 They did not -- after the February trial, they knew they
12 had no evidence and whatever false evidence they had managed
13 to sneak in, in the first trial, I had gone and researched and
14 found out objective proof that it was false. As, for example,
15 that Ingram testified that I harassed her by stopping her from
16 going to work when she was objectively unemployed. She
17 testified that she had been in Navy aviation for a year and a
18 half. I FOIAed her veterans record, and she was not in -- she
19 was only in the reserve and only for three weeks. Things
20 objective of this nature.

21 Heather Wise lied about the criminal record of every
22 single witness she put up. For example, she told you that
23 Curtis Ingram doesn't have a criminal record. In fact, he had
24 three fraud convictions, which would have been impeachable.
25 Things of this nature.

1 So once they knew that they cannot mount another trial
2 because of the research, they started stuff. Let her -- on
3 April 1st, 2010, or a little before that, after I filed my
4 booklet, 141 pages of objective evidence, that Heather Wise
5 filed a motion saying Dr. Faltas is mentally incompetent to
6 represent herself and let's have her mentally evaluated before
7 we decide whether we will try the case again.

8 Judge, I am sorry, but I think I'm smarter than about
9 everyone I met in South Carolina, and for -- for a procurer, a
10 suborner of perjury to say that Dr. Faltas is mentally ill,
11 it's something no self-respecting Court should tolerate.

12 So that was pending until August 2nd, 2010, when, in
13 between, I filed many motions saying I want a speedier trial
14 or I want a hearing to dismiss the charges. No, my motions
15 don't get heard. The one thing that gets scheduled is Heather
16 Wise's. But even then, it was too farfetched even for Judge
17 G. Thomas Cooper. He denied the motion to have me mentally
18 examined and said I can represent myself. Well, what to do,
19 that was the only hope that they force on me a lawyer who will
20 lose my case on purpose, and believe me, that happened.

21 So they remanded to the municipal court. The municipal
22 court has no jurisdiction on it. I go to the municipal court
23 and say, okay, try the cases or dismiss them. Instead, they
24 say, No, we won't hear your motion for a speedy trial; we will
25 hear the City attorney's motion to have you not come into the

1 courthouse except between 2:00 and 4:00. It's almost Jim
2 Crow, Your Honor, revisited on Dr. Faltas.

3 So during that, I was held in contempt and then, even
4 though she has no jurisdiction, the woman is (indiscernible)
5 either hand, even though she has no jurisdiction to issue a
6 civil injunction which -- in the future, don't do this or do
7 this. That's a civil injunction. She still issued it even
8 after I had appealed.

9 Then, they weren't scheduling my appeals, and I checked
10 and I was going to federal court showing that appeals younger
11 than mine were being heard -- being scheduled, administrative
12 matter, but mine wasn't.

13 And, then, I also wrote to Court Administration. So I
14 was supposed to have a hearing before Judge Jenkins on my same
15 motion on March 28th, 2011, to either -- for him to schedule a
16 trial of the remanded case, to reverse the remand, or to
17 dismiss it. But, no, they said, before you go to Judge
18 Jenkins, we have suddenly scheduled a motion to find you in
19 contempt before Marion Hanna.

20 So I go before Marion Hanna and say, ma'am -- she says,
21 "You're going to go to jail." I said, "Ma'am, I need a
22 lawyer." She doesn't appoint a lawyer for me. She screams
23 and bangs and does all kind of improper behavior, then she
24 holds me in contempt of court. And she doesn't issue an
25 appeal bond until after I have served my sentence. I asked

1 for an appeal bond. She didn't issue it until after I have
2 served my sentence.

3 And she also, during that hearing -- and you have a
4 transcript -- she instructs the courtroom deputy to go lift
5 me, which is unpermitted touching. It's an assault. After I
6 had served my sentence, she goes back and tells the jail,
7 "Don't release her and revoke her work time and work credits,"
8 which is also another crime in the South Carolina statutes.

9 In the meanwhile, I had also appealed to the Court of
10 Appeals from this Court. The Richland County Circuit Court of
11 Common Pleas refused to schedule my appeals, the initial
12 appeal, and some others. And so the Court of Appeals says
13 it's not ripe. At that time, Judge Few was the chief judge of
14 the Court of Appeals.

15 So because it was pending, the appeal, I asked for it to
16 be reheard on bond by the Court of Appeals. So the Supreme
17 Court -- at that time it was Chief Justice Toal -- she had
18 reached down and certified the case to itself. So I asked for
19 permission to and did file a more expansive brief.

20 So while I'm in jail, an order issues saying that, out of
21 all creation, Dr. Faltas cannot represent herself. So the
22 appeals come before Judge Barber one time, and I was ill and
23 provided the proof. Then he rescheduled them for
24 September 15, 2011.

25 At that time, I was afraid to breathe because I had

1 already been falsely arrested several times.

2 I just had not a placard, not a sign because I didn't
3 want to be falsely accused of yelling, I had typed in large
4 type "I respectfully rest on my written pleadings." So when
5 Judge Barber asked me a question, I raised that page.

6 He said, "No, you have to answer verbally."

7 I said, "Well, I'll get in trouble if I speak."

8 He said, "No, not if I ask you." And he said, "Did you
9 try to find lawyers?"

10 I said, "Yes," and I gave him the names. And since
11 everybody is suspicious of me, apparently, he checked the full
12 names of lawyers who would not represent me.

13 In the meanwhile, after I was released, I took the
14 recording of the in-court behavior of Marion Hanna to the
15 Office of Disciplinary Counsel, and they did an investigation
16 and they did decide that it was worthy of sanction, but it was
17 privately done, and they didn't inform me of it until nine
18 months later.

19 So when I appeared before Judge Barber, he knew that I
20 could not represent myself, by very discriminatory order of
21 the Supreme Court. He knew that I was unable to find a
22 lawyer. It was his duty to offer me a lawyer. He didn't do
23 that. And then he dismissed those appeals.

24 Then I kept -- again, because, Your Honor, I am the
25 Pyramids. Like it or not, you will not intimidate me, you

1 will not make me think that I'm a criminal. The criminals are
2 the ones who suborn perjury, not I.

3 And, by the way, on the day before May -- March 28, 2011,
4 that woman, Amanda Blanton, who fabricated the case against
5 me, the police officer, was herself arrested for disorderly
6 conduct.

7 COURT REPORTER: What was arrested for what? I'm sorry?

8 DR. FALTAS: Disorderly conduct. And she pled guilty to
9 it. So this is all torture of me, to wear me down and make me
10 plead guilty to the first harassment charges, which they could
11 not prove to a jury.

12 So, after that, finally, the harassment cases were
13 scheduled for August 2012, two and a half years -- two and a
14 half years since we started, and two full years since they
15 were improperly remanded. The municipal court had no
16 jurisdiction for them, and they didn't do a new warrant for
17 second degree. They had no jurisdiction of first degree. So
18 I asked that they be dismissed with prejudice, and they were
19 dismissed with prejudice.

20 Then, I get another order because I am the ogre and the
21 most horrible person that God ever created that, out of all
22 creation, Dylann Roof, who admitted to shooting the nine
23 Charleston saints, got to represent himself just for the
24 asking, but Dr. Faltas doesn't.

25 So they forced on me Ted Lupton, and Ted Lupton is a

1 racist, and I have looked him up, and at one time when now
2 Chief Justice Beatty was a circuit court judge, he had
3 described Lupton as a liar. And when my knee was broken,
4 Lupton was sending me taunting emails saying just put a cast
5 on or "you don't know what you're doing," whatever, and very,
6 very rude stuff, very abusive.

7 So I sent an email saying, first, an incompetent lawyer
8 is forced on me. Now, he wants to practice medicine on me
9 without a license. So they ended up saying, okay, Dr. Faltas
10 can file two kinds of motions: A motion to appoint counsel or
11 a motion to relieve counsel. They did that on June 28 -- yes,
12 June 28, 2013.

13 So I immediately, based on that, looked at the appeals
14 that were dismissed, because I didn't have counsel and could
15 not afford one and was prevented from representing myself, and
16 I filed those motions in each of those appeals. There are six
17 appeals. There were actually seven. One of them was against
18 Larry Mason's son, but, apparently, he shot himself a year ago
19 so I didn't pursue that motion.

20 So those motions stayed unscheduled for four years. Four
21 years. And they are before you now. And I sent you a
22 memorandum, and I served it by email on Ms. Mangum, as the
23 notice said to do. And, Judge, justice -- there is a
24 guarantee of trial counsel, there is a guarantee of appellate
25 counsel in criminal matters.

1 Now, you can do it two ways. You can either reopen the
2 cases under 60(b) because there was a change in the law that
3 controls me. Those special notice they make for Dr. Faltas
4 all -- in another matter, the Supreme Court said, Well, here
5 is the -- I told them I'm in a catch-22. And the case that
6 Lupton represented me and he was so unbearable that I had to
7 have someone else, that other lawyer lost the case, which, had
8 I been representing myself, I would have won. So I needed to
9 do a PCR, but I can't file the PCR again. You get murderers,
10 rapists, all kinds of horrible people, they can file their
11 PCRs pro se but Dr. Faltas can't.

12 So the Supreme Court said, in view of those unusual
13 conditions, Dr. Faltas can ask for a lawyer to be appointed
14 for a PCR to be filed.

15 Now, first, there is equitable tolling. There is no
16 question that those motions were filed four years ago. It's
17 not my fault that they weren't scheduled, and it's not as if I
18 did not politely pursue getting them scheduled.

19 Second, it's obvious from Judge Barber's order that the
20 appeals were dismissed because I didn't have counsel. So the
21 total denial of counsel is an even higher degree than
22 ineffective assistance of counsel. That's something on which
23 to grant PCR.

24 I think you, sir, out of most judges, you had me in your
25 courtroom for five days. You complimented me. There was even

1 a woman, a law student or young lawyer, who was in the
2 courtroom observing the trial, learning from me, so to speak.
3 You, out of all judges, should have stood up for me. You
4 should have said Dr. Faltas doesn't deserve this.

5 Also, protecting the integrity of your courtroom,
6 those -- I counted, in the testimony of Ingram alone, 353
7 objectively provable lies. Again, it's not I say/she says.
8 It's things objective.

9 This was done in your courtroom, and to protect the
10 integrity of your courtroom, it doesn't matter if it was done
11 seven years -- seven and a half years ago. The case of the --
12 of the protesters who were granted -- Judge Hayes had
13 convicted them, and then Judge Hayes's nephew -- and he
14 reversed the conviction 50 years later.

15 It is never too late to do justice, Judge.

16 THE COURT: All right. You said you had -- needed 15
17 minutes. It's been 20 minutes. In two minutes, then I'm
18 going to opposing side.

19 DR. FALTAS: Okay. But it's been more than eight years
20 of suffering, of accusations, of handcuffs being put on my
21 wrists and bruising them, and I have photos of them, of my
22 knees being broken in the transportation van, of my being so
23 afraid to be arrested for no reason, that, during sleep, my
24 teeth would mash, and I had a beautiful tooth that split the
25 long way.

1 So, I'm sorry; you are not a million times more of a
2 human being than I am. You are begrudging me the few minutes
3 to explain how much injustice was inflicted on me for eight
4 and a half years, and you just want your hearing to be done in
5 12 minutes, just as, at the end of the trial, you said I
6 [verbatim] devoted a week to me. You didn't devote anything,
7 Judge. It was your job.

8 THE COURT: All right. Thank you, Dr. Faltas.

9 You may proceed.

10 MS. MANGUM: May it please the Court?

11 Your Honor, there are -- Dr. Faltas has six motions
12 before the Court, motions to appoint counsel. The City of
13 Columbia is only involved in four of those, so you'll also
14 have two other parties, and I can't speak to that.

15 As to the first case that's on your docket this morning
16 ending with 2111 -- Your Honor, I think, for me, the easiest
17 thing to do would be to just go through those cases by number.

18 As you know, there's an extensive amount of paperwork
19 involved in each of these. I was not the City attorney of
20 record on anything that's happened prior to this. I have
21 spent a tremendous amount of time trying to recreate what has
22 happened.

23 But, Your Honor, it's my understanding, on case 2111,
24 that, in October of 2010, the municipal court issued an order
25 limiting Dr. Faltas's contact with both the Court and with my

1 office, at the City attorney's office.

2 In March of 2011, the City attorney's office filed a Rule
3 to Show Cause -- I'm sorry -- yeah, the City's attorney's
4 office did file a Rule to Show Cause based on the defendant's
5 conduct at that time.

6 In April of 2011, the Supreme Court did issue, as
7 Dr. Faltas mentioned, an order that precluded her from filing
8 anything else or appearing in a pro se capacity. She had
9 filed an appeal based on that March 2011 contempt finding by
10 Judge Hanna prior to that order coming out from the Supreme
11 Court.

12 And to the best of my research, Your Honor, in September
13 of 2011, the appeal came up before Judge Barber. Dr. Faltas
14 was not represented by counsel. He gave her 30 days for her
15 to find representation.

16 So the matter came back up again in October of 2011. At
17 that time, it's my understanding Dr. Faltas, once again,
18 appeared without counsel. There was nothing in the court file
19 and nothing in our records to indicate that she had requested
20 counsel and was denied. She merely appeared again without
21 counsel present, which was in violation of the Supreme Court
22 order.

23 And so, at that time, Your Honor, in October of 2011,
24 Judge Barber did issue an order denying her appeal. I believe
25 there were four or five appeals that were all listed on that

1 order, all of which were dismissed based on her lack of
2 following the Supreme Court order.

3 Your Honor, it wasn't until July of 2013, almost two
4 years later, that Dr. Faltas filed a motion to appoint counsel
5 to file a belated appeal related to this issue, the original
6 contempt finding, and/or a PCR, and that's the language that
7 she used.

8 And, Your Honor, I would just point out to the Court
9 that, under the appellate court rules, Dr. Faltas had 30 days
10 from Judge Barber's order to file a notice of intent to
11 appeal. She did not do that, and so that appeal is waived.

12 Additionally, Your Honor, under South Carolina code
13 17-27-45, which talks about filing procedures for PCR relief,
14 the application must be turned in within one year. Judge
15 Barber's order was issued, again, October of 2011. And so, by
16 the time she filed this motion in 2013, she's well past the
17 point of a PCR appeal as well.

18 So, Your Honor, for those reasons, the City is asking
19 that you deny these motions. These cases are closed. They
20 are past the point of reopening. And we don't think the
21 motion before you is proper today.

22 DR. FALTAS: May I have --

23 THE COURT: As to the case ending in 20 -- in 2111 or --

24 MS. MANGUM: Your Honor, it actually relates to every
25 case. That's the timeline for that case, but I think the

1 facts --

2 THE COURT: Did you give me -- you gave me the procedural
3 history of 2111 or others as well?

4 MS. MANGUM: They are all similar, Your Honor. I am glad
5 to go through that brief history with you on each of those.

6 THE COURT: I need to know the procedural history of --
7 because the -- all the matters on the docket.

8 MS. MANGUM: Yes, Your Honor.

9 The next one that the City has --

10 DR. FALTAS: May I have the reply after she finishes?

11 THE COURT: You will, but right now, after she's through.

12 DR. FALTAS: Okay.

13 THE COURT: We're not going back and forth.

14 DR. FALTAS: Thank you.

15 THE COURT: You may proceed.

16 MS. MANGUM: Your Honor, the next matter the City has on
17 the docket is 3547. It's the third item on your docket this
18 morning. And, Your Honor, again, this is styled as a motion
19 to appoint counsel. This case actually has almost identical
20 facts as the case that I just gave you. The only difference
21 is that, after that original March 2011 contempt finding in
22 the municipal court, the Court did, in April of 2011, have an
23 appeal bond hearing in which Dr. Faltas was represented by
24 Orin Briggs. This is prior to the appeal before Judge Barber
25 but after the contempt finding.

1 There was a consent order issued into with the City, and
2 Dr. Faltas, through her attorney, Orin Briggs, in terms of
3 some things that she was going to do to try to correct that
4 contempt finding.

5 Your Honor, the record indicates that Dr. Faltas did not
6 follow the second order of the Court based on that, and so
7 another Rule to Show Cause was issued and another contempt
8 finding was made by the Court.

9 So, again, this all stems from the original order. And
10 then, following appeal bond hearing, a new order that was
11 issued and a contempt on that order. This was included in --
12 this case number was included in the appeal order from Judge
13 Barber when she appeared in September of 2011, did not have an
14 attorney. Judge Barber gave her 30 days to get an attorney.
15 It came back up again in October, and like the case that I
16 just went through, she appeared without an attorney.

17 Your Honor, the next case that the City has ends with
18 7063.

19 Beg the Court's indulgence, Your Honor. I'm sorry.
20 There's a lot of paperwork here.

21 Your Honor, I believe this stems from an October 6th,
22 2010, jury trial in the municipal court. Dr. Faltas, I'm
23 sure, will correct me if I'm wrong. I believe the original
24 charge was trespassing. That may not be correct, Your Honor;
25 I cannot put my finger on it. But it was a municipal-level

1 offense. There was a jury trial. Prior to the jury trial,
2 there were several motions previously filed by Dr. Faltas that
3 were also heard that morning.

4 Your Honor, I believe this is an appeal from that. I'm
5 sorry. It was simple assault, trespassing -- oh, yes, Your
6 Honor. There were several charges. Let me correct myself.
7 There were several charges. I think the only charge the City
8 went for on that day was a front yard parking violation.

9 COURT REPORTER: I'm sorry; say that again. It was what?

10 MS. MANGUM: Front yard parking.

11 THE COURT: And which case number is that? Ending in
12 what? Which appeal?

13 MS. MANGUM: That was 7629.

14 THE COURT: Okay. Procedural history of that?

15 MS. MANGUM: Your Honor, that was a jury trial. The jury
16 found the defendant guilty on that charge -- found Dr. Faltas
17 guilty on that charge. She filed an appeal related to that.
18 Your Honor, this also was one of those cases that was included
19 in the September appeal roster that Judge Barber had.
20 Dr. Faltas appeared. Did not have an attorney. The case was
21 continued for 30 days. In October of 2011, she appealed
22 again -- appeared again and did not have an attorney. Those
23 cases were dismissed. We have the same dates as the first
24 case that I mentioned to you in terms of her motion that was
25 filed in 2013 requesting an attorney on those.

1 And, Your Honor, the last case that the City has ends
2 with 8650. And, I'm sorry, Your Honor; I may have given you
3 the wrong number. If I can have a moment, Your Honor. I did
4 try to take very detailed notes, but it appears to me -- I'm
5 sorry. 8650 is the case that I was just talking about, the
6 front yard parking case. That is, in 2010, she was found
7 guilty of front yard parking. The next day, in December, she
8 filed a notice of appeal. And then that was included in all
9 of those other cases with Judge Barber. Let me go back to the
10 other case.

11 Your Honor, I do believe the 7063 case that I mentioned
12 as the third case, I do believe that is based on that front
13 yard parking case. That's the transcript that I have from the
14 court file. I cannot find Dr. Faltas's notice of intent to
15 appeal, so I cannot clearly tell the Court what her grounds
16 for appeal were on that. I'd be glad to take a minute to try
17 to locate that for you.

18 THE COURT: We can come back to that later.

19 MS. MANGUM: Okay.

20 THE COURT: Concerning the cases being on the docket,
21 there's a motion for appointment of counsel, and Dr. Faltas's
22 seeming contention that, under Faretta, the Court should
23 reopen the cases and belatedly appoint counsel due to Faretta
24 violations or failure of municipal judges or Judge -- circuit
25 judges to advise her of her right to counsel versus proceeding

1 pro se and the dangers of self-representation. What's the
2 City's position in response to that?

3 MS. MANGUM: Your Honor, I think it's appropriate to look
4 at Dr. Faltas's history with the court as a whole. She is a
5 well-informed participant in the court system. As a matter of
6 fact, Your Honor, the Supreme Court recently came out with an
7 opinion dealing with this very issue with Dr. Faltas in June
8 of 2017.

9 I haven't read anything in which she alleges any Faretta
10 violations. Today is the first time that I have heard any
11 sort of inkling that she was denied an attorney. It is my
12 understanding from the voluminous record that is before the
13 Court that it was her choice to proceed with an attorney on
14 her own. She was represented by private counsel on the
15 municipal court level. She was represented by Orin Briggs in
16 at least one of the matters that's before this Court.

17 COURT REPORTER: Orin Briggs? Is that what you said?

18 MS. MANGUM: Yes. Yes, ma'am. Orin Briggs.

19 It is my understanding that she chose not to have counsel
20 when she came on the original appeal date. And then, when
21 this Court reminded her of the order that forbid her from
22 going forward without counsel, she was to get counsel herself.
23 I don't think there was any indication from this Court that
24 she was denied counsel at her request.

25 THE COURT: Faretta is mentioned in some of the pleadings

1 filed.

2 MS. MANGUM: Yes, Your Honor. And I have not received --
3 I talked to Dr. Faltas prior to the trial. I have not
4 received any -- any memorandum that was filed last week or
5 today in relation to this. But I do have what I believe is
6 the complete file prior on each of these.

7 THE COURT: All right.

8 COURT REPORTER: Your Honor, could you spell "Faretta"
9 for me?

10 THE COURT: F-a-r-e-t-t-a. Something like that. How is
11 it spelled? Is that it? F-a-r -- one R -- e-t-t-a versus
12 California.

13 COURT REPORTER: Thank you.

14 THE COURT: All right. What else do you have over there?

15 MS. MANGUM: Nothing else from the City, Your Honor.

16 THE COURT: All right.

17 And, sir, who are you?

18 MR. MASON: My name is Larry Mason. I'm the defendant.

19 THE COURT: All right, Mr. Mason.

20 MR. MASON: Your Honor, I submitted a memorandum to your
21 office. I don't know if you got it or not.

22 THE COURT: I read it.

23 MR. MASON: You did read it? Okay.

24 And this case is involving 2009-CP-40-04483. It's where
25 Dr. Faltas is asking to appoint counsel to appeal this case.

1 This case was heard by Judge Womble on two occasions. And she
2 appealed it to him --

3 THE COURT: I'm sorry; tell me the case number again.

4 MR. MASON: The case number is 2009-CP-40-04483.

5 THE COURT: So it's a CP number. What kind of case was
6 it?

7 MR. MASON: That was a magistrate case.

8 THE COURT: So you have given me the --

9 MR. MASON: Right, that's --

10 THE COURT: The number for the court up here but not
11 Judge Womble's number.

12 MR. MASON: Right. That's not Judge Womble's number.
13 That's --

14 THE COURT: Okay. Go ahead.

15 MR. MASON: She appealed to Judge Womble. He heard the
16 case twice and requested a restraining order against me so
17 that I couldn't serve her papers where she was being evicted
18 from an apartment owned by my wife.

19 COURT REPORTER: Owned by your what?

20 MR. MASON: My wife.

21 She has consistently harassed my family over the past --

22 DR. FALTAS: Judge --

23 MR. MASON: -- nine years since she received this
24 restraining --

25 DR. FALTAS: Judge, this is objection -- objection

1 completely. This is not time for testimony.

2 THE COURT: Yeah, these --

3 MR. MASON: Okay, Your Honor --

4 THE COURT: You were involved in that same rule and we
5 would move -- move faster, I think that you gave a lot of
6 characterization to people, cases -- individuals' characters,
7 etc.

8 You may proceed, sir.

9 MR. MASON: And, Your Honor, I think that the reason
10 she's doing that is just to get back into the court system, to
11 continue this frivolous filings and frivolous harassment --

12 DR. FALTAS: Objection, again.

13 MR. MASON: -- malicious harassment and just continuing
14 to harass my family. She keeps harassing my family up until
15 the last six months. We haven't even made contact with her in
16 three years. We try to stay away from her. But she continues
17 all the time, trying to harass us. And this is just another
18 attempt to get us back in the court system to try to cost us
19 money, where we have to put out thousands of dollars, trying
20 to defend ourselves against something that is frivolous,
21 malicious. And the Supreme Court has noted this and pointed
22 it out in their records, which I have a copy of those orders
23 if Your Honor would like to see those.

24 And I believe that Dr. Faltas -- Your Honor, I also
25 pointed out that Dr. Faltas' green card may be expired, and if

1 it is, she has to get permission from ICE to even enter a
2 courtroom in the United States system.

3 DR. FALTAS: Judge, this has gone too far.

4 MR. MASON: I have a copy of her green card here, if
5 you'd like to see it, Your Honor.

6 I also have a copy of Judge Barber's order, where she
7 appeared before Judge Barber where he denied her motion.

8 THE COURT: I'm not going to entertain anything related
9 to green card and ICE and all those, but go ahead.

10 MR. MASON: How about the order from Judge Barber? Do
11 you need a copy of that, Your Honor?

12 THE COURT: No, sir.

13 MR. MASON: I simply request that you deny her request
14 for counsel. I mean, why would -- anybody can get a
15 restraining order now. Judge Womble had issued a restraining
16 order. A restraining order is good for one year. After that,
17 it's moot.

18 I haven't had contact with this woman in the last two or
19 three years.

20 THE COURT: All right.

21 MR. MASON: There was no evidence of time for him to
22 issue one, and there was no reason for him to issue one, and
23 that's why he denied her.

24 THE COURT: All right. That goes mainly -- I told you
25 we'd come back to what it is you couldn't find. Have you

1 since found it?

2 MS. MANGUM: Judge, I am still looking for the original
3 appeal. There are so many additional filings. It's just
4 taking me a little bit to locate that.

5 THE COURT: All right. Your response, Dr. Faltas?

6 DR. FALTAS: Yes, it's breaking procedure. First, if he
7 filed the memorandum with Your Honor, he did not serve me with
8 it. As of Sunday, I checked my P.O. Box. I did not receive
9 any copy from him. So I ask that the Court now make him give
10 me a copy of whatever he give --

11 THE COURT: Do we have a copy of --

12 MR. MASON: I do, Your Honor.

13 THE COURT: If you'll give her a copy.

14 MR. MASON: Yes, Your Honor.

15 DR. FALTAS: And as far as I can see, there isn't even a
16 certificate of service on it, so I don't know why the Court
17 would accept and entertain something ex parte.

18 THE COURT: Yeah, well, when people randomly email the
19 Court, sometimes we read it, sometimes we don't. In some
20 instances, we can't open things sent, including things from
21 extraneous sources. It's not accepted through the judicial
22 department. Technology apparatus, I'm not sure whether
23 Mr. Mason's came as an email or -- how did that come in?

24 MR. MASON: Your Honor, I was following the instructions
25 on the subpoena that was given to me -- the notice that was

1 given to me.

2 THE COURT: I think it was an email to the clerk of
3 court's.

4 MR. MASON: Yes, sir.

5 THE COURT: And then forwarded by the clerk of court.

6 DR. FALTAS: Do we need to do it on this point or maybe
7 go to the other procedure corrections?

8 THE COURT: You may proceed.

9 DR. FALTAS: Thank you.

10 Ms. Mangum is incorrect. She switched two cases. The
11 one she said is the front yard parking is the one that ends
12 8650. The other one, the 7063, this is the one about which I
13 told you that they were trying to get the civil injunction in
14 a court that, by statute, has no civil jurisdiction and,
15 nonetheless, I was cross-examining the adverse witness they
16 put in, and that's when she held me in contempt of court.

17 It is absolutely not true that there was a hearing in
18 October of 2011 before Judge Barber or any judge. He issued
19 the dismissal by himself.

20 Also, it is absolutely not true that I waived that
21 appeal. In fact, in every case, there is where I submitted
22 the appeal to the clerk of the Supreme Court, and he returned
23 it to me unfiled. And I wasn't -- I did not rest on that. I
24 tried to get a stay from the chief justice of the United
25 States because South Carolina is in the Fourth Circuit, which

1 is in the chief justice, and I also went to federal court.

2 So no, no, no. I did file an appeal. Mr. Shearouse
3 refused to file it, but I asked him to have proof that I
4 tendered it and he returned it, and the proof is in each one
5 of those files.

6 Now, I generally choose to proceed pro se, but that case
7 that was under my 2011, in that particular one, I asked for
8 counsel. And it's in the transcript. I already asked -- I
9 gave the paper saying I will stand mute, and I need
10 appointment of counsel. That's in that file. And it's also
11 in the transcript, and that woman read it into the transcript.

12 So I don't know how anyone can say that I didn't ask to
13 be -- that's not Faretta. I exercise Faretta in other cases.
14 I guess, in this case, it will be federal, *Gideon vs.*
15 *Wainwright*, and locally, actually, it's maybe *Jackson vs. The*
16 *City of Columbia*, where the Court of Appeals reversed her
17 contempt conviction because she was not given counsel. But
18 it's not something out of --

19 THE COURT: You said you generally proceed -- prefer to
20 proceed pro se, but you sought counsel in a particular case.
21 Which particular case?

22 DR. FALTAS: The case underlying 2011-CP-2111.

23 COURT REPORTER: CP-2111?

24 DR. FALTAS: Yes, ma'am.

25 And that was the hearing that happened on March 28, 2011,

1 before Marion Oneida Hanna, and there is a transcript of that
2 hearing.

3 THE COURT: Is that the contempt hearing?

4 DR. FALTAS: Sorry?

5 THE COURT: Was that the contempt hearing?

6 DR. FALTAS: It was a Rule to Show Cause hearing, yes,
7 sir. And, in it, she kept trying to make me a witness against
8 myself, which is another horrendous constitutional violation.
9 And, so, the other thing is that, before the hearing before
10 Judge Barber and after the state Supreme Court's April 8,
11 2011, order that said I cannot represent myself, the U.S.
12 Supreme Court came down with *Turner vs. Rogers*, which was on
13 *certiorari* to the Supreme Court of South Carolina. And, in
14 it, they had had the man in contempt of court and put him in
15 prison without determining whether he had the ability to pay
16 his child support.

17 And I have been trying to say it's the same thing. You
18 have to determine whether I can hire my own lawyer before you
19 dismiss my appeals as punishment that I couldn't get a lawyer.
20 But, in fact, the order by Judge Barber says Dr. Faltas
21 contacted four lawyers, and she was not able to get anyone to
22 represent her.

23 Additionally, every hearing in circuit court is
24 transcribed. That one, the court reporter either lost or
25 destroyed the transcript. And there is a U.S. Supreme Court

1 case on that in case a transcript is destroyed, and that's
2 *Chessman vs. Teets*.

3 COURT REPORTER: Versus?

4 DR. FALTAS: Teets, T-e-e-t-s. *Chessman vs. Teets*. And
5 I also included it in the memo that I emailed to Your Honor.

6 So as soon as I was allowed to file a motion to appoint
7 counsel, I filed it. The order came down on June 28, 2013. I
8 filed the motion on July 10th or July 11th, 2013. So I cannot
9 be said to have waived anything. And, remember, had I tried
10 to file that motion before, I would have been held in contempt
11 of court. So it was like, you know, if I (indiscernible), so
12 be it.

13 Now, that -- going back to the -- and the right -- the
14 right to appellate counsel, the right to trial counsel is
15 under *Gideon vs. Wainwright*. The right to appellate counsel
16 is under *Douglas vs. California*. And then the right to
17 effective appellate counsel is *Evitts vs. Lucey*, L-u-c-e-y.
18 And Evitts, E-v-i-t-t-s.

19 And, frankly, I shouldn't -- I shouldn't even have to
20 argue those things. Under the cannon of judicial conduct, a
21 judge should know the law. Judge Barber should have looked at
22 me and said, "Why wouldn't those lawyers represent you? Is it
23 that you don't have money?" And I would have answered yes.
24 And then it was his duty to appoint counsel for me. This is
25 what everything goes the opposite of what it should be when

1 Dr. Faltas is involved. Not at all my fault.

2 Now, you have seen that man here? It's a federal crime
3 to look into somebody's immigration papers. If he were an
4 employer and I was --

5 THE COURT: We're not going to address the immigration
6 issue or green card. You objected, and I indicated I will not
7 delve into that.

8 DR. FALTAS: But he's saying that --

9 THE COURT: Well, I will not delve into it by him nor by
10 you.

11 DR. FALTAS: All right. But the reason these appeals are
12 important, one of them, is where I asked for a restraining
13 order from him, and it was denied. The other is when he asked
14 for a restraining order on me, and it was granted. And I
15 think I have contested the constitutionality of the statute
16 before -- during the General Sessions trial, you ruled that it
17 was unconstitutional, but because there was a mistrial, it had
18 no effect, and I could not appeal it.

19 But, again, I wasn't an attorney. I filed habeas before
20 Judge Childs, who heard it and said I think you can but I have
21 never seen it done before. So she didn't say I was frivolous.
22 She said this is -- it's possible but she hasn't seen it, so
23 she dismissed.

24 So I'm still contesting the constitutionality of the
25 harassment statute and especially when we have two cases. The

1 Egyptian seeks a restraining order against the native, it gets
2 denied. The native seeks a restraining order against the
3 Egyptian, it gets granted. And I don't think anyone can bury
4 their head in the sand and not be aware of the xenophobia of
5 the unfairness to immigrants, of all that's been happening
6 nationwide, of police brutality.

7 You know, black lives matter. They also matter in not in
8 that they shouldn't be shot. They also should not be used as
9 an instrument for subornation of perjury; that the only
10 achievement someone can claim is to have gone and falsely
11 testify against Dr. Faltas and made it stick. This is not an
12 achievement.

13 And those people, they didn't go on to win a Nobel prize.
14 They went on -- and this is a matter of procedure now -- to
15 get arrested for prostitution, to get arrested for sexually
16 molesting a young man who is the functional equivalent for a
17 child, to get arrested for public drunkenness, to shoot
18 themselves in the head. It doesn't -- it doesn't make people
19 wonderful to bring false charges against Dr. Faltas. It makes
20 them failures as human beings.

21 THE COURT: The City, I contend, Dr. Faltas, that the --
22 your motion for belated appeal or to file the PCR or to
23 contest these convictions for court orders are not timely.
24 Since the matter involving Judge Barber, you filed two
25 years -- almost two years after he dismissed your appeal that

1 the -- to the extent that you might be claiming a PCR, there's
2 a one-year statute of limitation. There's a 30-day limit
3 under which -- what was that reference, Ms. Mangum?

4 DR. FALTAS: She claimed that I did not --

5 THE COURT: 30 days.

6 DR. FALTAS: She claimed that I did not appeal Judge
7 Barber's order, and I already told you it's in the file. And
8 if it's not in the file, it may --

9 THE COURT: Just a moment, ma'am.

10 DR. FALTAS: Okay.

11 THE COURT: The 30 days Ms. Mangum has referenced --

12 MS. MANGUM: Excuse me, Your Honor. Yes, it's under
13 Title 14, the municipal court statute for appeals.

14 THE COURT: 30 -- oh, to appeal the City conviction?

15 MS. MANGUM: Yes, Your Honor.

16 THE COURT: The municipal court conviction.

17 MS. MANGUM: And in terms of the appellate court rules, I
18 don't have the number in front of me, Your Honor. But to
19 appeal from --

20 THE COURT: I'm going to approach it, you know, another
21 rule. Go ahead, ma'am.

22 DR. FALTAS: Okay. All municipal convictions were timely
23 appealed to this Court. Again, Judge Barber's order was --
24 appeals from Judge Barber's order was standard to the Supreme
25 Court, and there is a record of the clerk returning it to me

1 unfiled, not because it was untimely. It was timely.

2 THE COURT: So the Supreme Court has ruled under your
3 appeal of Judge Barber's order?

4 DR. FALTAS: Has not ruled on it. Has refused to take
5 it.

6 THE COURT: The Supreme Court refused to permit you to
7 appeal?

8 DR. FALTAS: Has refused to take the paper that I took to
9 them timely.

10 THE COURT: Because you were not represented by counsel?

11 DR. FALTAS: Correct. And, at that time, they wouldn't
12 even let me ask for counsel, and they didn't do their job.
13 They were supposed to know that I'm entitled to appellate
14 counsel on criminal matter.

15 THE COURT: So you're saying the Supreme Court didn't do
16 their job.

17 DR. FALTAS: Yes, absolutely. And they still don't.

18 THE COURT: Well --

19 DR. FALTAS: And I'm not going to apologize for being
20 oppressed. It's the oppressors who should apologize.

21 And, again, I say there is equitable tolling. I give you
22 the recent opinion in a PCR that said there is equitable
23 tolling in PCR. In another PCR matter, they also said that my
24 time to file PCR is equitably tolled, and it was tolled and I
25 was successful in that PCR. It's not one of those cases.

1 It's a different case, that the conviction happened after I
2 was allowed to seek appellate counsel.

3 But, again, I was not allowed to appeal pro se, I was not
4 offered counsel, and I was not even allowed to ask for
5 counsel. And as soon as I asked for -- I was allowed to ask
6 for counsel, I did that, and you have the motions before you.
7 They stayed for four years; no one would hear it. It's as if
8 I'm a leper.

9 And, again, I go back to the 50 years between the
10 conviction that the Judge Hayes, the uncle, entered and 50
11 years later, Judge Hayes, the nephew, overturned. There is
12 such thing as equity and there is such thing as justice and
13 there is such thing as decency. There is no decency in the
14 way I was treated, and no one stood up for me. No one.

15 THE COURT: And you're standing up for yourself. That's
16 why you're here now.

17 DR. FALTAS: Well, yes, but you have the duty to stand
18 for me --

19 THE COURT: To stand up for you?

20 DR. FALTAS: Yes, sir.

21 THE COURT: Okay.

22 DR. FALTAS: Yes, sir. I was a litigant in your court.
23 You complimented me when you saw all this --

24 THE COURT: You did a very fine job. I thought you were
25 as worthy as your adversaries, and the jury agreed.

1 DR. FALTAS: Well -- so do I deserve to be denied the
2 Faretta right that is granted to Dylann Roof? Do I --

3 THE COURT: Well, during that trial, you had -- you
4 represented yourself for a period of time, and then Orin
5 Briggs came in and assisted you at some point in time during
6 that trial.

7 DR. FALTAS: No --

8 THE COURT: Or following the trial or at some point.

9 DR. FALTAS: No, no, no, no, no, no. No. In the trial
10 before you?

11 THE COURT: Yes.

12 DR. FALTAS: Orin Briggs came as a witness.

13 THE COURT: As a witness? Well, he --

14 DR. FALTAS: Yeah, he --

15 THE COURT: He might have been a witness, but he took on
16 the role of an advocate as well.

17 DR. FALTAS: No, he just throws his weight around, and he
18 does more harm than good. And --

19 THE COURT: Is he still practicing or is he still with
20 us? Do you know?

21 DR. FALTAS: He's still a lawyer. And, in fact, Judge
22 Toal had the case on PCR, and she found him ineffective.
23 So -- I mean, Judge --

24 THE COURT: I --

25 DR. FALTAS: Go ahead, I'm sorry.

1 THE COURT: I thought he was very complimentary of you on
2 that day. He was there to -- and said many good things about
3 you.

4 DR. FALTAS: That's neither here nor there, Judge. My
5 right to represent myself is not contingent on whether a
6 lawyer wants to compliment me or not. And, conversely, my
7 right to counsel when I ask for one is not contingent on what
8 I did or didn't do before. The (indiscernible) for which you
9 appoint -- for when you appoint counsel, you know, have done
10 horrible things, some of them. Some of them confess to you
11 and you still appoint counsel.

12 THE COURT: I think you made your point clear as to what
13 you're seeking. I want to hear the State's -- the City's
14 response.

15 MS. MANGUM: Your Honor, just to clarify, the case ending
16 in 7063, it appears to me that is another contempt hearing
17 from 2010 in municipal court that Dr. Faltas appealed, which
18 is how it wound up in this court and before Judge Barber. So
19 that appears to be the procedural history of that court.

20 THE COURT: In his ruling, did Judge Barber address all
21 of the various cases that are upon this roster, except for
22 Mr. Mason's or did he address that one as well?

23 DR. FALTAS: He also had Mr. Mason's case.

24 MS. MANGUM: Your Honor, the order that I have --

25 DR. FALTAS: Yeah, (indiscernible).

1 COURT REPORTER: One at a time, ladies.

2 DR. FALTAS: Sorry, sorry. I was just trying to -- I'm
3 sorry.

4 MS. MANGUM: The order that I have from Judge Barber
5 lists the following cases: Ending with 2111, 8650, 7063,
6 6711, 8013, and 4483.

7 THE COURT: Those are ruled on by Judge Barber.

8 MS. MANGUM: Yes, Your Honor.

9 THE COURT: And, to clarify, Judge -- Dr. Faltas has
10 attempted to appeal Judge Barber, and the Supreme Court would
11 not accept the appeal.

12 MS. MANGUM: Your Honor, I believe she filed documents in
13 both the Court of Appeals and the Supreme Court related to
14 each of these cases, and both of those courts refused to hear
15 or file the -- accept those documents. Judge Few did issue an
16 order refusing to hear any of those matters. I'm not aware of
17 anything that came out from the Supreme Court, but I did see
18 documents that Dr. Faltas filed.

19 THE COURT: The day on which those were filed or accepted
20 by the appellate courts were almost two years after or -- is
21 that what you told me earlier?

22 DR. FALTAS: 30 days. It was within 30 days.

23 THE COURT: Pardon me?

24 DR. FALTAS: Within 30 days.

25 THE COURT: Within 30 days.

1 DR. FALTAS: Yes, sir. And, again, it's in the file. If
2 Your Honor can show me the file, I can fish it out for you.

3 THE COURT: No, we'll -- you can review the file another
4 time. And then we -- we have the files now.

5 DR. FALTAS: And it's even -- it's even scanned on the
6 public index. That's why I didn't bring anything because I
7 have already seen it on the public index.

8 THE COURT: All right.

9 MS. MANGUM: Your Honor, in at least two of the cases
10 that are before you right now, Dr. Faltas did have either
11 counsel of her choice or standby counsel appointed on the
12 municipal court level. The transcript is not clear about how
13 all that came to be, but she did have counsel later on, at
14 least two of those lower court matters, the contempt matters.

15 DR. FALTAS: The only one --

16 MS. MANGUM: Your Honor, I would just point out that --

17 COURT REPORTER: One at a time.

18 MS. MANGUM: -- you have a very voluminous record before
19 you. And even as evidenced today, Dr. Faltas does not appear
20 to have any problem asking for what she believes she's
21 entitled to. There's nothing in this record that indicates
22 that she asked for and was denied counsel. Rather, the record
23 indicates that she was advised, based on the Supreme Court
24 order, that she was not allowed to continue pro se; that she
25 needed to get counsel. She did not do that. And she also did

1 not ask this Court to appoint anyone. And so when she did not
2 follow the Supreme Court order the first time, although Judge
3 Barber, I think, was well within his right to dismiss the
4 cases at that point, he gave her an additional 30 days to
5 secure counsel. She did not do that. She did not follow the
6 higher court's order. She did not follow Judge Barber's
7 order.

8 And so the second time these cases came up in October,
9 they were properly dismissed, Your Honor.

10 THE COURT: And what authority do I have, if any, to, in
11 effect, sit in judgment of Judge Barber?

12 MS. MANGUM: Your Honor, I don't believe that you do.
13 Those are orders of this court. And so there is no authority
14 for you to overturn an order of Judge Barber.

15 DR. FALTAS: May I briefly reply, that I'm not appealing
16 to --

17 THE COURT: Just a moment. Just a moment, ma'am. I'm --

18 DR. FALTAS: Okay.

19 THE COURT: And what if it deals with the issue of right
20 to counsel or waiver of counsel or *Gideon vs. Wainwright*? Is
21 that the case you cited?

22 DR. FALTAS: Yes, sir. And, again --

23 THE COURT: No, just. I'm coming to you next. We have
24 three more minutes in this hearing. She has 30 more seconds
25 and you have the final three minutes.

1 DR. FALTAS: Thank you.

2 THE COURT: So go ahead.

3 MS. MANGUM: Yes, Your Honor. I think, on its simplest
4 level, if we look at this in terms of jurisdiction, this Court
5 is without jurisdiction to hear any of the issues that
6 Dr. Faltas has brought before it. The circuit court sitting
7 in Common Pleas made a determination. The cases were
8 dismissed. Dr. Faltas's remedy, if there is a remedy, would
9 be an appellate court and not before this Court.

10 THE COURT: All right. Go ahead, Dr. Faltas.

11 DR. FALTAS: Okay. First of all, there is equitable
12 tolling. I go back again. The one case in which I asked for
13 counsel and was denied one, there is a transcript in the
14 record, and the transcript shows that I asked and the woman,
15 Marion Hanna, did not give me one.

16 This is not an appeal to you from Judge Barber's order.
17 This is a motion asking you to appoint counsel, which is
18 something to which I'm entitled and was not done. First of
19 all, the circuit court is not personalities. There is one
20 circuit court in South Carolina.

21 And I go back again to the 50 years between Judge Hayes,
22 the uncle, and Judge Hayes, the nephew. And, again, I was not
23 allowed to ask for counsel, but the circuit court should have
24 known and if they didn't before *Turner v. Rogers*, which is the
25 U.S. Supreme Court case that overturned South Carolina Supreme

1 Court, they should have known it after that they should --
2 they should inquire if the person has the ability to comply.

3 So she's standing here saying she chose not to have a
4 lawyer. No, no, no, no, no. I had no ability to get a
5 lawyer, and Judge Barber's order attests that I gave him four
6 names that I had contacted, and he wrote them down and he,
7 apparently, checked with them to verify. So it's a case of
8 *Turner v. Rogers*, a U.S. Supreme Court case, that says you
9 have to check the party's ability to comply before you
10 penalize them.

11 COURT REPORTER: Before you...

12 DR. FALTAS: Before you penalize them.

13 THE COURT: And what's the impact of June 17th's Supreme
14 Court decision -- South Carolina Supreme Court decision in
15 which they have said that you have the ability to represent
16 yourself and throughout the proceedings in which you had Ted
17 Lumpkin, that you, in effect, served as hybrid counsel with
18 Ted Lumpkin?

19 DR. FALTAS: This is a case that was tried two years
20 after the ones we're talking about, Judge.

21 THE COURT: I mean, the question is whether the Supreme
22 Court is, in ruling in June, decided that the manner in which
23 you chose to represent yourself in the municipal court
24 proceeding, whatever proceedings were before that Court, would
25 be addressed in the -- in that opinion was that -- that --

1 where they say that an appellant has a right to
2 self-representation, it is not absolute, and that the right is
3 not a license to abuse indignity of the courtroom.

4 And, further, just basically that a -- Justice Kittredge
5 did a thorough explanation of how Faretta applies and the
6 manner in which your cases have been before the Court and the
7 manner in which the Courts dealt with that issue of you either
8 representing yourself or being represented by counsel or the
9 Court allowing a hybrid representation as they did in the
10 matter referenced.

11 Now, has the issues that you're now seeking to have me
12 address, that you said you could not previously raise, have
13 they, in effect, been addressed in this June order by --

14 DR. FALTAS: Absolutely --

15 THE COURT: -- the Supreme Court?

16 DR. FALTAS: Absolutely not. This is a totally separate
17 case. None of those -- and that was a case when they said I
18 could not represent myself but I -- but they could appoint
19 counsel for me.

20 So this was a different phase. The phase we're talking
21 about, on one trial in which I asked for trial counsel and it
22 was denied, and six appeals where I could not even ask for
23 appellate counsel and none was volunteered to me, but I could
24 not represent myself on appeal, which everybody else does.

25 So these are different cases, different situations, and

1 every case stands on its own feet.

2 THE COURT: Okay. Well, our time is up.

3 DR. FALTAS: What's your decision?

4 THE COURT: Thank you all.

5 MS. MANGUM: Thank you, Judge.

6 THE COURT: I will take it under advisement, and I will
7 issue an opinion and order addressing what I think about all
8 this.

9 DR. FALTAS: Okay. Sir, if I may read what I had sent
10 you a copy of that. And, of course, copy Ms. Mangum of that
11 where I appealed to the Supreme Court and it was returned to
12 me and unfounded.

13 THE COURT: All right. Okay. Thank you all.

14 DR. FALTAS: Thank you.

15 (The above matter concluded.)
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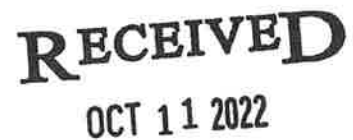
2 CASE NAME/NUMBER: City of Columbia v. Marie Assa'ad Faltas, MD

3 2011-CP-40-02111, et al.

4 DATE OF HEARING: 8/21/2017

5 COURT REPORTER/MONITOR: Bonnie Kelly (retired)

6
7 I, Bobbi Fisher, do hereby certify that the foregoing
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Date Prepared: October 10, 2022 (Revised)

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