

THE STATE OF SOUTH CAROLINA

No. 2022-000339

Before the South Carolina Court of Appeals
(as Transferred from the Supreme Court of South Carolina)

APPEAL from RICHLAND COUNTY Court of COMMON PLEAS
D. Craig Brown, Former/Resigned Circuit Judge, Case No. 2019-CP-40-01374,

Which is an Appeal from Richland County (Dentsville) Magistrate Phillip F. Newsom ("DMN")
As transferred to DMN from the City of Columbia's Municipal Court ("CMC")
Summary Court No. L066971

City of Columbia, SC, **Respondent,**
v.
Marie Assa'ad-Faltas, MD, MPH, **Appellant.**

ABRREVIATED RECORD ON APPEAL in seven volumes

Volume III: Evidentiary Documents and Documents Proving Issue Preservation Below *per-*
mitted by Rule 210(c), SCACR in *ascending* Chronological Order for ease of understanding

Sincerely submitted and served on 11 October 2023, God willing, by:
Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*
Post Office Box 9115, Columbia, South Carolina 29090
Phone (803) 783-4536; e-mail Marie Faltas@hotmail.com

Other Counsel of Record:
Jocelyn Y. Baker, Esq.,
Counsel for Respondent, the City of Columbia, SC ("*the City*")
City of Columbia, Legal Dept.
PO Box 667, Columbia, SC 29202
Email: Jocelyn.Baker@columbiasc.gov
Phone: (803) 737-4230 Ext

RECEIVED
OCT 11 2023
SC Court of Appeals



10 YEAR DRIVER RECORD



Customer No: 22883215
 Name: CROUCH, CHARLENE
 Address: 300 BYRON RD APT 3
 City: COLUMBIA
 County: RICHLAND
 DOB: [REDACTED]

Driver License No: [REDACTED]

State: SC

Zip: 292091559

Sex: F

Driver Training: N

Status - DL: NO SUSPENSION

CDL: NO DISQUALIFICATION

License Information

Type	Class	Function	Issued	Expires	First Issued	Restrictions	Endorsements
Current							
DL	D	Renewal	09/24/2008	11/02/2018	05/27/1993	N	N
Prior							
DL	D	Duplicate	09/15/2005	11/02/2008	05/27/1993	Y	N
DL	D	Duplicate	10/11/2005	11/02/2008	05/27/1993	Y	N
DL	D	Duplicate	03/17/2006	11/02/2008	05/27/1993	Y	N
DL	D	Duplicate	02/05/2007	11/02/2008	05/27/1993	Y	N
DL	D	Duplicate	10/19/2007	11/02/2008	05/27/1993	Y	N
DL	D	Modify	03/21/2008	11/02/2008	05/27/1993	Y	N
DL	D	Re-exam	07/24/2003	11/02/2008	05/27/1993	Y	N
ProvDL	D	Returned	01/27/2003	07/27/2003	05/27/1993	N	N
ProvDL	D	Original	01/27/2003	07/27/2003	05/27/1993	N	N
DL	D	Renewal	10/28/2002	11/02/2007	05/27/1993	N	N
DL	D	Returned	10/28/2002	11/02/2007	05/27/1993	N	N
DL	D	Renewal	10/28/1997	11/02/2002	05/27/1993	N	N

Address Change -

Date Changed: 06/03/2003

Address: 100 PARTRIDGE LN
 City: WINNSBORO

State: SC

Zip: 291802226

Address Change -

Date Changed: 03/21/2008

Address: 100 PARTRIDGE LN
 City: WINNSBORO

State: SC

Zip: 291802226

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10 YEAR DRIVER RECORD

Customer No: 22883215
Name: CROUCH, CHARLENE

Driver License No: 8494256

Point Summary

Total Current Points: 2
Driver Credit: -0
Adjusted Current Points: 2

VIOL: 421 - Speeding 10-mph or less
Violation: 12/23/2008 Conviction: 01/14/2009
ACD: S51 Conviction Loc Ref:
Conviction State: SC

Ticket#: D537790
Recd: 02/18/2009 Post: 03/04/2009
Conviction Reference:
Court Type: MAG
Violation Points: 2 Current Points: 2

VIOL: 475 - Careless or negligent driving
Violation: 05/26/2008 Conviction: 07/07/2008
ACD: M81 Conviction Loc Ref:
Conviction State: SC

Ticket#: 79806EG
Recd: 07/16/2008 Post: 07/24/2008
Conviction Reference:
Court Type: MUN

VIOL: 421 - Speeding 10-mph or less
Violation: 11/29/2006 Conviction: 02/27/2007
ACD: S51 Conviction Loc Ref:
Conviction State: SC

Ticket#: Z212896
Recd: 03/08/2007 Post: 03/10/2007
Conviction Reference:
Court Type: MAG
Violation Points: 2 Current Points: 0

ACC: REPORTABLE

Accident: 01/05/2007
Accident Case Number: 7003613
Accident Jurisdiction: SC Acc Loc Ref: SCHDPT
Contributed: Y Bodily Injury: N

Posted: 01/26/2007
FR-10 Audit Number: R-536402
History: N
Property Damage: >= \$1000

SUSP: 001 - Driving Under the Influence
Special Driving Privilege: PROVISIONAL
Suspension Beg: 01/23/2003
Causal: 12/24/2002
Reinstatement Requirements Met: 07/24/2003
ACD: A20 Withdrawal Loc Ref:

Ticket#: 82581BZ
Suspension End: 07/23/2003
Post: 01/27/2003
Reinstatement Fee Paid: Y
Withdrawal Reason Ref:

VIOL: 499 - Driving Under the Influence
Violation: 12/24/2002 Conviction: 01/14/2003
ACD: A20 Conviction Loc Ref:
Conviction State: SC

Ticket#: 82581BZ
Recd: 01/24/2003 Post: 01/27/2003
Conviction Reference:
Court Type: MUN

SUSP: 057 - BAC of .15 or Greater
Special Driving Privilege: NONE
Suspension Beg: 12/24/2002
Causal: 12/24/2002
Reinstatement Requirements Met: 01/27/2003
ACD: A90 Withdrawal Loc Ref:

Suspension End: 01/22/2003
Post: 01/16/2003
Reinstatement Fee Paid: Y
Withdrawal Reason Ref:

SC Driver License Surrendered

License Type: DL Class: D Function: Returned
Date Surrendered: 01/14/2003
Reason for Return: DRIVERS LICENSE FROM COURT

Posted: 01/27/2003
Issued: 10/28/2002
Returning State: SC

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10 YEAR DRIVER RECORD

Customer No: 22883215

Driver License No: 8494256

Name: CROUCH, CHARLENE

VIOL: 457 - BAC of .15 or Greater

Violation: 12/24/2002 **Conviction:** 12/24/2002

Recd: 01/15/2003 **Post:** 01/16/2003

ACD: A90 **Conviction Loc Ref:**

Conviction Reference:

Conviction State: SC

Court Type:

ADSAP - Alcohol and Drug Safety Action Program

Enrolled: 12/27/2002

Status: SUCCESSFUL COMPLETION

Post Date: 12/30/2002

Enrollment No: +000155067

End of Report

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**CITY OF COLUMBIA
SOUTH CAROLINA**

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Marie Faltas

Race: W Sex: F DOB: [REDACTED]

Warrant/Ticket Number: G-170523

Violation Date: 05/07/1999

Charge: Disorderly Conduct

Disposition of Case: Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 10/15/1999

Session: 0008

Page: 13

Line: 07

Honorable Judge Dennis presiding at the hearing

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Kirbie J. Ishmal/Staff Assistant

Date OCT 18 2010



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**CITY OF COLUMBIA
SOUTH CAROLINA**

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

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Court Date: 10/15/1999

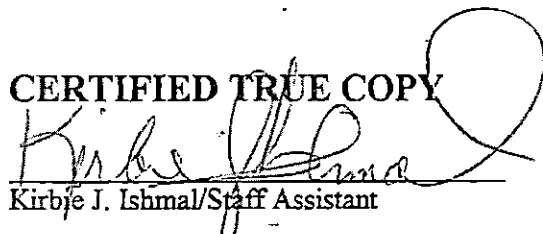
Session: 0008

Page: 13

Line: 07

Honorable Judge Dennis presiding at the hearing

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Kirby J. Ishmal/Staff Assistant

Date JAN 4 5 2011



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SOUTH CAROLINA**

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Maria T. Assaad-Faltas

Race: O Sex: F DOB: [REDACTED]

Warrant/Ticket Number: H-086350

Violation Date: 11/06/2001

Charge: Malicious Injury to Personal Property

Disposition of Case: Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 04/01/2002

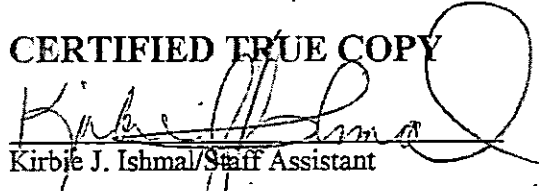
Session: 0008

Page: 03

Line: 04

Honorable Judge Dennis presiding at the hearing

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Kirby J. Ishmal/Staff Assistant

Date JAN 4 8 2011



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**CITY OF COLUMBIA
SOUTH CAROLINA**

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Marie Assaad-Faltas

Race: W Sex: F DOB: [REDACTED] B

Warrant/Ticket Number: H-086349

Violation Date: 11/06/2001

Charge: Shoplifting U/\$1,000.00

Disposition of Case: Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 04/01/2002

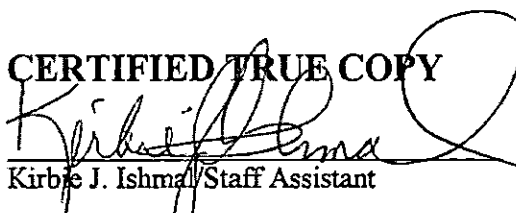
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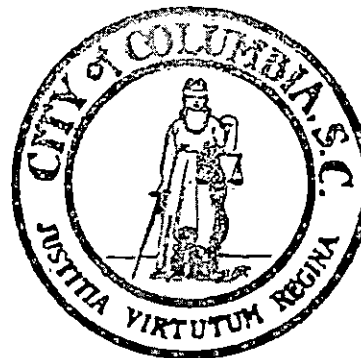
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Honorable Judge Dennis presiding at the hearing

CERTIFIED TRUE COPY


Kirby J. Ishma / Staff Assistant

Date OCT 18 2010



"EVERYBODY COUNTS. EVERYBODY CONTRIBUTES. EVERYBODY BENEFITS."

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CITY OF COLUMBIA
SOUTH CAROLINA

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Maria Faltas

Race: O Sex: F DOB: [REDACTED]

Warrant/Ticket Number: H-086349

Violation Date: 11/06/2001

Charge: Shoplifting U/1,000.00

Disposition of Case: Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 02/29/2008

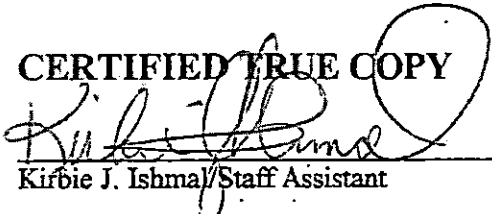
Session: 0001

Page: 05

Line: 13

Honorable Judge Dennis presiding at the hearing

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Kirbie J. Ishma/Staff Assistant

Date JAN 4 8 2011



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**CITY OF COLUMBIA
SOUTH CAROLINA**

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Maria Assaad-Faltas

Race: W Sex: F DOB: [REDACTED]

Warrant/Ticket Number: 018766CL; 018767CL

Violation Date: 08/27/2003

Charge: Disregarding a Traffic Signal, Failure to Change Address on DL

Disposition of Case: Not Guilty, Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 03/05/2004

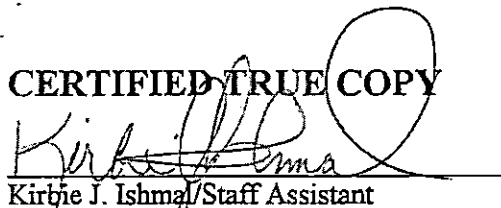
Session: 0800

Page: 17

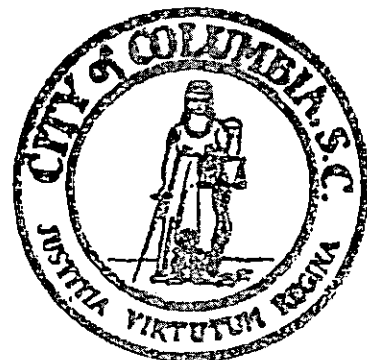
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Honorable Judge Dennis presiding at the hearing

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Kirbie J. Ishmael/Staff Assistant

Date JAN 8 2011



10 98



**CITY OF COLUMBIA
SOUTH CAROLINA**

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Maria Theresa Assa AD

Race: Sex: DOB: [REDACTED]

Warrant/Ticket Number: 6029

Violation Date: 09/13/2007

Charge: Materials to be removed by Occupant

Disposition of Case: Dismissed

Sentence: N/A

Condition(s): N/A

Court Date: 09/24/2007

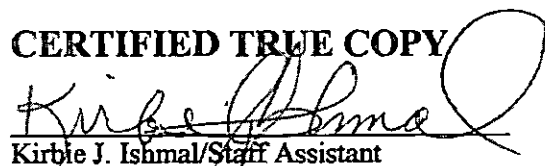
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Page: 01

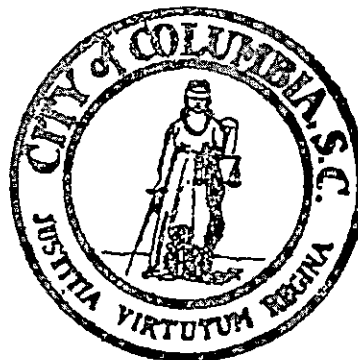
Line: 08

Honorable **Judge Burns** presiding at the hearing

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Kirbie J. Ishmal/Staff Assistant

Date FEB 18 2011



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CITY OF COLUMBIA
SOUTH CAROLINA

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: **Marie Assaad- Faltas**

Race: **W** Sex: **F** DOB: **[REDACTED]**

Warrant/Ticket Number: **K-613866**

Violation Date: **12/12/2009**

Charge: **Unlawful Use of Telephone**

Disposition of Case: **Nolle Prosequi**

Sentence: **N/A**

Condition(s): **N/A**

Court Date: **10/06/2010**

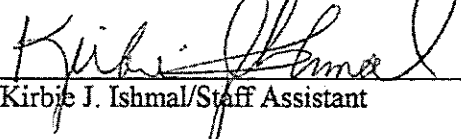
Session: **0800**

Page: **09**

Line: **11**

Honorable Judge **Hanna** presiding at the hearing

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Kirby J. Ishmal/Staff Assistant

Date **OCT 18 2010**



"EVERYBODY COUNTS. EVERYBODY CONTRIBUTES. EVERYBODY BENEFITS."

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**CITY OF COLUMBIA
SOUTH CAROLINA**

MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

February 15, 2011

Mr. David A. Fernandez, Esq.
Assistant City Attorney
Legal Department
P. O. Box 667
Columbia, SC 29202

Dr. Marie Assa'ad Faltas, Phd.
P. O. Box 9115
Columbia, South Carolina 29209

Re: Urgent Request for Completion of (a) City's Return on Appeals to Circuit Court
and (b) Disposition Letters Requested and (2) Complete and Accurate Copy of the
Audio Recording of the Proceedings before Columbia Municipal Court Judge
Bogan on Friday, February 4, 2011

Dear Mr. Fernandez and Dr. Faltas:

In response to Dr. Faltas' statements contained in the above referenced document,
please be advised as follows:

Pending motions filed by either party will be scheduled when possible and a
notice advising both parties of the date and time of any motion hearing will be sent by
regular mail.

A dvd of the hearing held before the Honorable J. Steedley Bogan on February 4,
2011 has been made available for Dr. Faltas to pick up. Judge Bogan has determined that
a formal order denying the City's motion to hold Dr. Faltas in contempt of court is not
necessary in this situation. Therefore, a formal order will not be provided. There is no
"minute entry" by a clerk. This matter did not appear as an entry on the criminal court
docket or any other docket for February 4, 2011, therefore a copy of the docket cannot be
provided. Dr. Faltas can request a copy of the transcript of this hearing by depositing
\$125.00 with the court.

Mr. David Fernandez
Dr. Marie Faltas
February 15, 2011
Page Two

Dr. Faltas will be advised if a disposition letter concerning dismissal of an ordinance summons against Dr. Faltas in September 2007 can be issued. Staff is aware of this request and is researching the case.

With regard to the return provided to the Circuit Court in response to Dr. Faltas' appeal from her conviction for front yard parking, please be advised that the exhibits in that case are in the Municipal Court's file and will be provided to the Circuit Court upon request.

With regard to the alleged missing conversation between Mr. Fernandez and Dr. Faltas and also with regard to an alleged colloquy concerning assignment of a jury foreperson, a member of the court's staff reviewed the tape of the trial and believes that everything that should have been transcribed has been transcribed. Perhaps these alleged conversations took place prior to the case being called for trial and therefore, would not be part of the trial itself. The qualification of the "venire" panel on Monday, December 6, 2010 was not transcribed. This court does not include the qualification of the jury venire as part of returns filed by this court. Without an issue specifically arising with regard to the qualification of the panel, there is no reason to include the qualification. The subpoena hearing before Judge J. Steedley Bogan on December 7, 2010 was not transcribed as part of the return. This court will provide that transcript if the Circuit Court determines it to be essential to the appeal and sends an order requesting same or if requested by either party after a proper written request and a proper deposit with the court.

I cannot address Dr. Faltas' request to consolidate the appeal in the front yard parking case with the alleged previous appeal as the procedure referenced is controlled by the Circuit Court, not the Municipal Court and by Dr. Faltas' own statement this request is addressed to the Honorable Judge Lee.

Sincerely,



Dana D. Turner
Chief Administrative Judge

3:05 PM 05/23/2005 11:23:01 Entry Entry Number 1 Page 1 of 63

THE STATE OF SOUTH CAROLINA

IN THE CITY OF COLUMBIA
MUNICIPAL COURT

COUNTY OF RICHLAND

CITY OF COLUMBIA,

WARRANT NO.: H086349

Plaintiff,

ORDER

v.

MARIE ASSAAD-FALTAS,

Defendant.

05 JUL 28 10:01

I. PROCEDURAL BACKGROUND

This matter came before me on the 23rd day of May, 2005, pursuant to several written motions made by the Defendant on her on behalf. She made these motions at various times, and the contents of the motions also vary, but, everyone has agreed that the Court will consider this as a motion to reopen her shoplifting conviction based upon after discovered evidence and that the motion was timely made.

This case arises out of an incident alleged to have occurred on November 6, 2001, at the Wal Mart store located on Garner's Ferry Road, Richland County, Columbia, South Carolina. The case was called for a bench trial on April 1, 2004, before Judge Steven D. Dennis of the Columbia Municipal Court. At that time, the case was tried and the judge found the Defendant guilty of shoplifting.

Thereafter, the Defendant, on a *pro se* basis, made several motions, including motions which are now being considered as a motion to reopen based upon after discovered evidence. These motions were scheduled before this Court at various times, but the Court has always declined to hear them because of lack of jurisdiction. The Court of Appeals has issued its final ruling and the time limit has run for any reconsideration or any other motion or additional consideration by any appeals court in this state and the remittitur has been returned to this Court so this Court now has jurisdiction to hear these motions.

Exh. 6, 7, 8
(6 pages)

II. CURRENT MOTION

Before reviewing the evidence and making findings, it is necessary for the Court to put into perspective the law as it relates to this motion. In order to prevail in this new trial motion, the Defendant must show that the after discovered evidence: "(1) is such that it would probably change the result if a new trial was granted; (2) has been discovered since the trial; (3) could not in the exercise of due diligence have been discovered prior to the trial; (4) is material; and (5) is not merely cumulative or impeaching." State vs. Spann, 513 S.E.2d 98.

The Defendant represented herself at the hearing and Ms. Dana Thye appeared on behalf of the City of Columbia. The Defendant called several witnesses including several employees of Wal Mart, whom she had subpoenaed, and her former attorney, Mr. Orin Briggs.

The Defendant also introduced into evidence several exhibits including an enlarged copy of a photograph which was originally introduced into evidence by the prosecution at the bench trial. At the original trial, the only two witnesses for the prosecution were two security officers who worked for Wal Mart. Both of them testified that the photograph introduced into evidence was taken on the date of the arrest which was also the purported date of the offense. Their testimony was clear and unequivocal on this point.

As the finder of fact in this hearing, I find that the Defendant has raised very serious and disturbing questions concerning the veracity of the testimony presented against her by the two Wal Mart employees about the photograph. I further find that through the photographic evidence, and the physical evidence introduced at this hearing, the Defendant has shown that the photograph entered into evidence against her at her trial, which was purportedly taken on the date of her arrest and the alleged incident, that is, November 6, 2001, could not in all likelihood have been made at that time, and therefore the entire testimony of the security officers is called into question.

The Defendant made several telling points concerning the photograph, the cash register receipt, and other physical evidence which she introduced at the hearing on this motion. There were two points

that I found particularly helpful in reaching my decision. First of all, an enlarged version of the original photograph showed small cardboard stickers attached to the shelves on the aisle where the photograph was taken. The Defendant introduced an identical original cardboard sticker at this hearing. In addition, she introduced another cardboard sticker that did not match the ones on the shelf. The first sticker introduced, which appeared to be identical to the ones in the photograph, had been copyrighted in the year 2004 by Wal Mart. The other sticker was copyrighted in another year, which indicated to the Defendant, and to this Court, that the stickers change frequently and are copyrighted, apparently, on the date of their first appearance. Since the original incident allegedly occurred on November 6, 2001, it is difficult, if not impossible, to believe that this particular cardboard piece could have been attached to the shelves in Wal-Mart on November 6, 2001.

Second, in comparing the UPC numbers on the cash register receipt to the UPC numbers of the type of report folders that were shown in the original photograph, it appears that there is a gross inconsistency in that it appears obvious that the UPC numbers found on the cash register receipt could not have come from the folders in the photograph as testified to by the witnesses for Wal-Mart.

The security guards had testified that the stickers taken from the small report folders were used to reduce the price of the binders by placing them on the binders so that when they were scanned the price would read ninety-seven cents instead of several dollars. It was shown at this motion hearing that each and every item in Wal Mart has a unique and specific UPC code number. Even the same item in a different color will have a different and unique UPC code number. The photograph introduced by the prosecution into evidence shows all different colored report folders thereby implying that each of them would have a unique UPC code number. The cash register receipt shows that two identical UPC code numbers were scanned at checkout which means they could not come from two different color or type folders even though the officers testified that these were the very folders from which the stickers were taken. This appears to be an impossibility.

These two pieces of physical evidence, together with other points that the Defendant made, have lead me to have serious questions about the veracity of the two witnesses produced by the prosecution. However, there is no indication that the prosecuting attorney had any knowledge, either at the time of the original trial or at the time of this hearing, that the evidence being introduced lacked credibility, was questionable, or in any other way was not proper, appropriate and credible. The fact that the evidence is now questionable does not reflect negatively in any way upon the prior decisions and actions of the prosecuting attorney in this matter. There is no evidence that the prosecuting attorney, nor any agent or employee of the City of Columbia, knew about these problems with the evidence or could have known about them before this motion hearing.

III. LEGAL ANALYSIS

A. WOULD THESE FACTS PROBABLY CHANGE THE RESULT IN A NEW TRIAL?

When the case was originally heard, the determining factor was the credibility of the witnesses. The Court found that the prosecution witnesses, that is, the two employees of Wal Mart, were credible. Without a doubt, the new factors introduced at the Motion to Reopen Based on After Discovered Evidence would call into serious question those employees credibility. It is not likely that guilt beyond a reasonable doubt could be established based upon their testimony alone, give the number of instances in which their testimony is now being called into question, if not outright disproven. Therefore, I find that the result would likely be changed.

B. HAS THE EVIDENCE BEEN DISCOVERED SINCE THE TRIAL?

Yes, the evidence has been discovered since the trial through the efforts of the Defendant in having the original photograph converted to digital format and then enlarged in such a way so that details can now be seen that were hidden or not recognizable originally. As the original trier of fact, and as the hearing judge at this hearing, I have reviewed the original photograph on several occasions and had an opportunity to examine it very closely. The detail now shown to the Court on that photograph which has led to these findings is not readily discernable on the original photograph. It might be argued that

3:05 PM 03/28/2005 Entry Number 1 Page 55 of 63
 the Defendant had seen the photograph prior to the trial and therefore had in her possession the very thing which has now provided the evidence of lack of credibility, but the fact that the photograph did not clearly show the tag on the shelf and other details that have now become readily apparent only through the enlarged copy of the photograph means to me that, in affect, this evidence had not been discovered at or prior to trial and I deem it to have been discovered since the trial.

C. COULD THE EVIDENCE HAVE BEEN DISCOVERED PRIOR TO THE TRIAL BY DUE DILIGENCE?

According to the testimony of attorney Orin Briggs, and based upon the transcript of the original trial, neither Mr. Briggs nor his client had an opportunity to view the photograph which has now become so important, until the day of the trial on April 1, 2002. Furthermore, a Motion to Continue by Mr. Briggs, while not based upon any desire to further explore the photograph itself, was denied. However, Mr. Briggs had sought to view the evidence on several prior occasions and through the actions of Wal Mart and/or its employees or agents, Mr. Briggs nor his client had been afforded that opportunity prior to trial. I find the Mr. Briggs exercised due diligence in his effort to review the photograph and the other evidence prior to the trial and that he was denied through the actions of Wal Mart and/or its employees and therefore the photograph could not, with due diligence, have been discovered before the trial.

D. IS THE NEW EVIDENCE MATERIAL?

Yes, the new evidence is entirely material to the issues at hand and sheds a considerable amount of new light upon the evidence adduced at the original trial. Considering that the credibility of the witnesses was of paramount importance in this case, the fact that the photograph could not in all likelihood have been taken at the date and time the only two witnesses for the prosecution testify that it was taken is of utmost materiality in the determination of guilt or innocence in this case.

E. IS THE EVIDENCE MERELY CUMULATIVE OR IMPEACHING?

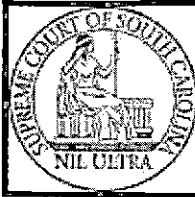
While it could be said that the new evidence is "merely impeaching," in a case where the entire determination is based upon the credibility of the witnesses, and where it is shown that both witnesses for the prosecution are now found to be thoroughly untrustworthy, it would defy all common sense, logic, reason, and justice to determine that because this evidence is impeaching, it is not of the most important character that could have been introduced on behalf of the Defendant. The witnesses for the prosecution did not see fit to retain the original physical evidence to be used at trial. That is their right, and photographic evidence of the original items is admissible and may be just as credible and can rise to the level of proof beyond a reasonable doubt. However, when they choose not to retain the original evidence, and when they do not make available to the defense the photographic evidence until the time of the trial, despite efforts of the defense to view that evidence, and where it is later shown that the photograph itself could not be what it has been purported by the prosecution to be, it may be said that the prosecution's case is not merely impeached, but thoroughly destroyed by the after discovered evidence. The after discovered evidence is more than impeaching, it guts and emasculates the prosecution's entire case so that in the interest of justice, the judgment cannot stand. The after discovered evidence in this matter does not merely question the State's case, it disproves it. Under those circumstances, the conviction cannot be allowed to stand.

THEREFORE, it is hereby ordered, adjudged, and decreed that the above-referenced case is hereby reopened, the previous conviction is set aside, and the Defendant shall be entitled to a new trial.

AND IT IS SO ORDERED.


The Honorable Steven D. Dennis
City of Columbia Municipal Judge

26 day of July, 2005



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Switch View

Dinah Steele vs Renard Walker

Case Number:	2006CV401063073	Court Agency:	Lykesland Magistrate	Filed Date:	11/17/2006
Case Type:	Civil	Case Sub Type:	Rule to Vacate PS	File Type:	
Status:	Disposed	Assigned Judge:	Davis, Michael Ronald		
Disposition:	Settled	Disposition Date:	03/09/2007	Disposition Judge:	Davis, Michael Ronald
Original Source Doc:		Original Case #:			
Judgment Number:	2006CV401063073	Court Roster:			

Case Parties

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Faltas, Marie					Other Party to Case		11/06/2009
Steele, Dinah	1403 Haigs Creek Elgin SC 29045				Plaintiff		11/06/2009
Walker, Renard	304 Byron Road - Apt. 3 Columbia SC 29206				Defendant		03/09/2007

Actions

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Steele, Dinah	Served Renard Walker	Filing		11/20/2006-17:00	03/09/2007-12:04	
Steele, Dinah	Civil Filing Fee for SCJD	Filing		11/17/2006-11:20	03/09/2007-11:20	
Steele, Dinah	RTV - Process Server	Action		11/17/2006-11:20	03/09/2007-11:20	

Financials

Summary					
Fine/Costs:	\$30.50	Total Paid for fine/costs:	\$30.50	Balance Due:	\$0.00
Costs					
Description	Cost Code	Amount	Charge Action	Disbursed Amount	
Civil Filing Fee County 44%/100%	CVFFCN	\$20.00		\$20.00	
SCJD Filing Fee Other Summary \$10	SCJDFF	\$10.00		\$10.00	
Copy Fees 100%	CPYFEE	\$0.50		\$0.50	
Payments					
Payment Date	Receipt Number	Entered By	Transaction Type Code	Payment Amount	
11/06/2009	62992	C40ABRAZEL	CV	\$0.50	
11/17/2006	51515	C40ABRAZEL	CV	\$30.00	

[minute 00:00] **The courtroom officer:** Be upstanding before the Court!

[minute 00:08] **The Honorable Judge Anderson:** Thank you. Please be seated. Ms. Clerk, you're recognized.

[minute 00:15] **The Clerk:** Case Number 14567, *City of Columbia versus Maria-Teresa* [sic] *Assa'ad-Faltas*.

[minute 00:20] **The Honorable Judge Anderson:** Ms. Faltas, you're recognized.

[minute 00:27] **Appellant pro se:** Good afternoon, Your Honors. And may it please the Court, I am Dr. Marie-Therese Assa'ad-Faltas, the very grateful appellant *pro se* before this Court.

Initially, I was the defendant and later the movant before the City of Columbia Municipal Court, which sat in the person of the Honorable Steven Dennis both for the bench trial on April 1st, 2002, and the after-discovered evidence hearing on May 23, 2005.

Judge Dennis issued his ruling on July 26. It was filed July 28, 2005, setting my conviction aside based on after-discovered evidence ---

[minute 01:20] **The Honorable Judge Beatty:** Actually he gave you a new trial; he didn't set the conviction aside. Did he?

[minute 01:25] **Appellant pro se:** Actually yes, Your Honor, he did set the conviction ---

[minute 01:27] **The Honorable Judge Beatty:** Are you suggesting that you were acquitted then?

[minute 01:29] **Appellant pro se:** I think it is functionally, *in this case*, constitutionally equivalent to an acquittal. And I ---

[minute 01:38] **The Honorable Judge Beatty:** What's your authority for that?

[minute 01:40] **Appellant pro se:** Two, two very clear statements from the U.S. Supreme Court.

It said it's not the form of the judge's action, and that's from *United States versus Martin Linen Company*, but the court looks to whether the judge made a factual finding, correct or not, as to the elements of guilt, or one or more of the elements of guilt or innocence of, of the defendant. And in this case, the judge specifically found, at least in two or three areas in his order, that it is physically impossible, he used the word "impossible," for that for which I was tried to have been true, based on the after-discovered evidence. So, that is a factual finding.

And the Double Jeopardy Clause is not premised on infallibility of the fact finder.

Once a fact is found favorable to the defendant, then it is functionally, constitutionally equivalent to an acquittal. The other ---

[minute 03:05] **The Honorable Judge Anderson:** There may be some disputation as to whether that was a factual finding by the judge because he didn't have the right to make factual findings in terms of a motion for a new trial based on after-discovered evidence. He needed to identify evidence, not make factual findings, in terms of his particular role at that time.

What I would like to ask you in terms of his function at that time: He was looking at the after-discovered evidence, because that was the gist and gravamen of your motion: after-discovered evidence. "I need a new trial based on after-discovered evidence."

In the photograph, when you first had the photograph at the first trial, there is a proposition of law known as "due diligence." Did you exercise due diligence at that time by pointing out to the judge "well, I need more time to deal with this photograph" or was, was the point in regard to the photograph not obvious at that time so that you really could not even determine the need to ask for more time?

[minute 04:31] **Appellant pro se:** Actually, Your Honor asked me several questions.

[minute 04:34] **The Honorable Judge Anderson:** I did.

[minute 04:35] **Appellant pro se:** And if I may answer all of them, not in the order of importance, but in the order Your Honor posed them.

Yes, I think the new-trial-motion judge is required to make issues related to guilt or innocence because one of the elements he is supposed to look at is whether the new evidence will make a different outcome likely. Put in other words, is that, if in the first trial the defendant was convicted, does the new evidence make it likely that in a new trial the defendant will be acquitted?

So, not only did he have the right to make that finding; that was his duty. The second ---

[minute 05:23] **The Honorable Judge Anderson:** Well, let's, let's go back to that point again now. The two cases. Let's just stick with *State versus Caskey*, which is a State Supreme Court case. It gives these five elements; and in it, the defendant must show that the evidence: (1) would likely change the result if a new trial was granted.

That does not mean the judge is then making factual findings.

The judge is identifying evidence that is being presented within the ambit and aegis of the motion for new trial based on after-discovered evidence. Identifying that evidence, I think, is more correct in terms of saying the judge is finding facts at the time.

[minute 06:05] **Appellant pro se:** Respectfully, Your Honor, as a threshold matter, the judge needs to make a factual ruling whether the after-discovered evidence is true or not. And if he does find it is true, then he goes on to find whether it will make a different outcome likely.

So, he is required to find as a threshold matter whether the after-discovered evidence is true.

And that is a factual finding, because, if the after-discovered evidence is not true, which happens in a lot of recantation cases that the judge finds as a threshold matter the recantation affidavit is not credible, he doesn't need to go any further than that.

So, yes, once again, not only did he have a right to make the factual finding, but he had a duty to make it because that is the threshold element.

[minute 07:11] **The Honorable Judge Beatty:** Ms. Faltas?

[minute 07:13] **Appellant pro se:** Yes, Your Honor.

[minute 07:15] **The Honorable Judge Beatty:** Let me ask you. I am going to ask maybe a series of questions; and they are not difficult to answer. And hopefully they will not be confusing.

In fact, I'll just make a statement. No. Now, you do understand that your trial was held, right? And you were convicted at the trial itself. Is that correct?

[minute 07:29] **Appellant pro se:** Well, yes, Your Honor.

[minute 07:31] **The Honorable Judge Beatty:** All right now. The trial was concluded. You had been convicted. That was over and done with. Right? Then you filed the motion for a new trial based on after-discovered evidence.

Do you, are you following me now? That is procedurally what happened. Is that correct?

[minute 07:48] **Appellant pro se:** But I also had in the meanwhile filed a lot of motions---

[minute 07:54] **The Honorable Judge Beatty:** Well, but let's talk about the one we're dealing with here.

We're dealing with the granting of a new trial based on the after-discovered evidence; and that's what's being appealed here. Now, when that motion is granted, that is not a new trial; that's saying "you can have a new trial."

So, the judge could not have found you not guilty at that hearing. Do you understand that?

[minute 08:04] **Appellant pro se:** And here is, this relates to something that I have preserved below and I have tried to preserve before this Court and before the State Supreme Court, which is: it is unconstitutional. Rule 29(b) is unconstitutional in two respects. Number 1: It violates the Sixth Amendment in that it prohibits the hearing of new evidence during pendency of a direct appeal. Number 2: It does not empower the trial judge, if the after-discovered evidence makes the like, makes guilt impossible, it does not empower the trial judge to enter an acquittal. And that is unconstitutional also on Sixth Amendment grounds and on due process grounds because somebody should not be held to answer to a charge with, without oath or affirmation.

Now, the purpose of the oath or affirmation isn't just that it be uttered; but the person taking it without mental reservation tell and it's three prongs. And they aren't alternate. It's tell the truth, the whole truth, and nothing but the truth.

So, and, and I know that Your Honor asked me. Well, that is all the power that he had; and that's why it was styled "motion for a new trial."

But in the federal system, the equivalent Rule 33 of the Rules of Criminal Procedure provides that if a judge had held a bench trial, and then hears a motion for after-discovered evidence

and decides to grant the new trial, he may go on and take further evidence and decide the issue of guilt or innocence then, because---

[minute 10:28] **The Honorable Judge Beatty:** Well, in effect, he has actually conducted the new trial that he's granted you if he does that.

[minute 10:34] **Appellant pro se:** Your Honor, sometime. Yes, I would say that, in effect, yes; but we don't need---

[minute 10:40] **The Honorable Judge Beatty:** But that's not what happened in this case.

[minute 10:42] **Appellant pro se:** Well, yes, Your Honor, he, because his. It's very simple. I wasn't being tried before the Consultus of the Vatican for sainthood and it trying to decide whether I ever committed any offense in any part of the world---

[minute 11:01] **The Honorable Judge Beatty:** Ms. Faltas, your time is about running out. I wanted to ask you one other question: whether or not the evidence that you put forward was untruthful? And truthfully was it really after-discovered evidence? We're talking about a photograph that you had access to. And the only new thing that I've seen in the record is that you had it blown up and you deduced some other evidence from the expanded picture.

[minute 11:28] **Appellant pro se:** Actually, and I'm glad Your Honor asked me that question because that was a question that the Honorable Judge Anderson asked me and I didn't get around to answering it. And the fact is no, no, no.

Not only did I not have it before trial, I did not even have it during trial. I did not even have it after trial until a judge [sic] by the Honorable Judge Huff allowed me to make a photocopy of it. *And, and this is not only a red herring by the Prosecution, it is straight falsification of the record.*

Specifically on, on March 14th 2002, she wrote to my then-counsel that there, the items are not there; there is a photograph of it. He immediately faxed her, and that's on record page 39, saying "I need to see that photograph ASAP." She essentially faxes him back a one-sentence letter saying essentially "Go to hell. I'm not going to show you the photograph; and do whatever you want." So, what else? And in---

[minute 12:51] **The Honorable Judge Beatty:** What page of the record is that on?

[minute 12:53] **Appellant pro se:** Page 39 Your Honor; and this is very important and it was attempted. The, the exchanges are on page 39 and 40. And that's from, from the trial record. And then also, during the after-discovered evidence hearing, Mr. Briggs came and testified.

(Advocate chokes and coughs.) Excuse me.

And I specifically asked him to test, asked him: "Short of breaking into Ms. Thye's office to get that photograph before the trial, was there anything else you could have done?" And he said "I was relying on the discovery process."

Besides, prior to that, there were 10 specific requests for production [sic]. Additionally,---

[minute 13:48] **The Honorable Judge Anderson:** Ms. Faltas, your time is up. Now, we need to let her talk then you can reply. Well give you time in reply.

[minute 13:51] **Appellant pro se:** Thank you, Your Honor.

[minute 13:52] **The Honorable Judge Anderson:** All right.

[minute 13:53] **Appellant pro se:** May I, may I, however, pick up that thought when---

[minute 14:00] **The Honorable Judge Anderson:** Yes, ma'am.

[minute 14:01] **Appellant pro se:** Thank you very much.

[minute 14:02] **The Honorable Judge Anderson:** All right, Counsel. you're recognized.

[minute 14:04] **Counsel for the City:** Thank you, Your Honor. Good afternoon. May I please the Court.

My name is Dana Thye and I represent the City of Columbia in this matter.

This case was decided correctly, first at the trial and on direct appeal, where a panel of this Court affirmed the conviction, and most recently by the Circuit Court in reversing the grant of a new trial. There was simply no manifest injustice done here despite Dr. Faltas' contentions.

[minute 14:29] **The Honorable Judge Beatty:** Was she or was she not denied the photograph that is the basis of the new trial motion?

[minute 14:32] **Counsel for the City:** She had the photograph on the morning of trial, yes, Your Honor.

[minute 14:36] **The Honorable Judge Beatty:** On the morning of trial; but they had requested it sometime before then. Didn't they?

[minute 14:39] **Counsel for the City:** They had requested it. That's correct. There was no --

[minute 14:40] **The Honorable Judge Beatty:** It was not given to them.

[minute 14:42] **Counsel for the City:** There was nothing filed but they had requested it in writing. I informed that the Wal-Mart representatives had the photograph and they'd be bringing it to the trial. I then invited them to make whatever motions they needed to make --

[minute 14:52] **The Honorable Judge Beatty:** Actually, your letter doesn't say all that. It just says you (reading from the Record on Appeal) "intend to call the case for trial on" your "next term. You're welcome to make pre-trial motions as you deem necessary."

[minute 14:58] **Counsel for the City:** It was the preceding letter when I told them that the photograph, that there were not actually the folders. They wanted to see the actual folders. I told them the folders didn't exist; it was just the photograph.

[minute 15:06] **The Honorable Judge Beatty:** Well, let me ask you. The photograph, after she got it and used it at the pre-trial, well, excuse me, at the new-trial motion, digitally, I guess, enlarged the photograph and discovered certain things in that photograph. Would you consider that to be after-acquired evidence or not?

[minute 15:20] **Counsel for the City:** *No, Your Honor, I wouldn't consider that. I would consider it after-created.*

[minute 15:24] **The Honorable Judge Beatty:** It's not newly-discovered at all?

[minute 15:26] **Counsel for the City:** The magnification certainly was. I mean, she didn't. The magnification was after the trial. That much is, is true. The photograph itself and the opportunity to do that magnification, she had it at trial and could have made any request to have more time---

[minute 15:39] **The Honorable Judge Beatty:** How, how could she have done that at trial if you did not produce the photograph until the morning of the trial?

[minute 15:44] **Counsel for the City:** She had it the morning of the trial. It came ---

[minute 15:47] **The Honorable Judge Huff:** Are you saying she should have made a motion for continuance based upon the just-recently received photograph and you would have had no objection?

[minute 15:52] **Counsel for the City:** I would have had no objection; it was never made. The motion was never made. I invited them to make any number of motions. All of the items of production that she indicated, certainly, weren't in our custody or able to get. We needed to have taken those up if necessary. If she had made the motion and the court would have entertained it, she could have had any amount of time she needed to make this photographic manipulation or magnification of the Polaroid.

[minute 16:11] **The Honorable Judge Anderson:** Counsel, I have some concernment about the findings by the municipal judge at the motion for a new trial based on after-discovered evidence. There is some very serious allegations in regard to the ruling by the municipal judge concerning the New Item stickers; whether the UPC Codes Code in place during this year, 2002, or what the differences between the folders were based on the angled or rounded edges, the clasp. Whether this photograph is in fact a fabrication is of major concernment to me. Now, if there is some difficulty in regard to that photograph, I for one would vote for a new trial because I am not going to sit here and let some kind of activity occur in regard to evidence that is presented at trial. Now, can you explain to me this difficulty between the 2002-copy-righted New-Item stickers as juxtaposed to the ones that were in place at the time this event occurred so as to eliminate the idea notion that there was some activity within that photograph that is rising to the level of the kind of exhibit that simply cannot be accepted by the Court.

[minute 18:00] **Counsel for the City:** Certainly, I'll certainly try. It's my understanding from Dr. Faltas' argument that the Polaroid photograph, when magnified to such a degree, you can discern the "New Item!" tag in, in some of the pixilated images of this, this photograph, the Polaroid. She

then analogizes that to a new tag item [sic] that she brought in the day of the after-discovered evidence. It had a 2002 copyright date on it.

She argued and contended that, because the one in the picture looked like the one that was a 2002 copyright, that it must have been taken in 2002. But that doesn't answer whether or not the new tag item [sic] sticker from 2001 looks similar to that. These photographic manipulations are suspect at best. You're taking, you're talking about a Polaroid that doesn't contain a negative, blowing it up several times and taking a pixilated image, trying to clean that up to discern distinctions or similarities between that item and something else.

[minute 19:01] **The Honorable Judge Beatty:** But you would agree that they look very similar. Don't you?

[minute 19:02] **Counsel for the City:** *Oh, they look similar. I don't know that they wouldn't look similar to the 2001.*

[minute 19:04] **The Honorable Judge Beatty:** Now, what about her argument about the UPC Codes? Each item in the store has an individual distinct code. And the codes that she checked out with her receipt indicated, I believe, clear folders. The folders in the picture, and that's the only evidence that you all have because you got rid of the picture, of the folders themselves, were colored, folders. Now, doesn't that strike you as being odd?

[minute 19:28] **Counsel for the City:** Well, it strikes me as being odd; but I don't know that it couldn't be explained by the Wal-Mart folks. And that's one of the issues here that we have with this after-discovered evidence trial [sic].

[minute 19:33] **The Honorable Judge Beatty:** If she went to the register with, and was, and purchased, clear folders, and the UPC Codes indicated they're clear folders; yet, you put forth the photograph saying that she was trying to steal colored folders.

[minute 19:53] **Counsel for the City:** That she was attempting to remove labels from color folders and attach them to something else. Now there's, there is no argument that she walked out of the store [sic] with two items yet removed, that there are five folders in the picture removing several labels trying to get one that peeled off correctly at the time.

And that's the problem with this after-discovered evidence being considered a new trial and an acquittal: is that some three years after the case, the procedures---

[minute 20:10] **The Honorable Judge Beatty:** But how do you try and explain the UPC Codes? I mean that's the problem I'm having. If each item has a specific code, whether it's color wise or otherwise. Even different color items had a different code. She checks out with a UPC Code for two clear folders. Yet, the ones you're saying she tried to take the stickers off of are colored folders. And yet, if she had taken those stickers off of the colored folders and used those to purchase the clear folders, wouldn't her receipt show she bought colored folders?

[minute 20:40] **Counsel for the City:** I see where you're coming from, Your Honor. And I don't know---

[minute 20:44] **The Honorable Judge Beatty:** But her receipt shows she bought clear folders.

[minute 20:48] **Counsel for the City:** *The receipt has two of the same items, of clear folders.* And that's the problem again with this after-discovered evidence hearing being considered an acquittal and all of that.

We still have to get past all of this, the *Caskey* criteria: discovered since the trial; could not have been discovered prior to the trial; and is it merely cumulative or impeachment evidence? Again, the purpose behind this Polaroid photo and the magnifications; this isn't a Polaroid photograph of her actually taking the items. It's of the items themselves, which is cumulative in nature to the eye-witness testimony of the folks. The sole purpose for introducing---

[minute 21:22] **The Honorable Judge Anderson:** Well, this eyewitness testimony of these folks was directed toward the photograph. They were contending that the photograph was in essence backing them up and buttressing their testimony. Didn't they contend that at trial?

[minute 21:38] **Counsel for the City:** They contended that it contained all of the photos, or all of the folders that they saw her peel the labels off of and the folders that they took, that they saw her take out of the store [sic].

[minute 21:46] **The Honorable Judge Anderson:** So, what's cumulative about a photograph that is almost the quiddity of the trial? All this evidence is being directed to the photograph: "We can show you. This is exactly what happened."

[minute 21:57] **Counsel for the City:** Well, all the evidence wasn't directed to the photograph. Both of the folks testified at trial about what they saw, about following her around the store, the fact that she removed labels from folders, there's no dispute about that.

Dr. Faltas' testimony indicated she was removing labels. She asked the court to believe it was because there was an error. She knew that they weren't valued right; and so, she was helping Wal-Mart out by making the correction.

They testified to all of this and they merely used the photograph to illustrate the types of folders and the folders. And they said "These are the folders that she was, that we picked up off the stationery shelves that she was removing the labels from. And these are the folders that we saw her walk out of the store [sic] with." So, it was, was cumulative to their eyewitness testimony and also cumulative to a police officer who arrived to transport her that said "I saw everything there. I saw the folders, and binders and the photograph."

So there was a photograph in existence on the day that she was, that she was arrested.

So, it is cumulative; and the sole purpose is to impeach the veracity of these witnesses, to say that it didn't happen the way they said it happened and it didn't happen the time of date.

That was some of, a point that she brought out at trial herself. I would point out to the Court that she had the receipt in evidence, on page 320 of the Record on Appeal, she entered that receipt into evidence. She had that on the day of the trial. She brought it with her as a matter of fact. She testified the binders in the fold, in the photo were not the ones she took.

She had that before the trial court. She made that point before the trial court. That this is---

[minute 23:19] **The Honorable Judge Beatty:** *What about the, the manual, Wal-Mart's manual about their products with, that contained the explanation about the UPC Codes?* She did not have those. Did she?

[minute 23:29] **Counsel for the City:** No, she didn't.

[minute 23:29] **The Honorable Judge Beatty:** *They were not even available to her at that point in time.* In fact, she was told it didn't even exist at that point in time, wasn't she? The manual did not exist?

[minute 23:29] **Counsel for the City:** The manual? Or is the Court referring to the manifest? On direct appeal, there was an issue about a manifest; and it was determined that there was no error.

[minute 23:42] **The Honorable Judge Beatty:** No. That was an evidence manifest, I do believe, that---

[minute 23:49] **Counsel for the City:** That was an evidence manifest.

[minute 23:50] **The Honorable Judge Beatty:** --that supposedly did not exist; and then it showed up. No. I'm talking about the Loss Prevention Manual that talked about all these things and that supposedly did not exist at the time of the trial but was available when, at the motion.

[minute 24:02] **Counsel for the City:** I'm not sure that it didn't exist at the time of the trial. I think Dr. Faltas perhaps didn't request it or, I mean it was, it's a Loss Prevention Manual. It wasn't encompassed in, in that. I don't, I don't read the record as saying it was not in existence at that time.

[minute 24:10] **The Honorable Judge Beatty:** Oh, it was in existence. It was not available to her.

[minute 24:12] **Counsel for the City:** To her; and her counsel certainly could have brought it up in any motion pretrial. Again, this is, it's impeachment evidence. It could have been discovered prior to the trial. It was certainly, some of it was certainly discovered at the trial. And so, this does not rise to a level indicated in the *Caskey* criteria or any of that.

[minute 24:39] **The Honorable Judge Anderson:** All right, Counsel. Your time is up. I am going to give you two minutes to sum up since she had run a little over her time.

[minute 24:49] **Counsel for the City:** Thank you. I appreciate that, Your Honor.

She argued three issues in her brief, all of which should be resolved in the City's favor. That there is, her first issue: there is no authority for us to appeal this. I think the Court has correctly

honed in on that: that there is very much a distinction between an argument related to the insufficiency of evidence, finding that the, the government's case should not have proceeded to trial versus a weight of the evidence type of analysis.

This is clearly a weight of the evidence type of analysis; and therefore appealable.

And in anyway, what the Court [sic] seeks to gain here is a reinstatement of the conviction, not a retrial. So, the Double Jeopardy Clause doesn't bar this particular Appeal.

The procedural handling of the Circuit Court was completely within their purview. There is a Code section that determines the municipal court appealability. It's completely within the Circuit Court's purview to, to handle it as such and do it on the briefs.

And furthermore, the Sixth Amendment of the United States Constitution guarantees a fair trial, not a perfect one, but a fair one. She had every opportunity to, below to present this evidence and in fact did present several of, of items of this piece of evidence.

Because she now simply says "I have more ways to illustrate my point" doesn't rise to the level that, that we submit is necessary to gain a trial on after-discovered evidence.

So, we would ask the Court to affirm the Circuit Court. Thank you.

[minute 25:58] **The Honorable Judge Anderson:** Ms. Faltas, reply.

[minute 26:02] **Appellant pro se:** *Thank you, Your Honors, and I do very much appreciate the questions you asked.*

But this illustrates why this shouldn't be appealable: Your Honors are trying to compress within 25 minutes what's Judge Dennis took five hours to look at, in addition to his, to his having been the one who tried the case to begin with. So that's.

The second thing is the issue of appealability is very alive and very important. Only yesterday, a, a colleague panel of this Court said: "While there are lingering questions regarding its appealability, the issue" And that is on the case of *The State versus Franklin Arthur, Arthur Franklin Smith*, which is a published opinion issued yesterday.

Now, if Your Honors go back, on the record pages 32, I believe, there was, there were 10 specific Requests for Disclosure. And they, they specifically asked for all their procedures and how do they handle evidence and all of that. So, yes, it was asked. She chose not to give anything. And yes, there was a pretrial motion. But we were entitled to the full measure of relief: not a continuance but dismissal. And the motion for dismissal encompassed everything include, which was specifically the State's, the Prosecution's failure to give the evidence which was specifically, I mean there was; it's in writing; it's specific; it's 10 items; it was timely, way ahead of trial.

The, the second thing is that, again, there is falsification of the record. There were three motions for continuances made; and they were all denied. And I refer them to, in my brief.

The most important thing is that the Polaroid didn't mean anything until a witness took the stand and testified this is what the Polaroid is. And if Your Honors look back at the Record, on page 17, that was initially what Judge, Circuit Judge Barber affirmed, saying it's, "it's okay that they destroyed the folders and binders since the Polaroid says that these are the exact ones."

So, the Polaroid wasn't illustrative; it was the *corpus delicti* according to the Prosecution. And upon magnification, there is no *delicti* in the *corpus*.

So, it is impossible for me to have been convicted.

Additionally, the State, the Prosecution keeps saying "evidence this and evidence that; testimony this and testimony that." Perjury is not testimony. The difference between testimony and a report is that it be given under oath or affirmation, not just uttered, but something without mental reservation. And the three prongs of, of the oath is "the truth, the whole truth, and nothing but the truth." If somebody, a potential witness were to say: "I swear or affirm to give you a little bit of the truth, to suppress that part of the truth which doesn't help my story, and to fabricate things that will fill in the rest of what I suppressed," this person would not have been put on the stand at all, if he refuses to take the oath which is the three items.

Now, it's not the uttering. Since we know, or at least the trial judge found that that picture was fabricated, then those people came with a predetermined mental reservation to take the oath,

to utter it while intending to violate it. So, they did not take the oath. Whatever they said is on the record is not testimony because it was not under---

And I'm sorry this may sound a bit convoluted; but it really isn't. The purpose of the oath is to ensure that anyone allowed to testify would respect the three prongs of the oath and --

[minute 30:50] **The Honorable Judge Anderson:** The word "oath" came from the Roman law. The Latin word is "*ius iurandum*." And the oath came from that origin; and we have used it historically. I don't think we need any kind of instruction on the oath. We understand that.

[minute 31:05] **Appellant pro se:** No, I'm sorry. I don't mean that. *I meant, I meant the, what the witness promised to do and the trial judge found did not do that.* So, my contention is that that's not a witness at all. The other very important part of, really, falsification of the record and I'm really disappointed and I think this Court should take this seriously that an off, which I am not an officer of the court even though--- The Prosecution tried to do this three times. First, before Judge Dennis, and at that time I objected. She claimed that the police officers testified that they saw the picture.

That is simply not true. They did not see the picture, they did not identify the picture. One recollected vaguely seeing "pictures" in the plural. But he never identified it, never took custody of it, never anything. And in fact, I, part of my.

And my after-discovered evidence isn't limited to those two points.

Neither is Judge Dennis' order limited to the two points about the date and the UPC Code. He, in three place, he said "along with other evidence" "together with other evidence." These were the two he found most helpful. In fact, I could dispense with one of those two and still win because there were several, seven other proofs within the photograph.

Now, the jeopardy attaches as soon as witness is sworn in a bench trial. And once the, the witness was sworn and identified the photograph under oath, a continuance was tantamount to a motion for dismissal, which is, we had asked for a motion of, for dismissal before the trial began. So, that motion was made.

It was not possible to take the photograph and magnify it before any witness said what that is, because it, we didn't know what they were going to say about it: whether they were going to say "these are the actual items" "these are something else that we were taking while passing the time." There was no identification of it. But once a witness---

[minute 33:32] **The Honorable Judge Anderson:** Ms. Faltas, your time is up. I'm going to give you two minutes to sum up.

[minute 33:42] **Appellant pro se:** Yes, Your Honors. Additionally, the, the City is now taking a different position before what, different from what it put in judge, Circuit Judge Cooper's mouth because Your Honors need to remember that, first of all, judge Cooper had no right to re-examine the facts, not only under the Sixth Amendment, but also under---

The idea isn't if somebody can sit and fantasize possible explanations. The issue is whether there was enough evidence for Judge, Municipal Judge Dennis to make the ruling that he did, even if---

And in fact, in a Freudian slip they said: "it is possible, equally likely that something else." Well, if it is equally likely, if there are two possible inferences, then once the fact-finder chooses one of them, no appellate body has the right just because it is higher in, in the hierarchy to say "No, I, I would have chosen a different inference and you're wrong."

And Your Honors, here, are not - it's very important, Circuit Judge Cooper was not the trial judge. Your Honors are sitting basically in the same position that the U.S. Supreme court sat in when it examined the Fourth Circuit U.S. Court of Appeals' reversal of trial judge McMillan in *Anderson versus City of Bessemer City*.

In that case, the trial judge had found there was discrimination and found for the plaintiff. The Fourth Circuit reversed because it would have drawn a different inference from the facts; and the U.S. Supreme Court unanimously said NO. An appellate body doesn't have that right, so long as there were, there is evidence in the record from which the trial judge could have drawn the inferences, even though the appellate body might have drawn a different inference had it sat in the place of the trial judge. It doesn't work like that. It's the fact-finder.

And, and, and specifically, not only that. The very short letter which is the only, only one of two letter in Judge Cooper's own words, he says: "The evidence in my opinion" "the new trial evidence doesn't merit reversal of the conviction." Well, that's a way he's weighing it and saying "that's not important enough." But that wasn't even for him to do. The weight of the evidence, what to attach, is for the fact finder; and there was only one fact-finder in this case, both at the bench trial and at the after-discovered evidence hearing; and that is Municipal Judge Dennis. Your Honors, the question of appealability; and I'm sorry that we had to focus on the facts because the, this happened in 2001. This is 2007. Six years.

If the average life expectancy is now about 72 years, I have spent about one twelfth of my life under the shadow of a conviction for something I did not do. And Justice O'Connor had written, and recently the U.S. Supreme Court quoted her, "it is constitutionally impermissible."

That was a death penalty case; but really life is made of time lived.

And the, the Constitution, the Sixth Amendment prevents that someone would live under the shadow of an accusation of something they didn't do. That's why we need speedy trials. Now, it *a fortiori* prevents someone from living under a conviction that was found to have been procured by fraud. If the Constitution doesn't protect the innocent from being convicted based on fraud, then it doesn't do anything at all.

And the other thing I wanted to say, if it pleases the Court, is that the, Judge Cooper's handling of the matter was very bizarre. He didn't hold. Not only did he not hold a merits hearing, he requested both parties to file by the same date blindly briefs; and did not even let me even reply to the City's brief. Well, "Respondent" is someone who responds. Before Judge Cooper, I was the respondent. He didn't let me respond. It's as if in a trial some---

And he did re-examine the facts, which the U.S. Supreme Court in *Kepner* said that the examination of the facts even by an appellate body, is like a second trial and therefore barred by the Double Jeopardy Clause.

But the bizarre way in which Judge Cooper handled the matter itself would, would warrant reversal of Judge Cooper. He said "On October 10th, both the City and Dr. FaItas will file their briefs."

So, it's as if in a trial the, there was kept two juries in two separate rooms; and the Prosecution was told to present its case in one room and the defendant was told to prevent, to present her defense in a separate room without even seeing what the Prosecution was doing.

The ---

[minute 39:32] **The Honorable Judge Anderson:** Thank you, Ms. Faltas. Thank you very much.

[minute 39:52] **Appellant pro se:** Thank you very much, Your Honors, for the opportunity to be heard.

[minute 40:02] **The courtroom officer:** Be upstanding before the Court!

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 239(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

City of Columbia, Respondent,

v.

Marie-Thérèse Assa'ad-Faltas, Appellant.

Appeal from Richland County
G. Thomas Cooper, Jr., Circuit Court Judge

Unpublished Opinion No. 2007-UP-193
Heard February 6, 2007 – Filed April 26, 2007

REVERSED

Marie T. Assa'ad-Faltas, of Columbia, Pro Se.

Dana M. Thye, of Columbia, for Respondent.

PER CURIAM: Marie-Thérèse Assa'ad-Faltas, M.D., M.P.H., appeals the circuit court's decision to reverse the municipal court's order granting her a new criminal trial. We reverse.

FACTS

On November 6, 2001, Faltas was arrested and charged with shoplifting after two Wal-Mart employees alleged they witnessed her remove several labels from multi-colored folders priced at \$0.97 each. The employees stated that Faltas replaced two labels on more expensive binders priced at either \$4.97 or \$3.97 each[1] with two of the \$0.97 labels, and then she attempted to purchase the binders with the less expensive price labels on them. A Polaroid photograph was purportedly taken of several multi-colored folders and the clear binders on the date of the incident. Faltas's receipt showed that she purchased two "report covers" for \$0.97 each with UPC numbers 007878799671.

A few weeks prior to trial, Faltas's attorney was made aware of the existence of the photograph. He immediately sent a somewhat insulting letter to the City requesting that he have immediate access to the photograph. The City responded in a short letter indicating that the case would be called for trial in two weeks and that Faltas's attorney could make any pre-trial motions. No motions were made concerning the photograph, and neither Faltas nor her attorney gained access to the photograph prior to trial.

On the date of the trial, Faltas's attorney moved to dismiss the shoplifting charge because: the City did not have the original folders and binders from which Faltas was alleged to have switched labels; and the photograph of the purported items with switched labels mistakenly included the wrong binder, bringing into question whether Wal-Mart preserved the correct evidence. The municipal court denied the motion to dismiss the charge and also denied Faltas's attorney's motion to continue the case so he could appeal the denial of the motion to dismiss.[2] The trial continued, with the City presenting the testimony of the two Wal-Mart employees who witnessed Faltas removing labels, the testimony of the arresting officer, and the introduction of the photograph. According to a Wal-Mart employee who witnessed Faltas's actions, after the photograph was taken, the incorrect labels were removed from the binders and disposed of, and the

binders were returned to the store shelves. A police officer testified at trial that he saw the evidence against Faltas, including the photograph, prior to transporting Faltas to jail.

Faltas testified at trial that she had previously returned two clear binders to Wal-Mart and had inadvertently attached the wrong labels to them prior to returning them. When she was in Wal-Mart on the date of the incident, Faltas testified she decided to correct her error and switch the incorrect labels for correct labels. She stated she actually switched less expensive labels for more expensive ones and that she went on to purchase completely different report covers with the appropriate labels attached. Faltas was convicted of shoplifting and fined \$500. Her conviction was affirmed by both the circuit court and this court on appeal. City of Columbia v. Faltas, Op. No. 2005-UP-00143 (S.C.Ct.App. dated Mar. 1, 2005). On May 18, 2005, the case was remitted after the supreme court denied her petition for certiorari.

Faltas moved before the municipal court for a new trial based on after-discovered evidence, and a hearing was held on May 23, 2005, before the same municipal judge who presided over her criminal trial. Faltas had previously been allowed to make a copy of the photograph admitted into evidence during her trial. Based on a digitally enlarged copy, she argued that the photograph was not taken at the time of her arrest but was instead fabricated by the Wal-Mart employees at a later time because, among other reasons: (1) stickers on the shelves in the background of the photograph were similar to the "New Item" stickers used in 2002, indicating that the photograph was taken in 2002, not when Faltas was arrested in 2001; (2) the UPC symbols on the items in the photograph did not match the UPC symbols from the items she allegedly changed the labels on and purchased; and (3) the photograph was taken of items from the stationary aisle, not the arts and crafts aisle where Faltas obtained the binders she purchased. Faltas also introduced Wal-Mart's UPC manual that indicated that every item, including similar items of the same color, had a unique UPC symbol. Because the folders shown in the photograph were of different colors, Faltas argued that the UPC numbers on the labels would have different numbers. Thus, she argued, it was impossible that she took two labels from the different colored folders to put on the larger binders because her receipt showed she purchased two items with identical UPC numbers.

The municipal court issued an order granting Faltas's motion for a new trial. The municipal court found that Faltas "raised very serious and disturbing questions concerning the veracity of the testimony presented against her by the two Wal-Mart employees about the photograph." The court noted that the photograph entered against her at her trial could not have been made at the time of her arrest because the "New Item" stickers in the background were similar to the "New Item" stickers Wal-Mart copyrighted in 2002. The court found significant the fact that the colored folders would have two different UPC numbers and the items Faltas purchased had two identical UPC numbers. The court found the evidence had been discovered after trial, and could not by due diligence have been discovered prior to trial, because Faltas was not allowed to review the photograph until trial and therefore could not have made the digital enlargement until after trial. The court noted that where the original evidence was not retained and the City failed to make the photograph available to the defense until trial, despite Faltas's efforts to see it, "and where it is later shown that the photograph itself could not be what it has been purported by the prosecution to be, it may be said that the prosecution's case is not merely impeached but thoroughly destroyed by the after discovered evidence." The City appealed to the circuit court, arguing the municipal court made an error of law.

Faltas complained to the circuit court that the City did not have the right to appeal the order granting her a new trial. The circuit court determined that the City did have the right to appeal and that the appeal was not interlocutory. After reviewing the motion for a new trial, the transcript of the hearing, the evidence presented at the 2004 criminal trial, the briefs submitted by both parties, the affidavit of trial counsel, and the order granting a new trial, the circuit court concluded that the municipal court's order was in error and reversed the grant of a new trial. The circuit court determined that the physical evidence presented at the hearing on the new trial motion "did not lead to the conclusive result" that the municipal court believed it did. The circuit court found that Faltas had the opportunity at her criminal trial to challenge the photograph or request a continuance in order to further review the photograph, but she failed to do so. Relying on the new trial standards set forth in State v. Caskey, 273 S.C. 325, 256 S.E.2d 737 (1979), the court held: (1) the evidence would not likely change the result of the trial; (2) Faltas had the evidence available to her on the date of her trial, thus it was not discovered after trial; (3) the photograph could have been "discovered" prior to trial because Faltas's trial counsel was made aware of the existence of the photograph two weeks prior to trial; and (4) the evidence was merely cumulative or impeaching. The circuit court determined that the

municipal court committed an error of law in granting a new trial, reversed the municipal court's order, and reinstated Faltas's conviction. Faltas appeals.

STANDARD OF REVIEW

"In criminal appeals from magistrate or municipal court, the circuit court does not conduct a *de novo* review, but instead reviews for preserved error raised to it by appropriate exception." State v. Henderson, 347 S.C. 455, 457, 556 S.E.2d 691, 692 (Ct. App. 2001); S. C. Code Ann. § 14-25-105 (Supp. 2006) ("There shall be no trial de novo on any appeal from a municipal court."). Thus, as with any appeal of a criminal case, the circuit court, in its appellate capacity, sits to review errors of law only and is bound by the factual findings of the trial court unless clearly erroneous. See State v. Wilson, 345 S.C. 1, 5-6, 545 S.E.2d 827, 829 (2001) (holding that appellate courts in criminal cases only review errors of law and are bound by the factual findings of the trial court unless clearly erroneous). This same scope of review applies to this court. Id.; Henderson, 347 S.C. at 457, 556 S.E.2d at 692 ("In reviewing criminal cases, this court may review errors of law only.").

LAW/ANALYSIS

Citing Anderson v. City of Bessemer City, 470 U.S. 564, 573-75 (1985),^[3] for the proposition that appellate courts are not to determine the factual issues de novo, Faltas argues the circuit court erred in finding that the municipal court's determination was clearly erroneous. We agree that the circuit court employed the wrong standard of review.^[4]

It is well-settled that the granting of a new trial based upon after-discovered evidence is addressed to the sound discretion of the trial court once the movant has made the requisite showing that the new evidence: (1) would likely change the result if a new trial were granted; (2) was discovered since the trial; (3) could not have been discovered prior to trial by the exercise of due diligence; (4) is material to the issue of guilt or innocence; and (5) is not merely cumulative or impeaching. Caskey, 273 S.C. at 329, 256 S.E.2d at 738-39; see State v. Pierce, 263 S.C. 23, 31, 207 S.E.2d 414, 418 (1974) (noting that whether to grant a new trial based upon after-discovered evidence is within the trial court's discretion).

At the new trial hearing, Faltas: submitted a digital enlargement of the photograph from trial; provided examples of Wal-Mart's 2002 copyrighted "New Item" stickers that were similar to the ones in the photograph; provided UPC codes from paper folders; described where the photograph was taken; and described the differences between the folders based on either angled or rounded edges or lack of outer clasps or prongs. Faltas alleged that this evidence derived from the original photograph proved that the two Wal-Mart employees either were mistaken or that they fabricated their testimony and the photograph well after the date of her arrest. Faltas's attorney also testified that, despite his repeated requests to see the photograph prior to trial, it was not provided to him.

The municipal court was convinced that the digital enlargement of the photograph, and the evidence that was obtained as a result of the digital enlargement, constituted after-discovered evidence because Faltas was denied access to the photograph by the City. Thus, despite her attorney's efforts to gain access to the photograph, Faltas could not have made the enlargement until after she was given access to the photograph after trial. On appeal, the circuit court reviewed each piece of evidence introduced at the new trial hearing and made findings as to whether each piece of evidence was believable or supported the theory Faltas used it for. The circuit court then performed a new analysis of the evidence pursuant to Caskey. This was error. Whether or not the circuit court agreed with the factual findings made by the municipal court, there was evidence presented at the new trial hearing to support the factual findings and the circuit court was bound by them.

Thus, looking at the evidence, it was irrelevant that the circuit court would have ruled differently from the municipal court. The circuit court was bound by the municipal court's factual findings and the inferences to be drawn therefrom. Its power was limited to determining whether the municipal court made an error of law in granting the new trial, based on the facts as found by the municipal court. Because there were facts to support the municipal court's legal analysis of the new trial motion, we find the circuit court erred in reversing the grant of the motion for a new trial. We are likewise bound by the municipal court's factual findings and must employ the same scope of review as the circuit court was bound to employ. Applying this

scope of review, we find there was evidence to support the municipal court's findings, and thus, the municipal court did not abuse its discretion in granting the new trial motion.[5]

CONCLUSION

Because the circuit court erroneously conducted a de novo review of this matter, the circuit court's order reversing the municipal court's grant of a new trial and reinstating Faltas's conviction is

REVERSED.

ANDERSON, HUFF, and BEATTY, JJ., concur.

[1] The testimony is not clear as to whether the clear binders Faltas allegedly attempted to purchase were Plaid brand binders or Cardinal brand binders, each with a different price.

[2] Faltas fired her attorney after he called two witnesses, and Faltas completed the trial pro se.

[3] Anderson, a United States Supreme Court case, discusses the appellate court's role in federal cases to apply the clearly erroneous standard. Anderson, 470 U.S. at 573-74 ("If the . . . court's account of the evidence is plausible in light of the record viewed in its entirety, the court of appeals may not reverse it even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently."). As previously discussed, our state court cases hold a similar scope of review for circuit courts reviewing the findings of the municipal court or master-in-equity.

[4] Faltas also argues that the circuit court applied the wrong standard by relying upon State v. Caskey, 273 S.C. 325, 256 S.E.2d 737 (1979), in determining whether she was entitled to a new trial. She asserts that State v. Spann, 334 S.C. 618, 513 S.E.2d 98 (1999), effectively overruled Caskey, thus the circuit court relied upon the wrong standard. Initially, it does not appear from the record that this matter was ever ruled upon by the circuit court. This matter is not preserved for review. State v. Hicks, 330 S.C. 207, 216, 499 S.E.2d 209, 214 (1998) (holding that an issue was not preserved for appellate review where it was not raised to or ruled upon by the trial court). Further, both Spann and Caskey outline the five elements that a defendant must meet in order to obtain a new trial based on after-discovered evidence. Thus, Spann does not overrule Caskey. See Spann, 334 S.C. at 619-20, 513 S.E.2d at 99 (outlining the five elements for the granting of a new trial based on after-discovered evidence); Caskey, 273 S.C. at 329, 256 S.E.2d at 739 (same).

[5] Faltas raises numerous other arguments on appeal, including: (1) the City was not entitled to appeal the grant of a new trial; (2) the appeal of the grant of a new trial violated the double jeopardy clause; (3) the City waived its grounds for appeal; (4) the circuit court erred by requiring her to file her brief simultaneously with the City's without allowing her to respond to the brief and without holding a hearing on the merits; (5) the circuit court erred by requiring her, as the winning party before the municipal judge, to preserve additional sustaining grounds for appeal; and (6) the circuit court erred in finding the photograph was not after-discovered evidence. Because we reverse this case based on the scope of review, we need not address Faltas's remaining issues on appeal.

The Supreme Court of South Carolina

In the Matter of
Levan Jesse Wingate, Deceased.

ORDER

The Office of Disciplinary Counsel has filed a petition advising the Court that Mr. Wingate passed away on May 29, 2007, and requesting appointment of an attorney to protect Mr. Wingate's clients' interests pursuant to Rule 31, RLDE, Rule 413, SCACR. The petition is granted.

IT IS ORDERED that Maria Josefina Mandanas, Esquire, is hereby appointed to assume responsibility for Mr. Wingate's client files, trust account(s), escrow account(s), operating account(s), and any other law office account(s) Mr. Wingate maintained. Ms. Mandanas shall take action as required by Rule 31, RLDE, Rule 413, SCACR, to protect the interests of Mr. Wingate's clients. Ms. Mandanas may make disbursements from Mr. Wingate's trust account(s), escrow account(s), operating account(s), and any other law office account(s)

Mr. Wingate maintained that are necessary to effectuate this appointment.

This Order, when served on any bank or other financial institution maintaining trust, escrow and/or operating accounts of Mr. Wingate, shall serve as notice to the bank or other financial institution that Maria Josefina Mandanas, Esquire, has been duly appointed by this Court.

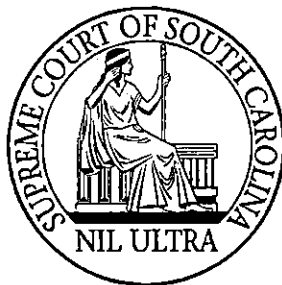
Finally, this Order, when served on any office of the United States Postal Service, shall serve as notice that Maria Josefina Mandanas, Esquire, has been duly appointed by this Court and has the authority to receive Mr. Wingate's mail and the authority to direct that Mr. Wingate's mail be delivered to Ms. Mandanas' office.

This appointment shall be for a period of no longer than nine months unless request is made to this Court for an extension.

s/ Jean H. Toal C.J.
FOR THE COURT

Columbia, South Carolina

June 22, 2007



**OPINIONS
OF
THE SUPREME COURT
AND
COURT OF APPEALS
OF
SOUTH CAROLINA**

ADVANCE SHEET NO. 27

**July 2, 2007
Daniel E. Shearouse, Clerk
Columbia, South Carolina
www.sccourts.org**

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2007-UP-280-State v. C. Williams	Pending
2007-UP-299-Alstaetter v. Liberty	Pending
2007-UP-301-SCDSS v. Turpin	Pending
2007-UP-313-Self v. City of Gaffney	Pending
2007-UP-316-Williams v. Gould	Pending
2007-UP-317-Peltier v. Metts	Pending

PETITIONS – SOUTH CAROLINA SUPREME COURT

3949 – Liberty Mutual v. S.C. Second Injury Fund	Pending
3968 – Abu-Shawareb v. S.C. State University	Pending
3983 – State v. D. Young	Pending
4014 – State v. D. Wharton	Pending

ARREST WARRANT

K- 171203

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Winnsboro

THE STATE

against

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

Charlene Crouch

Address: 400 Partridge Lane 215 Cedar St.
Winnsboro, SC 29180

Phone: SSN: 249-49-7878

Sex: F Race: W Height: Weight:

DL State: DL#:

DOB: 11/02/1968 Agency ORI#: SC0200100

Prosecuting Agency: Winnsboro Public Safety

Prosecuting Officer: A. Watkins/T. Crumblin

Offense: Grand Larceny

Offense Code: 0478

Code/Ordinance Sec. 16-13-0030 B 1

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Charlene Crouch
on 7/11/07

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
WinnsboroPersonally appeared before me the affiant Investigator Alan Watkins who
being duly sworn deposes and says that defendant Charlene Crouch
did within this county and state on July 8, 2007 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
in the following particulars:

DESCRIPTION OF OFFENSE: Grand Larceny

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:The defendant, Charlene Crouch, along with another individual ~~xxxxxx~~
did go ~~xxxx~~ into the vehicle of Peter Elias and take two car DVD players,
a Cannon Digital camera, a wrist watch and a set of keys to the vehicle.
The value of these items total over \$1000.00. These facts are made known
from an investigation through WDPS. This occurred in the town of Winnsboro,
county of Fairfield.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
WinnsboroAffiant's Address Po Box 209
Winnsboro SC 29180

Affiant's Telephone 803-635-4511

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on July 8, 2007 defendant Charlene Crouch
did violate the criminal laws of the State of South Carolina (or ordinance of☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: Grand Larceny

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on July 11, 2007

(L.S.)

Signature of Issuing Judge

Judge Code 6542

PO Box 209

Judge's Address Winnsboro, SC 29180

Judge's Telephone 803-635-1302

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

07-07-2952

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

STATE OF SOUTH CAROLINA)
)
COUNTY OF FAIRFIELD)

INDICTMENT

At a Court of General Sessions, convened on August 7, 2007, the Grand Jurors of Fairfield County present upon their oath:

Grand Larceny-More than \$1,000 but less than \$5,000

That Charlene Crouch did in Fairfield County on or about July 8, 2007 take and carry away the personal property, to wit: Cannon Digital Camera, wrist watch, set of keys and two car DVD players, of Peter Elias with the intent to deprive the owner of possession of the property and to convert the property to the use of the defendant, the value of the property being more than \$1000.00 but less than \$5000.00, in violation of §16-13-30(A), (B)(1), *Code of Laws of South Carolina, (1976), as amended*.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Douglas A. Barfield, Jr., SOLICITOR

WITNESSES

WPS #07-07-2952

DOCKET NO. 2007-GS-20-350

The State of South Carolina

County of Fairfield

2007 AUG -7 P 12:57

FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

COURT OF GENERAL SESSIONS

AUGUST TERM 2007

ARREST WARRANT NUMBER/DOA

K171203 (DOA-07-11-07)

THE STATE

vs.

ACTION OF GRAND JURY

~~THE BILL~~ 8-7-2007

Charlene Crouch

Foreperson of Grand Jury

Date: 8-7-07

VERDICT

Indictment for

Grand Larceny

More than \$1,000 but less than \$5,000

SC Code: § 16-13-0030(A), (B), (1)

CDR Code: 0478

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF FAIRFIELD
STATE VS.Charlene Crouch

AKA:

Race: W Sex: F Age: 38DOB: 11/2/68 SS#: 249-49-7878Address: 215 Cedar St.City, State, Zip: Winnabow, SC 29180

DL# _____ SID# _____

INDICTMENT/CASE#: 07-GS-20 - 350A/W#: K171203Date of Offense: 7/8/07S.C. Code §: (16-13-35CA) (B)(1)CDR Code #: 0478

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS (5 YRS.)TO: Grand Larceny >\$1000 <\$5000in violation of §16-13-35CA (B)(1) of the S.C. Code of Laws, bearing CDR Code # 0478☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC) ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

[Signature]
Solicitor[Signature]
Defendant[Signature]
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for 3months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which
are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§35.13 (Public Def/Prob)

§73.3, 1B TP (Law Enforce. Funding)

§33.7, 1B TP (Drug Court Surcharge)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

	\$	
\$100	\$	100.00
\$100	\$	
\$12	\$	
\$500	\$	
\$25	\$	25.00
\$100	\$	
\$50	\$	
\$40/ea	\$	
	\$	3.75
	\$	128.75

PTUP ☒

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: DEFENDANT HAS NORESTITUTION w/o PROBATIONPAID TO COUNTYPAID TO COUNTYPAID TO COUNTYPAID TO COUNTYPAID TO COUNTYPAID TO COUNTYPAID TO COUNTYPRESIDING JUDGE [Signature]Judge Code: 0177Sentence Date: 8/15/07Court Reporter: [Signature]

Clerk of Court/ Deputy Clerk

Mike Watkins

Probation starts on 8/30/07 if restituc
not paid AS specified above.
JCM

46 / 98

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

STATE OF SOUTH CAROLINA

-versus-

Charlene Crouch

Defendant.

IN THE COURT OF GENERAL SESSIONS
SIXTH JUDICIAL CIRCUIT

ORDER OF RESTITUTION

INDICTMENT(S)

01 -GS-20- 350 _____ -GS-20- _____
_____ -GS-20- _____ _____ -GS-20- _____
_____ -GS-20- _____ _____ -GS-20- _____
_____ -GS-20- _____ _____ -GS-20- _____

Upon Motion of the Solicitor of the Sixth Judicial Circuit, it appears South Carolina Code Laws §16-3-153(D)(3) provides that the court "shall order restitution at every sentencing for a crime against person or property" unless the court finds a substantial and compelling reason not to order restitution.

The Court hereby finds:

☐ Restitution should not be ordered for the following substantial and compelling reason:

☒ Defendant waived restitution hearing on the record. The agreed restitution is show below.

☐ The defendant as a condition of his sentence should pay restitution to the designated victims in the court ordered amounts.

1. VICTIM: Peter Elias

Address: 509 S. Congress St.

Winnsboro, SC 29180

Phone: (103) 943.5871 Restitution: \$ 3,250.00

2. VICTIM: _____

Address: _____

Phone: _____ Restitution: \$ _____

3. VICTIM: _____

Address: _____

Phone: _____ Restitution: \$ _____

4. VICTIM: _____

Address: _____

Phone: _____ Restitution: \$ _____

IT IS SO ORDERED!

8/15, 2007
Winnsboro, South Carolina

[Signature]
PRESIDING JUDGE
SIXTH JUDICIAL CIRCUIT

I SO MOVE:

Douglas A. Barfield, Jr.
Solicitor, Sixth Judicial Circuit

By: [Signature]

Assistant Solicitor

I HAVE RECEIVED A COPY.

[Signature]

Defendant

OFFENSE: Grand Larceny
SENTENCE: 3 Yrs, susp

DATE FIRST PAYMENT DUE
AMOUNT OF PROBATION 3 Yrs

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[illegible]

FAIRFIELD COUNTY CLERK OR COURT

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STATE OF SOUTH CAROLINA
COURT OF GENERAL SESSIONS
COUNTY OF FAIRFIELD
2007-GS-20-350

STATE OF SOUTH CAROLINA
VS.
CHARLENE CROUCH

WINNSBORO, SOUTH CAROLINA
AUGUST 15, 2007
BEFORE THE HONORABLE BUDDY NICHOLSON

APPEARANCES
FOR THE STATE: DOUG BARFIELD
FOR THE DEFENDANT: BOB FITZSIMONS
REPORTED BY: MICHAEL C. WATKINS
OFFICIAL COURT REPORTER

1

2

MR. BARFIELD: This is indictment number

3

2007-GS-20-350, State versus Charlene Crouch represented by

4

Mr. Fitzsimons. She's indicted for grand larceny over

5

\$1,000 but less than \$5,000. This is one of these cases

6

where the restitution issue really is the paramount concern

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in the case. We're doing sort of a hybrid sentence as a

8

recommendation, if you will do it, she's going to plead

9

guilty, the recommendation is that she pay the restitution

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which amount is set forth in the restitution order within

11

15 days, and if she -- she thinks there's some good

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possibility she can get that taken care of in 15 days,

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however if she has not paid the restitution in the 15 days

14

then she would be placed on probation with a period of time

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sufficient for her to make those restitution payments.

16

This gives her the opportunity to get it paid off without

17

having to go on probation, without having to pay the

18

20 percent collection fee, it gets his victim his money in

19

a little over two weeks if she can get it together, and if

20

she can't get it together then she will roll into probation

21

and they'll set up some payments.

22

THE COURT: Have you got a probation -- restitution

23

order?

24

MR. BARFIELD: Yes, sir.

25

THE COURT: Is she going to pay a fine or restitution

1 or.

2 MR. BARFIELD: The sentence -- assuming that she can
3 get the money together the sentence today however we need
4 to say it --

5 THE COURT: Are you going to PTUP it?

6 MR. BARFIELD: The idea is to give her 15 days to pay
7 this restitution without going on probation.

8 THE COURT: I understand that.

9 MR. BARFIELD: Yes, sir, correct. PTUP if she gets on
10 probation and pays it off, yes, sir.

11 THE COURT: This is Mrs. Crouch?

12 THE DEFENDANT: Yes, sir.

13 (The defendant was sworn.)

14 THE COURT: How old are you, Ms. Crouch?

15 THE DEFENDANT: Thirty-eight.

16 THE COURT: How far did you go in school?

17 THE DEFENDANT: 12th grade.

18 THE COURT: Did you complete the 12th?

19 THE DEFENDANT: No, sir. I quit one month before
20 graduation.

21 THE COURT: Okay. And have you worked anywhere since
22 you dropped out?

23 THE DEFENDANT: Yes, sir. I worked at Johnson and
24 Johnson Food Service at Fort Jackson in Columbia.

25 THE COURT: What do you do with them?

1 THE DEFENDANT: I feed the soldiers in the mess hall.

2 THE COURT: Okay. Are you still working there?

3 THE DEFENDANT: No. I just got out of jail yesterday.

4 THE COURT: Okay. 1,000 to 5,000, solicitor what is
5 that?

6 MR. FITZSIMONS: Five.

7 THE COURT: Up to five, isn't it?

8 MR. BARFIELD: Yes, sir.

9 THE COURT: Mr. Fitzsimons, do you agree with that.

10 MR. FITZSIMONS: Yes, sir, Your Honor, I do.

11 THE COURT: Ms. Crouch, you understand you are charged
12 with grand larceny anywhere from 1,000 to 5,000 and you can
13 get up to a maximum five years, do you understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you had any drugs or alcohol in the
16 last 24 hours?

17 THE DEFENDANT: No, sir.

18 THE COURT: Have you taken any prescription
19 medication?

20 THE DEFENDANT: No, sir.

21 THE COURT: Ever been diagnosed with emotional,
22 nervous or mental condition by a doctor?

23 THE DEFENDANT: No, sir.

24 THE COURT: Are you satisfied with your lawyer?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Has he done everything you've asked him to
2 do?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Anything else you need to tell him about
5 your case?

6 THE DEFENDANT: No, sir.

7 THE COURT: Mr. Fitzsimons, have you explained to Ms.
8 Crouch her constitutional rights and the criminal and the
9 elements of the crime?

10 MR. FITZSIMONS: Yes, sir, Your Honor.

11 THE COURT: Did they appear to understand?

12 MR. FITZSIMONS: She does, Your Honor.

13 THE COURT: Do you agree with her decision to plead
14 guilty?

15 MR. FITZSIMONS: I do, Your Honor.

16 THE COURT: Thank you, sir. Ms. Crouch, do you
17 understand you are entitled to a jury trial?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you want a jury trial?

20 THE DEFENDANT: No, sir.

21 THE COURT: You understand you have the right to
22 appeal the guilty plea ten days from today?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You understand you have the right to
25 remain silent under the 5th Amendment of the constitution?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you also understand when you enter a
3 guilty plea you're going to be required to acknowledge your
4 guilt?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Therefore you will be testifying against
7 yourself, do you understand?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Are you willing it give up your right to
10 remain silent and enter your guilty plea?

11 THE DEFENDANT: Yes, sir, I plead guilty.

12 THE COURT: Thank you, ma'am. Has anybody forced you,
13 threatened you or intimidated you to make you plead guilty?

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anybody promised you anything other
16 than the recommendation by the State?

17 THE DEFENDANT: No, sir.

18 THE COURT: And have you had enough time to make your
19 decision to plead guilty?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you pleading guilty of your own free
22 will and accord?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have you understood all of my questions?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Have you answered them truthfully and
2 correctly?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: How do you wish to plead?

5 THE DEFENDANT: Guilty.

6 THE COURT: Are you guilty?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: The solicitor will give met facts on the
9 case concerning the DVD players and digital camera, I want
10 you to listen, okay? And I'm going to ask you if you agree
11 or disagree. If you disagree I want to know specifically
12 what you disagree with. Can you do that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Solicitor.

15 MR. BARFIELD: Your Honor I will start this little
16 recitation off by indicating that it's pretty clear that
17 Ms. Crouch was not the only one who was involved in this
18 matter. With that said, the victim in the case is Peter
19 Alias (phonetically) who is in the striped shirt over in
20 the grand jury box on the other side. He was apparently in
21 Charlotte but had a residence here in Winnsboro, had a car
22 left in the yard at his house in Winnsboro, had some people
23 doing some work on his house and they called him and told
24 him that somebody had driven up in a car, gave a particular
25 description of the car, that the folks in the car went into

1 his automobile and his yard and he came home and found that
2 the items listed in the indictment were missing from his
3 car. The city police department followed up based on the
4 description of the car, their investigation led them to a
5 fellow named Mark Bell who gave a statement indicating that
6 a male codefendant who I think technically has not been
7 charge yet or at least not been arrested, sold him a
8 camcorder, or gave him a camcorder, tried to sell it to him
9 but left it to him, which was later determined to have been
10 taken out of Mr. Alias' car. Ms. Crouch was identified as
11 being with the fellow who handed over the camcorder to
12 Mr. Bell and she was questioned by the city police
13 department and gave a statement I think implicating
14 herself, it's not a real great statement but she implicated
15 herself in the event along with the others who were
16 involved in it. She's pleading guilty, the restitution
17 amount is what Mr. Alias and I determined after I talked to
18 him and his, again, primary concern is getting his
19 restitution. Ms. Crouch has been in the court system three
20 different times but all three of them have been magistrates
21 court offenses and nothing like that.

22 THE COURT: Okay. Ms. Crouch, do you agree with
23 those facts?

24 THE DEFENDANT: Yes, sir. I gave everything back, the
25 watch I did not, yes, sir.

1 THE COURT: Okay. I find there's a factual basis for
2 the plea, she has freely, voluntarily, knowingly and
3 intelligently made the decision to plead guilty with the
4 advice of an attorney and all elements of the charge has
5 been met factually. Who is she going to pay this money to?
6 Is she going to pay this money to the solicitor's office?
7 How are we going to determine if she has done it in fifteen
8 days or if she hadn't done it, who are we going to place
9 that burden on is my problem?

10 MR. BARFIELD: Why don't we make it our next week of
11 court, let's see by Friday of that week, which will be
12 what?

13 MR. FITZSIMONS: August 31st.

14 THE COURT: Who is she going to pay it to.

15 MR. BARFIELD: She needs to report here and I will
16 give her the correct payee for the funds and we would hope
17 that we would require that it be a money order or cashier's
18 check or something. I will get with Mr. Alias and we will
19 get the correct spelling so whatever she brings to him will
20 be negotiable. She will show up here and we will simply
21 get him here and let them do that transaction in our
22 presence her without any of us having to actually handle
23 the money.

24 THE COURT: What is the date of that term of court?

25 MR. BARFIELD: August 27th is the Monday, the Friday

1 of that week is August 31st.

2 THE COURT: All right. Mrs. Couch, indictment number
3 350, you are sentenced to the department of corrections for
4 three years, suspended to probation for three years. Once
5 you pay the restitution probation will terminate.
6 Defendant has until noon on August 30th, 2007 to pay
7 restitution without probation. Solicitor will monitor that
8 payment. Probation starts on August 30, '07 if the
9 restitution is not paid by that date. Do you understand?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Thank you very much.

12 (END OF THE HEARING.)

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1 I, the undersigned, Michael C. Watkins, Official
2 Court Reporter for the Sixth Judicial Circuit of the State
3 of South Carolina, do hereby certify that the foregoing is
4 a true, accurate and complete transcript of record of the
5 proceedings had and evidence introduced in the trial of
6 the captioned case, relative to appeal, in the Court of
7 General Sessions for Fairfield County, South Carolina, on
8 the 15th day of August, 2007.

9 I do further certify that I am neither of kin,
10 counsel, nor interest to any party hereto.

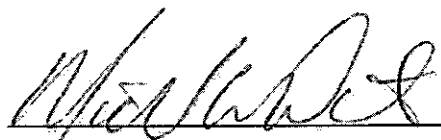
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December 1, 2010.

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Michael C. Watkins
Court Reporter

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[page 1]

STATE OF SOUTH CAROLINA
COURT OF GENERAL SESSIONS
COUNTY OF FAIRFIELD
2007-GS-20-350

STATE OF SOUTH CAROLINA
VS.
CHARLENE CROUCH

WINNSBORO, SOUTH CAROLINA
AUGUST 15, 2007
BEFORE THE HONORABLE BUDDY NICHOLSON

APPEARANCES

FOR THE STATE: DOUG BARFIELD
FOR THE DEFENDANT: BOB FITZSIMONS
REPORTED BY: MICHAEL C. WATKINS
OFFICIAL COURT REPORTER

[page 2, lines 2-21] Mr. Barfield: This is indictment number 2007-GS-20-350, State versus Charlene Crouch represented by Mr. Fitzsimons. She's indicted for grand larceny over \$1,000 but less than \$5,000. This is one of these cases where the restitution issue really is the paramount concern in the case. We're doing sort of a hybrid sentence as a recommendation, if you will do it, she's going to plead guilty, the recommendation is that she pay the restitution which amount is set forth in the restitution order within 15 days, and if she - she thinks there's some good possibility she can get that taken care of in 15 days, however if she has not paid the restitution in the 15 days then she would be placed on probation with a period of time sufficient for her to make those restitution payments. This gives her the opportunity to get it paid off without having to go on probation, without having to pay the 20 percent collection fee, it gets his victim his money in a little over two weeks if she can get it together, and if she can't get it together then she will roll into probation and they'll set up some payments.

[22-23] The Court: Have you got a probation - restitution order?

[24] Mr. Barfield: Yes, sir.

[25 - page 3, line 1] The Court: Is she going to pay a fine or restitution or.

[2-4] Mr. Barfield: The sentence -- assuming that she can get the money together the sentence today however we need to say it --

[5] The Court: Are you going to PTUP it?

[6-7] Mr. Barfield: The idea is to give her 15 days to pay this restitution without going on probation.

[8] The Court: I understand that.

[9-10] Mr. Barfield: Yes, sir, correct. PTUP if she gets on probation and pays it off, yes, sir.

[11] The Court: This is Mrs. Crouch?

[12] The Defendant: Yes, sir.

[13] (The defendant was sworn.)

[14] The Court: How old are you, Ms. Crouch?

[15] The Defendant: Thirty-eight.

[16] The Court: How far did you go in school?

[17] The Defendant: 12th grade.

[18] The Court: Did you complete the 12th?

[19-20] The Defendant: No, sir. I quit one month before graduation.

[21-22] The Court: Okay. And have you worked anywhere since you dropped out?

[23-24] The Defendant: Yes, sir. I worked at Johnson and Johnson Food Service at Fort Jackson in Columbia.

[25] The Court: What do you do with them?

[page 4, line 1] The Defendant: I feed the soldiers in the mess hall.

[2] The Court: Okay. Are you still working there?

[3] The Defendant: No. I just got out of jail yesterday.

[4-5] The Court: Okay. 1,000 to 5,000, solicitor what is that?

[6] Mr. Fitzsimons: Five.

[7] The Court: Up to five, isn't it?

[8] Mr. Barfield: Yes, sir.

[9] The Court: Mr. Fitzsimons, do you agree with that.

[10] Mr. Fitzsimons: Yes, sir, Your Honor, I do.

[11-13] The Court: Ms. Crouch, you understand you are charged with grand larceny anywhere from 1,000 to 5,000 and you can get up to a maximum five years, do you understand?

[14] The Defendant: Yes, sir.

[15-16] The Court: Have you had any drugs or alcohol in the last 24 hours?

[17] The Defendant: No, sir.

[18-19] The Court: Have you taken any prescription medication?

[20] The Defendant: No, sir.

[21-22] The Court: Ever been diagnosed with emotional, nervous or mental condition by a doctor?

[23] The Defendant: No, sir.

[24] The Court: Are you satisfied with your lawyer?

[25] The Defendant: Yes, sir.

[page 5, lines 1-2] The Court: Has he done everything you've asked him to do?

[3] The Defendant: Yes, sir.

[4-5] The Court: Anything else you need to tell him about your case?

[6] The Defendant: No, sir.

[7-9] The Court: Mr. Fitzsimons, have you explained to Ms. Crouch her constitutional rights and the criminal and the elements of the crime?

[10] Mr. Fitzsimons: Yes, sir, Your Honor.

[11] The Court: Did they appear to understand?

[12] Mr. Fitzsimons: She does, Your Honor.

[13-14] The Court: Do you agree with her decision to plead guilty?

[15] Mr. Fitzsimons: I do, Your Honor.

[16-17] The Court: Thank you, sir. Ms. Crouch, do you understand you are entitled to a jury trial?

[18] The Defendant: Yes, sir.

[19] The Court: Do you want a jury trial?

[20] The Defendant: No, sir.

[21-22] The Court: You understand you have the right to appeal the guilty plea ten days from today?

[23] The Defendant: Yes, sir.

[24-25] The Court: You understand you have the right to remain silent under the 5th Amendment of the constitution?

[page 6, line 1] The Defendant: Yes, sir.

[2-4] The Court: Do you also understand when you enter a guilty plea you're going to be required to acknowledge your guilt?

[5] The Defendant: Yes, sir.

[6-7] The Court: Therefore you will be testifying against yourself, do you understand?

[8] The Defendant: Yes, sir.

[9-10] The Court: Are you willing to give up your right to remain silent and enter your guilty plea?

[11] The Defendant: Yes, sir, I plead guilty.

[12-13] The Court: Thank you, ma'am. Has anybody forced you, threatened you or intimidated you to make you plead guilty?

[14] The Defendant: No, sir.

[15-16] The Court: Has anybody promised you anything other than the recommendation by the State?

[17] The Defendant: No, sir.

[18-19] The Court: And have you had enough time to make your decision to plead guilty?

[20] The Defendant: Yes, sir.

[21-22] The Court: Are you pleading guilty of your own free will and accord?

[23] The Defendant: Yes, sir.

[24] The Court: Have you understood all of my questions?

[25] The Defendant: Yes, sir.

[page 7, lines 1-2] The Court: Have you answered them truthfully and correctly?

[3] The Defendant: Yes, sir.

[4] The Court: How do you wish to plead?

[5] The Defendant: Guilty.

[6] The Court: Are you guilty?

[7] The Defendant: Yes, sir.

[8-12] The Court: The solicitor will give met facts on the case concerning the DVD players and digital camera, I want you to listen, okay? And I'm going to ask you if you agree or disagree. If you disagree I want to know specifically what you disagree with. Can you do that?

[13] The Defendant: Yes, sir.

[14] The Court: All right. Solicitor.

[15 - page 8, line 21] Mr. Barfield: Your Honor I will start this little recitation off by indicating that it's pretty clear that Ms. Crouch was not the only one who was involved in this matter. With that said, the victim in the case is Peter Alias (phonetically) who is in the striped shirt over in the grand jury box on the other side. He was apparently in Charlotte but had a residence here in Winnsboro, had a car left in the yard at his house in Winnsboro, had some people doing some work on his house and they called him and told him that somebody had driven up in a car, gave a particular description of the car, that the folks in the car went into his automobile and his yard and he came home and found that the items listed in the indictment were missing from his car. The city police department followed up based on the description of the car, their investigation led them to a fellow named Mark Bell who gave a statement indicating that a male co-defendant who I think technically has not been charge yet or at least not been arrested, sold him a camcorder, or gave him a camcorder, tried to sell it to him but left it to him, which was later determined to have been taken out of Mr. Alias' car. Ms. Crouch was identified as being with the fellow who handed over the camcorder to Mr. Bell and she was questioned by the city police department and gave a statement I think implicating herself, it's not a real great statement but she implicated herself in the event along with the others who were involved in it. She's pleading guilty, the restitution amount is what Mr. Alias and I determined after I talked to him and his, again, primary concern is getting his restitution. Ms. Crouch has been in the court system three different times but all three of them have been magistrates court offenses and nothing like that.

[22-23] The Court: Okay. Ms. Crouch, do you agree with those facts?

[24-25] The Defendant: Yes, sir. I gave everything back, the watch I did not, yes, sir.

[page 9, lines 1-9] The Court: Okay. I find there's a factual basis for the plea, she has freely, voluntarily, knowingly and intelligently made the decision to plead guilty with the advice of an attorney and all elements of the charge has been met factually. Who is she going to pay this money to? Is she going to pay this money to the solicitor's office? How are we going to determine if she has done it in fifteen days or if she hadn't done it, who are we going to place that burden on is my problem?

[10-12] Mr. Barfield: Why don't we make it our next week of court, let's see by Friday of that week, which will be what?

[13] Mr. Fitzsimons: August 31st.

[14] The Court: Who is she going to pay it to.

[15-23] Mr. Barfield: She needs to report here and I will give her the correct payee for the funds and we would hope that we would require that it be a money order or cashier's check or something. I will get with Mr. Alias and we will get the correct spelling so whatever she brings to him will be negotiable. She will show up here and we will simply get him here and let them do that transaction in our presence her without any of us having to actually handle the money.

[24] The Court: What is the date of that term of court?

[25 - page 10, line 1] Mr. Barfield: August 27th is the Monday, the Friday of that week is August 31st.

[2-9] The Court: All right. Mrs. Couch, indictment number 350, you are sentenced to the department of corrections for three years, suspended to probation for three years. Once you pay the restitution probation will terminate. Defendant has until noon on August 30th, 2007 to pay restitution without probation. Solicitor will monitor that payment. Probation starts on August 30, '07 if the restitution is not paid by that date. Do you understand?

[10] The Defendant: Yes, sir.

[11] The Court: Thank you very much.

[12] (END OF THE HEARING.)

[page 11, lines 1-8] I, the undersigned, Michael C. Watkins, Official Court Reporter for the Sixth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Fairfield County, South Carolina, on the 15th day of August, 2007.

[9-10] I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

[12]

December 1, 2010

[13-17]

[s/] Michael C. Watkins
Court Reporter

62 / 98



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

October 18, 2007

Dana M. Thye, Esquire
City of Columbia
Office of the City Attorney
P.O. Box 667
Columbia, SC 29202

Re: City of Columbia v. Asaad-Faltas
2005-CP-40-03837

Dear Ms. Thye:

The Court has issued the following Order on your Petition for Writ of Certiorari in the above entitled matter:

"Petition for Writ of
Certiorari denied.

s/ Jean H. Toal C.J.
For the Court

Justice Donald W. Beatty,
not participating.

October 18, 2007."

By copy of this letter we are advising all interested parties of the action of the Court in this matter.

63 / 98

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

JUL 27 2007

G. Thomas Cooper, Jr., Circuit Court Judge

S.C. SUPREME COURT

Opinion No.: 2007-UP-193 (S.C. Ct. App. filed April 26, 2007)

City of Columbia, ... Petitioner,

vs.

Marie-Therese Assa'ad Faltas, ... Respondent.

PETITION FOR A WRIT OF CERTIORARI

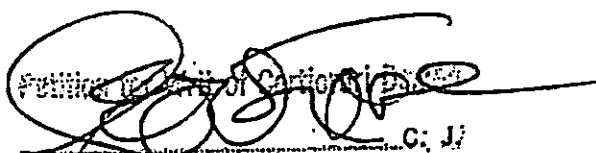
Dana M. Thye
Office of the City Attorney
Post Office Box 667
Columbia, South Carolina 29202
(803) 733-8247
Attorney for Petitioner

Marie-Therese Assa'ad Faltas
436 Byron Road
Columbia, South Carolina 29209
(803) 783-4536
Pro Se, Respondent

RECEIVED

JUL 27 2007

SC Court of Appeals


FOR THE COURT

Justice Donald W. Beatty,
not participating October 18, 2007

64798
Lykesland Magistrate
Judge Michael R Davis
1403 Caroline Road
Columbia, SC 29209
(803) 576-2500

Received From: MARIA FALTAS

Date : 5/10/2010

RECEIPT # 64797

Clerk: LYKMILES

Paying for: MARIA FALTAS,

Payment Type: Cash

\$4.50

Reference #

Total Paid

4.50

Comment:



65 / 98

**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND**

Charles White
300 Byron Road Apt. 1
Columbia, SC 29209

SUMMONS AND RULE TO SHOW CAUSE

RE: Charles White

Vs Charlene Crouch

PLAINTIFF(S)

DEFENDANT(S)

Civil Case Number: 2007CV401062936.

Please be advised that on **December 4, 2007 at 9:30 PM** a Show Cause Hearing will be held in the **RICHLAND COUNTY Lykesland Magistrate Court, 1403 Caroline Road** to determine if you are to be held in contempt of court for failure to pay the \$80.00 filing fee as the nonprevailing party in the above action for a restraining order.

SECTION 16-3-1750. Action seeking a restraining order against a person engaged in harassment or stalking; jurisdiction and venue; forms; enforceability.

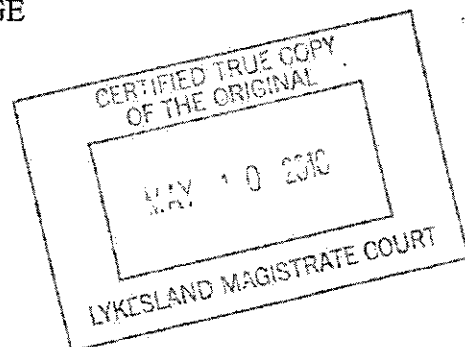
(D)....The court must not charge a fee for filing a complaint and motion for a restraining order against a person engaged in harassment or stalking. However, the court shall assess a filing fee against the nonprevailing party in an action for a restraining order. The court may hold a person in contempt of court for failure to pay this filing fee.

TO AVOID ISSUANCE OF THIS MAGISTRATE BENCH WARRANT FOR CONTEMPT OF COURT, YOU MUST: 1) PAY IN FULL \$80.00 FILING FEE OR 2) BE PRESENT FOR THE HEARING AS SCHEDULED ABOVE.

JUDGE

**RICHLAND COUNTY Lykesland Magistrate
1403 Caroline Road
Columbia, SC 29209
PHONE: (803) 576-2500 FAX: (803) 576-2504**

November 20, 2007



66 / 98

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

2007CV401062936
CIVIL CASE NUMBER
IN THE MAGISTRATE COURT

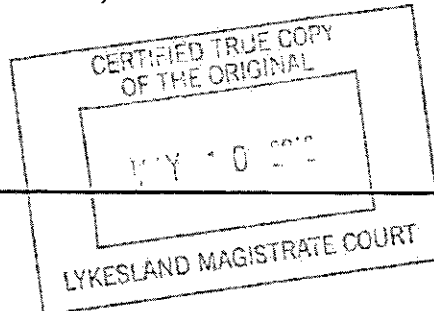
AFFIDAVIT OF SERVICE

Charles White
300 Byron Road
Apartment 1
Columbia, South Carolina 29209
1.803.783.6888

PLAINTIFF

Charlene Crouch
300 Byron Road
Columbia, South Carolina 29209
None Provided

DEFENDANT



PROCESSED

RECEIVED
LYKESLAND MAGISTRATE COURT
RICHLAND COUNTY
OCT 23 PM 5:51

Court: Tuesday, November 20, 2007 at 3:15 PM

AGENTS

PERSONALLY APPEARED BEFORE ME LARRY W MASON WHO, BEING DULY SWORN, SAYS
THAT, ON THE 23rd DAY OF OCTOBER 2007, AT 3:15 PM AM/PM,
S/HE SERVED Charlene Crouch THE DEFENDANT ABOVE NAMED, BY DELIVERING COPIES
THEREOF TO Charlene Crouch PERSONALLY AND
LEAVING THE SAME WITH Charlene Crouch
AT 300 Byron Rd, Columbia, SC
29209, THE PLACE OF RESIDENCE/WORK/OTHER OF SAID DEFENDANT

AND THAT THE DEPONENT IS NOT A PARTY TO THIS ACTION.

☐ UNABLE TO LOCATE AND SERVE THE ABOVE PROCESS ON THE DEFENDANT AFTER DILIGENT EFFORTS TO DO SO. THE PROCESS IS RETURNED UNEXECUTED.

- | | | |
|--|---|-------------------------------------|
| ☐ Summons and Complaint | ☐ Counterclaim | ☐ Crossclaim |
| ☐ Claim and Delivery | ☒ Restraining Order | ☐ Subpoena |
| ☐ Petition Hearing | | |

Larry W Mason
Deputy Sheriff/Constable/Process Server

PRIVATE INVESTIGATOR,
SLED Lic # 0688

RETURN TO: LYKESLAND MAGISTRATE

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

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IN THE MAGISTRATES COURT

CIVIL CASE # 2007CV40106 2936

Charles R. White

PLAINTIFF

300 Byron Road Apt 1

ADDRESS

Columbia S.C. 29209 783-6882

CITY

STATE

ZIP

TELEPHONE

VS

Charlene Crouch

DEFENDANT

300 Byron Road

ADDRESS

Columbia S.C. 29209 783-6882

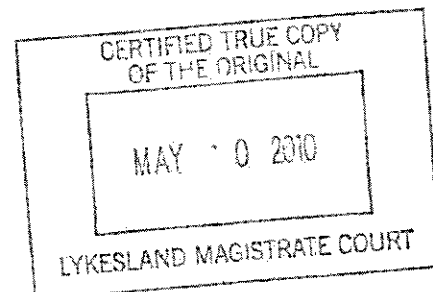
CITY

STATE

ZIP

TELEPHONE

COMPLAINT & MOTION
FOR
RESTRAINING ORDER



COMPLAINT

1. The Harassment or Stalking occurred in Richland (COUNTY), S.C. (STATE).

2. Plaintiff alleges that the following conduct occurred by the defendant on the times, dates and places listed below, and such conduct falls within the definition of:

(☒) HARASSMENT (Sec. 16-3-1700 (A)), or () STALKING (Sec. 16-3-1700 (B) or (C)).

3. On October, 20__, at 2:00 o'clock, P M., at Night 300 Byron Rd Apt 1 (STREET ADDRESS), which is in Richland County, S.C. (STATE), the conduct complained of occurred when the defendant: SCREAMED, BEAT ON DOOR, WAKE UP NEIGHBORS, USED FOUL LANGUAGE, AND SAID WOULD DAMAGE MY VEHICLE IF I DID NOT OPEN DOOR

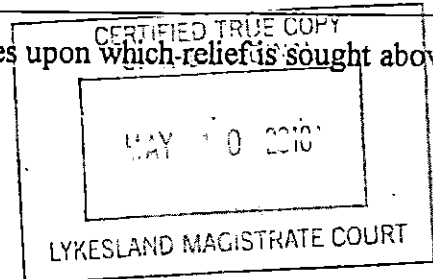
On October, 20__, at 3:15 o'clock, P M., at 300 Byron Road (STREET ADDRESS), which is in Richland County, S.C. (STATE), the conduct complained of occurred when the defendant: SHE WAS DRUNK, SCREAMING & FIGHTING WITH HER SISTER IN APT, AND BEGGING FOR MONEY TO BUY DRUGS, LATER I FOUND OUT BOTH WERE PROSTITUTES AND TOOK THEM TO DOCTOR OLIVE AND LEFT THEM

On _____, 20____, at 68 o'clock, 98 M., at _____

(STREET ADDRESS)

which is in _____ County, _____, the conduct complained of occurred when
(STATE)
the defendant: _____

(State details of harassment/stalking and other facts and circumstances upon which relief is sought above.
Attach additional sheets if necessary.)



MOTION

4. Plaintiff requests: (Check one or more)

- ☒ a. That the defendant be temporarily enjoined from abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family.
- ☒ b. That the defendant be temporarily enjoined from entering or attempting to enter the plaintiff's place of residence, employment, education or other location.
- ☒ c. That the defendant be temporarily enjoined from communicating or attempting to communicate with the plaintiff in a way that would violate Article 17, Chapter 3, Title 16 of the 1976 South Carolina Code of Laws, as amended.

SWORN TO AND SUBSCRIBED BEFORE ME }

THIS 23 DAY OF October, 2007. }

Imberly Brazell
Notary Public for South Carolina }

My Commission Expires: 5/17/2009 }

Charles R. White

Signature of Plaintiff or Person Filing on Behalf
of Plaintiff

NOTICE TO DEFENDANT: YOU HAVE THE RIGHT TO EMPLOY COUNSEL TO REPRESENT YOU.

PROOF OF SERVICE

Personally appeared before me _____, who, being duly sworn, says that he served the within Complaint & Motion for Restraining Order / Summons / Rule to Show Cause (circle all which apply) on the within named defendant personally by leaving with _____ a copy of the same at _____ in said County and State on the _____ day of _____, 19____, and that deponent is not a party to this proceeding.

Sworn to before me this _____

day of _____, 19____.

MAGISTRATE

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STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

2007CV401062936
CIVIL CASE NUMBER
IN THE MAGISTRATE'S COURT

**SUMMONS
(RESTRAINING ORDER)**

Charles White
300 Byron Road Apt. 1

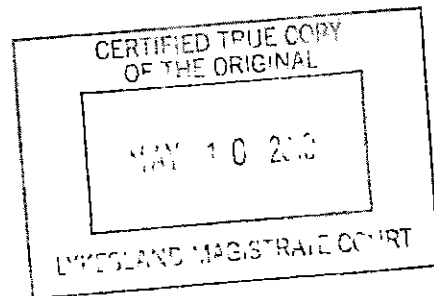
Columbia, SC 29209

PLAINTIFF(S)

VS.

Charlene Crouch
300 Byron Road
Columbia, SC 29209

DEFENDANT(S)



TO: Charlene Crouch, DEFENDANT:

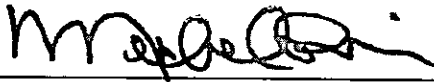
The above named Plaintiff having filed a Petition for Restraining Order, copy attached.

YOU ARE HEREBY SUMMONED TO APPEAR before the:

RICHLAND COUNTY Lykesland Magistrate
1403 Caroline Road
Columbia, SC 29209

on 11/20/2007 at 9:30 AM to show cause why the Restraining Order prayed for by the Plaintiff should not be made.

IF YOU FAIL TO APPEAR, the relief prayed for by the Plaintiff may be granted.



JUDGE

Please be advised, the court shall assess a filing fee, \$80.00, against the nonprevailing party in an action for a restraining order. The court may hold a person in contempt of court for failure to pay this filing fee.

STATE OF SOUTH CAROLINA

70 / 98

2007CV401062936
CIVIL CASE NUMBER

COUNTY OF RICHLAND

ORDER OF DISPOSITION

Charles White
300 Byron Road
Apartment 1
Columbia, South Carolina 29209
Phone: 1.803.783.6888

9:30am

PLAINTIFF(S)
Vs

DISMISSED
NO AFFIANT
OR DEFENDANT

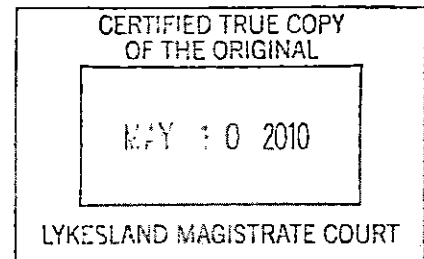
Charlene Crouch
300 Byron Road
Columbia, South Carolina 29209
Phone: None Provided

Restraining Order

DEFENDANT(S)

IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

- ☐ Settled
- ☒ Dismissed
- ☐ Bench Warrant
- ☐ Default Judgment
- ☐ Find for the Plaintiff for Summons and Complaint
- ☐ Find for the Plaintiff for Claim and Delivery
- ☐ Find for the Plaintiff for Restraining Order
- ☐ Find for Defendant
- ☐ Transferred to another Court



On Tuesday, November 20, 2007, the party/parties to this action presented testimony and arguments. Based on the above information and findings of fact, an award was made to the Plaintiff/Defendant in the amount of \$_____, plus filing fees of \$_____, for a total of \$_____.

IT SO ORDERED

JUDGE

RICHLAND COUNTY Lykesland Magistrate
1403 Caroline Road
Columbia, South Carolina 29209
PHONE: 1.803.576.2500
FAX: 1.803.576.2504

COUNTY OF RICHLAND

ORDER OF DISPOSITION

Carson Walker
4208 Branning Drive
Columbia, South Carolina 29209

Phone: 776.8718

Plaintiff

Lea Walker
4208 Branning Drive
Columbia, South Carolina 29209

10:00am

Versus

Summons and Complaint

Charlene Crouch
300 Byron Road - Apt. 3
Columbia, South Carolina 29209

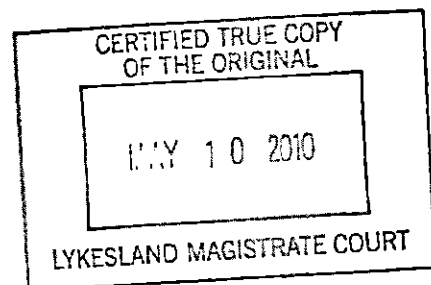
Phone: 776.4441

Defendant

Answered

IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

- ☐ Settled
☐ Dismissed
☐ Bench Warrant
☐ Default Judgment
☐ Find for the Plaintiff for Summons and Complaint
☐ Find for the Plaintiff for Claim and Delivery
☐ Find for the Plaintiff for Restraining Order
☒ Find for Defendant
☐ Transferred to another Court



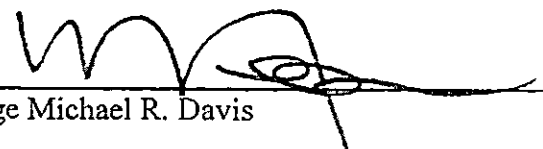
On Tuesday, June 24, 2008, the party/parties to this action presented testimony and arguments. Based on the above information and findings of fact, an award was made to the Plaintiff/Defendant in the amount of

\$ _____ plus filing fees of \$ 80.00 for a total of

\$ _____.

IT IS SO ORDERED

Richland County Lykesland Magistrate
1403 Caroline Road
Columbia, South Carolina 29209
Phone: 1.803.576.2500
Fax: 1.803.576.2504



Judge Michael R. Davis

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STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

2008CV401061608
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

ANSWER

Carson B Walker
4208 Branning Drive
Columbia, SC 29209
(803) 776-8718

Lea Weihong Walker
4224 Branning Drive
Columbia, SC 29209
(803) 252-9086

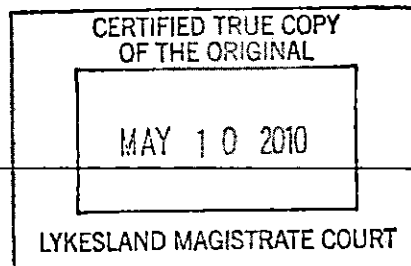
PLAINTIFF(S)

Vs

Charlene Crouch
300 Byron Road Apt

Columbia, SC 29209

DEFENDANT(S)



RECEIVED
LYKESLAND MAGISTRATE COURT
RICHLAND COUNTY
2008 JUN 13 AM 9:05

DEFENDANT ATTORNEY(S)

On _____ I was served with a Complaint requiring me to answer within thirty days from the date of service. My Answer which is hereby filed with the **RICHLAND COUNTY MAGISTRATE COURT**, is as follows:

CHECK ONE:

- A. ☐ I do not live in this county and/or I want this case transferred to my home county or to the jurisdiction in which I reside.
- B. ☐ I admit everything in the complaint and do not want a trial.
- C. ☐ I admit that I am responsible, but not for the total amount claimed by the Plaintiff(s) because: (use additional pages if necessary) _____
- D. ☐ I deny that I am responsible at all because: (use additional pages if necessary) _____

YOU MUST FILE THIS DOCUMENT WITH THE COURT WITHIN THIRTY DAYS

THE DEFENDANT/PLAINTIFF STATES THAT THE INFORMATION CONTAINED IN THIS ANSWER IS TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE.

5/30/08
DATED

Charlene Crouch
SIGNATURE OF DEFENDANT(S) (OR ATTORNEY)

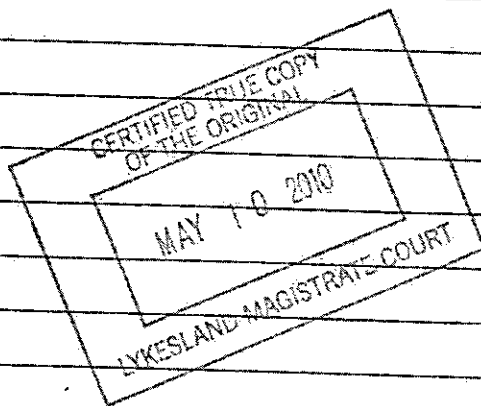
****IF MORE THAN ONE DEFENDANT, ALL MUST FILE ANSWER****

PLEASE RETURN TO: RICHLAND COUNTY Lykesland Magistrate
1403 Caroline Road, Columbia, SC 29209
PHONE (803) 576-2500 FAX (803) 576-2504

June 09th, 2008

I Charlene Crouch denies all charges listed against me. In fact the plaintiff Mr. Lea Walker and I had been involved in a relationship. I even stayed with him a week. Mr. Walker kept harassing me on my place of employment and so was Mrs. Carson. At this time I placed a request for a restraining order against Mrs. Carson and it was granted. There was never any problems until the ex-wife found out that when Mr. Carson made all the false accusations against me.

Thank you
Charlene Crouch



RECEIVED
LYKESLAND MAGISTRATES OFFICE
RICHMOND COUNTY
2008 JUN 13 AM 9:05

74 / 982008 CV 401061608
CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE MAGISTRATE'S COURT

Carson B. Walker & Lea Walker
PLAINTIFF

4208 Branning Dr.
STREET ADDRESS

Columbia SC 29209
CITY STATE ZIP CODE

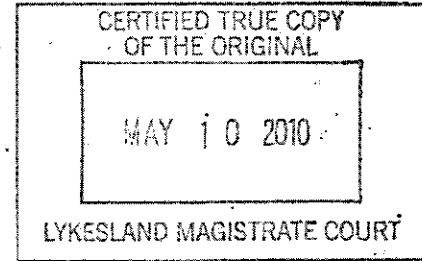
VS. 252-9086
TELEPHONE

Charlene Crouch
DEFENDANT

300 Byron Rd. Apt. 3
STREET ADDRESS

Columbia SC 29209
CITY STATE ZIP CODE

776-4441
TELEPHONE



COMPLAINT

I, Carson B Walker & Lea Walker, the plaintiff in this civil action do make the following claims:

1. I believe that the defendant, Charlene Crouch is a resident of Richland County, and resides at 300 Byron Rd. Apt. 3 which is within Judge Davis's magisterial jurisdiction.

2. I make this complaint on the following:

1. Exploiting of a vulnerable senior citizen - Carson Walker
2. Took Money ~~Stole~~ from our home ad business under false pretense
3. Stole our cell phone, stole van & snacks & Drinks
4. Stole our discover card & Debit Card, tried to stole money from ~~Debit Card~~
5. Blackmail & extortion, causing van wreck!

(Attach supplement if necessary)

3. I believe, because of the above information, that I am entitled to and do request a judgment for \$ 17500.00 and/or other relief as below requested: \$80.00 filing fee, + Restraining Order

+ Took Money & Goods under false pretence (\$4000)

+ Emotional Extortion & Damage (\$3500)
including any costs resulting in this action.

I state under penalty of perjury that the above is correct and truthful.

DATED: 5/21/08

Lea Walker
Signature of Plaintiff
(or his attorney)

STATE OF SOUTH CAROLINA

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COUNTY OF RICHLAND)

Charlene Crouch)

300 Byron Road - Apt. 3)

Columbia, South Carolina 29209)

PLAINTIFF(S))

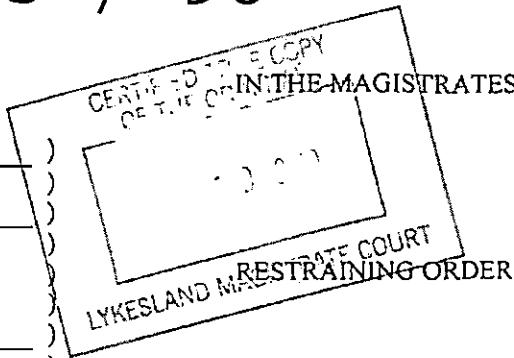
VS.)

Carson Brandon Walker)

4208 Branning Drive)

Columbia, South Carolina 29209)

DEFENDANTS(S)



ORIGINAL DOCUMENT
BLUE INK

2008CV401061334

CIVIL CASE NUMBER

PLAINTIFF IDENTIFIERS

Date of Birth of Plaintiff

And/or on behalf of minor family member(s) or other

Protected persons: (list name and DOB)

DEFENDANT IDENTIFIERS

SEX *	RACE *	DOB *
Male	White	[REDACTED]
EYES	HAIR	SOCIAL SECURITY #
BROWN	GRAY	[REDACTED]
DRIVERS LICENSE #		STATE
[REDACTED]		SC

Relationship to Protected Person: _____

Defendant's Address

CAUTION:

*Indicates required information for entry into NCIC

☐ Weapon Involved

☐ Weapon Present on Respondent's Property

☐ Access to weapons

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter,

Defendant has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

☐ That the above named Defendant be restrained from committing further acts of abuse or threats of abuse.

☒ That the above named Defendant be restrained from any contact with the Protected Person as set forth on the attached pages.

The terms of this order shall be effective until

May 21, 2009

WARNINGS TO RESPONDENT;

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

For Additional Information Call:

576.3000 Sheriff

576.2500

Clerk of Court

Phone Number

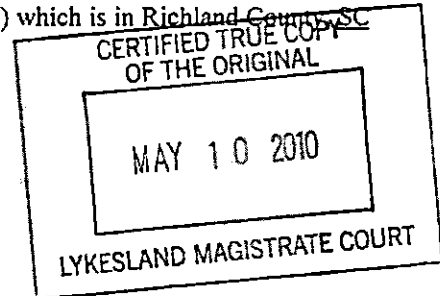
Phone Number

76 / 98

After the filing of a complaint and motion for a Restraining Order on 5/1/2008 the Court held a hearing on 5/21/2008 at 9:30 AM. After hearing the evidence, and examining the affidavits and verified pleadings, the Court has determined that the plaintiff ☐ has/ ☐ has not proved by a preponderance of evidence the need for issuance of a Restraining Order.

The Court makes the Following findings of fact: (Check all that apply)

- ☒ 1. The Plaintiff lives at 300 Byron Road Apt. 3 (Street Address) which is in RICHLAND COUNTY, SC (State).
- ☒ 2. The Defendant lives at 4208 Branning Road (Street Address) which is in Richland County, SC (State).
- ☐ 3. The Defendant is employed..
- ☒ 4. The Defendant :
 - ☐ is a current or former spouse of the victim.
 - ☐ is a parent or guardian of the victim.
 - ☐ cohabits or previously cohabited with the victim.
 - ☐ has a child in common with the victim.
 - ☐ is a person similarly situated to a spouse, parent or guardian of the victim.
 - ☒ other:
- ☐ 5. The Defendant is a nonresident of this state or cannot be found.
- ☒ 6. The Harassment or Stalking, as described herein, occurred in RICHLAND (County), South Carolina.
- ☒ 7. The Defendant has committed the following acts which constitute Harassment or Stalking:
PHONE CALLS



IT IS THEREFORE ORDERED THAT (Check all that apply):

- ☐ A. The Defendant is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the plaintiff or members of plaintiff's family.
- ☒ B. The Defendant is restrained, prohibited and forbidden from entering or attempting to enter the plaintiff's place of residence, employment, education, or the following locations:
- ☒ C. The Defendant is restrained, prohibited and forbidden from communicating or attempting to communicate with the plaintiff in any way.
- ☐ D. FEDERAL FIREARMS PROHIBITION -
 - 1. Does the Order protect an intimate partner or child? ☐ YES ☒ NO
 - 2. Did the person restrained have an opportunity to participate in the hearing? ☒ YES ☐ NO
 - 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? ☐ YES ☒ NO
- ☒ E. A copy of this Order shall be served on the following law enforcement agencies:

CPD RCS D

The terms of this Order remain in effect until May 21, 2009, (not to exceed twelve months) and may be extended by this Court for good cause shown. If the defendant has been or is during the duration of this Order charged with the crime of Harassment or Stalking, the terms of this Order remain in affect until the conclusion of the defendant's trial.

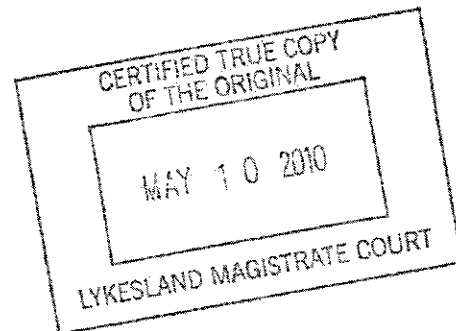
Entered at 9:30am on May 21, 2008.


Magistrate

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY THIRTY DAYS IN JAIL, A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, AND IS IN ADDITION TO OTHER CRIMINAL PENALTIES WHICH MAY RESULT FROM SUCH ACTION.

TO LAW ENFORCEMENT OFFICERS:

Notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. S.C. Code Ann. § 16-3-1750(E). Any person who violates a provision of this Order is subject to a fine not to exceed \$500 or imprisonment not to exceed thirty days, or both. S.C. Code Ann. § 16-3-1770(C). Law enforcement officers shall arrest a defendant who acts in violation of this Order after service and notice of the Order have been provided. An arrest warrant is not required. S.C. Code Ann. § 16-3-1800.



STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

78 / 98

2008CV401061334
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

AFFIDAVIT OF SERVICE

Charlene Crouch
300 Byron Road Apt. 3
Columbia, SC 29209
(803) 776-4441

PLAINTIFF(S)

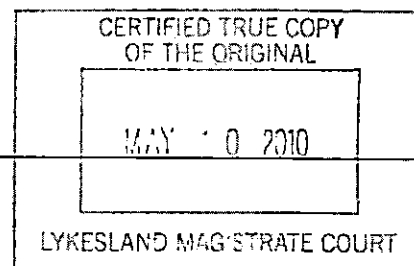
PLAINTIFF ATTORNEY

Vs

Carson B Walker
4208 Branning Road
Columbia, SC 29209
8037834069

DEFENDANT(S)

MAY 6 2008



AGENT(S)

PERSONALLY APPEARED BEFORE ME G. MICKENS WHO, BEING DULY SWORN,
SAYS THAT, ON THE 20 DAY OF MAY 20 08 AT 8:45 AM S/HE SERVED
CARSON B. WALKER THE DEFENDANT ABOVE NAMED, BY DELIVERING COPIES THEREOF TO
4208 BRANNING RD COLUMBIA PERSONALLY AND LEAVING THE
SAME WITH _____ AT
_____, THE PLACE OF
RESIDENCE WORK/OTHER OF SAID DEFENDANT AND THAT THE DEPONENT IS NOT A PARTY TO THIS
ACTION.

☐ UNABLE TO LOCATE AND SERVE THE ABOVE PROCESS ON THE DEFENDANT AFTER DILIGENT
EFFORTS TO DO SO. THE PROCESS IS RETURNED UNEXECUTED.

☐ SUMMONS & COMPLAINT

☐ COUNTERCLAIM

☐ CROSSCLAIM

☐ CLAIM & DELIVERY

☒ RESTRAINING ORDER

☐ SUBPOENA

☐ PETITION HEARING

George Mickens 1780
Deputy Sheriff/Constable/Process Server

5-20-08
Date

RETURN TO: LYKESLAND MAGISTRATE

JUDGE MICHAEL R DAVIS
Lykesland Magistrate
1403 Caroline Road
Columbia, SC 29209
(803)576-2500

STATE OF SOUTH CAROLINA

7.9 / 98

IN THE MAGISTRATES COURT
CIVIL CASE # 2008CV40106 1334

COUNTY OF RICHLAND

CHARLENE CROW

PLAINTIFF

200 Byron Rd. Apt 3

ADDRESS

Columbia S.C. 20209 716-4441

CITY

STATE

ZIP

TELEPHONE

VS

CARSON BRANTON WALKER

DEFENDANT

4208 Branning Drive

ADDRESS

Columbia S.C. 29209-783-4069

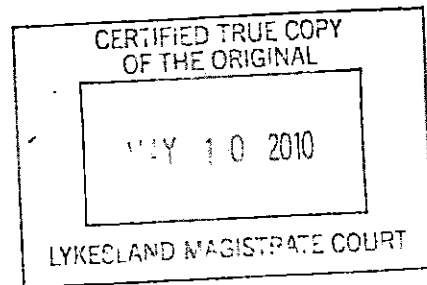
CITY

STATE

ZIP

TELEPHONE

COMPLAINT & MOTION
FOR
RESTRAINING ORDER



COMPLAINT

1. The Harassment or Stalking occurred in Richland S.C.
(COUNTY) (STATE)

2. Plaintiff alleges that the following conduct occurred by the defendant on the times, dates and places listed below, and such conduct falls within the definition of:

☒ HARASSMENT (Sec. 16-3-1700 (A)), or ☐ STALKING (Sec. 16-3-1700 (B) or (C)).

3. On or about, 20 08, at 12:00 o'clock, P M., at SAVE-A-Lot STORE
(STREET ADDRESS)
which is in Richland County, S.C., the conduct complained of occurred when
(STATE)
the defendant: WAS HARASSMENT verbal and emotional Ridiculed in
front fellow employees. And then Management. Police officer
Rivers told him not to come to store. But he still call the store
on this date may 11, 2008

On _____, 20____, at _____ o'clock, _____ M., at _____
(STREET ADDRESS)

which is in _____ County, _____, the conduct complained of occurred when
(STATE)

the defendant: _____

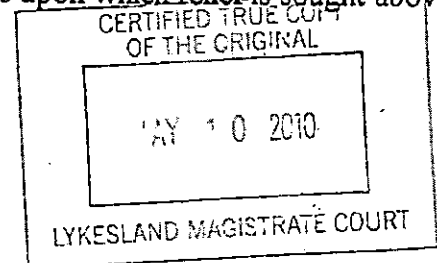
On _____, 20____, at _____: 80 / 98 o'clock, _____ M., at _____

(STREET ADDRESS)

which is in _____ County, _____, the conduct complained of occurred when
(STATE)
the defendant: _____

(State details of harassment/stalking and other facts and circumstances upon which relief is sought above.
Attach additional sheets if necessary.)

MOTION



4. Plaintiff requests: (Check one or more)

- ☐ a. That the defendant be temporarily enjoined from abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family.
- ☒ b. That the defendant be temporarily enjoined from entering or attempting to enter the plaintiff's place of residence, employment, education or other location.
- ☐ c. That the defendant be temporarily enjoined from communicating or attempting to communicate with the plaintiff in a way that would violate Article 17, Chapter 3, Title 16 of the 1976 South Carolina Code of Laws, as amended.

SWORN TO AND SUBSCRIBED BEFORE ME }

THIS 1 DAY OF May, 2008 }
Amber D. Brazell }
Notary Public for South Carolina }
My Commission Expires: 5/18/2009 }

Charlene Couch
Signature of Plaintiff or Person Filing on Behalf
of Plaintiff

NOTICE TO DEFENDANT: YOU HAVE THE RIGHT TO EMPLOY COUNSEL TO REPRESENT YOU.

PROOF OF SERVICE

Personally appeared before me _____, who, being duly sworn, says that he served the within Complaint & Motion for Restraining Order / Summons / Rule to Show Cause (circle all which apply) on the within named defendant personally by leaving with _____ a copy of the same at _____ in said County and State on the _____ day of _____, 19____, and that deponent is not a party to this proceeding.

Sworn to before me this _____
day of _____, 19____.

MAGISTRATE

81 / 98

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

2008CV401061334
CIVIL CASE NUMBER
IN THE MAGISTRATE'S COURT

**SUMMONS
(RESTRAINING ORDER)**

Charlene Crouch
300 Byron Road Apt. 3

Columbia, SC 29209

PLAINTIFF(S)

VS.

Carson B Walker
4208 Branning Road
Columbia, SC 29209

DEFENDANT(S)

TO: Carson B Walker, DEFENDANT:

The above named Plaintiff having filed a Petition for Restraining Order, copy attached.

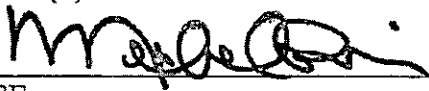
YOU ARE HEREBY SUMMONED TO APPEAR before the:

RICHLAND COUNTY Lykesland Magistrate
1403 Caroline Road
Columbia, SC 29209

on 5/21/2008 at 9:30 AM to show cause why the Restraining Order prayed for by the Plaintiff should not be made.

IF YOU FAIL TO APPEAR, the relief prayed for by the Plaintiff may be granted.

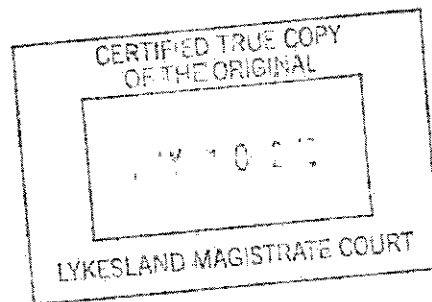
NOTICE: THE NON-PREVAILING PARTY IN THIS ACTION IS ASSESSED A FILING FEE OF EIGHTY DOLLARS (\$80.00). THE COURT MAY HOLD A PERSON IN CONTEMPT OF COURT FOR FAILURE TO PAY THIS FILING FEE. §16-03-170(D).


JUDGE

May

1,

2008



COUNTY OF RICHLAND

ORDER OF DISPOSITION

Charlene Crouch
300 Byron Road – Apt. 3
Columbia, South Carolina 29209

Phone: 776.4441

9:30am

Plaintiff

Versus

Carson Walker
4208 Branning Drive
Columbia, South Carolina 29209

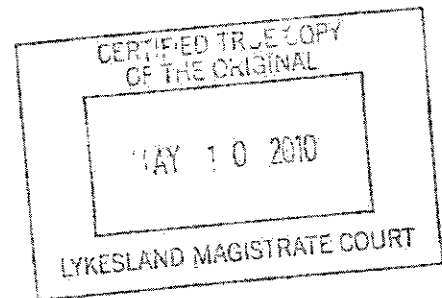
Phone: 783.4069

Restraining Order

Defendant

IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

- ☐ Settled
- ☐ Dismissed
- ☐ Bench Warrant
- ☐ Default Judgment
- ☐ Find for the Plaintiff for Summons and Complaint
- ☐ Find for the Plaintiff for Claim and Delivery
- ☐ Find for the Plaintiff for Restraining Order
- ☐ Find for Defendant
- ☐ Transferred to another Court



On Wednesday, May 21, 2008, the party/parties to this action presented testimony and arguments. Based on the above information and findings of fact, an award was made to the Plaintiff/Defendant in the amount of

\$ 0.00 plus filing fees of \$ 80.00, for a total of

\$ 80.00

IT IS SO ORDERED

Judge Michael R. Davis

Richland County Lykesland Magistrate
1403 Caroline Road
Columbia, South Carolina 29209
Phone: 1.803.576.2500
Fax: 1.803.576.2504

Lykesland Magistrate

Judge : Michael R. Davis

1403 Caroline Road

Columbia, SC 29209

(803) 576-2500

Received From: MARIA FALTAS

Date : 5/10/2010

RECEIPT # 64797

Clerk: LYKMILES

Paying for: MARIA FALTAS,

Payment Type: Cash

\$4.50

Reference #

Total Paid

4.50

Comment:



COUNTY OF RICHLAND

ORDER OF DISPOSITION

Carson Walker
4208 Branning Drive
Columbia, South Carolina 29209

Lea Walker
4208 Branning Drive
Columbia, South Carolina 29209

Phone: 776.8718

10:00am**Plaintiff****Versus****Summons and Complaint**

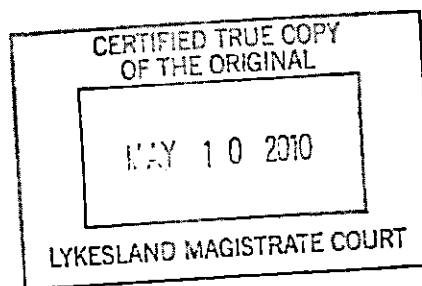
Charlene Crouch
300 Byron Road - Apt. 3
Columbia, South Carolina 29209

Phone: 776.4441

Answered**Defendant**

IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

- ☐ Settled
☐ Dismissed
☐ Bench Warrant
☐ Default Judgment
☐ Find for the Plaintiff for Summons and Complaint
☐ Find for the Plaintiff for Claim and Delivery
☐ Find for the Plaintiff for Restraining Order
☒ Find for Defendant
☐ Transferred to another Court



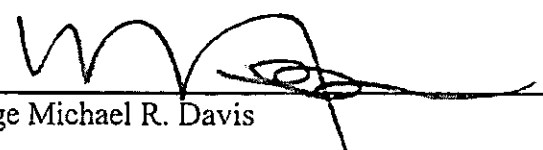
On Tuesday, June 24, 2008, the party/parties to this action presented testimony and arguments. Based on the above information and findings of fact, an award was made to the Plaintiff/Defendant in the amount of

\$ _____ plus filing fees of \$ 80.00 for a total of

\$ _____.

IT IS SO ORDERED

Richland County Lykesland Magistrate
1403 Caroline Road
Columbia, South Carolina 29209
Phone: 1.803.576.2500
Fax: 1.803.576.2504



Judge Michael R. Davis

85 / 98

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

2008CV401061608
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

ANSWER

Carson B Walker
4208 Branning Drive
Columbia, SC 29209
(803) 776-8718

Lea Weihong Walker
4224 Branning Drive
Columbia, SC 29209
(803) 252-9086

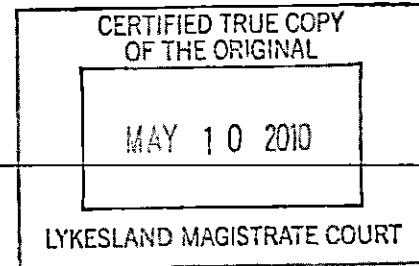
PLAINTIFF(S)

Vs

Charlene Crouch
300 Byron Road Apt 105

Columbia, SC 29209

DEFENDANT(S)



RECEIVED
LYKESLAND MAGISTRATE COURT
RICHLAND COUNTY
2008 JUN 13 AM 9:05

DEFENDANT ATTORNEY(S)

On _____ I was served with a Complaint requiring me to answer within thirty days from the date of service. My Answer which is hereby filed with the **RICHLAND COUNTY MAGISTRATE COURT**, is as follows:

CHECK ONE:

- A. ☐ I do not live in this county and/or I want this case transferred to my home county or to the jurisdiction in which I reside.
- B. ☐ I admit everything in the complaint and do not want a trial.
- C. ☐ I admit that I am responsible, but not for the total amount claimed by the Plaintiff(s) because: (use additional pages if necessary) _____
- D. ☐ I deny that I am responsible at all because: (use additional pages if necessary) _____

YOU MUST FILE THIS DOCUMENT WITH THE COURT WITHIN THIRTY DAYS

THE DEFENDANT/PLAINTIFF STATES THAT THE INFORMATION CONTAINED IN THIS ANSWER IS TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE.

5/30/08

DATED

Charlene Crouch

SIGNATURE OF DEFENDANT(S) (OR ATTORNEY)

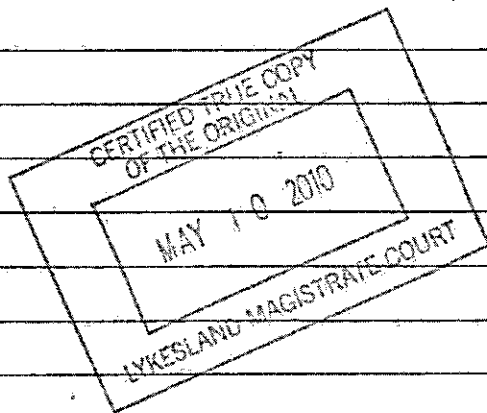
****IF MORE THAN ONE DEFENDANT, ALL MUST FILE ANSWER****

PLEASE RETURN TO: RICHLAND COUNTY Lykesland Magistrate
1403 Caroline Road, Columbia, SC 29209
PHONE (803) 576-2500 FAX (803) 576-2504

June 09th, 2008

I Charlene Crouch denies all charges listed against me. In fact the plaintiff Mr. Lea Walker and I had been involved in a relationship. I even stayed with him a week. Mr. Walker kept harassing me on my place of employment, and so was Mrs. Carson. At this time I placed a request for a restraining order against Mrs. Carson and it was granted. There was never any problems until the ex-wife found out that when Mr. Carson made all the false accusations against me.

Thank you
Charlene Crouch



RECEIVED
LYKESLAND MAGISTRATES OFFICE
RICHMOND COUNTY
2008 JUN 13 AM 9:05

87 / 98008 CV 401061608
CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE MAGISTRATE'S COURT

Carson B. Walker & Lea Walker
PLAINTIFF

4208 Branning Dr.
STREET ADDRESS

Columbia SC 29209
CITY STATE ZIP CODE

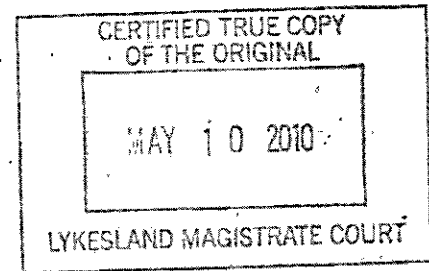
VS. 252-9086
TELEPHONE

Charlene Crouch
DEFENDANT

300 Byron Rd. Apt. 3
STREET ADDRESS

Columbia SC 29209
CITY STATE ZIP CODE

776-4441
TELEPHONE



COMPLAINT

I, Carson B Walker & Lea Walker, the plaintiff in this civil action do make the following claims:

1. I believe that the defendant, Charlene Crouch is a resident of Richland County, and resides at 300 Byron Rd. Apt. 3 which is within Judge Davis's magisterial jurisdiction.

2. I make this complaint on the following:

1. Exploiting of a vulnerable senior citizen - Carson Walker
2. Took Money ~~stole~~ from our home ad business under false pretence
3. stole our cell phone, stole van & snacks & Drinks
4. stole our discover card & Debit Card, tried to stole money from
5. Blackmail & extortion, causing van wreck!

(Attach supplement if necessary)

3. I believe, because of the above information, that I am entitled to and do request a judgment for \$ 17500.00 and/or other relief as below requested:
\$80.00 filing fee, + Restraining Order

+ Took Money & Goods under false pretence (\$4000)

+ Emotional Extortion & Damage (\$3500)
including any costs resulting in this action.

I state under penalty of perjury that the above is correct and truthful.

DATED: 5/21/08

Carson B Walker
Signature of Plaintiff
(or his attorney)

COUNTY OF RICHLAND)

Charlene Crouch

300 Byron Road - Apt. 3

Columbia, South Carolina 29209

PLAINTIFF(S)

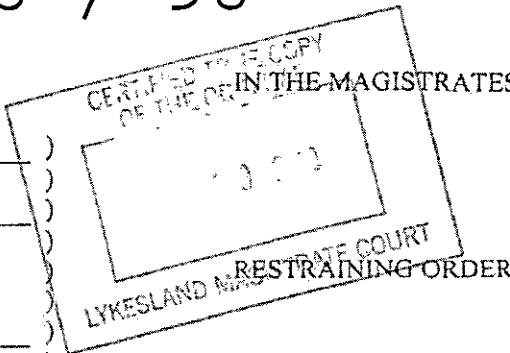
VS.

Carson Brandon Walker

4208 Branning Drive

Columbia, South Carolina 29209

DEFENDANTS(S)

ORIGINAL DOCUMENT
BLUE INK

2008CV401061334

CIVIL CASE NUMBER

PLAINTIFF IDENTIFIERS

Date of Birth of Plaintiff

And/or on behalf of minor family member(s) or other

Protected persons: (list name and DOB)

DEFENDANT IDENTIFIERS

SEX *	RACE *	DOB*
Male	White	[REDACTED]
EYES	HAIR	SOCIAL SECURITY #
BROWN	GRAY	[REDACTED]
DRIVERS LICENSE #		STATE
[REDACTED]		SC

Relationship to Protected Person: _____

Defendant's Address

CAUTION:

*Indicates required information for entry into NCIC

☐ Weapon Involved☐ Weapon Present on Respondent's Property☐ Access to weapons

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter,
 Defendant has been provided with reasonable notice and opportunity to be heard.
 Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

☐ That the above named Defendant be restrained from committing further acts of abuse or threats of abuse.

☒ That the above named Defendant be restrained from any contact with the Protected Person as set forth on the attached pages.

The terms of the this order shall be effective until

May 21, 2009

WARNINGS TO RESPONDENT;

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

For Additional Information Call:

576.3000 Sheriff

576.2500

Clerk of Court

Phone Number

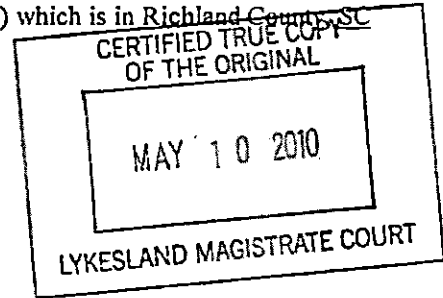
Phone Number

89 / 98

After the filing of a complaint and motion for a Restraining Order on 5/1/2008 the Court held a hearing on 5/21/2008 at 9:30 AM. After hearing the evidence, and examining the affidavits and verified pleadings, the Court has determined that the plaintiff ☐ has/ ☐ has not proved by a preponderance of evidence the need for issuance of a Restraining Order.

The Court makes the Following findings of fact: (Check all that apply)

- ☒ 1. The Plaintiff lives at 300 Byron Road Apt. 3 (Street Address) which is in RICHLAND COUNTY, SC (State).
- ☒ 2. The Defendant lives at 4208 Branning Road (Street Address) which is in Richland County, SC (State).
- ☐ 3. The Defendant is employed..
- ☒ 4. The Defendant :
 - ☐ is a current or former spouse of the victim.
 - ☐ is a parent or guardian of the victim.
 - ☐ cohabits or previously cohabited with the victim.
 - ☐ has a child in common with the victim.
 - ☐ is a person similarly situated to a spouse, parent or guardian of the victim.
 - ☒ other:
- ☐ 5. The Defendant is a nonresident of this state or cannot be found.
- ☒ 6. The Harassment or Stalking, as described herein, occurred in RICHLAND (County), South Carolina.
- ☒ 7. The Defendant has committed the following acts which constitute Harassment or Stalking:
PHONE CALLS



IT IS THEREFORE ORDERED THAT (Check all that apply):

- ☐ A. The Defendant is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the plaintiff or members of plaintiff's family.
- ☒ B. The Defendant is restrained, prohibited and forbidden from entering or attempting to enter the plaintiff's place of residence, employment, education, or the following locations:
- ☒ C. The Defendant is restrained, prohibited and forbidden from communicating or attempting to communicate with the plaintiff in any way.
- ☐ D. FEDERAL FIREARMS PROHIBITION -
 - 1. Does the Order protect an intimate partner or child? ☐ YES ☒ NO
 - 2. Did the person restrained have an opportunity to participate in the hearing? ☒ YES ☐ NO
 - 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? ☐ YES ☒ NO
- ☒ E. A copy of this Order shall be served on the following law enforcement agencies:

CPD RCS D

The terms of this Order remain in effect until May 21, 2009, (not to exceed twelve months) and may be extended by this Court for good cause shown. If the defendant has been or is during the duration of this Order charged with the crime of Harassment or Stalking, the terms of this Order remain in affect until the conclusion of the defendant's trial.

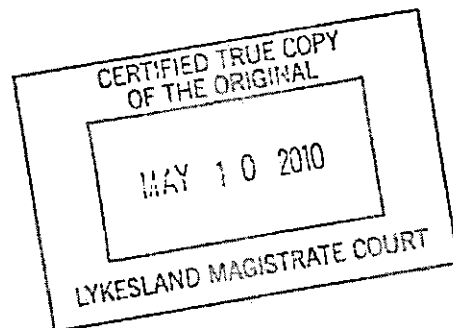
Entered at 9:30am on May 21, 2008.


Magistrate

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY THIRTY DAYS IN JAIL, A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, AND IS IN ADDITION TO OTHER CRIMINAL PENALTIES WHICH MAY RESULT FROM SUCH ACTION.

TO LAW ENFORCEMENT OFFICERS:

Notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. S.C. Code Ann. § 16-3-1750(E). Any person who violates a provision of this Order is subject to a fine not to exceed \$500 or imprisonment not to exceed thirty days, or both. S.C. Code Ann. § 16-3-1770(C). Law enforcement officers shall arrest a defendant who acts in violation of this Order after service and notice of the Order have been provided. An arrest warrant is not required. S.C. Code Ann. § 16-3- 1800.



STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

91 / 98

2008CV401061334
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

AFFIDAVIT OF SERVICE

Charlene Crouch
300 Byron Road Apt. 3
Columbia, SC 29209
(803) 776-4441

PLAINTIFF(S)

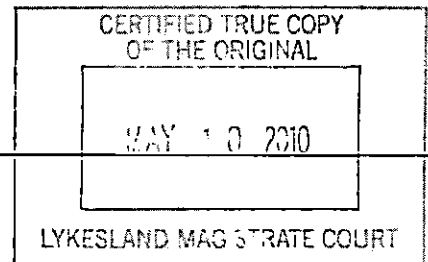
PLAINTIFF ATTORNEY

Vs

Carson B Walker
4208 Branning Road
Columbia, SC 29209
8037834069

DEFENDANT(S)

MAY 6 2008



AGENT(S)

PERSONALLY APPEARED BEFORE ME G. MICKENS WHO, BEING DULY SWORN,
SAYS THAT, ON THE 20 DAY OF MAY 20 08 AT 8:45 AM/PM, S/HE SERVED
CARSON B. WALKER THE DEFENDANT ABOVE NAMED, BY DELIVERING COPIES THEREOF TO
4208 BRANNING RD COLUMBIA PERSONALLY AND LEAVING THE
SAME WITH _____ AT
_____, THE PLACE OF
~~RESIDENCE~~ WORK/OTHER OF SAID DEFENDANT AND THAT THE DEPONENT IS NOT A PARTY TO THIS
ACTION.

☐ UNABLE TO LOCATE AND SERVE THE ABOVE PROCESS ON THE DEFENDANT AFTER DILIGENT
EFFORTS TO DO SO. THE PROCESS IS RETURNED UNEXECUTED.

☐ SUMMONS & COMPLAINT

☐ COUNTERCLAIM

☐ CROSSCLAIM

☐ CLAIM & DELIVERY

☒ RESTRAINING ORDER

☐ SUBPOENA

☐ PETITION HEARING

Deane Mickens 1780
Deputy Sheriff/Constable/Process Server

5-20-08
Date

RETURN TO: LYKESLAND MAGISTRATE

JUDGE MICHAEL R DAVIS
Lykesland Magistrate
1403 Caroline Road
Columbia, SC 29209
(803)576-2500

STATE OF SOUTH CAROLINA

92 / 98

COUNTY OF RICHLAND

IN THE MAGISTRATES COURT
CIVIL CASE # 2008CV40106 1334

CHARLENE CROUCH

PLAINTIFF

300 Byron Rd. Apt 3

ADDRESS

Columbia S.C. 20209-716-4441

CITY

STATE

ZIP

TELEPHONE

COMPLAINT & MOTION
FOR
RESTRAINING ORDER

VS

CARSON BRANTON WALKER

DEFENDANT

4208 Branning Drive

ADDRESS

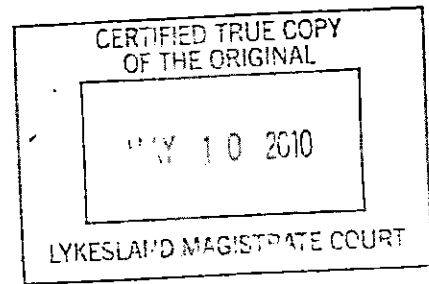
Columbia S.C. 29209-783-4069

CITY

STATE

ZIP

TELEPHONE



COMPLAINT

1. The Harassment or Stalking occurred in Richland S.C.
(COUNTY) (STATE)

2. Plaintiff alleges that the following conduct occurred by the defendant on the times, dates and places listed below, and such conduct falls within the definition of:

☒ HARASSMENT (Sec. 16-3-1700 (A)), or ☐ STALKING (Sec. 16-3-1700 (B) or (C)).

3. On March, 20 08, at 12:00 o'clock, P M., at SAVE-A-Lot Store
(STREET ADDRESS)
which is in Richland County, S.C., the conduct complained of occurred when
(STATE)
the defendant: WAS HARASSMENT verbal and emotional Ridiculed in
front fellow employees. And then Management. Police Officer
Rivers told him not to come to store. But he still call the store
on this date March, 2008

On _____, 20____, at _____ o'clock, _____ M., at _____
(STREET ADDRESS)
which is in _____ County, _____, the conduct complained of occurred when
(STATE)
the defendant: _____

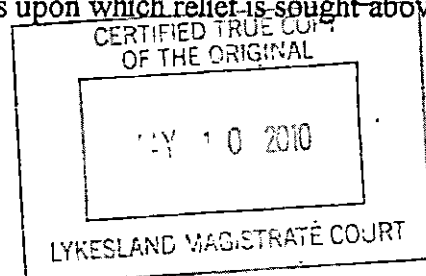
On _____, 20____, at _____: 93 o'clock, 98 M., at _____

(STREET ADDRESS)

which is in _____ County, _____, the conduct complained of occurred when
(STATE)
the defendant: _____

(State details of harassment/stalking and other facts and circumstances upon which relief is sought above.
Attach additional sheets if necessary.)

MOTION



4. Plaintiff requests: (Check one or more)

- ☐ a. That the defendant be temporarily enjoined from abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family.
- ☒ b. That the defendant be temporarily enjoined from entering or attempting to enter the plaintiff's place of residence, employment, education or other location.
- ☐ c. That the defendant be temporarily enjoined from communicating or attempting to communicate with the plaintiff in a way that would violate Article 17, Chapter 3, Title 16 of the 1976 South Carolina Code of Laws, as amended.

SWORN TO AND SUBSCRIBED BEFORE ME }

THIS 1 DAY OF May, 2008. }

Amber D. Bazzell }
Notary Public for South Carolina }
My Commission Expires: 5/18/2009 }

Charlene Crutch

Signature of Plaintiff or Person Filing on Behalf
of Plaintiff

NOTICE TO DEFENDANT: YOU HAVE THE RIGHT TO EMPLOY COUNSEL TO REPRESENT YOU.

PROOF OF SERVICE

Personally appeared before me _____, who, being duly sworn, says that he served the within Complaint & Motion for Restraining Order / Summons / Rule to Show Cause (circle all which apply) on the within named defendant personally by leaving with _____ a copy of the same at _____ in said County and State on the _____ day of _____, 19____, and that deponent is not a party to this proceeding.

Sworn to before me this _____

day of _____, 19____.

MAGISTRATE

94 / 98

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

2008CV401061334
CIVIL CASE NUMBER
IN THE MAGISTRATE'S COURT

**SUMMONS
(RESTRAINING ORDER)**

Charlene Crouch
300 Byron Road Apt. 3

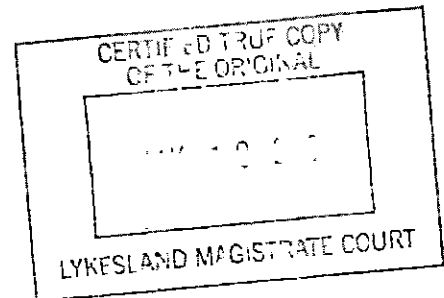
Columbia, SC 29209

PLAINTIFF(S)

VS.

Carson B Walker
4208 Branning Road
Columbia, SC 29209

DEFENDANT(S)



TO: Carson B Walker, DEFENDANT:

The above named Plaintiff having filed a Petition for Restraining Order, copy attached.

YOU ARE HEREBY SUMMONED TO APPEAR before the:

**RICHLAND COUNTY Lykesland Magistrate
1403 Caroline Road
Columbia, SC 29209**

on **5/21/2008 at 9:30 AM** to show cause why the Restraining Order prayed for by the Plaintiff should not be made.

IF YOU FAIL TO APPEAR, the relief prayed for by the Plaintiff may be granted.

NOTICE: THE NON-PREVAILING PARTY IN THIS ACTION IS ASSESSED A FILING FEE OF EIGHTY DOLLARS (\$80.00). THE COURT MAY HOLD A PERSON IN CONTEMPT OF COURT FOR FAILURE TO PAY THIS FILING FEE. §16-03-170(D).



JUDGE

May

1,

2008

COUNTY OF RICHLAND

ORDER OF DISPOSITION

Charlene Crouch
300 Byron Road – Apt. 3
Columbia, South Carolina 29209

Phone: 776.4441

9:30am

Plaintiff

Versus

Carson Walker
4208 Branning Drive
Columbia, South Carolina 29209

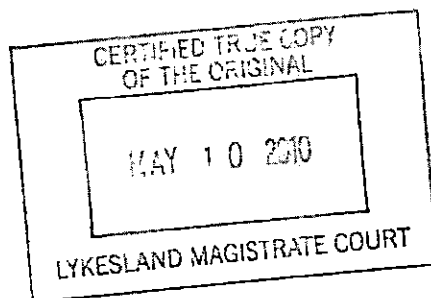
Phone: 783.4069

Restraining Order

Defendant

IT IS ORDERED that the above referenced civil case shall reflect a disposition of:

- ☐ Settled
☐ Dismissed
☐ Bench Warrant
☐ Default Judgment
☐ Find for the Plaintiff for Summons and Complaint
☐ Find for the Plaintiff for Claim and Delivery
☐ Find for the Plaintiff for Restraining Order
☐ Find for Defendant
☐ Transferred to another Court



On Wednesday, May 21, 2008, the party/parties to this action presented testimony and arguments. Based on the above information and findings of fact, an award was made to the Plaintiff/Defendant in the amount of

\$ 0.00 plus filing fees of \$ 80.00, for a total of

\$ 80.00.

IT IS SO ORDERED

Judge Michael R. Davis

Richland County Lykesland Magistrate
1403 Caroline Road
Columbia, South Carolina 29209
Phone: 1.803.576.2500
Fax: 1.803.576.2504

The State

COLUMBIA — SOUTH CAROLINA

HUNLEY MYSTERY DEEPENS, PAGE B5

METRO

MONDAY
JANUARY 5, 2009
SECTION B

COMICS, Page B6 | WEATHER, Page B8

Columbia's special prosecutor brought back

By ADAM BEAM
abeam@thestate.com

A .40-caliber pistol in a trash can was enough to bring back Columbia's special prosecutor after the position was eliminated in July because of a funding dispute.

Beginning this month, Heather Savitz Weiss, an assistant solicitor for 5th Circuit Solicitor Barney Giese, will resume her duties as Columbia's spe-

City Council cut funding for position in July

cial prosecutor for six months — and city officials won't have to pay for it.

"We talked about it, and I think it is so important that I'll do just about anything to reinstate it — including doing it without funding," Giese said.

Weiss' title was eliminated in July after Columbia City Council members

voted to cut part of her roughly \$50,000 salary.

Giese responded by cutting the position entirely and putting Weiss back in the general rotation of cases as an assistant solicitor. Giese also picked up her salary out of his budget.

But a series of events during the

first week of November started a chain reaction that brought Weiss back to her role.

On Nov. 1, police heard gunshots in Columbia's Martin Luther King neighborhood and arrested 18-year-old Horace Antonio Taylor.

Police did not find a gun on Tay-

lor, so he was released and, on Nov. 5, pleaded guilty in city court to disorderly conduct charges.

Two days later, the same Columbia police officer saw Taylor in the neighborhood again, this time with a .40-caliber pistol under his T-shirt. The officer saw Taylor put the gun in a trash can, according to an incident report.

SEE WEISS PAGE B5

Heather Savitz Weiss

LEXINGTON 2 SCHOOLS

School
memories
forever

plates were removed, allowing scientists to enter the crew com-

investigation with, say, a tragic

the tide to change.

TATTOO

FROM PAGE B1

The first Hinton knew of Kinard's plan was when she saw the comic-like figure already indelibly inked on Kinard's arm.

"I told her, 'Are you sure you want that on your body?'" Hinton said. "It's cool, but I wish I'd made something specifically for her."

Adam Shiverdecker, who just finished his graduate degree — and, as Kinard predicted, moved away — also considers her com-

mitment "cool."

"It's definitely something more permanent than most other gestures," said Shiverdecker, who relocated to Philadelphia last month.

Shiverdecker and other graduate students "have been really important in teaching me," Kinard said. "You get the basics in class, but being in the studio is really what it's all about. They're here 24 hours a day — whenever you need them."

For tattoo artist Dale Kellett at Body Rites in Five Points, it has been a unique project because it's

not his own art.

"These are other people's lines, and I'm totally hands-off," Kellett said. "I respect their art, and it's been a great experience."

Kinard began making art as a child and continued through her time at Dutch Fork High School. After attending a couple of other colleges, she settled back at USC. Most of her artwork takes the shape of fragmented and slumped vessels, some with words etched into the surface. The rough-hewn objects are left partially unglazed and fired at low temperatures.

"She has a real style," Hinton said.

And Kinard is a hard worker. "She's very driven and anxious to get better," Shiverdecker said.

One person who wasn't thrilled with Kinard's tattoo project was Virginia Scotchie, an art professor at USC.

"She thought I was a little crazy" but finally signed off on it, Kinard said. "If she wasn't OK with it, I wouldn't have done it."

Reach Day
at (803) 771-8518.

WEISS

FROM PAGE B1

Taylor, sent to a city judge who did not know his prior record, was let out of jail for \$500.

Durham Carter, president of the MLK Neighborhood Association, was livid. He demanded a meeting with Mayor Bob Coble.

"The young man was a nuisance to the neighborhood," Carter said.

Coble, trying to appease neighborhood residents, called Weiss.

Weiss had been Columbia's special prosecutor for eight years. She handled only city cases and was the liaison between the Columbia Police Department and the solicitor's office — until the council members cut part of her funding.

Now, after Taylor's two arrests and two releases in one week, Coble needed Weiss to help.

"It was my day off, but, you know, the mayor wanted help," Weiss said.

Weiss knew Taylor.

She met him two years ago when Taylor was shot outside Williams-Brice Stadium following the Capital City Classic.

"He was originally a victim of mine," she said. "He was nicknamed 'Bloody Horace.'"

Weiss met with Carter and other MLK residents to explain why Taylor was let out of jail and what she could do about it.

She set up a meeting with Taylor's mother. Taylor lived with his mother in the MLK neighborhood in her Habitat for Humanity home, which Taylor's mother said was roughly four years away from being paid off.

Habitat for Humanity officials reminded her that a condition of her having the house was providing a safe environment.

"It was a different kind of in-

tervention," Weiss said.

Taylor's mother, who did not want her name in the newspaper, confirmed that Habitat officials met with her about her son. She said another man in the MLK neighborhood was getting her son in trouble.

Finally, Weiss filed a motion to revoke Taylor's bail. The judge denied the request but ordered Taylor not to return to the MLK neighborhood. He is no longer living there.

"All (residents) have to do is call (if they see Taylor), and he will be in violation of his bond," Weiss said.

Weiss said if she had been working as the city's special city prosecutor, Taylor still might be in jail. The police officers she deals with would have called her, and she would have been at the bail hearing to request a higher bail, based on Taylor's history.

"This just lets me have a wider

net of connections," she said.

Coble was so impressed with Weiss' work that he met with Giese about bringing back the special city prosecutor program.

Giese agreed.

"I saw the importance of having the same solicitor do two things," Coble said. "One, certainly keep up with cases and be familiar with defendants, particularly with repeat offenders. And secondly, to be an active partner with neighborhoods."

Giese said he will negotiate with City Council members about paying for her position in next year's budget. But either way, Giese said, he is committed to keeping the program.

"Without it I feel like we've lost some of the contact we've had with (the city) and with the community groups," he said.

Reach Beam
at (803) 771-8405.

hopes for the new principal, Jesse Washington.

Davis' previous principal stayed for two years, pulling together strategic plans and pro-

work with children with particular challenges. Older children also become active participants in the school by mentoring younger students.

to talk with a mother overwhelmed by her home life.

"By the time I got off the phone, she was crying. I was crying," Watson said. "And I knew I had made a difference."

what they're dealing with at home.

"There is a great effort exerted to do everything we possibly can do to bring them along and help them be where

\$100
berlake, \$200
\$100
of Cary Evans Sr.

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Sunday School Class of
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