

SEP 29 2023

S.C. SUPREME COURT

Extracted Excerpt from 22-26 February 2010 GS jury trial transcript, SC Circuit Judge Clifton Newman presiding

page 1 of 5

The State of South Carolina  
County of Richland

Court of General Sessions  
2010-GS-40-II987

The State of South Carolina  
vs.  
Dr. Marie Assa'ad Faltas

:  
:  
:

PARTIAL TRANSCRIPT OF RECORD

February 23-26, 2010  
Columbia, South Carolina

BEFORE: The Honorable Clifton Newman, Judge, and jury.

APPEARANCES:

Heather Weiss, Esquire  
Alexander Campbell, Esquire  
Attorneys for the State  
Dr. Marie Assa'ad-Faltas, pro se defendant.

Also present: Mark Sawyer, Esquire

Daphne D. Helms, Circuit Court Reporter

[Page 365, lines 1-2] (By Dr. Faltas:) Q. At age 22 if you don't know right from wrong, why do you ---

[3-4] [Teresa Ingram] A. Well, at your age you still don't know, so what does that leave me?

[5] Dr. Faltas: Your Honor ---

[6] The Court: The objection is sustained. Next question.

[7-8] Dr. Faltas: If you find someone else's credit card, what is the right thing to do?

[9] Ms. Weiss: Objection.

[10] The Court: Sustained.

[11] Dr. Faltas: Your Honor, I think it's useless.

[12] The Court: Pardon me?

[13] Dr. Faltas: I think it is useless.

[14] The Court: Are you through? Step down, ma'am.

[15] The Witness: Thank you.

[16] The Court: Your next witness.

[17-18] Ms. Weiss: Your Honor, may we take a short break just to line up the next witnesses?

[19-24] The Court: All right. Ladies and gentlemen, please go to the jury room. Short break. While you are there, we'll have you all select your foreperson rather than me appoint the foreperson. If you all would vote on the very best person to be the foreperson out of the first 12 people selected.

[25 to p 366, line 1] (Whereupon, the jury was excused from open court at 10:41 a.m.)

[2-4] The Court: Dr. Faltas, you wanted to put something else on the record as the jury was coming in the courtroom this morning?

[5 to page 368, line 7] Dr. Faltas: Your Honor, I don't say this lightly, but throughout all of this and throughout many other things the most important thing I remember is Jesus Christ saying it doesn't matter what else you gain if you lose your soul, and I'm not going to lose my soul. And I respect Your Honor and I like Your Honor, and I am not unaware that if, God forbid, there is a guilty verdict you will be sentencing me and I'm not unaware that a lot of discretion goes into that. But I respect Your Honor too much and I value my soul too much to be an hypocrite and try to butter Your Honor up. [¶] These rulings have been extremely unfair to me. I don't think I'm having a fair trial, and I think my right to mount a full defense and fair defense is being compromised. I'm sorry. The function, yes, it's a great thing that there is a moot (sic) court competition and all, but if the students are to be taught anything they should be taught that a defendant's constitutional rights, especially a criminal defendant's constitutional rights, are paramount. And if the jury has -- some members have difficulty with the schedule, then we need to either call a mistrial or replace the ones with -- who have the difficulty with the -- with the alternates. [¶] I'm sorry. Your Honor said that you have commitments, but it is one circuit court, so another judge can take over. Those -- you heard -- you heard her. She's trying to portray me as crazy. The man threatened me. I've seen many things, and now there is his criminal record showing convictions for assault and for drug dealing, and there must be a way -- and he was on the State's witness list. I'm sure now the State will not call him, and I want the right to call him -- to make the State call him so I can get a fair trial, and this is very important. [¶] It's very important to get that man's criminal record on the record. I also needed to amend my witness list and -- and call some other people. [¶] And, you know, Your Honor, it doesn't matter. I'm a nice person. If I get convicted, they will kill me in prison. If I get acquitted, they -- the police will -- because you saw it. You saw it. Yesterday she admitted she was getting -- she was getting information from the defendant's lawyer in the civil lawsuit, and then you saw Chief Carter. They had a meeting at the highest level; it's from top to bottom. [¶] You've seen that what's supposed to be -- and I don't know how Your Honor could have ruled that she's a neutral and detached magistrate. She's somebody who answers to somebody. [¶] These are all matters of principles, and I cannot -- I look to the courts. The Honorable Judge Lee was courageous to make Her Honor's ruling in the civil matter, and this -- maybe if Your Honor has

*become antipathic to me, maybe another judge could be substituted. I'm not getting a fair trial, and I'm very scared. I'm very scared, Your Honor. It's... She was there. You know, she was---*

[8-11] **The Court:** Okay. All right. Ma'am, you said you had some matters to put on the record before the jury came in, and I'm not sure what portion you're referring to now that you intended to put on before the jury came in.

[12] **Dr. Faltas:** Before the jury---

[13-18] **The Court:** The essence of your complaint -- your comments now are complaints concerning the Court's ruling. The Court rules. The matters of ruling are matters of record. If in any matters I rule erroneously, a reviewing court would have the opportunity to review those things, but I'm not going to spend time now listening to---

[19] **Dr. Faltas:** Oh.

[20-21] **The Court:** ---all of the thoughts that you have concerning these proceedings.

[22-24] **Dr. Faltas:** What I was wanting to rule - I'm sorry - before the jury came in was that I need to amend my witness list.

[25] **The Court:** All right. You have the right to do that.

[Page 369, lines 1-2] **Dr. Faltas:** Thank you. So I'd like to subpoena -- thank you. So I'll add two more people to the subpoena---

[3] **The Court:** Yes.

[4-5] **Dr. Faltas:** ---if it pleases the Court? And the Court's order is that they be served?

[6-7] **The Court:** Yes, depending on who they are and where they are.

[8] **Dr. Faltas:** All right. Thank you.

[9] **The Court:** All right. We'll take about four minutes.

[10] **Dr. Faltas:** Thank you, Your Honor.

[11] **(Whereupon, a short break was taken.)**

[12] **The Court:** All right.

[13] **Ms. Weiss:** Your Honor, may it please the Court?

[14] **The Court:** Yes.

[15-18] **Ms. Weiss:** I'd like to go ahead -- I think just to make things easier, I'd like to settle -- obviously settle the record of the next witness. I'd like to just go ahead and settle the records of the witnesses that we have---

[19] **The Court:** All right.

[20] **Ms. Weiss:** ---just to avoid any of what has been happening. The next witness that the State intends to call is Rodney Ingram. Rodney Ingram's prior record is driving under suspension in 1996. I would argue that that is inadmissible as impeachment records and that, therefore, he would have no record that would be brought up in this trial.

[Page 370, lines 1-2] **The Court:** All right. That is -- you cannot impeach a person with a driving---

[3] **Ms. Weiss:** Under suspension.

[4] **The Court:** ---under suspension record.

[5-6] **Dr. Faltas:** I would -- just to have put it on the record, I would have wanted to use that.

[6-7] **The Court:** All right. All right. Bring the jury, please.

[9-10] **Ms. Weiss:** Your Honor, may we -- may we just go through the records and go ahead and settle the records very quickly?

[11] **The Court:** On?

[12-14] **Ms. Weiss:** On the possible witnesses. I just -- it's very disturbing to the State when the defendant is making up records and yelling them out in front of the jury. I know---

[15] **Dr. Faltas:** I'm not making up records.

[16-19] **Ms. Weiss:** I would ask Your Honor to ask the jury to specifically disregard any statements -- I mean, I know any statements by the defense about records -- but they're just -- they're fabricated and I just---

[20] **Dr. Faltas:** Your Honor, I'm sorry---

[21] **Ms. Weiss:** And I would like to go ahead and---

[22] **Dr. Faltas:** Objection. Objection.

[23] **Ms. Weiss:** ---settle.

[24-25] **The Court:** Be quiet, ma'am. You can't hear both people at the same time. Continue, Ms. Weiss.

[Page 371, lines 1-4] **Ms. Weiss:** It would take just a moment. They're very simple short records, and if we can just settle them for even -- for the future, I think it will keep from disparaging any possible witnesses by the State.

[5] **The Court:** Yes, ma'am, Dr. Faltas?

[6] **Dr. Faltas:** I'm sorry?

[7-8] **The Court:** Yes. You were attempting to talk while she was talking. She's now through talking. You may talk.

[9-14] **Dr. Faltas:** Your Honor, I'm not the one fabricating things, and you admonished me to not use the word lie when referring to her. Why is she allowed to use the word fabrication when referring to me? Are we different creatures of God? I mean, I think there is a double standard going on here.

[15] **The Court:** All right. Any further comments?

[16] **Dr. Faltas:** Yes. Yes, Your Honor.

[17] **The Court:** All right. What?

[18-24] **Dr. Faltas:** *I think the driving under suspension is relevant, and I want to impeach with it and I -- Your Honor said that the disciplinary records of law enforcement people are relevant. I also want to say that my discovery -- my discovery included the financial statements and many other things. I have filed that request of the State's witnesses. I haven't been given any of that.*

[25 to page 372, line 2] **The Court:** Okay. The Court did not allow any financial statements of any witnesses, and the Court will not allow you to impeach on the driving record of this witness.

[3-5] **Dr. Faltas:** *And -- thank you. But the other witnesses have much more impeaching record. This Corey Curry has drug convictions and possession with intent.*

[6] **The Court:** All right. Ms. Weiss?

[7-16] **Ms. Weiss:** Thank you, Your Honor. If I may, Mitch Jones is a possible witness. He has a shoplifting from 1991. I would argue it would not be admissible. It's from 1991, and it's a 30-day offense. Corey Curry has a conviction for burglary third and petit larceny in 2000 which is just inside the ten-year limit. The burglary third in that situation I believe would be admissible for impeachment if he is called to the stand. He also has a possession -- simple possession of marijuana in 2001 that I would argue is not admissible. And then---

[17-18] **Dr. Faltas:** I'm sorry. What was the other one other than the burglary third?

[19-24] **Ms. Weiss:** Petit larceny. And a possession of marijuana second in 2005 I would argue is not admissible, and an-owner-of-dangerous-animal-that-injures-a-human conviction in 2005, those are 30-day offenses. I would argue those are not admissible either. So that would limit Corey Curry's record to a burglary third from the year 2000, Your Honor.

[25] **Dr. Faltas:** Your Honor, may I respond?

[Page 373, line 1] **The Court:** Yes.

[2-16] **Dr. Faltas:** *Your Honor, the issue for which I have been so far exiled from my apartment and imprisoned and my privacy totally -- and my property taken and put in jail and face even more is that whether I acted reasonably by trying to maintain a reasonable neighborhood watch or even watch for myself against people who are obviously dangerous and reckless, and his conviction about ownership of a dangerous animal -- I'm not saying that he brought a dangerous animal. Actually someone did, but in any event, but I'm not -- but I'm saying the reckless people behave recklessly, and it is obvious to a reasonable person. And so all of Corey Curry's prior record is relevant, relevant not only to his credibility but to the reasonableness of my thinking that he is a dangerous person especially -- especially that he made threats of sexual violence against me.*

[17-18] **The Court:** The only record the Court will allow is Curry's burglary third conviction.

[19-20] **Ms. Weiss:** Thank you, Your Honor. Rodney Ingram -- oh, we've already done Rodney Ingram. I have---

[21-22] **Dr. Faltas:** I'm sorry. Did Your Honor rule on which charge the shoplifting conviction...

[23] **The Court:** From what year?

[24] **Ms. Weiss:** 1991.

[25 to page 374, line 1] **The Court:** The ten-year rule applies. It's not admissible for impeachment.

[2-3] **Ms. Weiss:** Wendy Ceo does not have any prior convictions, Your Honor.

[4-5] **Dr. Faltas:** That's not correct. That's not correct, Your Honor.

[6] **The Court:** Ma'am, have a seat. Proceed.

[7-14] **Ms. Weiss:** According to her rap sheet, she doesn't have any record. If she had anything that could even be a conviction, it would be obtaining goods by fraud in 1998 which is a Forest Acres offense and a simple assault in 2001 and I don't think -- the 1998 charge is still outside the ten-year limit, but I don't show a conviction on either

of those, Your Honor. I would argue that she does not have a record to be impeached with.

[15] **The Court:** What's the person's name again?

[16] **Ms. Weiss:** Wendy Ceo. C-e-o.

[17] **Dr. Faltas:** Your Honor---

[18] **The Court:** Yes, ma'am?

[19-25] **Dr. Faltas:** ---actually, according to what Ms. Weiss gave me, the simple assault -- there is a conviction and this is very relevant to Ingram's guests and family threatening me, and so the simple assault is very relevant. Besides, that obtaining goods, that is the scheme from 2000 -- from 1998 where Ingram was essentially the ringleader and two other young ladies were stealing with her. Your Honor ---

[Page 375, line 1] **The Court:** Was she a co-defendant with---

[2] **Dr. Faltas:** Yes.

[3] **The Court:** --- Ms. Ingram?

[4] **Dr. Faltas:** Yes.

[5] **The Court:** The court will allow that.

[6-7] **Dr. Faltas:** Thank you, Your Honor. Thank you, Your Honor. Thank you.

[8] **Ms. Weiss:** Your Honor, I don't show a conviction.

[9] **Dr. Faltas:** Yes. Yes, also---

[10] **The Court:** Ma'am.

[11-12] **Dr. Faltas:** That is a conviction. I'm sorry. I'm sorry. I'm so sorry. I'm so sorry, Your Honor.

[13] **The Court:** Is there a conviction or not?

[14-18] **Ms. Weiss:** Your Honor, there's no conviction on the rap sheet. I could look it up. It may have been a magistrate level case, but I'll be glad to look it up. I would still argue that unless she is called to the stand it cannot be brought up in court.

[19-21] **The Court:** No witness can be impeached through -- a witness's record cannot be used as a basis for impeachment by a third person.

[22 to page 376, line 1] **Ms. Weiss:** Richard Cooper has petit larceny in 1996 and fraudulent check in 2002 and disregarding a stop sign and reckless driving in 2007. The State would argue that none of those records are admissible as none of them carry over a year.

[2-5] **The Court:** The Rule 609(a)(2) says evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the punishment. So the---

[6] **Ms. Weiss:** Fraudulent check.

[7] **The Court:** ---fraudulent check is impeachable.

[8-9] **Ms. Weiss:** Thank you, Your Honor. There are two convictions for that in 2002. And Curtis Ingram---

[10-11] **Dr. Faltas:** Your Honor, may I -- may I say on the 2007 driving record and -- may I? May I?

[12] **The Court:** Yes, ma'am.

[13-23] **Dr. Faltas:** *Thank you. And Your Honor told me not to apologize, but no one can possibly understand what I'm going through. In any event, the 2007 driving record, this is a matter of the reasonableness of my actions, and someone who is a reckless driver or has evidence of reckless driving which was exhibited in the parking lot, especially when they took a detour towards my home and my car instead of taking the straight way out, that is relevant to why I was documenting this. So it may -- of course, all the rules are always subject to the needs of the case and the demands of justice.*

[24-25] **The Court:** I'll address that issue when Cooper testifies. Is he the one with the driving record?

[Page 377, line 1] **Dr. Faltas:** Yes, Your Honor.

[2-3] **The Court:** And the one allegedly driving reckless in a parking lot?

[4] **Dr. Faltas:** They all---

[5] **The Court:** Is that the individual?

[6-7] **Ms. Weiss:** Richard Cooper would be the one in the G.M.C. Yukon exiting out the exit; yes, sir.

[8-9] **The Court:** I'll address that issue when and if he testifies.

[10-12] **Dr. Faltas:** Thank you, Your Honor. And Corey Curry also has a driving record. I don't think Ms. Weiss mentioned it, but I---

[13] **The Court:** And her driving record is not impeachable.

[14-15] **Dr. Faltas:** Okay. Your Honor, the -- is the State going to call Corey Curry or do I need to subpoena him?

[16] **The Court:** I don't know.

[17] **Dr. Faltas:** Well, that's why I needed to---

[18-19] **The Court:** You can subpoena whom you want. I don't know if the State's calling the person or not.

[20-22] **Dr. Faltas:** Okay. All right. So I'll go ahead and subpoena him and if the court allows me to -- so I'll subpoena him.

[23] **The Court:** All right. Anyone else?

[24-25] **Ms. Weiss:** And Curtis Ingram does not have a criminal record, and Tiffany Lurke does not have a criminal record.

[Page 378, lines 1-2] **The Court:** All right. If you'll bring the jury, please.

[3-5] **Dr. Faltas:** *Are there -- Your Honor, are there other potential witnesses other than the ones Your Honor said may stay?*

[6] **The Court:** Those are the only ones at issue.

[7-8] **(Whereupon, the jury was brought into open court at 11:07 a.m.)**

[9] **Bailiff:** Juror number 95 is the foreman.

[10-15] **The Court:** Okay. Very well. You know, it almost always happens that the person that I would have appointed ends up being the foreperson. So when I got a note from this juror this morning, I indicated to my clerk we'll make him the foreperson, and you all have done that, so very good. Next witness, please.

[16-17] **Ms. Weiss:** Thank you, Your Honor. The State calls Rodney Ingram.

[18] **Dr. Faltas:** Your Honor, may I sit...

[19] **The Court:** Yes.

[20-21] Rodney Ingram, after being duly sworn, testified as follows:

[22-23] **The Clerk:** Have a seat in the witness stand, please, and give the court reporter your name.

[24] **The Witness:** My name is Rodney Ingram.

[page 779] **(This concludes the testimonial phase of the trial. ¶ Defendant's exhibits 24 and 28 through 32 were received in evidence and Defendant's exhibit 33 was marked for identification only after the close of testimony as well as Court's exhibits 6 and 7 were marked for identification only after the close of testimony.)**

[page 780] I, the undersigned Daphne D. Helms, official court reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings requested by Attorney Heather Weiss and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 22nd through 26th of February, 2010. ¶ I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 25, 2010

Daphne D. Helms, Court Reporter