

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 IV: Continued Evidentiary Documents in *ascending* Chronological Order

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

RICHLAND COUNTY
CENTRAL COURT

August 20, 2009

2009 SEP -3 PM 4:24

Mrs Marie:

This is just A Few words or suggestions From
A tenant in the same complex in which you live in
on Byron Road, I wish to remain Anonymous but
wish to offer advice if I may which may
be helpful in resolving the ongoing conflict between
you and Mgt.

09 SEP -3 PM 3:55

MAY 11 11:11 AM 2010

Me and a few others have been supposed to
appear in court in behalf of Miss Dinah Steele and
to protect our own interest we will have to support
her interests but some things are true but others
are blown out of proportion against you.

There was a petition circulated against you one
time everybody signed it but nobody really read it
verbatim but understood the contents but it failed I
heard. The thing is I think the best thing to
avoid further conflict you should consider your
alternatives rather than court system.

What I am trying to say is the Apts across the
street are cheaper, newer, better maintained, better
landlady who lives on premises and is a company
owned business not private so it is not governed
by the whim of an individual like these if you
understand what I mean.

Also just about everybody who lives here has skeletons
in their closets or secrets they do not want made public!
THAT'S ALL A concerned tenant!

29209. (This request seeks to document their knowledge of the condition and boundaries of said property.)

RESPONSE:

Defendants object to this request and to the production of any items protected by the attorney/client privilege, work product doctrine, and/or prepared in anticipation of litigation. Subject to these objections, attached please find the following documents:

Title to Real Estate (Deed) for Tax Map No: 164-06-60-04/16406-06-05 Dated 4/19/2006

Defendants are not in possession of any other documents responsive to Plaintiff's requests

4. All leases, rent receipts, notices to vacate, notices of service calls, notices of building violations of any and all types ever issued and/ or received by Dinah Steele, Steele Enterprises, AAA Investigations, and Larry Mason, whether separately or jointly, related to Buildings 300 and 304 Byron Road, Columbia, SC 29209. (This is related to the discrimination and negligence allegations.)

RESPONSE:

Defendants object to this request and to the production of any items protected by the attorney/client privilege, work product doctrine, and/or prepared in anticipation of litigation. Subject to these objections, the leases will be produced when the final Confidentiality/Protective Order submitted to Judge Barber has been finalized. These leases will be produced subject to the final Confidentiality/Protective Order.

300 Byron Road

Unit #1 - No Lease	Rent	\$420.00
Unit #2 - No Lease	Rent	\$375.00
Unit #3 - Lease - 11/01/07	Rent	\$320.00
Unit #4 - Lease - 07/31/07	Rent	\$375.00

304 Byron Road

Unit #1 - No Lease	Rent	\$445.00
Unit #2 - No Lease	Rent	\$380.00
Unit #3 - Lease (Plaintiff)	Rent	\$550.00
Unit #4 - Lease 05/01/09	Rent	\$550.00

5. All letters, written complaints, reports and/ or petitions, of any and all types ever written, solicited, and/ or received, by Dinah Steele, Steele Enterprises, AAA Investigations, and Larry Mason, whether separately or jointly, about Plaintiff. (This item's relevance is self-explanatory.)

Columbia Police Dept SC0400100		INCIDENT REPORT		INFORMATION ONLY		CASE NUMBER 090028589		NCIC INQ. ENTD.						
INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM						
1. CA, 22-05-0150, 03-0550 ASSAULT/SIMPLE ASSAULT & #38; BATTERY 18B SIMPLE ASSAULT				YES	NO	YES	NO	APARTMENT/CONDO	☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Rels. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.					
2.				YES	NO	YES	NO							
3.				YES	NO	YES	NO							
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 300 BYRON ROAD, COLUMBIA, SC							ZIP CODE 29209-0000	WEAPON TYPE PERSONAL WEAPON						
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.					
09/11/2009	18:00		09/11/2009	19:04	09/11/2009	19:15	19:22	20:00	639					
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) STEELE, DINAH, GAIL				RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE		
				RU		S	W	F	52	N	803-600-5853	803-600-5853		
ADDRESS 1403 HAIGS CREEK DRIVE				CITY ELGIN		STATE SC	ZIP CODE 29046-0000	LOCATION NO. 799						
VICTIM'S NAME (LAST, FIRST, MIDDLE) STEELE, DINAH, GAIL				RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE		
				RU		S	W	F	52	N	803-600-5853	803-600-5853		
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.										
507	135	BLU	BLU											
ADDRESS 1403 HAIGS CREEK DRIVE				CITY ELGIN		STATE SC	ZIP CODE 29209-0000	LOCATION NO. 799						
VIOLENCE (NO.) ☐ YES ☐ NO ☐ EXPLAIN										COMPLAINANT OF ANY VIOLENCE ☐ YES ☐ NO ☐				
VICTIM (NO.) USING ALCOHOL ☐ YES ☐ NO ☐ UNK. ☐ DRUGS ☐ YES ☐ NO ☐ UNK. ☐ TYPE														
WOMAN/VEH. ☐ ONE/MAN/VEH. ☐ DETECTIVE/PLAINT. ☐ OTHER ☐ ALONE ☐ ASSIGNED ☐										J-This Jurisdiction, S-State, O-Out of State, U-Unknown.				
☐ SUSPECT		NAME (LAST, FIRST, MIDDLE) FALTAS, MARIE				RACE	SEX	AGE	ETH	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
☐ RUNAWAY						W	F	56	N	04/04/1953	605	170	BRO	BRO
☐ WANTED		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								DAYTIME PHONE	EVENING PHONE			
☐ WARRANT														
☐ ARREST		ADDRESS 304 BYRON ROAD, 3				CITY COLUMBIA		STATE SC	ZIP CODE 29209-0000	LOCATION NO. 639				
☐ JAIL		SUBJECT (NO.) USING ALCOHOL ☐ YES ☐ NO ☐ UNK. ☐				ARRESTED (NO.) OFFENSE CODE		☐ YES ☐ NO ☐		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST		
☐ SUMMONS		DRUGS ☐ YES ☐ NO ☐ UNK. ☐ TYPE				TOTAL # ARRESTED								
DAY OF THE WEEK		HOW REPORTED		A- OFFICER DISPATCHED ON CALL		D- COMPLAINT WRITTEN IN		DIFF. FACTOR		A- RESISTANCE/NO OBTILITY		S- COMPLAINANT PRE- QUENTLY INTOXICATED		
S M T W T F S UNK				B- REPORT TAKEN BY PHONE		E- OFFICER INITIATED		N		W- WEAPONS		C- DOMESTIC		
				C- COMPLAINANT WALKED IN		F- OTHER				U- UNFOUNDED CALLS		N- NORMAL		
ON ABOVE LISTED DATES AND TIMES, COMPLAINANT STATES THE LISTED SUBJECT DID PHYSICALLY ASSAULT HER AT ABOVE INCIDENT LOCATION. COMPLAINANT STATES THE LISTED SUBJECT APPROACHED HER IN THE REAR OF THE RESIDENCE. THE COMPLAINANT STATES THE SUBJECT WAS VERY HOSTILE AND VIOLENTLY PUSHED THE COMPLAINANT IN THE UPPER CHEST AREA WITH AN OPEN HAND THREE TIMES AGAINST THE CHEST, THE COMPLAINANT STATES SHE WAS TRYING TO LEAVE THE LOCATION BUT THE SUBJECT KEPT YELLING AT HER AND FOLLOWING HER. THE LISTED WITNESS ALSO STATES SHE OBSERVED THE SUBJECT PUSHING THE COMPLAINANT IN HER CHEST AREA. THE COMPLAINANT ALSO STATES SHE HAS ALREADY SIGNED A COURTESY SUMMONS FROM A PREVIOUS INCIDENT THAT OCCURRED ON 09/05/2009 INVOLVING A HARASSMENT AND TRESPASS COMPLAINT. THIS IS IN REFERENCE TO THE SUBJECT BEING EVICTED FROM HER RESIDENCE														
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY						JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY								
TYPE (GROUP)												TOTAL VALUE		
STOLEN												\$0.00		
DAMAGED												\$0.00		
BURNED												\$0.00		
RECOVERED												\$0.00		
SEIZED												\$0.00		
SUBJECT IDENTIFIED		SUBJECT LOCATED		S. F.		AI		☐ ACTIVE ☐ ADM. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18		
☐ YES ☐ NO		☐ YES ☐ NO						☐ UNFOUNDED		☐ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER		
REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO DOGTODY														
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		UNIT NUMBER				
GOSS JEFFREY A		09/11/2009		21804		PASSMORE JOHN V		09/12/2009		12612				
FOLLOWUP INVESTIGATION ☐ YES ☐ NO ☐ OFFICER														

ADDITIONAL NARRATIVE

Agency Name:	Columbia Police Dept	ORI #:	SC0400100	Report Date/Time:	09/11/2009 19:00	OCA #:	DB0026586
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AT 304 BYRON ROAD (APT-3) THE COMPLAINANT STATES SHE WILL BE SIGNING A COURTESY SUMMONS FOR THIS INCIDENT. SGT PASSMORE WAS AT THE INCIDENT LOCATION AND ATTEMPTED TO MAKE CONTACT WITH THE SUBJECT, BUT THE SUBJECT REFUSED AND STATED SHE DIDN'T WISH TO SPEAK TO SGT. PASSMORE AT THIS TIME. THE COMPLAINANT STATES EACH TIME SHE HAS ENCOUNTERED THE SUBJECT, THE SUBJECT IS ALWAYS VERY HOSTILE AND VERBALLY ABUSIVE TOWARDS THE COMPLAINANT.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

CITY OF COLUMBIA

U.

MARIE ASSA'AD-FALTAS, MD, MPH

IN THE MUNICIPAL COURT
OF THE CITY OF COLUMBIA

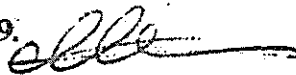
MOTIONS TO DISMISS THE CHARGE
AND ENTER A FORMAL ACQUITTAL IN THIS CASE

Or, in the alternative, for a continuance of this case

Defendant *pro se* hereby moves this Honorable Court to dismiss the charge of trespass after notice because Defendant cannot possibly trespass in her own front yard, parking lot, or near her mail box, which is in the right of way anyway and not subject to trespass. Additionally, no valid trespass notice was, or could have been, given to her prior to, on, or even after, the date of the allegation since the alleged trespass occurred in the very area where Defendant rents, her rent was fully paid on the date of the allegations, and no final order of eviction had then been, or is yet, issued against her on the date of the allegations. The charge of simple assault should be dismissed because of the Prosecution's failure to check the veracity of its witnesses and to admonish the police to include exculpatory facts in the report. Indeed, the Prosecution plans to use false witnesses and fabricated evidence as it had done before against this very defendant. Further, it appears the Prosecution conspired with its witnesses to prevent Defendant from receiving timely notification of the trial date.

Even if the charges are not dismissed, the case should be continued until Defendant has had a chance to receive and study all exculpatory material from the Prosecution.

Respectfully submitted on 4 November 2009.

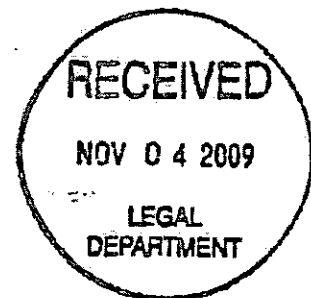


Marie-Thérèse Assa'ad-Faltas, M.D., M.P.H., Defendant *pro se*
304 Byron Road, Apt 3, Columbia, S.C. 29209
Telephone and on-demand fax-receive only: (803) 783 - 4536.

Certificate of Service

I served this document by hand-delivery to Mr. Fernandez in open court or by hand-delivery to the designated person at the location of the City of Columbia legal department on 4 November 2009.

Marie Assa'ad-Faltas, M.D., M.P.H., Defendant *pro se*



COLUMBIA S.C. POLICE DEPARTMENT
STATEMENT FORM

Page 1 of 2

Date: 11-04-2009 Time: 1700 HRS Place: GARNETT FERRY RD

I am CHARLENE CROUCH My birthday is NOV 2

My address and phone number are: 300 Byron Rd. Columbia S.C. 29209

I am giving this statement concerning MARIE FALTAS

to A. BLANTON who has identified himself as INVESTIGATOR

I saw MARIE FALTAS, Come over to the Apartments in the Back on Sept 11, 2009. Then MARIE approached DINAH STELLER with a letter of some sort. Put the letter in DINAH's chest area pushing her. DINAH ^{told her} to get away from her, she told her to leave me alone. ^{she} kept doing it. Then later DINAH called 911, and I gave the police a statement along with another residence.

Sworn and subscribed to me this
day of November 2009

NOTARY PUBLIC OF SOUTH CAROLINA

MY COMMISSION EXPIRES: 2-28-15

IS/ CHARLENE CROUCH

IS/

received a copy of this statement consisting of 2 pages

from

IS/ CHARLENE CROUCH

#2

COLUMBIA S.C. POLICE DEPARTMENT
STATEMENT CONTINUATION

Q: WHERE WERE YOU WHEN MARIE FALTAS PUT THE LETTER IN DINAH STEELE'S CHEST?"

A: ON MY BALCONY SITTING IN A CHAIR, CLEANING MY FAN.

Q: DID MARIE FALTAS STRIKE DINAH STEELE ON THIS INCIDENT DATE/TIME THAT YOU OBSERVED?

A: YES, SHE WAS PUSHING THE PAPER, SHE HAD, IN HER HAND, INTO HER CHEST.

Q: DID YOU OBSERVE DINAH STEELE STRIKE MARIE FALTAS ON THIS INCIDENT DATE/TIME?

A: NO,

Q: ARE YOU IN FEAR FOR YOUR SAFETY AND/OR THE SAFETY OF YOUR GUESTS?

A: YES, BECAUSE SHE TAKES PICTURES OF OUR GUEST, FAMILY FRIEND, AND WHEN THERE, SHE FINDS REASON TO KILL THE POLICE ON THEM. DO UNSTABLE WAYS, I DON'T KNOW WHAT TO EXPECT OUT OF HER. MARIE FALTAS, PHYSICAL OR VERBAL.

Q: HOW LONG HAVE YOU LIVED AT YOUR RESIDENCE?

A: 2 YEARS

Q: IN THE TIME YOU HAVE LIVED AT YOUR RESIDENCE, HAVE YOU OBSERVED ANYONE OTHER THAN MARIE FALTAS COMING/GOING FROM HER RESIDENCE?

A: NO

Sworn and subscribed to me this
day of November 2009
NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES: 2-28-15

ISI [Signature]
ISI _____

_____ received a copy of this statement consisting of 2 pages
from _____ ISI [Signature]

CASE SUMMARY

PREPARED BY: Investigator A. Blanton *AB*

Date: November 17, 2009

Subject Of Investigation: Dr. Marie Assaad-Faltas

Inv. Blanton received the first report of harassment on or around Sept. 29, 2009 reported by Teresa Ingram -B/F- 300 Byron Rd. Apt 4- 776/3541, a tenant at 300 Byron Rd. (case number: 090027895). Ingram's claim is that Marie Faltas- W/F- 304 Byron Rd. Apt.3- 783/4563, followed Ingram and a male friend by way of vehicle as they left the apartments then yelled at them "I'm going to get you" while at a stop light. On Oct. 6, 2009 Teresa Ingram submitted a written statement to this writer in reference to this event. Ms. Ingram also described several other events involving Ms. Faltas and the alleged harassment of herself and other tenants of Byron Rd. This writer then began making contact with other tenants of the property as well as the owners, Larry Mason and Dinah Steele Mason, along with gathering all reports filed by and against Marie Faltas.

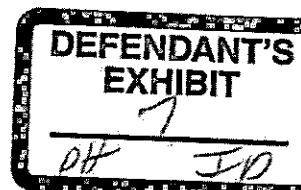
On October 7, 2009 Larry Mason and Dinah Steele Mason – W/M, W/F -1403 Haigs Creek Drive, Elgin, SC – 600/5953 or 331/1000, responded to Columbia Police Dept to speak with Inv. Blanton in reference to the continued harassment of their tenants on Byron Rd as well as themselves. Mr. and Mrs. Mason brought with them numerous documents from other tenants, witnesses, and court documentation as well as tenant lease agreement from September 2008 when Faltas signed a lease for 304 Byron Rd. Apt 3.

Inv. Blanton then made contact with John Mitchel Jones- W/M- 304 Byron Rd Apt 1- 695/3616 who also filed a harassment report on Sept. 24, 2009 naming Marie Faltas as the suspect. In this report Jones claims that Faltas came onto her balcony to take pictures of him and that she was loud and boisterous when telling Jones he could not smoke outside of his apt. where he was when Faltas began "fussing" at him. Jones further states this is an ongoing issue with Faltas.

Inv. Blanton also made contact with Charlene Crouch- W/F- 300 Byron Rd. Apt3- 776/4441 who submitted a written statement as witness to an assault on Dinah Steele Mason by Marie Faltas, case number: 090026586. Due to the possibility of further harassment and the threat of more lawsuits by Faltas, Ms. Crouch was hesitant about giving any further information in regard to Faltas victimizing her by way of following her by vehicle and declined to file reports for such.

September 2008

Ms. Faltas moved into 304 Byron Rd Apt 3 in September of 2008 and immediately began causing problems for the owners by parking and leaving two moving vans in front of the building blocking the parking spaces for other tenants. Mr. Mason



states that he had to verbally threaten to have the moving vans towed before Ms. Faltas would move them. A few days later Mr. Mason again had to verbally threaten to have Ms. Faltas' two personal vehicles towed due to her parking them across 4 spaces rather than parking them the correct way and only using her 2 allotted spaces.

November 2008

Mr. and Mrs. Mason further state that around November 2008, they started receiving complaints from other tenants about Ms. Faltas who was allegedly questioning each of them on the amount of rent they paid, questioning Mr. Jones about where and why he smoked and tenants guests, then also questioning the Mason's about what they were doing inside/outside other apts. Mr. Mason also states that Ms. Faltas began asking him about the vacant lot next to her bldg. Mr. Mason states he and the owner of that land had "something in the works" and it was not his nor was it for sale. The Mason's state they continued to receive complaints from tenants in reference to Ms. Faltas questioning them and their guests.

Jan./Feb. 2009

Around Jan./Feb. 2009 Mr. Mason states Faltas questioned him about renewal of her lease (expiring 02/28/2009). Mr. Mason told her if she would leave other tenants alone she could stay on a month to month basis. Mr. Mason states "that's when the harassment got worse".

As the apt adjacent to Ms. Faltas became available she inquired about renting it for her mother around Feb. 2009. According to Mr. Mason, Faltas wanted to rent the apartment "very cheap" and was declined by him and his wife. Mr. Mason further states that Faltas then started "fussing" about maintenance being done, saying "it looked like crap."

On several occasions Mrs. Mason went to the location to show the apartment next to Faltas only to find that Ms. Faltas had already encountered the potential renter and told them to leave and presented herself as the landlord. One occasion the potential renter submitted a written statement to Mrs. Mason in reference to his encounter with Ms. Faltas. Another incident where Mrs. Mason was at the Byron Rd. address awaiting a potential renter when Ms. Faltas began screaming at her because she was going to show the apartment in an attempt to rent it, according to Mrs. Mason. Shortly after this occurred Mr. Mason delivered notice to Ms. Faltas stating the landlord/tenant law about harassment.

March 2009

Sometime during the month of March 2009, Faltas and her mother (Soraya Farid Fares of the same address) purchased the vacant land next to the apartments that Mr. and Mrs. Mason owned (324 Byron Rd.-vacant lot).

On March 1, 2009 Mr. Mason reports that he served Ms. Faltas with a notice for "disturbing tenants". Mr. Mason also served Ms. Faltas with similar notices on the following dates for "harassment of tenants": March 12, April 17, Sept. 24, Oct. 6, 13, 14,

17 and then two more notices on the 21st of Oct. Also on March 1, 2009 Faltas was served with an eviction notice by Mr. Mason.

March 14, 2009 Faltas filed a report with CPD (case # 09-7407) in reference to her landlord serving her with notices and stating that they were not justified. According to Mr. Mason, the formal eviction process had already begun. Also on the same date, Mr. Mason states that an iron, black and rust in color sign post with a white in color sign was taken from his property, the apartments, and appeared on the adjacent property which is owned by Ms. Faltas and her mother (address is 324 Byron Rd). Mr. Mason received several statements from other tenants in reference to the sign being of the exact same style that went missing approximately three days prior to it showing up on Ms. Faltas' property. Inv. J. Folding was assigned the case.

March 25, 2009, Rodney Ingram (brother of Teresa Ingram-tenant) was visiting his sister when Ms. Faltas approached him in the parking lot before his visit and portrayed herself to be the landlord, asking questions about who he was, who he was there to see, asking questions about his sister and told him to leave before she called the police. Rodney Ingram submitted a statement to Mr. and Mrs. Mason, but declined to do so with Inv. Blanton due to fear of being harassed and/or sued by Ms. Faltas and/or the safety of his sister, Teresa.

March 26, 2009 Ms. Faltas followed Mrs. Mason from the Byron Rd apartments to Mrs. Mason's job off Trenholm Rd. Mrs. Mason states that she called her husband because she was in fear of her own safety. Mrs. Mason states that Ms. Faltas sat in her vehicle in the parking lot of Mrs. Mason's job place then quickly left when Mr. Mason pulled into the parking lot. The next day on the 27th of March, Mr. Mason reports that he observed Ms. Faltas sitting in her vehicle at the Shell gas station across from his home address in Elgin, SC. When Mr. Mason pulled into the parking lot Ms. Faltas departed quickly. According to Mr. Mason, also on March 27, 2009, Ms. Faltas filed for a temporary restraining order against him, where he had been serving notices to her at the apartment she rented from he and his wife, then called him over 27 times within a few days threatening to sue him and his wife Dinah. Mr. Mason told Ms. Faltas he would only come over to her apartment in an emergency. That restraining order was denied by Judge Womble on April 14, 2009.

On March 29, 2009, Mr. Mason states that he received a letter from Mitchel Jones stating that Ms. Faltas was "harassing" him and his visitors as well as "nagging" him about where and why he smoked cigarettes and how and where to park his vehicle. In the letter Mr. Jones references the hope that the Mason's can do something about this behavior from Faltas.

April 2009

On April 3, 2009 Ms. Faltas received another eviction notice from the Mason's, requesting her to vacate the premise at 304 Byron Rd. Apt 3.

April 6, 2009, Ms. Faltas reported that "pipes were exploding" to the fire dept. so they responded. No problems were found by the fire dept. upon their arrival. Ms. Faltas refused to come to the door when the fire dept. arrived and they had to check a neighbors' residence to make sure there was no danger or hazard.

Mr. and Mrs. Mason report that on numerous incidents Faltas was observed sitting in her vehicle in the parking lot and "harassed" potential tenants and guests of existing tenants, calling police...etc.

On April 16, 2009 Ms. Faltas told a potential tenant (Alden Wheeler) that there were no apartments to rent and that he had to leave. Alden Wheeler submitted a statement to Mr. and Mrs. Mason stating that Dr. Faltas approached him and identified herself as the owner and landlord of the building and stated that there were no apartments available for rent. On April 18, 2009 Ms. Faltas called 911 because Mr. Mason attempted to give her another notice. Sgt. Auld responded to the location.

On April 20, 2009 again Ms. Faltas was observed by the Mason's sitting in the parking lot at Mrs. Mason's place of employment. Mrs. Mason states that Ms. Faltas had no apparent business at the location and was "just sitting in her vehicle." Also on the same day, Mr. Mason reports that he saw Ms. Faltas driving her vehicle, coming from his driveway at his home address in Elgin, SC.

Between the months of April to Sept. 2009, the Mason's state they received numerous complaints from their tenants of Byron Rd. stating that Ms. Faltas was blocking them in with her vehicle, taking photos of them and their guests, and following them when they left the apartments. Sometime during this period Ms. Faltas reported to the Human Affairs Commission that the Mason's were discriminating against her because of her nationality.

August 2009

In August of 2009 a notice from the Human Affairs Commission was sent stating that there was no evidence to support this claim made by Ms. Faltas nor were there any violations found.

September 2009

In September 2009 the Mason's started receiving violations from the city in reference to numerous complaints made by Ms. Faltas about "paint chips" on the buildings, faulty electrical wires, violations about the ditch that separates the apartment building from her vacant lot, and about the common area at the apartments. Mr. and Mrs. Mason have hired workers as well as themselves attempt to address these issues but each time Ms. Faltas comes out of her apartment and becomes confrontational with all around according to Mr. Mason. Mr. Mason further states that it is impossible to address the issue of the "paint chips" due to the only area of the building that cannot be fixed is on Ms. Faltas' side. Mr. Mason states a ladder must be placed on the vacant property of Ms. Faltas in order to reach the area in violation and Ms. Faltas will not allow that to happen.

On Sept. 5, 2009 the Mason's report that Ms. Faltas had been sitting in her vehicle when they began doing maintenance work on a building when Ms. Faltas came over, began taking photos of them and yelling, calling Mrs. Mason a "whore" as well as calling both Mr. and Mrs. Mason "swindlers, liars, and thieves". Officers responded to the location and a report was made for Mrs. Mason in reference to trespassing (case # 09-25972). A courtesy summons was signed by Mrs. Mason against Ms. Faltas, which is still pending in Jury Trials on the City level.

On Sept 8, 2009 Mrs. Mason states that Faltas again came to her job on Trenholm Rd. and sat in parking lot. Then on Sept. 11, 2009 Mrs. Mason states she was assaulted by Ms. Faltas in the parking lot at the apartments and witnessed by Charlene Crouch, a tenant. A report was taken for Mrs. Mason and a courtesy summons signed (case # 09-26586). Ms. Crouch submitted a written statement to Inv. Blanton in reference to observing this event.

On Sept. 23, 2009 Ms. Ingram states that Ms. Faltas used her vehicle to block Ingram's vehicle in the parking lot in front of her apartment and then took photos of Ingram. The following day, Ms. Ingram made a report of harassment (case # 09-27895), stating that Ms. Faltas followed her and a male friend as they left the apartment and yelled at them while at a red light "I'm going to get you". Ms. Ingram's male friend declined to give written statement due to being scared of law suit from Faltas. Ms. Ingram submitted a written statement to Inv. Blanton. This was the first report Inv. Blanton received and began looking into the history of these allegations. Mr. Jones also made a report of harassment on the 24th of September (case # 09-27962) stating that Ms. Faltas was continuously taking unwanted photos of him and his guests as well as yelling at Mr. Jones for smoking in the common area outside of his apartment. On this date, officers that responded to take the report from Mr. Jones met with some resistance when attempting to get information from Ms. Faltas.

On September 27, 2009 Ms. Faltas filed a report (case # 09-28267) in reference to Mr. Mason taking from her front door, computer typed and printed, "no trespassing" signs in which Mr. Mason states he has advised Ms. Faltas in the past that there was to be nothing taped to the doors and/or buildings. Ms. Faltas called dispatch back due the reporting officers asking for her photo ID. Ms. Faltas refused to show the original responding officers her identification so that they could issue her a report. Ms. Faltas made accusations while on the phone with dispatch that if officers did not hurry that the man who took her signs would continue to hurt her.

October 2009

On Oct. 3, 2009 Ms. Faltas made a report with CPD stating that Mr. Mason "took her sign" (case # 09-28848). The signs are computer typed and printed "no trespassing" notes taped onto the door of Faltas' apartment. Ms. Faltas called 911 in reference to Mr. Mason again taking down signs off of her door and she stated that he had a gun only after the second call to 911 was made by Faltas. Then on Oct. 6, 2009 Ms. Faltas used her vehicle to "block" Mrs. Mason from leaving the property as Mason attempted to exit the apartment complex. The Mason's issued another notice to Ms. Faltas in reference to this type of behavior. Yet the very next day Ms. Faltas is reported to have "blocked" Mr. Mason's vehicle in the parking lot by use of her own vehicle and then took photos of him, after being asked numerous times not to do so. Then on Oct. 9, 2009 Ms. Ingram states that Faltas "blocked" her vehicle in the parking lot by way of Faltas' vehicle and again took photos, after being asked not to do so.

Mr. Jones made a report with CPD on Oct. 14, 2009 (case # 09-29996) stating that he had a guest over and they were sitting in the common area with an 18 month old child, when Faltas came onto her balcony and began yelling at them and throwing water on the three of them. Mr. Jones states that he told Ms. Faltas to stop several times then after she

would not he squirted her with the hose. Mr. Jones submitted a written statement to Inv. Blanton about this event although his guest refused due to being afraid of a lawsuit and/or harassment from Faltas. Ms. Faltas also made a counter report (case # 09-30001) on the same day but only after the report was taken from Mr. Jones then Faltas signed a courtesy summons against Jones.

Oct. 21, 2009 Teresa Ingram made report (case # 09-30691) stating Faltas intentionally threw 2 rocks and struck Ingram on the leg while in the parking lot as well as "blocked" Ingram in with her vehicle. Ms. Ingram has four witnesses but all declined to submit written statements because they are scared of being harassed and/or sued by Faltas. As the 911 recording was reviewed by this writer, it is heard in the background by a female stating "I have a small child here and you're intimidating us by taking pictures". Ms. Ingram submitted a written statement to Inv. Blanton about this event and several others.

Numerous incidents have been alleged by Ms. Ingram where Faltas has used her vehicle to block in Ms. Ingram, her family and guests from leaving the parking lot. It is also alleged that Ms. Faltas has taken numerous photos of Ingram's family while in the parking lot hooking up a vehicle to be towed (vehicle owned by Ingram's family member who was also present) as well as blocking in their vehicles w/ hers and taking photos.

Ms. Ingram states that another incident occurred where she and a guest were on her balcony and Faltas came onto her balcony and starting taking photos, questioning Ingram and her guest and "flipping" her middle finger at Ingram as well as calling her a "bitch". Ms. Ingram states this occurred with no provocation by her. Ms. Ingram further states that Faltas has said on a couple of occasions that she will "bury" Ingram and points to the ground and has threatened to "beat" Ingram's "ass". Ms. Ingram believes Faltas started this behavior towards her shortly after Faltas moved in b/c she was trying to civilly sue the Mason's and wanted Ingram to testify against them.

Another tenant of the Byron Rd. apartments owned by the Mason's, Charlene Crouch, states there have been several incidents where Faltas has "harassed" her and her daughter, yelled at them, followed them from the property, opened Crouch's mailbox...etc but she is afraid to file reports due to Faltas' "unstable mental state".

On Oct. 31, 2009 (case # 09-31759) a report was made due to Faltas calling in a person with a weapon to dispatch. Upon arrival officers state that Mr. Mason had an electrician at the property to address a notice he received from the city, that Faltas had made and that Faltas came out of her apt and began yelling at the electrician and Mr. Mason then taking photos of them. Ms. Faltas also cursed while on the phone with dispatch as well as stating the man who she claimed was trespassing had a weapon.

November 2009

Then on Nov. 11, 2009 Faltas made a report (case # 09-32673) stating that Mr. Mason blew leaves on her when she came out of her apartment to take photos of him cleaning the parking lot. Mr. Mason states Faltas exited her apartment and came directly into his path to take his picture.

On Nov. 9, 2009 Ms. Faltas called the city (Tim Rushman) stating that trees needed to be removed from her property. The city came out and removed what was on City of Columbia property which caused an altercation between Mr. Mason and Ms. Faltas due to Ms. Faltas informing the city that it was her property. Inv. Blanton spoke with Tim Rushman who assured this investigator that the trees were on city property and only those were removed. On the same day Ms. Faltas showed up at the Social Security Office stating her mother was in a nursing home in Ohio and there was no way she could come in. Ms. Faltas was very "argumentative" with the workers and caused a disturbance at the Federal building. Ms. Faltas has in the past attempted to use her mothers name for dispatch purposes as well as told officers the behavior of her neighbors was disturbing her "ill" mother at her apartment. Ms. Faltas receives a social security check each month in her mothers name and is allegedly the power of attorney for her mother. It has come to this investigators attention that her mother may not be residing at 304 Byron Rd. Apt 3. The Social Security Office in Columbia, SC is currently investigating this matter.

A deportation order was issued on Ms. Faltas on 01/07/2002. During the appeal filed by Faltas, she received a green card on 09/13/2005. Faltas has been observed by other tenants as well as Mr. Mason, "looking into mailboxes" at other tenants mail in order to get their personal information. Ms. Faltas also has numerous lawsuits pending w/ various places to include the Universities where she studied in the past.

The continued behavior that has been displayed by Ms. Marie Assaad-Faltas is disruptive in nature and causing her neighbors and landlords undue mental and emotional stress. Ms. Faltas has "bullied" Teresa Ingram, Mitchel Jones, Charlene Crouch, Mr. and Mrs. Mason as well as visitors of these individuals due to Ms. Faltas manipulation and abuse of the legal system. Numerous judges and attorneys have recused themselves when Ms. Faltas' cases come in front of them due to her "harassing" and erratic behavior as well as the fear of lawsuits..

CITY OF COLUMBIA	)	TRANSCRIPT OF RECORD
	)	
vs.	)	NOVEMBER 17, 2009
	)	JURY TRIALS
MARIE-THERÈSE ASSA'AD-FALTAS,	)	WARRANT NOS: L-066971, L-066954
	)	JUDGE MARION O. HANNA
DEFENDANT	)	ACA DAVID A. FERNANDEZ

1 MR. FERNANDEZ: YOUR HONOR. THIS CASE IS NOT BEING CALLED
2 FOR ANY PURPOSES OTHER THAN TO PUT ON THE RECORD WHAT WAS DONE
3 TODAY.

4 DEFENDANT FALTAS: ACTUALLY, GOOD MORNING, YOUR HONOR.
5 I'M SORRY, I HAVE WAITED A LONG TIME. ACTUALLY THERE IS A PENDING
6 MOTION TO DISMISS AND THE REASON FOR THE MOTION TO DISMISS IS THAT I
7 AM CHARGED WITH TRESPASSING WHERE I ACTUALLY LIVE. THIS CANNOT BE
8 DONE. I LIVE THERE. I AM THERE SO I CANNOT BE TRESPASSING FROM THERE.
9 THE MOTION IS IN WRITING.

10 THE COURT: OKAY. WELL, HOLD ON JUST A SECOND.

11 DEFENDANT FALTAS: IT'S IN THE FILE.

12 THE COURT: THIS IS A MATTER OF EVIDENCE THAT YOU NEED TO
13 PRESENT WHEN THE TRIAL COMES UP AND THEN ASK FOR A DISMISSAL.

14 DEFENDANT FALTAS: ON THE FACE OF THE CHARGE I AM
15 CHARGED WITH TRESPASSING AT MY OWN ADDRESS.

16 THE COURT: WELL, THE COURT HAS NO WAY OF KNOWING WHAT
17 YOUR OWN ADDRESS IS.

18 DEFENDANT FALTAS: BECAUSE IT'S ON THE CHARGE.

19 THE COURT: ALL RIGHT

1 DEFENDANT FALTAS: I'M SORRY, AND I DON'T MEAN TO BE UGLY
2 WITH YOUR HONOR, BUT IF YOU KNEW THE BACKGROUND OF THIS YOU WOULD
3 REALLY FEEL SORRY FOR ME. WHAT IT IS --

4 THE COURT: WELL, EXCUSE ME FOR INTERRUPTING AGAIN BUT
5 OUR SUPREME COURT HAS RULED THAT IN A CASE OF A MISDEMEANOR THAT
6 WE DON'T HAVE -- YOU DON'T HAVE ANY RIGHT TO A PROBABLE CAUSE
7 HEARING WHICH IN A FELONY WE COULD HAVE A HEARING SUCH AS THIS TO
8 SEE THAT THERE WAS NO REASON, NO PROBABLE CAUSE REASON, TO ARREST
9 YOU BUT I CAN'T DO THAT IN THIS KIND OF A HEARING. SO WE NEED TO WAIT
10 UNTIL WE GET THERE FOR YOU TO PRESENT THAT EVIDENCE. IF THAT'S TRUE,
11 THEN I'M SURE THAT THAT WOULD CERTAINLY BE TAKEN INTO ACCOUNT. SO
12 YOU ARE JUST -- YOU ARE ASKING ON THE TRESPASSING AFTER NOTICE THAT
13 THAT BE DISMISSED.

14 DEFENDANT FALTAS: YES, YOUR HONOR.

15 THE COURT: BUT YOU ARE GOING TO HAVE TO WAIT UNTIL WE
16 GET TO YOUR CASE FOR THAT TO BE HEARD.

17 DEFENDANT FALTAS: ALL RIGHT. THEN THE OTHER MATTER IS,
18 OF COURSE, MR. FERNANDEZ IS AN OFFICER OF THE COURT AND HE HAS AN
19 OBLIGATION TO NOT BRING FRIVOLOUS PROSECUTION. I DID ASK FOR A JURY
20 TRIAL SO IT -- AND I INVITED HIM TO GO TO THE LOCATION AND SEE FOR
21 HIMSELF THAT THIS IS WHERE I LIVE FROM THE FACE OF THE ADDRESS THAT HE
22 HAS FOR ME AND THE FACE OF THE ALLEGED LOCATION WHERE I'M ALLEGED
23 TO HAVE -- I MEAN I CANNOT TRESPASS WHERE I LIVE. THIS IS NOT A MATTER
24 OF EVIDENCE, THIS IS A MATTER OF LAW. JUST AS YOUR HONOR CANNOT BE
25 CHARGED OF TRESPASSING BY SITTING ON YOUR BENCH BECAUSE THIS IS

1 WHERE YOU WORK. SO ALL I'M SAYING THIS IS A MATTER OF LAW AND, OF
2 COURSE, YOUR HONOR HAS -- I AM MAKING THE MOTION AND I'M TRYING TO
3 ARGUE IT AND IT HAS BEEN (INAUDIBLE). IN ADDITION IT HAS BECOME RES
4 JUDICATA BECAUSE THEY -- THE COMPLAINANTS WENT AND TRIED TO TAKE A
5 RESTRAINING ORDERS AGAINST ME THAT I DON'T PARK MY CAR WHERE I RENT
6 FROM THEM. AND MAGISTRATE DAVIS, THE LYKESLAND MAGISTRATE, SAID, NO,
7 THEY CANNOT DO THAT. SO THIS IS RES JUDICATA. AS FAR AS THAT I CAN PARK
8 --

9 THE COURT: MA'AM, EXCUSE ME FOR INTERRUPTING YOU BUT
10 THIS IS SO VERY MUCH A BIG DEMONSTRATION AS TO WHY YOU NEED A
11 LAWYER. THE MAGISTRATE COURT CANNOT MAKE RES JUDICATA. ONLY THE
12 SUPREME COURT CAN DO THAT. WHAT THE MAGISTRATE COURT DOES HAS NO
13 EFFECT UPON WHAT THIS COURT DOES. YOU REALLY NEED TO HAVE AN
14 ATTORNEY BECAUSE -- AND I UNDERSTAND THAT YOU ARE CAPABLE OF
15 UNDERSTANDING ALL THIS BUT YOU HAVEN'T BEEN TO LAW SCHOOL. IT TAKES
16 QUITE A BIT OF STUDY TO GET THIS DOWN AND QUITE A NUMBER OF YEARS OF
17 PRACTICE. I THINK IF YOU WOULD GET AN ATTORNEY, IF WHAT YOU SAY IS
18 TRUE, THE MATTER COULD BE TAKEN CARE OF IN A MUCH MORE REASONABLE
19 FASHION AND TIME. BUT WHEN YOU ARE TRYING TO JUST JUMP INTO THESE
20 THINGS THAT YOU REALLY DON'T UNDERSTAND, NOT THROUGH ANY FAULT OF
21 YOUR OWN BUT BECAUSE IT'S A VERY COMPLICATED MATTER, THEN IT PUTS
22 YOU AT SUCH A TERRIBLE RISK BECAUSE YOU CAN GO TO JAIL FOR THESE
23 MATTERS. YOU KNOW, WE DON'T WANT TO SEE THAT HAPPEN BUT IF YOU
24 DON'T HAVE A LAWYER YOU ARE LIKELY TO END UP THERE BECAUSE YOU
25 DON'T UNDERSTAND WHAT YOU ARE DOING AND YOU ARE ALSO EMOTIONALLY

1 INVOLVED, OF COURSE, IN YOUR OWN CASE. SO I WOULD LIKE FOR YOU TO GET
2 A LAWYER AND I THINK THAT COULD HELP YOU TREMENDOUSLY IN GETTING
3 THESE MATTERS MOVED ALONG AND PERHAPS TO YOUR ADVANTAGE AS WELL.
4 WOULD YOU DO THAT FOR ME, PLEASE?

5 DEFENDANT FALTAS: IF IT PLEASES THE COURT, I BELIEVE I'M
6 MORE LIKELY TO GO TO JAIL IF I HAVE THE LAWYER AND MY RECORD AGAINST
7 THE CITY IS FIVE "O" SO FAR. THE CITY TRIED TO PROSECUTE ME FIVE
8 DIFFERENT TIMES AND EVERY TIME I WON. THAT'S FINE. YOU WANT TO DENY
9 THE MOTION, DENY THE MOTION.

10 THE COURT: I'M NOT HEARING THE MOTION, MA'AM.

11 DEFENDANT FALTAS: OH, THAT'S FINE.

12 THE COURT: ALL RIGHT. YOU MAY HAVE A SEAT.

13 DEFENDANT FALTAS: NO, THERE WERE TWO OTHER --

14 THE COURT: YOU MAY HAVE A SEAT, MA'AM.

15 DEFENDANT FALTAS: HE WAS SUPPOSED TO GIVE ME SOME
16 DISCOVERY ON THE RECORD.

17 THE COURT: MA'AM, YOU MAY HAVE A SEAT.

18 MR. FERNANDEZ: YOUR HONOR, ALL I WANT TO JUST PUT ON THE
19 RECORD THE POINT OF CALLING THE CASE WAS TO SAY THAT I DID HAND MS.
20 FALTAS --

21 DEFENDANT FALTAS: YOU DIDN'T HAND ME ANYTHING.

22 THE COURT: MA'AM.

23 MR. FERNANDEZ: THE DISCOVERY THAT YOU HAVE IN YOUR
24 HAND --

25 DEFENDANT FALTAS: THIS IS NOT THE DISCOVERY. YOU DIDN'T

1 HAND ME ANYTHING ELSE.

2 MR. FERNANDEZ: WHAT I PROVIDED MS. FALTAS WITH IS THE
3 INCIDENT REPORT --

4 THE COURT: MA'AM, IF YOU INTERRUPT ONE MORE TIME YOU ARE
5 GOING TO BE IN CONTEMPT OF COURT.

6 MR. FERNANDEZ: INCIDENT REPORTS, YOUR HONOR, A
7 STATEMENT BY THE VICTIMS, STATEMENTS PROVIDED TO THE C.P.D. AND A
8 COPY OF THE RESTRAINING ORDER AGAINST MARIE FALTAS. WHAT REMAINS
9 FOR THE CITY TO TURN OVER IS A LETTER REGARDING THE TRESPASS AFTER
10 NOTICE. THERE'S APPARENTLY A LETTER -- THE NOTICE LETTER THAT WAS
11 PROVIDED TO HER. WE WILL GIVE HER A COPY OF THAT AND WE'LL ALSO PUT IT
12 IN THE COURT FILE AS WE DID ALL THE OTHER DISCOVERY. NOW I DON'T KNOW
13 IF THERE'S ANYTHING REMAINING BUT WE DID HAVE A HEARING I BELIEVE A
14 FEW -- LAST WEEK OR TWO WEEKS AGO IN FRONT OF JUDGE TURNER
15 DISCUSSING WHAT THE CITY NEEDED TO PROVIDE DR. FALTAS AND I BELIEVE
16 WE HAVE COMPLIED. NOW I UNDERSTAND SHE DISAGREES WITH THAT BUT
17 THAT'S WHAT I WOULD LIKE TO PUT ON THE RECORD.

18 DEFENDANT FALTAS: JUDGE, TODAY HE DID NOT HAND ME
19 ANYTHING. HE PRINT SOMETHING FROM THE WITNESSES AND THE COURT
20 CLERK MADE COPIES BUT MR. FERNANDEZ DID NOT HAND ME THOSE COPIES.

21 THE COURT: DID ANYONE HAND THEM TO YOU?

22 DEFENDANT FALTAS: NO, MA'AM, NO ONE DID.

23 MR. FERNANDEZ: DID WE NOT GIVE HER THE COPIES OF THAT?

24 COURT CLERK: YOU ASKED ME TO GIVE YOU COPIES. I GAVE
25 THEM TO YOU.

1 MR. FERNANDEZ: IF SHE'S DOESN'T HAVE THE COPIES, THERE ARE
2 COPIES IN THE COURT FILE AT THE VERY LEAST.

3 THE COURT: IS THAT WHAT YOU ARE HANDING UP HERE?

4 COURT CLERK: IT'S FOR THE FILE.

5 DEFENDANT FALTAS: BUT I DON'T HAVE ANYTHING YET.

6 THE COURT: WELL, I'M SORRY, MA'AM. IT'S JUST A
7 MISUNDERSTANDING. HE THOUGHT THAT THEY HAD BEEN PASSED TO YOU.
8 THEY WILL BE. I HAVE A COPY HERE OF EVERYTHING THAT IS GOING TO BE
9 GIVEN TO YOU THIS MORNING.

10 DEFENDANT FALTAS: COULD WE PUT ON THE RECORD WHAT IT IS
11 BECAUSE --

12 THE COURT: WE JUST DID THAT.

13 DEFENDANT FALTAS: WELL, I HAVEN'T --

14 THE COURT: YOU DIDN'T LISTEN BECAUSE YOU WERE TALKING.
15 PLEASE HAVE A SEAT. THANK YOU. ALL RIGHT. WHAT'S NEXT?

16 (ADJOURNED)

17 (CASE RESUMES)

18 MR. FERNANDEZ: YOUR HONOR, I BELIEVE THAT CONCLUDES THE
19 DAY'S MATTERS. MS. MARIE FALTAS IS STILL HERE SO I DON'T KNOW IF SHE HAS
20 ANYTHING SHE WOULD LIKE TO DISCUSS.

21 DEFENDANT FALTAS: WELL, YOUR HONOR, I STILL HAVEN'T
22 RECEIVED THE DISCOVERY AND I HOPE YOUR HONOR ACKNOWLEDGES THAT I
23 WAS CORRECT. HE DIDN'T HAND ME ANYTHING.

24 THE COURT: MA'AM, IF YOU WILL GO OVER TO THE COURT
25 OFFICER HE'S TRYING TO HAND IT TO YOU.

1 DEFENDANT FALTAS: WELL, I WANT ON THE RECORD --

2 THE COURT: MA'AM, IF YOU'LL GO OVER TO THE COURT OFFICER
3 HE'S TRYING TO HAND IT TO YOU. NOW IT'S BEEN HANDED TO MR. FERNANDEZ
4 WHO IS NOW PASSING IT TO YOU. YOU WILL RECEIVE IT INTO YOUR HAND. DO
5 YOU HAVE IT, MA'AM? HOLD IT UP SO THAT I CAN SEE. VERY GOOD. HAVE A
6 SEAT AND OVERLOOK IT AND SEE IF ANYTHING IS MISSING.

7 DEFENDANT FALTAS: WELL, I DON'T KNOW WHAT'S SUPPOSED TO
8 BE IN IT TO KNOW WHAT'S MISSING.

9 MR. FERNANDEZ: YOUR HONOR --

10 THE COURT: WELL, AS I SAID BEFORE, MA'AM, YOU WERE
11 TALKING WHILE HE RECITED INTO THE RECORD WHAT WAS IN THERE AND
12 THAT'S WHY YOU DON'T KNOW AND THAT'S NOT A GOOD EXCUSE. HAVE A
13 SEAT AND LOOK AT IT.

14 (PAUSE)

15 THE COURT: ALL RIGHT WHAT I'VE BEEN HANDED, MR.
16 FERNANDEZ, IS -- FIRST OF ALL, THERE'S A RESTRAINING ORDER ON THE TOP OF
17 THIS GROUP OF DOCUMENTS. JOHN MITCHELL JONES, 304 BYRON ROAD,
18 APARTMENT ONE, COLUMBIA, SOUTH CAROLINA 29209 VERSUS MARIE ASSA'AD-
19 FALTAS, 304 BYRON ROAD, APARTMENT THREE, COLUMBIA, SOUTH CAROLINA
20 29209. THIS IS A RESTRAINING ORDER FROM THE MAGISTRATE IN LYKLES LAND.
21 THE SECOND DOCUMENT IS AN INCIDENT REPORT AND THAT IS FOLLOWED BY A
22 TYPED STATEMENT WHICH IS INITIALED BY DINAH G. STEEL MASON OF 1403
23 HAIGS CREEK DRIVE, ELGIN, SOUTH CAROLINA 29045 AND SIGNED BY THE SAME
24 PERSON AND NOTARIZED. AND ALSO ATTACHED IS A POLICE DEPARTMENT
25 STATEMENT FORM FROM CHARLENE CROUCH OF 300 BYRON ROAD, COLUMBIA,

1 SOUTH CAROLINA 29209. IT'S A STATEMENT SIGNED BY THE SAME PERSON.
2 FOLLOWING THAT IS PAGE TWO OF COLUMBIA POLICE DEPARTMENT
3 STATEMENT CONTINUATION SIGNED BY CHARLENE CROUCH. FOLLOWING THAT
4 IS AN INCIDENT REPORT AND THIS IS FROM THE COLUMBIA POLICE
5 DEPARTMENT. AND IT STARTS OFF THE VICTIM REPORTS THAT THE LISTED
6 SUBJECT LIVES IN THE BUILDING AT 304 BYRON ROAD AND HAS BEEN PLACED
7 ON TRESPASS NOTICE, FOLLOWED BY A SUPPLEMENTAL INCIDENT REPORT,
8 FOLLOWED BY A COPY OF THE COURTESY SUMMONS ON SIMPLE ASSAULT AND A
9 COPY OF THE COURTESY SUMMONS ON TRESPASSING AFTER NOTICE. ANYTHING
10 IN YOUR GROUP, MS. FALTAS, THAT I RECITED HERE THAT YOU DON'T HAVE?

11 DEFENDANT FALTAS: YOUR HONOR, RESPECTFULLY, I'M DR.
12 FALTAS. AND NO, EVERYTHING IS HERE, BUT I OBJECT TO THE RESTRAINING
13 ORDER AND (INAUDIBLE) STATEMENTS. THAT CHARGE HAS NOTHING TO DO
14 WITH --

15 THE COURT: MA'AM, I JUST ASKED YOU IF YOU HAVE IT. THAT'S
16 ALL I ASKED YOU.

17 DEFENDANT FALTAS: YES, BUT THERE IS --

18 THE COURT: THANK YOU VERY MUCH.

19 DEFENDANT FALTAS: THERE IS ANOTHER ISSUE WHICH MR.
20 FERNANDEZ WOULDN'T TALK TO ME EXCEPT ON THE RECORD WHICH IS WHEN
21 THE JURY TRIAL COMES I'D LIKE ARRANGEMENTS TO BE MADE FOR THE JURY TO
22 VIEW THE SITE. THAT IS IN MY WRITTEN MOTION AND THAT IS EXCULPATORY
23 AND --

24 THE COURT: MA'AM.

25 DEFENDANT FALTAS: OKAY. SO THEN EVERY TIME IT GETS

1 CALLED I WILL ASK FOR THIS AND THEY WILL SAY WE HAVEN'T MADE
2 ARRANGEMENTS AND IT WILL GET PUT OVER TO THE NEXT. I WOULD LIKE MR.
3 FERNANDEZ TO COMMIT TODAY THAT WHEN THE TRIAL COMES HE WILL HAVE
4 MADE ARRANGEMENTS FOR THE JURY TO VIEW THE SITE.

5 THE COURT: THAT WILL BE UP TO THE COURT. THAT WILL BE UP
6 TO THE TRIER OF FACT AND THAT IS NOT NECESSARILY GOING TO BE ME. IT
7 MAY BE, IT MAY NOT AND I WILL NOT RULE UPON IT PREMATURELY. THANK
8 YOU VERY MUCH. HAVE A SEAT.

9 DEFENDANT FALTAS: IN FACT, YOUR HONOR, WHILE I WISH YOU
10 VERY HAPPY THANKSGIVING, I'D LIKE YOUR HONOR TO RECUSE YOURSELF. I
11 LIKE YOU VERY MUCH BUT OUR TEMPERAMENTS DO NOT -- I DON'T SEE --

12 THE COURT: MA'AM, IT'S NOT -- YOU HAVE TO HAVE A REASON
13 BETTER THAN THAT YOU LIKE OR DON'T LIKE THE JUDGE.

14 DEFENDANT FALTAS: NO, NO, I'M NOT SAYING THAT. I DON'T SAY
15 THE REASON IS THAT. I'M SAYING ALTHOUGH I LIKE YOU, I THINK YOUR
16 TEMPERAMENT CANNOT GIVE ME A FAIR TRIAL OR EVEN A FAIR HEARING. FOR
17 EXAMPLE, TODAY I WAS JUST TRYING TO MAKE THE FACT THAT I WASN'T
18 HANDED ANYTHING AND YOU THREATENED TO PUT ME IN CONTEMPT OF
19 COURT.

20 THE COURT: MA'AM, WHEN I ASK YOU TO SIT DOWN AND BE
21 QUIET, THAT'S WHAT YOU ARE SUPPOSED TO DO. YOU ARE NOT IN CHARGE OF
22 THE COURT AND YOU NEED TO GET THAT THROUGH YOUR HEAD. YOU ARE NOT
23 IN CHARGE OF THE COURT.

24 DEFENDANT FALTAS: YES, MA'AM.

25 THE COURT: THE COURT WILL TELL YOU WHEN AND WHAT TO DO

1 AND YOU HAVE TO ACCEPT THAT.

2 DEFENDANT FALTAS: BUT WHEN HE IS SAYING HE GAVE ME
3 SOMETHING WHEN HE DIDN'T I HAVE THE RIGHT TO STAND UP FOR MYSELF AND
4 SAY, NO, I DIDN'T --

5 THE COURT: YOU HAVE A RIGHT TO DO SO WHEN THE COURT
6 WISHES TO HEAR FROM YOU. YOU'VE GOT TO UNDERSTAND THAT. WE GOT
7 THIS ALL STRAIGHTENED OUT. THERE WAS A MISUNDERSTANDING. IT WAS
8 COPIED, IT WAS NOT PRESENTED TO YOU. WE FIGURED THAT OUT BUT IT
9 DOESN'T HELP WHEN YOU KEEP ON TALKING. IT DOESN'T HELP.

10 DEFENDANT FALTAS: SO WHO WAS CORRECT? WHO WAS
11 FACTUALLY CORRECT? HE WAS SAYING --

12 THE COURT: WHAT DIFFERENCE DOES IT MAKE?

13 DEFENDANT FALTAS: IT MAKES A LOT OF DIFFERENCE THAT YOU
14 DON'T GIVE ME ANY CREDIBILITY. THAT'S WHY I ASK YOUR HONOR TO --

15 THE COURT: DID I NOT MAKE SURE THAT YOU HAD THESE
16 PAPERS, MS. FALTAS? DID I NOT MAKE SURE OF THAT?

17 DEFENDANT FALTAS: YOUR HONOR, I'M DR. FALTAS.

18 THE COURT: I UNDERSTAND THAT, MA'AM, BUT YOU ARE NOT
19 ENTITLED TO A TITLE IN HERE.

20 DEFENDANT FALTAS: YES, MA'AM, I AM.

21 THE COURT: EVERYONE IS MR. OR MS. IN THIS COURT.

22 DEFENDANT FALTAS: I'M SORRY. I'M MORE EDUCATED THAN THE
23 AVERAGE MS. OR MR.

24 THE COURT: THAT DOESN'T MAKE ANY DIFFERENCE.
25 EVERYBODY IS EQUAL UNDER THE LAW. YOU ARE NOT SUPERIOR.

1 DEFENDANT FALTAS: I'M NOT SUPERIOR BUT MY I DIDN'T GET
2 THIS TITLE FOR BEING (INAUDIBLE), I GOT IT THROUGH A LOT OF STUDY WHICH -
3 -

4 THE COURT: WELL, THAT HAS NOTHING TO DO WITH BEING IN
5 COURT. THAT DOESN'T MAKE YOU BETTER THAN SOMEBODY ELSE.

6 DEFENDANT FALTAS: I AM BETTER BECAUSE I DON'T TELL LIES.
7 AND I THINK THAT PEOPLE WHO TELL LIES ARE NOT AS GOOD AS I AM. AND I AM
8 GOING TO BE (INAUDIBLE) SPEAKER WHO TELL LIES AND I'VE HAD A HISTORY OF
9 THE CITY USING WITNESSES WHO TELL LIES AND I WENT THROUGH A SIX-YEAR
10 ORDEAL TO CLEAR MYSELF SO I DON'T HAVE PARTICULAR CONFIDENCE IN THE
11 CITY AS PROSECUTORS. AND I AM SORRY I DO NOT HAVE TO APOLOGIZE FOR
12 THAT. IT'S NOT PARANOID, IT'S BASED ON ACTUAL LIFE EXPERIENCE.

13 THE COURT: WELL, IT DOESN'T MAKE ANY DIFFERENCE. THAT'S
14 YOUR OPINION BUT THAT'S NOT WHAT YOU CAN PRESENT TO THE COURT.
15 THAT'S FINE, I UNDERSTAND THAT BUT THAT IS NOT GOING TO HELP YOUR
16 CASE. IT IS NOT GOING TO BE RELEVANT TO THE JURY. IT'S NOT GOING TO BE
17 RELEVANT.

18 DEFENDANT FALTAS: WHAT IS GOING TO BE RELEVANT FOR THE
19 JURY --

20 THE COURT: EVIDENCE.

21 DEFENDANT FALTAS: YES, AND PART OF THE EVIDENCE IS THE
22 ACTUAL SITE FOR THEM TO GO AND SEE AND I WOULD LIKE ARRANGEMENTS
23 MADE. THE OTHER --

24 THE COURT: MA'AM, LET ME TELL YOU SOMETHING. IT IS VERY,
25 VERY, VERY, VERY UNUSUAL TO TAKE THE JURY OUT TO A SITE AND IT'S NOT

1 NORMALLY DONE ON A MISDEMEANOR AND YOU ARE GOING TO HAVE TO HAVE
2 SOME VERY COMPELLING REASON AND I CANNOT AT THIS POINT IMAGINE WHAT
3 THAT MIGHT BE BUT I THINK YOU ARE GOING TO HAVE TO PRESENT YOUR
4 EVIDENCE. I UNDERSTAND FROM WHAT LITTLE I'VE SEEN SO FAR THERE'S
5 APARTMENT THREE AND APARTMENT FOUR, BUT THAT IS NOT GOING TO
6 REQUIRE -- JUST OFF THE TOP OF MY HEAD I CAN'T SEE THAT IT WOULD REQUIRE
7 A VISIT. BUT THAT IS NOT A RULING. THAT WILL HAVE TO BE MADE BY THE
8 TRIAL JUDGE. AND YOU, MA'AM, NEED TO LEARN TO CUT DOWN ON YOUR
9 ARGUMENT WITH THE COURT AND LEARN AND ACCEPT THAT THE COURT, THE
10 JUDGE, RUNS THIS COURT. AND WHEN WE ASK YOU TO BE QUIET THEN YOU
11 NEED TO DO SO BECAUSE THERE'S A GOOD REASON FOR THAT.

12 DEFENDANT FALTAS: SO HAVE YOU RULED ON THE RECUASL?

13 THE COURT: NO, MA'AM, I'M NOT GOING TO RECUSE MYSELF. NO,
14 MA'AM.

15 DEFENDANT FALTAS: ALL RIGHT. THEN MAY I PUT ON THE
16 RECORD AN EXCEPTION TO THAT AND MAY I RENEW THE FACT THAT LAST TIME
17 WE CAME BEFORE JUDGE TURNER AND MR. FERNANDEZ PROMISED THAT
18 WHENEVER HE SENDS ME SOMETHING HE'LL ALSO BACK IT UP BY FACTS
19 BECAUSE THOSE PEOPLE HAVE BEEN OPENING MY MAILBOX AND TAKING
20 THINGS OUT OF IT.

21 THE COURT: WELL, YOU'VE JUST SAID THAT BUT I'M NOT MAKING
22 ANY RULING ABOUT WHATEVER YOU PRESENT THAT FOR. IT'S NOT RELEVANT
23 AT THIS TIME AND YOU'LL HAVE TO HAVE A TRANSCRIPT OF A COURT RECORD
24 IF YOU WANT TO PUT SOMETHING THAT HAPPENED BEFORE.

25 DEFENDANT FALTAS: THAT'S EXACTLY WHAT I ASKED MR.

1 FERNANDEZ FOR THIS MORNING.

2 THE COURT: YOU DON'T ASK MR. FERNANDEZ FOR THE
3 TRANSCRIPT. THERE'S A PROCEDURE FOR THAT. MR. CANTEEN CAN TELL YOU
4 WHERE TO GO. THANK YOU.

5 COURT OFFICER: THIS WAY, MA'AM.

6 DEFENDANT FALTAS: BUT HAPPY THANKSGIVING, JUDGE.

7 THE COURT: THANK YOU.

8 DEFENDANT FALTAS: SO WHERE AM I GOING NOW?

9 THE COURT: THE COURT OFFICER IS WAITING TO HELP YOU OUT
10 THERE.

11 DEFENDANT FALTAS: JUDGE, I NEED THE TRANSCRIPT --

12 THE COURT: MA'AM, THE COURT OFFICER IS WAITING FOR YOU
13 OUT THERE TO TELL YOU WHERE TO GO.

14 DEFENDANT FALTAS: BUT ONLY YOU CAN ORDER THAT I GET THE
15 TRANSCRIPT FREE FOR INDIGENTS.

16 THE COURT: MA'AM, THAT'S NOT BEFORE ME TODAY.

17 DEFENDANT FALTAS: SO MAY I PUT IT BEFORE YOU TODAY?

18 THE COURT: NO, MA'AM. NO, MA'AM, NOT TODAY. NO, MA'AM.

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21 (ADJOURNED)

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[page 1] City of Columbia) vs.) Marie-Therese Assa'ad-Faltas,) Defendant)	Transcript of Record November 17, 2009 Warrant nos: I-066971, I-066954 Judge Marion O. Hanna ACA David A. Fernandez	Jury Trials
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[1-3] Mr. Fernandez: Your Honor. This case is not being called for any purposes other than to put on the record what was done today.

[4-9] Defendant Faltas: Actually, good morning, Your Honor. I'm sorry, I have waited a long time. **Actually there is a pending motion to dismiss and the reason for the motion to dismiss is that I am charged with trespassing where I actually live. This cannot be done. I live there. I am there so I cannot be trespassing from there. The motion is in writing.**

[10] The Court: Okay. Well, hold on just a second.

[11] Defendant Faltas: **It's in the file.**

[12-13] The Court: This is a matter of evidence that you need to present when the trial comes up and then ask for a dismissal.

[14-15] Defendant Faltas: **On the face of the charge I am charged with trespassing at my own address.**

[16-17] The Court: **Well, the court has no way of knowing what your own address is.**

[18] Defendant Faltas: **Because it's on the charge.**

[19] The Court: All right

[page 2, lines 1-3] Defendant Faltas: I'm sorry, and I don't mean to be ugly with Your Honor, but if you knew the background of this you would really feel sorry for me. What it is --

[4-13] The Court: Well, excuse me for interrupting again but our Supreme Court has ruled that in a case of a misdemeanor that we don't have -- you don't have any right to a probable cause hearing which in a felony we could have a hearing such as this to see that there was no reason, no probable cause reason, to arrest you but I can't do that in this kind of a hearing. So we need to wait until we get there for you to present that evidence. If that's true, then I'm sure that that would certainly be taken into account. So you are just -- **you are asking on the trespassing after notice that that be dismissed.**

[14] Defendant Faltas: Yes, Your Honor.

[15-16] The Court: **But you are going to have to wait until we get to your case for that to be heard.**

[17 - page 3, line 8] Defendant Faltas: All right. Then the other matter is, of course, **Mr. Fernandez is an officer of the court and he has an obligation to not bring frivolous prosecution.** I did ask for a jury trial so it -- **and I invited him to go to the location and see for himself that this is where I live from the face of the address that he has for me and the face of the alleged location where I'm alleged to have --** I mean I cannot trespass where I live. **This is not a matter of evidence, this is a matter of law. Just as Your Honor cannot be charged of trespassing by sitting on your bench because this is where you work. So all I'm saying this is a matter of law and, of course,** Your Honor has -- I am making the motion and I'm trying to argue it and it has been (inaudible). In addition it has become *res judicata* because they -- the complainants went and tried to take a restraining orders against me that I don't park my car where I rent from them. And Magistrate Davis, the Lykesland magistrate, said, no, they cannot do that. So this is *res judicata*. As far as that I can park --

[9 - page 4, line 4] The Court: Ma'am, excuse me for interrupting you but this is so very much a big demonstration as to why you need a lawyer. The magistrate court cannot make *res judicata*. Only the Supreme Court can do that. What the magistrate court does has no effect upon what this court does. You really need to have an attorney because -- and I understand that you are capable of understanding all this but you haven't been to law school. It takes quite a bit of study to get this down and quite a number of years of practice. I think if you would get an attorney, if what you say is true, the matter could be taken care of in a much more reasonable fashion and time. But when you are trying to just jump into these things that you really don't understand, not through any fault of your own but because it's a very complicated matter, then it puts you at such a terrible risk because you can go to jail for these matters. You know, we don't want to see that happen but if you don't have a lawyer you are likely to end up there because you don't understand what you are doing and you are also emotionally involved, of course, in your own case. So I would like for you to get a lawyer and I think that could help you tremendously in getting these matters moved along and perhaps to your advantage as well. Would you do that for me, please?

[5-9] Defendant Faltas: **If it pleases the court, I believe I'm more likely to go to jail if I have the lawyer and my record against the City is five "0" so far, the City tried to prosecute me five different times and every time I won. That's fine. You want to deny the motion, deny the motion.**

[10] The Court: I'm not hearing the motion, ma'am.

[11] Defendant Faltas: Oh, that's fine.

[12] The Court: All right. You may have a seat.

[13] Defendant Faltas: No, there were two other--

[14] The Court: You may have a seat, ma'am.

[15-16] Defendant Faltas: **He was supposed to give me some discovery on the record.**

[17] The Court: Ma'am, you may have a seat.

[18-20] Mr. Fernandez: Your Honor, all I want to just put on the record the point of calling the case was to say that I did hand Ms. Faltas --

[21] Defendant Faltas: You didn't hand me anything.

[22] The Court: Ma'am.

[23-24] Mr. Fernandez: The discovery that you have in your hand--

[25 -- page 5, line 1] Defendant Faltas: This is not the discovery. You didn't hand me anything else.

[2-3] Mr. Fernandez: What I provided Ms. Faltas with is the incident report --

[4-5] The Court: Ma'am, if you interrupt one more time you are going to be in contempt of court.

[6-17] Mr. Fernandez: Incident reports, Your Honor, a statement by the victims, statements provided to the C.P.D. and a copy of the restraining order against Marie Faltas. What remains for the City to turn over is a letter regarding the trespass after notice. There's apparently a letter -- the notice letter that was provided to her. We will give her a copy of that and we'll also put it in the court file as we did all the other discovery. Now I don't know if there's anything remaining but we did have a hearing I believe a few -- last week or two weeks ago in front of Judge Turner discussing what the City needed to provide Dr. Faltas and I believe we have complied. Now I understand she disagrees with that but that's what I would like to put on the record.

[18-20] Defendant Faltas: Judge, today he did not hand me anything. He print something from the witnesses and the Court Clerk made copies but Mr. Fernandez did not hand me those copies.

[21] The Court: Did anyone hand them to you?

[22] Defendant Faltas: No, ma'am, no one did.

[23] Mr. Fernandez: Did we not give her the copies of that?

[24-25] Court Clerk: You asked me to give you copies. I gave them to you.

[page 6, lines 1-2] Mr. Fernandez: If she's doesn't have the copies, there are copies in the court file at the very least,

[3] The Court: Is that what you are handing up here?

[4] Court Clerk: It's for the file,

[5] Defendant Faltas: But I don't have anything yet.

[6-9] The Court: Well, I'm sorry, ma'am. It's just a misunderstanding, he thought that they had been passed to you. They will be. I have a copy here of everything that is going to be given to you this morning.

[10-11] Defendant Faltas: Could we put on the record what it is because --

[12] The Court: We just did that,

[13] Defendant Faltas: Well, I haven't --

[14-15] The Court: You didn't listen because you were talking, please have a seat, thank you. All right. What's next?

[16] (adjourned)

[17] (case resumes)

[18-20] Mr. Fernandez: Your Honor, I believe that concludes the day's matters, Ms. Marie Faltas is still here so I don't know if she has anything she would like to discuss,

[21-23] Defendant Faltas: Well, your honor, I still haven't received the discovery and I hope Your Honor acknowledges that I was correct, he didn't hand me anything,

[24-25] The Court: Ma'am, if you will go over to the court officer he's trying to hand it to you.

[page 7, line 1] Defendant Faltas: Well, I want on the record --

[2-6] The Court: Ma'am, if you'll go over to the court officer he's trying to hand it to you. Now it's been handed to Mr. Fernandez who is now passing it to you. You will receive it into your hand. Do you have it, ma'am? Hold it up so that I can see. Very good. Have a seat and overlook it and see if anything is missing.

[7] Defendant Faltas: Well, I don't know what's supposed to be in it to know what's missing.

[9] Mr. Fernandez: Your Honor --

[10 -- page 8, line 10] The Court: [10-13] Well, as I said before, ma'am, you were talking while he recited into the record what was in there and that's why you don't know and that's not a good excuse. Have a seat and look at it. [14] (pause) [15 -- page 8, line 10] The Court: All right what I've been handed, Mr. Fernandez, is -- first of all, there's a restraining order on the top of this group of documents. John Mitchell Jones, 304 Byron Road, Apartment One, Columbia, South Carolina 29209 versus Marie Assa'ad-Faltas, 304 Byron Road, Apartment Three, Columbia, South Carolina 29209. This is a restraining order from the magistrate in Lyklesland. The second document is an incident report and that is followed by a typed statement which is initialed by Dinah G. Steel Mason of 1403 Haigs Creek Drive, Elgin, South Carolina 29045 and signed by the same person and notarized. And also attached is a police department statement form from Charlene Crouch of 300 Byron Road, Columbia, South Carolina 29209. It's a statement signed by the same person. Following that is page two of Columbia Police Department statement continuation signed by Charlene Crouch. Following that is an incident report and this is from the Columbia Police Department. And it starts off the victim reports that the listed subject lives in the building at 304 Byron Road and has been placed on trespass notice, followed by a supplemental incident report, followed by a copy of the courtesy summons on simple assault and a copy of the courtesy summons on trespassing after notice. Anything in your group, Ms. Faltas, that I recited here that you don't have?

[11-14] Defendant Faltas: Your Honor, respectfully, I'm Dr. Faltas. And no, everything is here, but I object to the restraining order and (inaudible) statements. That charge has nothing to do with --

[15-16] The Court: Ma'am, I just asked you if you have it. That's all I asked you.

[17] Defendant Faltas: Yes, but there is --

[18] The Court: Thank you very much.

[19-23] Defendant Faltas: *There is another issue which Mr. Fernandez wouldn't talk to me except on the record which is when the jury trial comes I'd like arrangements to be made for the jury to view the site. That is in my written motion and that is exculpatory and --*

[24] The Court: Ma'am.

[25 - page 9, line 4] Defendant Faltas: *Okay. So then every time it gets called I will ask for this and they will say we haven't made arrangements and it will get put over to the next. I would like Mr. Fernandez to commit today that when the trial comes he will have made arrangements for the jury to view the site.*

[5-8] The Court: That will be up to the court. That will be up to the trier of fact and that is not necessarily going to be me. It may be, it may not and I will not rule upon it prematurely. Thank you very much. Have a seat.

[9-11] Defendant Faltas: *In fact, Your Honor, while I wish you very happy Thanksgiving, I'd like Your Honor to recuse yourself. I like you very much but our temperaments do not -- I don't see --*

[12-13] The Court: Ma'am, it's not -- you have to have a reason better than that you like or don't like the judge.

[14-19] Defendant Faltas: *No, no, I'm not saying that. I don't say the reason is that. I'm saying although I like you, I think your temperament cannot give me a fair trial or even a fair hearing. For example, today I was just trying to make the fact that I wasn't handed anything and you threatened to put me in contempt of court.*

[20-23] The Court: Ma'am, when I ask you to sit down and be quiet, that's what you are supposed to do. You are not in charge of the court and you need to get that through your head. You are not in charge of the court.

[24] Defendant Faltas: Yes, ma'am.

[25 - page 10, line 1] The Court: The court will tell you when and what to do and you have to accept that.

[2-4] Defendant Faltas: *But when he is saying he gave me something when he didn't I have the right to stand up for myself and say, no, I didn't --*

[5-9] The Court: *You have a right to do so when the court wishes to hear from you. You've got to understand that. We got this all straightened out. There was a misunderstanding. It was copied, it was not presented to you. We figured that out but it doesn't help when you keep on talking. It doesn't help.*

[10-11] Defendant Faltas: *So who was correct? Who was factually correct? He was saying --*

[12] The Court: *What difference does it make?*

[13-14] Defendant Faltas: *It makes a lot of difference that you don't give me any credibility. That's why I ask Your Honor to --*

[15-16] The Court: *Did I not make sure that you had these papers, Ms. Faltas? Did I not make sure of that?*

[17] Defendant Faltas: Your Honor, I'm Dr. Faltas.

[18-19] The Court: I understand that, ma'am, but you are not entitled to a title in here.

[20] Defendant Faltas: Yes, ma'am, I am.

[21] The Court: Everyone is Mr. or Ms. In this court.

[22-23] Defendant Faltas: *I'm sorry. I'm more educated than the average Ms. or Mr.*

[24-25] The Court: That doesn't make any difference on everybody is equal under the law. You are not superior.

[page 11, lines 1-3] Defendant Faltas: *I'm not superior but my I didn't get this title for being (inaudible), I got it through a lot of study which --*

[4-5] The Court: Well, that has nothing to do with being in court. That doesn't make you better than somebody else.

[6-12] Defendant Faltas: *I am better because I don't tell lies. And I think that people who tell lies are not as good as I am. And I am going to be (inaudible) speaker who tell lies and I've had a history of the City using witnesses who tell lies and I went through a six-year ordeal to clear myself so I don't have particular confidence in the City as prosecutors. And I am sorry I do not have to apologize for that. It's not paranoid, it's based on actual life experience.*

[13-17] The Court: Well, it doesn't make any difference. That's your opinion but that's not what you can present to the court. That's fine, I understand that but that is not going to help your case. It is not going to be relevant to the jury. It's not going to be relevant.

[18-19] Defendant Faltas: What is going to be relevant for the jury --

[20] The Court: Evidence.

[21-23] **Defendant Faltas:** Yes, and part of the evidence is the actual site for them to go and see and I would like arrangements made. The other --

[24 - page 12, line 11] **The Court:** Ma'am, let me tell you something. It is very, very, very, very unusual to take the jury out to a site and it's not normally done on a misdemeanor and you are going to have to have some very compelling reason and I cannot at this point imagine what that might be but I think you are going to have to present your evidence. I understand from what little I've seen so far there's apartment three and apartment four, but that is not going to require -- just off the top of my head I can't see that it would require a visit. But that is not a ruling. That will have to be made by the trial judge. And you, ma'am, need to learn to cut down on your argument with the court and learn and accept that the court, the judge, runs this court. And when we ask you to be quiet then you need to do so because there's a good reason for that.

[12] **Defendant Faltas:** So have you ruled on the recusal?

[13-14] **The Court:** No, ma'am, I'm not going to recuse myself. No, ma'am.

[15- 20] **Defendant Faltas:** All right. Then may I put on the record an exception to that and may I renew the fact that last time we came before Judge Turner and Mr. Fernandez promised that whenever he sends me something he'll also back it up by fax because those people have been opening my mailbox and taking things out of it.

[21-24] **The Court:** Well, you've just said that but I'm not making any ruling about whatever you present that for. It's not relevant at this time and you'll have to have a transcript of a court record if you want to put something that happened before.

[25 - page 12, line 1] **Defendant Faltas:** That's exactly what I asked Mr. Fernandez for this morning.

[2-4] **The Court:** You don't ask Mr. Fernandez for the transcript. There's a procedure for that. Mr. Canteen can tell you where to go. Thank you.

[5] **Court Officer:** This way, ma'am.

[6] **Defendant Faltas:** But Happy Thanksgiving, Judge.

[7] **The Court:** Thank you.

[8] **Defendant Faltas:** So where am I going now?

[9-10] **The Court:** The court officer is waiting to help you out there.

[11] **Defendant Faltas:** judge, I need the transcript--

[12-13] **The Court:** Ma'am, the court officer is waiting for you out there to tell you where to go.

[14-15] **Defendant Faltas:** But only you can order that I get the transcript free for indigents.

[16] **The Court:** Ma'am, that's not before me today.

[17] **Defendant Faltas:** So may I put it before you today?

[18] **The Court:** No, ma'am. No, ma'am, not today. No, ma'am.

[25] (adjourned)

[page 14]	State of South Carolina	)	In The Municipal Court for the City of Columbia
	County of Richland	)	
	City Of Columbia,	)	
	vs.	)	CERTIFICATE
	Marje-Therese Assa'ad-Faltas,	)	
	Defendants.	)	

This is to certify that the within hearing, consisting of thirteen (13) pages, is a true and correct transcript of record on November 17, 2009, said transcript being prepared to the best of my ability from a tape recording provided to me without the benefit of my being present at the proceeding. I further certify that I am not related to any of the parties in this matter or their counsel, nor do I have any interest, financial or otherwise, in the outcome of the same.

In witness whereof I have hereunto set my hand and seal on the 18th day of November, 2009.

[S/] Nancy S. Ahrens

Notary public for South Carolina

My commission expires: 03-09-19

STATE OF SOUTH CAROLINA
COURT OF COMMON PLEAS

RICHLAND COUNTY CIRCUIT COURT
No. 09-CP-40-02219

Marie Assa'ad-Faltas, MD, MPH,

vs.

Plaintiff,

Dinah Steele; Steele Enterprises, d.b.a. "Compustyles"; Larry Mason; AAA Investigations, a business wholly or partially owned by Larry Mason; Joseph and Idola Nadau; David and Brenda Bullard; James Perry Schneider; Sharon B. Koon; Eugene W. (Buddy) Koon, Jr.; Eugene W. (Trip) Koon III; the Evers-Koon Group, d.b.a. EKG of South Carolina; Southern Accents, a business wholly owned by Sharon B. Koon; Cynthia Childers; Lasalle Bank National Association, as Trustee for RAMP 2007SP1, a business; The City of Columbia, SC, a municipality; Steve Gantt, in his official capacity as Interim City Manager for the City of Columbia; Ken Gaines, in his official capacity as City Attorney for the City of Columbia; John Dooley, in his official capacity as Director of Utilities for the City of Columbia; Tandy Carter, in his official capacity as Chief of Police for the City of Columbia; Jane Roe; John Doe; and other unknown-named persons and entities who injured Plaintiff,

Defendants.

JEANETTE W. McBRIDE
C.C.P. & G.S.

2009 NOV 20 PM 5:00

RICHLAND COUNTY
FILED

**FIRST AMENDED AND SUPPLEMENTAL COMPLAINT (Trial by Jury Requested)
And MOTION FOR TEMPORARY RESTRAINING ORDER and PRELIMINARY INJUNCTION
(Fourth substitution of "First Amended Complaint" to reflect intervening events)**

1. All allegations arising out of events previous to, and on, 23 March 2009, in this First Amended and Supplemental Complaint relate back to the date of the initial Complaint in this case.
2. All allegations against the City of Columbia, SC, ("the City") and its agents arise out of events postdating 19 May 2009 and have never been asserted before in any case or controversy.
3. Plaintiff Marie Assa'ad-Faltas, MD, MPH ("Dr. Faltas") is a Coptic Orthodox Christian quadri-lingual physician and Master of Public Health of Egyptian national origin, Afro-Asian ethnicity and Catholic education, who legally resides in Richland County, SC. Of relevance to this case is that she first came to the U.S. in August 1979 on an expedited subset of the Fulbright Scholarships to earn a graduate degree in Public Health, which she did at the University of North Carolina at Chapel Hill (UNC-CH) in 1982. In her 1979 application to the Fulbright Scholarship, she emphasized her interest in solar energy and its potentials to promote public health. While studying at UNC-CH, she suffered a tragic hospitalization which caused her many physical disabilities, including later-developed asthma and easy fatigability. The natural person defendants herein who met Dr. Faltas know of her Coptic identity and faith, disabilities, and interest in solar energy.
4. Also specially relevant hereto are Dr. Faltas' specialty of, and commitment to, Preventive Medicine and her moral convictions and practices which prevent her from fighting evil with evil.
5. Sharon, Buddy and Trip Koon ("the Koons"), Mason, Steele; Joseph and Idola Nadau ("the Nadaus"), David and Brenda Bullard, ("the Bullards"), Schneider, Childers, Roe and Doe, are natural persons residing/doing business in Richland County, SC. On information and belief, they are all white of European ethnicity; none of them is disabled or Catholic or Orthodox Christian; but they all harbor, and their herein-alleged acts against Plaintiff were and are motivated by greed in addition to racial, ethnic, religious and anti-immigrant animus against Plaintiff.

6. The City is capable of suing and of being sued as a political subdivision of South Carolina.
7. On information and belief, with the possible exception of Trip Koon and James Schneider, none of the individual Defendants other than agents of the City has a college degree or skills allowing him/her to produce or sell to others goods or services related to life's necessities (nutrition, shelter, education, and healthcare) or to true arts and none ever provided honest goods/services. Rather, each defendant got money solely by providing various illusory services at inflated rates.
8. Defendants Steele Enterprises d.b.a. Compustyles, AAA Investigations, the Evers-Koon Group dba/EKG of South Carolina, and Southern Accents are separate individually-or-family-owned businesses with principal or sole locations in Richland County, South Carolina. Plaintiff is presently without complete information about the sizes or incorporation status of said businesses.
9. On information and belief, Defendant Lasalle Bank National Association, as Trustee for RAMP 2007SP1, ("Lasalle") does business in South Carolina and receives federal funds specifically limited to alleviate genuine hardships on residents of owner-occupied residences whose houses become subject to foreclosure sales due to non-manufactured default on the respective mortgage.
10. On information and belief, Steele is married to or cohabits with Mason, who holds himself out as a present or former police officer and private investigator but is in reality a home wrecker.
11. Steele owns, in whole or part, Steele Enterprises and both own sixteen single-family rental units. Steele and Steele Enterprises are thus governed by South Carolina's Fair Housing Law, §§31-21-10 *et seq*, SC Code of Laws. Mason owns, in whole or part, AAA investigations. He and that business are mutually responsible for all each other's acts on behalf of each other.
12. On information and belief, Childers is a realtor, married to a South Carolina law enforcement officer, and a close friend of the Koons. Roe and Doe have law-enforcement connections.
13. Sharon Koon is married to Buddy Koon. Their son, Trip Koon, lived in his adulthood in their household for most of the times giving rise to this Complaint. The Koons as a household at one time owned four or more single family residences, which they sell and rent out. The Koons are thus governed by South Carolina's Fair Housing Law, §§31-21-10 *et seq*, SC Code of Laws. The Koons own or owned the Evers-Koon Group dba/EKG of South Carolina, in whole or part.
14. Plaintiff is the first-born to Souraya Fares, an elderly U.S. citizen, who recently bought land now addressed 324 Byron Road, Columbia, SC 29209 land ("*the parcel*") for Dr. Faltas to build a solar house. Although Citizen Fares paid the whole price of *the parcel* and all expenses so far incidental to developing and acquiring it, she allowed Dr. Faltas to be her joint owner on the title.
15. Dr. Faltas' late father was a U.S. citizen, a saint and a brilliant engineer. When Sharon Koon first met Dr. Faltas, Dr. Faltas was in mourning garb for her deceased father and was seen to be consistently so clad for a three-year period. When Sharon Koon first saw Dr. Faltas in a non-mourning outfit in May 2005 (after three years since Engineer Faltas' death), Koon remarked that Dr. Faltas looked good in color. Sharon Koon also met Dr. Faltas' mother at least twice.
16. Dr. Faltas entered medical school at age seventeen and graduated With Honors at age twenty-four but continued to love and study engineering on her own and to develop beneficial relationships among Medicine, Public Health and Engineering. She needs to honor her father's memory and perpetuate his talents as an engineer through her own inventions including a solar house.
17. The events complained of herein occurred in 2008 and 2009 or started in 2002 and continued to 2008 or to the present. This Court has jurisdiction, venue is proper, and this lawsuit is timely.

First Cause of Action: Civil and Criminal Conspiracies

18. All other allegations of this Complaint are incorporated herein by reference.
19. The Koons conspired with Childers and others to fraudulently access federal funds meant for others in the federal Home Mortgage Assistance Program.
20. From January 2008 *and continuing*, the Koons further conspired with Childers and others to invade Dr. Faltas' privacy, convert her family's money and belongings kept in a house on 436 Byron Road, Columbia, SC 29209, which Dr. Faltas rented from Sharon Koon from 9 August 2002 to 10 October 2008 ("*the rented house*"), pry into Dr. Faltas' inventions with the intent of copying and/or appropriating them, defame her, maliciously prosecute her, falsely transfer Evers-Koon's delinquent tax bills to her, and intentionally inflict severe mental suffering on her.
21. In 2006 *and continuing* Steele conspired with Mason, Schneider and others to defraud the City from payment for sewer service to Buildings 300 and 304 Byron Road, Columbia, SC 29209, which Schneider sold to Steele in April 2006 ("Steele's rental buildings on Byron"), and to use land adjacent thereto without paying just compensation to its owners. They further conspired to erect or maintain unpermitted buildings in flood-plain areas in violation of the building codes.
22. Most of the torts alleged herein, specially defamation and outrage, inflicted by Defendants on Plaintiff were meant to cover up Defendants' criminal enterprises and give an illusion of Defendants having acted out of impatience with Plaintiff, when in fact she is blameless and hapless. Defendant Steele and Mason's, and their co-conspirators' torts and crimes against Plaintiff were also meant to distract, intimidate and deter Plaintiff from exposing Defendants' malfeasance.
23. To fulfill the object of their conspiracy, the Koons used their law enforcement connections to have Dr. Faltas, at 9:00 a.m. on 30 September 2008, prematurely set out from *the rented house* though her rent was fully paid through 9 October 2008. They did so by *interalia* by (a) Sharon Koon signing an affidavit undertaking on herself all civil liability resulting from the eviction and absolving Richland County's Sheriff and Magistrates of all civil liability resulting from same; (b) fraudulently concealing from the courts and the sheriff that the Koons' purpose in the premature set out of Dr. Faltas is for the Koons themselves to commit "occupancy fraud" by defaulting on the mortgage of *the rented house* but still keeping it under an illusory claim that it is their primary residence; (c) *falsely* concealing from Richland County's Sheriff that Dr. Faltas' rent was paid through 8 October 2008 and that she was moving on her own in an orderly manner; and (d) *falsely* representing to Richland County's Sheriff that Dr. Faltas had been served with an eviction notice on 25 September 2008. She had been served with an eviction notice on 9 September 2008; but it was recalled as improvidently issued. She had been otherwise assured that she will not be set her out but will be given every consideration so long as she was moving on her own, which she had started doing in mid-September 2008 and had so informed Ms. Koon.
24. Incidentally to the set out, and although Richland County's Sheriff had told Dr. Faltas that she may return to retrieve her and her family's property which was set out to the yard of *the rented house*, the Koons and Childers hindered Dr. Faltas' access to that yard after refusing to let said property be taken directly from *the rented house* onto another moving truck after the first truck she had provided was filled up. Said defendants thus and otherwise knowingly and recklessly caused said property to be damaged, stolen, and/or otherwise disordered beyond use. They later falsely pretended they were entitled by law to treat said property "*as trash.*"

25. The Koons' intent to unjustly take money from Dr. Faltas is proven by their refusal to refund her deposit and unused rent or give accounting of either although Dr. Faltas timely demanded it in writing. The Koons' pretext of needing to move into the rented house as soon as possible to "downsize" from the house on 111 Eagle Road and sell or rent the latter out is belied by the facts that the latter house was on the market for sale and later for rent from February 2008 to May 2009 **but was not sold or rented** until after Dr. Faltas challenged their schemes in court.
26. The Koons and Childers knew there was no prospective buyer or tenant for their house on 111 Eagle Road and had no reason to rush Dr. Faltas out of *the* rented house except their desire to inflict severe mental distress on her and punish her for her refusal to cower to their demand that she pay what they knew to be 15%-40% above the fair market rental value of *the* rented house **and except for their hurry to fraudulently access federal funds meant for others.**
27. In their dealings with Dr. Faltas, the Koons acted through the Evers-Koon Group dba/EKG of South Carolina and Southern Accents by sending her faxes from said businesses' offices and letters in their their envelopes and Fed-Ex labels, by calling her from said businesses' phones, and by depositing some of her rent checks and money orders into said businesses' accounts.
28. In their dealings with Dr. Faltas, Steele and Mason acted through Steele Enterprises and AAA Investigations by calling her from said businesses' phones, sending her letters from said businesses' address, and depositing some of her rent checks into said businesses' accounts.
29. On information and belief, from 12 March 2009 *and continuing*, immediately on learning that Fares and Faltas bought *the* parcel, Steele, Mason, and the Koons, conspired together and with others to illegally wrest possession of it from Dr. Faltas by suddenly trying to evict her under false pretexts from the unit she rents from Steele at 304 Byron Road, Apartment 3, Columbia, SC, 29209 ("her Byron Road apartment"), by sabotaging her building permit, by defaming and threatening her, and by invading her privacy. Specifically but not exclusively, Mason told Dr. Faltas on 12 and 14 March 2009 that he will have her things "put on the street, not in the parking lot as was done before" and have her arrested and, without her permission, photographed the interior of her cars parked in front of *the* Byron Road apartment as "evidence" to the neighbors that she should not reside among them. Later, Steele and Mason, **by their own sworn testimony in open court and on audiotapes made by Dr. Faltas**, wrote "sixteen Senators and Congressmen" to try to get Dr. Faltas deported, have her driver's license canceled, have her mother denaturalized, revoke Dr. Faltas' medical licenses, and have her mother's social security retirement checks and concomitant Medicare coverage stopped—all under false pretenses that Dr. Faltas is "an illegal alien" and whose mother had been dead but that Dr. Faltas fraudulently continued to receive her mother's checks. Steele's and Mason's acts are particularly egregious as they are barely literate themselves and have no understanding of immigration and naturalization laws or of medical licensing procedures. They are horrendously malicious as they knew Dr. Faltas' mother has, in June and July 2009 suffered an extremely serious and debilitating series of surgeries and that he physique and psyche were fragile. They further could not have failed to know that discontinuation of Citizen Fares' Medicare coverage in the middle of the crucial medical she was receiving could have caused her death or permanent disability. They also could not have failed to know, but likely intentionally used, Dr. Faltas' devotion to her mother to pressure Dr. Faltas to cower to Steele's and Mason's criminal demands of Dr. Faltas.

30. Steele and Mason's acts were with knowledge that the service sewer lines from Steele's rental buildings on Byron cross *the* parcel and thus trespass on it. Steele and Mason continued their illegalities even after *the* City offered to install new sewer taps for Steele's rental buildings on Byron provided Steele installs the pipes to connect to said new cleanouts at Steele's expense and even after Dr. Faltas offered, as an alternative, to negotiate a reasonable easement with Steele.
31. Steele and Mason's refusal to make small expenses to meet their legal obligations, and their choice to resort to thuggery, intimidation, fraud, and other torts and crimes, to avoid such small expenses, makes them dangerous people whom the law should promptly punish and enjoin.

Second Cause of Action: Racially, Ethnically, Religiously and Anti-Immigrant-Motivated Conspiracies To Deny Civil Rights to Equal Housing

32. All other allegations of this Complaint are incorporated herein by reference.
33. On learning Dr. Faltas acquired *the* parcel, Mason and Steele copied her application for a special exception to build a residence on it and threatened to appeal it although they have no interest in the case except their desire to illegally use *the* parcel and trespass on it without ever buying it.
34. When Dr. Faltas tried to appease Mason by returning his call and asking him how her building what is possibly South Carolina's first solar house could hurt him or Steele, he said he copied her drawings for that house and "it looks like a church" and that instead of building a single family residence next door to Steele's rental buildings on Byron, Dr. Faltas "should go back to the country [she] came from" not build "in this country," denigrated the "Obama '08" sticker on her car, twice called President Obama "a big piece of s--- like you" and otherwise insulted her.
35. In open court on 29-30 September 2009, Mason testified that he and Steele tried to get Plaintiff deported, first by contacting "INS" and, when that failed, by writing to "sixteen Senators and Congressmen" that Dr. Faltas "*literally* files a new lawsuit every day," already filed "two hundred lawsuits" and "is terrorizing our courts." In open court on 14 October 2009, in proceedings of which audio recordings are made by Columbia Magistrate Hudnell and by Dr. Faltas with Magistrate Hudnell's permission, Mason insisted Plaintiff does "not have any civil rights," that he "guarantee[s]" she will never acquire U.S. citizenship but should be deported instead and that *the* City police is about to issue a "felony warrant" against Plaintiff to incarcerate her.
36. Since April 2009, with heightened frequency since mid-September 2009, Mason did, and caused Mitch Jones and Teresa Ingram to, often stand under Plaintiff's balcony and window, and loudly taunt her with shouts to the effect that her lawful Permanent Resident Alien Card ("Green Card") is about to expire or be revoked, that she is not really a doctor but had applied to enter the U.S. "as a nanny," and is a "crazy-a-- Egyptian b----" whose "whoring a--" will be kicked
37. While driving on Byron Road after she had been set out from *the* rented house and been served with a trial date to imprison her for 30 days for having parked in the front yard of that house *when she legally resided in it*, Dr. Faltas saw the Koons, who had moved into that house, with five cars parked in the front yard of that same house. Dr. Faltas needed to photograph the Koons' parking to prove selective prosecution. Thereupon, Sharon Koon and Childers came out laughing and told Dr. Faltas that no one is really concerned about cars parked in the front yard of any house but they wanted her out of *the* rented house and used parking as a pretext. They also shouted to her, within hearing of the neighbors and passers-by, that she is mentally ill and needs professional treatment for pointing out the heartless hypocrisy of the Koons' acts.
38. Dr. Faltas is certain that her white neighbors and the Koons wanted her out for racial reasons.

Third Cause of Action: Intentional Infliction of Mental Suffering

39. All other allegations of this Complaint are incorporated herein by reference.
40. Knowing that Dr. Faltas cares very much about, and worked very hard on, her solar energy inventions, and that the hindrance of those will cause her severe mental suffering in addition to financial loss, Mason and Steele are cruelly and recklessly trying to scuttle her solar building.
42. Knowing that Dr. Faltas is a sincere Christian, proud of her Coptic heritage, a diligent reader, and devoted to her family, the Koons and Childers, during the set out process, threw Dr. Faltas' replica of a Coptic icon of Virgin and Christ in the mud and let their dogs defecate near it before Dr. Faltas was able to retrieve it. They tore some of her family pictures, spilled her perfumes, broke her tools and souvenirs, dropped, crumpled and mixed her books and files, and stopped to eat pizza and drink beer and threw the leftovers and empty containers over her clothes.
43. Specially, though not the only loss, Dr. Faltas had carried to her father's funeral a hand-made navy-blue leather purse he had brought her from Egypt. In his wake at a funeral parlor, she clipped some of his hair with scissors provided to her there, kept the scissors and an envelope containing the hair clippings in that purse, and never carried it again. That purse was stolen during the set out; and as soon as she so discovered, she called the Koons' lawyer's assistant to see if they would help to trace it. Dr. Faltas promised to buy it back—no questions asked—from whoever has it. The Koons refused to help even though they had photographed the interior of Dr. Faltas' closets during the set out and a photo of that purse could have helped police locate it.
44. Although Dr. Faltas—thank God—later found some of her late father's hair in other envelopes in a secure location, the months she thought her last relic of him was taken from her were very painful; and the permanent loss of the purse and scissors continues to inflict pain on her.
45. To further inflict extreme emotional distress on Dr. Faltas, during the 30 September 2008 set out, the Koons and Childers refused to use the fifty-plus plastic buckets Dr. Faltas told them can be used to orderly and safely move her belongings out. Instead, they placed them in black plastic trash bags and put them out in the yard to give passers-by a false impression that she kept so much trash in her house. The Koons' wanton throwing of Dr. Faltas' belongings in black plastic trash bags damaged them and caused her to spend several months and continuing to put those items which were not stolen or broken back in place. So doing reopens her emotional wounds.
46. To inflict more outrage on Dr. Faltas, the Koons, Childers, Mason and Steele wantonly and falsely claim Dr. Faltas is mentally ill and dirty and urge her neighbors to harass and reject her.
47. As a result of Defendants' actions, Dr. Faltas suffered severe mental distress which damaged her health and caused her loss of opportunities to advance in her useful endeavors.

Fourth Cause of Action: Abuse of Process and Malicious Prosecution

48. All other allegations of this Complaint are incorporated herein by reference.
49. The Koons are still attempting to have Dr. Faltas imprisoned for front-yard parking. Further, in October 2008, Sharon Koon filed a false police report to the effect that Dr. Faltas often opens Koon's mailbox at the rented house. After having been set out from that house, Dr. Faltas never touched its mailbox; and Koon knew it. Ms. Koon also filed a false police report to the effect that Dr. Faltas harassed her. Dr. Faltas never did so but only took pictures of the very front-yard parking which the Koons practice with impunity but for which they want Dr. Faltas imprisoned.

50. On 14 and 15 March 2009 *and continuing*, Mason repeatedly threatened to take out a warrant falsely alleging Dr. Faltas "stole [his] signpost." Dr. Faltas never stole anything from anyone. Caring to prevent injury to others, upon closing on *the* parcel, she started cleaning it and uprooting the vegetation overgrown on it. In that vegetation in the middle of the parcel was lying a heavy rusted metal post for which she bought reflective digits and asked the men who helped her clean *the* parcel to securely plant the signpost in the front of *the* parcel to facilitate future building inspectors' location of the newly-created address. Mason has no proof he ever owned the signpost and knew it to be too heavy for Dr. Faltas to have moved it by herself if it had previously been on "*his*" land. Further, on 14 April 2009, Mason and Steele attended a hearing in Richland County Magistrate's Court on Dr. Faltas' application for an order restraining Mason from harassing her. In that hearing, City of Columbia Investigating Police Officer J. M. Folding testified that he investigated Mason's allegations and determined that Dr. Faltas did not steal the sign and so told Mason, who persists in defaming Dr. Faltas by claiming she stole the sign and has other incidents of "**theft from WalMart**" and in threatening to have her arrested for the sign.
51. In September 2009, Steele and Mason filed a "claim and delivery" against Dr. Faltas falsely claiming she had stolen their sign. Schneider assisted them in that with a false affidavit.
52. Between March and October 2009, illegally using Dr. Faltas' SC driver's license number they had requested from her to execute the lease on her Byron Road Apartment under pretext that it is required from non-citizens, Steele and Mason urged SC's Department of Motor Vehicles to cancel Dr. Faltas' driver's license under false pretext that she is "**an illegal alien.**" Upon receipt of the DMV's letter, Dr. Faltas promptly faxed DMV her valid Green Card and DMV responded that her proof is valid and her driver's license will not be canceled. The quasi-prosecution was resolved in favor; but the effort and anxiety caused her damages.

Fifth Cause of Action: Invasion of Privacy

53. All other allegations of this Complaint are incorporated herein by reference.
54. In September 2008, and possibly later without her knowledge, Mason opened Dr. Faltas' Byron Road apartment closets without her consent.
55. In March 2009, Mason surreptitiously photographed the interior of Dr. Faltas' vehicles.
56. During the 30 September 2008 set-out, the Koons rifled through Dr. Faltas' papers and read some of them. They also photographed her belongings and refused to return the pictures to her.
57. In September-October 2009, Mason took from Dr. Faltas' door six different times a new set of computer-made signs quoting Bible verses and warning against trespass which she had scotch-taped to her door. He intends to take her fingerprints off the tape and use them nefariously.
58. These acts were knowingly intended to invade Dr. Faltas' privacy and make her suffer. As a result she felt and continues to feel naked, violated and vulnerable, all of which affected her physical health and caused her severe mental suffering which no reasonable person can bear.

Sixth and Seventh Causes of Action: Tortious Interference with Existing and Prospective Advantageous Relationships

59. All other allegations of this Complaint are incorporated herein by reference.
60. *The* parcel was not previously addressed as 324 Byron Road, nor did it exist as a standalone parcel. It was only the "pole" of a "flagpole" lot and store on 301 Veterans Road, Columbia, SC

29209. It was Dr. Faltas' ingenuity and diligence which, by the Grace of God, persuaded the appropriate authorities that a neglected, overgrown land-strip can be made useful and beautiful. For that, she worked over two months and in the process developed mutual good will and cordiality with relevant offices. The variance, plat approval, and address assignment she obtained are the result of her hard work and raise the value of *the* parcel from its purchase price by her work equity in it. Steele and Mason fully knew the foregoing after reviewing her applications. In having frivolously and maliciously insinuated to relevant officers that said officers had mistakenly granted Dr. Faltas' applications, Steele and Mason tortiously interfered with the advantageous relationship Dr. Faltas now has with the appropriate offices and with her buildable parcel.
62. In trying to make peace with Mason and Steele, when Dr. Faltas returned Mason's call, she tried to explain to him that she will—God willing—build and live in the house herself, which puts her out of rental competition with Steele's rental buildings on Byron. He responded that, from the drawings he saw in her application for a special exception, "I don't know how you can build it. That will be a million dollar house." It will—God willing—be a very valuable house, not due to the dollar cost of building it, but due the ingenuity and care of Dr. Faltas' invention. Steele and Mason thus know Dr. Faltas has a prospect of building a million-dollar house there.
63. Mason also testified in court, and had told Dr. Faltas by phone, that he will make sure she will never get the final step in her building permit as he asked *the* City's permit inspector to show him all building plans she submits and to give him the identity of all engineers she engages.
64. In common knowledge, President Obama promotes green buildings and renewable fuels. Dr. Faltas' solar house, when built, could bring her to his attention and otherwise bring her royalties and renown. Mason and Steele are knowingly, tortiously and maliciously trying to scuttle it.
65. If Mason's and Steele's malicious and tortious interference is not immediately enjoined, Dr. Faltas stands to lose her work equity in making 324 Byron Road a buildable parcel and also risks losing her potential place as builder of SC's first solar house with the benefits attendant to that. She also needs to build, and reside in, a solar house as soon as possible to get more natural Vitamin D and otherwise rescue her health from the damage caused to it by shabby rental units.

Eighth Cause of Action: Violations of Civil Rights

66. All other allegations of this Complaint are incorporated herein by reference.
67. Under color of law, because he has some government-issued badge, which he flashed to Dr. Faltas when he tried to have her give him her sign post, Mason is violating Dr. Faltas' civil right to own property and to equal accommodation under the law. Mason is co-opting in his schemes the powers of various City, State, and Federal agencies and officials, specially *the* City Police Department many of whose members are indifferent to Plaintiff's need to be protected from him.

Ninth Cause of Action: Abuse of Authority for Private Gain

68. All other allegations of this Complaint are incorporated herein by reference.
69. Mason has a government-issued badge which he flashed to Dr. Faltas when trying to unjustly take her sign post from her. Although Dr. Faltas called the police to make him stop harassing her, *he* did not file a report with the police officers who arrived. That proves he knew the sign post was not his and that he was trying to rob Dr. Faltas of it by flashing his government badge.
70. In addition to flashing his badge to intimidate Dr. Faltas, when Dr. Faltas asked to speak to a police supervisor and insisted that a supervisor investigate whether Mason's badge is authentic

or counterfeit and whether, if authentic, Mason is illegally using it for private gain, Mason asked Sargent Connell to omit from the police report Mason's real last name; and the former complied. Dr. Faltas believes that Mason thus abused his authority to conceal his true last name from her.

71. In addition, Mason told Dr. Faltas in threatening manners that he knows all the judges by their first names and their home phone numbers and can call any judge any hour. He further told her that a judge directed him, in the evening of Thursday, 12 March 2009, to give Dr. Faltas a termination notice and assured him that she can be set out shortly thereafter.

Tenth Cause of Action: Extortion and Attempted Conversion

72. All other allegations of this Complaint are incorporated herein by reference.

73. Steele and Mason know that they have no basis to evict Dr. Faltas and had taken and cashed her rent check on 2 March 2009. But, upon learning in the afternoon of 12 March 2009 that her mother and she had acquired *the* parcel, they prepared an invalid termination notice under false pretexts and knocked on her door late at night to leave it. Also upon learning in the afternoon of 12 March 2009 that Dr. Faltas and her mother had acquired *the* parcel, Mason called Dr. Faltas, abused her, told her that he will evict her from her apartment, and claimed he had "an oral agreement" to buy that lot but that she interfered with it. Dr. Faltas checked with that lot's seller, who denied any agreement to sell anything to Mason and/or Steele. That seller, Dave Winn, had told Dr. Faltas that he had been previously approached by a real estate agent about that lot but did not trust him. Mr. Winn also so testified in the 14 April 2009 hearing in magistrate's court.

74. Mason also told Dr. Faltas that, after she gets evicted, he will take "his" signpost "back" and that he will trespass on her lot "all [he] want[s]" because she will not be there to see it.

75. Mason admitted in his testimony on 29 and 30 September 2009, and again repeated in court on 14 October 2009, that Steele and Mason are unwilling to reroute the sewer lines from where they cross *the* parcel because Steele and Mason will not do anything unless ordered by a court.

Eleventh Cause of Action: Obstruction of Justice

76. All other allegations of this Complaint are incorporated herein by reference.

77. When Dr. Faltas tried to have a lawyer speak reason to Mason, Mason responded that he already prepared "nine witnesses" against Dr. Faltas. She believes he prepared them to perjure themselves and that such and his *ex parte* contacts with judges constitute obstruction of justice.

78. Specifically but not exclusively, Steele, Mason and Schneider, intimidated one Charlie White, who had *sua sponte* written to Dr. Faltas that Steele had asked the tenants to testify "blown out of proportion against [Dr. Faltas]," into watering down his testimony and paid Teresa Ingram and Mitch Jones to testify falsely against Dr. Faltas in court and file false police reports against her.

79. Dr. Faltas had a crushing experience of having been falsely accused of label swapping and first convicted with a fabricated Polaroid. It took her over six years to prove her innocence but many people, including Defendants herein and their attorneys still knowingly falsely claim she has "a shoplifting conviction." So, though she knows herself to be totally innocent of the accusations made against her, she knows that she can be falsely convicted and would have to spend a lot of effort, time and money to clear herself but may never be able to remove the stigma even then.

For a Twelfth Cause of Action: Defamation

80. All other allegations of this Complaint are incorporated herein by reference.

81. With knowledge of their falsity or reckless disregard for their truth or falsity, the Koons and Childers intentionally defamed Dr. Faltas throughout 2008 and 2009 by publishing to others words to the effect that she is insane and filthy; and, in March 2009 *and continuing*, Steele and Mason intentionally defamed Dr. Faltas with words to the effect that she stole a signpost, harasses her neighbors, stole Mason's contract with Winn and is an illegal alien. Defendants' said words lowered Plaintiff in her neighbors' eyes and induced some of them (if they indeed did so) to sign petitions to prevent her from building her solar house on *the* parcel.

Thirteenth Cause of Action: Fraud

82. All other allegations of this Complaint are incorporated herein by reference.

83. In July 2002, Sharon Koon defrauded Dr. Faltas by telling her *the* rented house previously rented for \$795/month and another potential tenant was interested in it. Koon further defrauded Dr. Faltas by assuring her that, if they so wrote in the lease, tenant alone can give a thirty-day notice of termination of a month-to-month tenancy after expiration of the initial term. In reliance thereon, Dr. Faltas paid about \$600 to upgrade the house and agreed to pay \$795/month thereafter. When she discovered, and by exercise of due diligence could not earlier have discovered, that all previous tenants of that rented house (who were white and not disabled) paid substantially less than \$795 per month, the Koons caused her to be brutally set out to punish her.

84. In August 2008, Steele and Mason defrauded Dr. Faltas by falsely representing to her that the rent for her Byron Road apartment is \$550/month, that another prospective tenant was ready to rent it if she does not hurry, and that it was safe and habitable. In fact, Steele owns on 304 and 300 Byron Road eight basically identical apartments. For each such apartment's rent, Steele charges American-born white male and female tenants between \$320 and \$445 per month; but only the foreign-born Dr. Faltas and later a Chinese tenant are charged \$550/month. Nor was Dr. Faltas' apartment ready in the first half of September 2008. It had a strong paint odor and its balcony was and still is severely sagging and in need of stabilization. Dr. Faltas could not even begin to move in until after the middle of September 2008; but Steele refused to abate the rent.

85. When in January 2009, Dr. Faltas discovered she was paying more rent than other similarly-situated tenants and asked Steele to treat her equally and give her a new six-month lease, Steele responded by threatening to terminate her existing lease. Steele then further defrauded Dr. Faltas by giving her Steele's "word of honor" that if Dr. Faltas continued to pay \$550/month in rent, Steele will not terminate Dr. Faltas' lease for six months. Mason later repeated that assurance to Dr. Faltas. In reliance thereon, Dr. Faltas forwent trying to find other housing and paid \$550 for each of January, February and March 2009, but under protest. The fraudulent intent of their assurance is proven by their arbitrary and unjustified attempted termination of the lease only ten days after having cashed the \$550 check Dr. Faltas had given them for the March 2009 rent.

86. In September 2008, Steele and Mason defrauded Dr. Faltas by assuring her that no tenant is allowed to smoke in the common areas. In reliance thereon, she rented from them; but when she found that other tenants' smoke rises from the common areas to her apartment and aggravates her asthma, Steele and Mason refused to help her but falsely accused her of harassing others.

Fourteenth Cause of Action: Discrimination

87. All other allegations of this Complaint are incorporated herein by reference.

88. Sharon Koon's actions in charging Dr. Faltas more than previous tenants and refusing to make necessary repairs for her and Steele's actions in charging Dr. Faltas more than other tenants and refusing to adjust her rent constitute discrimination by race, national origin, age and disability.

Fifteenth Cause of Action: Retaliation

89. All other allegations of this Complaint are incorporated herein by reference.
90. During her tenancy at the rented house, Dr. Faltas complained to Koon about dangerous trees and faulty electric wiring. Koon retaliated by causing Dr. Faltas to be brutally set out. During her tenancy at 304 Byron Road, Apt. 3, Dr. Faltas complained to Steele and Mason about the sagging balcony, Steele wrote to her to stop "questioning the owner" and is trying to evict her.

Sixteenth Cause of Action: Violations of South Carolina's Residential Landlord Tenant Act, §27-40-10 et seq., SC Code of Laws

91. All other allegations of this Complaint are incorporated herein by reference.
92. From August 2002 to October 2008, Ms. Koon charged Dr. Faltas and her mother above the fair market rental value of the rented house, prevented their quiet enjoyment of said house by refusing to timely make necessary repairs and by otherwise harassing them, refused to refund the rent they had prepaid for part of October 2008 and refused to refund their deposit or account for it. The issues of that house's fair market rent and any abatement thereof by Koon's acts were specifically severed from the counterclaims to Koon's action to evict Dr. Faltas and reserved for a separate law suit by the rulings of Dentsville Magistrate Newsom and Circuit Judge Barber.
93. Plaintiff is entitled to refund of her deposit with interest and treble damages, refund of all rent she was defrauded or coerced into paying in excess of the rented house's fair market value, and refund of the pro-rated rent pre-paid for ten days after her ouster therefrom, and for all damages to her belongings resulting from the Koons' negligent and intentional acts during the set out.
94. In trying to terminate Dr. Faltas' lease for having the parcel, Steele violated SC RLTA's requirements of good faith and fair dealing. Her acts frighten Dr. Faltas and damage her health.

Seventeenth Cause of Action: Assault and Communication of Threats

95. All other allegations of this Complaint are incorporated herein by reference.
96. On 14 March 2009, when Mason was trying to unjustly take Dr. Faltas' signpost and she tried to call the police on her cell phone, he stretched his hand to take it from her. That along with his flashing a badge and threatening to harm her caused her reasonably to fear for her safety. Later in Spring 2009, Mason told Dr. Faltas "I'm going to get you." During a break in court proceedings, he looked to her smugly and said: "We're going to speak to INS this afternoon."

Eighteenth Cause of Action: Negligent or Intentional Damage to Property

97. All other allegations of this Complaint are incorporated herein by reference.
98. The Koons' handling of Dr. Faltas' belongings during the set out, particularly the irreplaceable ones with little monetary value but immense sentimental value, was grossly negligent or calculated to, and did, damage or destroy said items. For that they should pay punitive damages.

Nineteenth Cause of Action: Trespass and Conversion of Property

99. All other allegations of this Complaint are incorporated herein by reference.
100. In April 2009, it was discovered (and by the exercise of due diligence could not earlier have been discovered) that the service (not main) sewer lines from Buildings 300 and 304 Byron Road cross, and trespass on, the parcel. Dr. Faltas promptly wrote to Steele's lawyer offering to negotiate a reasonable easement or asking them to remove their sewer line from her parcel so she can build on it without hindrance. Steele refused to negotiate an easement and failed to reroute her service sewer line away from Dr. Faltas' parcel. Steele is thus continuing to trespass on Dr. Faltas' parcel and convert part of it to Steele's own use without Dr. Faltas' permission.

Twentieth Cause of Action: Fraud upon the Government

101. All other allegations of this Complaint are incorporated herein by reference.
102. The Koons set Dr. Faltas out from the rented house to intentionally default on its mortgage then access federal funds (meant to assist genuinely-defaulting resident owners) by *falsely* claiming the rented house as their primary residence. Their rush to do so damaged Dr. Faltas.

Twenty-First Cause of Action: Negligence and Collusion

103. All other allegations of this Complaint are incorporated herein by reference.
104. In January to March 2009, Lasalle foreclosed on *the* rented house but did not sell it. Through Dr. Faltas' efforts to intervene in the foreclosure case, Lasalle learned that Koon manufactured the default and foreclosure in order to fraudulently access federal funds meant to assist others. But Lasalle dismissed the case in collusion with Koon and negligence with federal funds.

Twenty-Second Cause of Action: Uncompensated Taking

105. All other allegations of this Complaint are incorporated herein by reference.
106. In October 2009, *the* City admitted to Dr. Faltas in writing that it does not own sewer taps located on the parcel; yet, *the* City refused to remove them from *the* parcel or compensate Dr. Faltas for the use of her land by *The* City which prevents her from building her planned house.

Twenty-Third Cause of Action: Negligent or Intentional Endangerment

107. All other allegations of this Complaint are incorporated herein by reference.
108. The Koons and Steele's and Mason's above-alleged and other acts were meant to put Dr. Faltas in risk of death or incapacitation so she does not expose their criminal enterprises. *The* City acted with reckless indifference to Dr. Faltas' needs for protection by the police.

Prayers for Relief

109. Defendant's acts alleged in this Complaint and incorporated herein by reference caused Plaintiff damages including, but not limited to, payment of excess rent and not receiving quiet enjoyment in return, spending time, money and resources to defend herself from Defendants, losing chances to advance in her useful endeavors, being lowered in the community's eyes, and suffering severe mental anguish and health effects. So, she prays this Court to order Defendants to desist from harming her or attempting it, to disclose the extent of their other torts against her, to assist her in mitigating her damages and to pay her actual, compensatory and punitive damages as the Court finds commensurate, and the costs of this action. She also prays for leave to supplement this Complaint as more information is gained, for trial by jury, and for all such other and further relief as this Court deems just and proper.
110. Plaintiff prays the Court to issue its immediate restraining order and preliminary injunction preventing Defendants Steele and Mason from harassing, threatening or abusing Dr. Faltas or her mother or invading their privacy, ordering Mason to surrender to the Court the badge he flashed to Dr. Faltas on 14 March 2009 for the Court to examine it and/or refer it to the issuing authority to determine its authenticity and the appropriateness of his having flashed it for private gain, ordering Steele to immediately negotiate an easement or reroute her sewer service lines away from *the* parcel or ordering the City to cap the taps on *the* parcel, ordering Lasalle to publicly and fairly sell *the* foreclosed-upon rented house, and ordering the City to protect Plaintiff.

Respectfully submitted on 20 November 2009, and served on counsel for all represented named defendants by hand-delivery to their respective offices.

Marie Assa'ad-Faltas, MD, MPH, Plaintiff *pro se*
 304 Byron Road, Apt. 3, Columbia, S.C. 29209
 Telephone and on-demand fax-receive only: (803) 783-4536



CITY OF COLUMBIA
INTEROFFICE MEMORANDUM

TO: The Honorable Mayor Coble and City Council **DATE:** 11/30/09

CC: Ken Gaines, City Attorney
Erika Salley, City Clerk

FROM: Steve Gantt, Interim City Manager *SAG*

RE: Richland County Solicitor's Office

During the FY 09/10 Budget process, City Council allocated \$70,000 for the continued support of a Special City Prosecutor with the Richland County Solicitor's Office. Attached is a letter from the Solicitor's office request for this year. The City has supported this position for several years with great success. I am requesting your approval for this allocation for FY 09/10. Funding is included in the General Fund Budget for this request.

If you have any questions, please let me know.

Attachment

RECEIVED

NOV 30 REC'D

CITY OF COLUMBIA
CITY CLERK

The State of South Carolina

W. Barney Giese
Solicitor

John P. Meadors
Deputy Solicitor

SOLICITOR
Fifth Judicial Circuit
Post Office Box 192
1701 Main Street
Columbia, South Carolina 29202

Phone
(803) 576-1800

Fax (803) 576-1718

November 24, 2009

Steve Gantt, Interim City Manager
City of Columbia
PO Box 147
Columbia, SC 29217
Re: Special City Prosecutor Funding

Dear Mr. Gantt:

Thank you so much for the continued support of the Special City Prosecutor position in my office. The \$70,000 you have allocated for the position helps us continue to fund a prosecutor to facilitate the positive relationship we have with the City and streamline prosecution of the cases arising there. I look forward to continuing this relationship for years to come. Please feel free to contact me or Heather Weiss, your Special City Prosecutor, if we can be of service to you.

Sincerely,

A handwritten signature in black ink, appearing to read "W.B. Giese".

Warren B. Giese

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

CITY OF COLUMBIA

Personally appeared before me, judge of this court, one Inv. A. Blanton/ H. WEISS
 who, first being duly sworn, deposes and says that (name of defendant)

Marie Assaad-Faltas

Did within this County and State on the between feb 2009 day of and nov 2009 200__
 violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

HARASSMENT 1ST (16-3-1700)

The affiant states that there is probable cause to believe that the defendant above named did
 commit the crime(s) set forth , and that such probable cause is based upon the following fact(s):

BETWEEN FEB 2009 AND NOV 2009, IN THE CITY OF COLUMBIA, COUNTY OF RICHLAND,
VICTIM DINAH STEELE MASON HAS BEEN HARASSED BY DEFENDANT. DEF HAS SHOWN A
PATTERN OF INTENTIONAL AND UNREASONABLE INTRUSION INTO THE LIFE OF DINAH
STEELE MASON BY WAY OF, BUT NOT LIMITED TO, THE FOLLOWING ACTS: FOLLOWING
VICTIM TO HER WORKPLACE, ASSAULTING VICTIM, AND BLOCKING VICTIM IN THE
PARKING LOT BY USE OF DEF. VEH. DEFENDANTS CONTINUED BEHAVIOR OF THIS TYPE IS
CAUSING UNDUE MENTAL STRESS TO VICTIM, DINAH STEELE MASON AND INTRUDING ON
HER DAY TO DAY ROUTINE.

Inv. A. Blanton

AFFIANT

ADDRESS 1 JUSTICE SQ

PHONE 545-3500

Name: Marie Assaad-Faltas Sex: F Height: 505

Address: 304 BYRON RD. APT.3 Race: W Weight: 170

Case Number: 090032758 Date of Birth: 04/04/1953

<http://sdrv.ms/10KMX41> [minute A 00:00] **Male voice:** All rise. City Bond Court is now in session. The Honorable Jean Burns now presides.

[minute A 00:06] **B.J. Burns:** Be seated please. Good afternoon. We're about to begin bond settings. The purpose of this hearing is for this Court to try to determine what a fair and reasonable bond would be for you, hmm, considering a number of things: hmm, Number One: The nature of the offense that you're charged with, your ties to this community, your employment, hmm, any criminal record you might have, that type of thing. [minute A 00:36] This is not the time to go into the facts of the case. Everything you say is being recorded. Even if you are represented by counsel, hmm, anything you say here could be used against you in a court of law. Hmm. Now we have two people in here. Everything is General Sessions?

[minute A 00:50] **Male voice:** Both.

[minute A 00:54] **B.J. Burns:** O.K. So both, hmm, defendants here are. Hmm. You're both charged with General Sessions level offenses. So this information pertains to both of you. [minute A 01:00] Your next appearance in court after today is gonna be January the 25th, 2010. That will be in the Richland County Courthouse, which is at, hmm, 1701 Main Street. It will be at nine o'clock a.m. in courtroom 3A. And this will be written down for you. [minute A 01:25] Hmm. You, hmm, this is not a roll, call by the way. That's the first appearance and they'll issue a bench warrant if you're not present. [minute A 01:30] Hmm. You have a right to a preliminary hearing. That's a constitutional right that you have when you go to this first appearance and your next order of business should be about getting a lawyer unless you already have one. [minute A 01:47] You'll be screened through the public defender's office while you're here at the jail. If you want them to represent you, that's fine. If you want to hire your own attorney that's fine. [minute A 01:55] But come January 25th you need to have a lawyer because, hmm, for one thing, you have a constitutional right to a preliminary hearing. [minute A 02:00] It's not mandatory; but, hmm, what they will do is they will present you some paperwork when you go, hmm, to the first appearance; and if you want a preliminary hearing, you simply fill it out and submit it. [minute A 02:15] If you don't want a preliminary hearing, you don't submit the paperwork. [minute A 02:20] But that's why you need a lawyer to help you make that decision as to whether you want to give up that important constitutional right. [minute A 02:25] Hmm. You have a right to a jury trial and one will be provided for you by the General Sessions court. [minute A 02:30] Hmm. In considering bonds, I'm trying to determine two things. Number one: whether I think that you might be a flight risk or whether I think that you will come back to court on your court date. [minute A 02:45] And number two: that while you're out on bond if that's the case whether I think that you would pose a danger or nuisance to the public or, hmm, to an individual in particular. [minute A 02:50] So, that's the reason I'm asking questions that I will. [minute A 02:59] This is, like I said, not the time to go into the event itself. [minute A 03:00] Hmm. You have a right to a jury trial and one will be provided for you by the General Sessions court. Hmm. [minute A 03:05] And these, like I said, these court dates and locations will be written down for you. [minute A 03:10] All right.

[minute A 03:14] **Male voice:** Marie Faltas Assa'ad

[minute A 03:24] **Female voice:** Marie Faltas

[minute A 03:40] **B.J. Burns:** All right. Hmm.

[minute A 03:44] **Male voice:** Ms. Faltas Assa'ad, this is the bond setting on charges of two counts of harassment, first degree.

[minute A 03:51] **B.J. Burns:** All right. Hmm. And Mr. Briggs, ---

[minute A 03:52] **Orin G. Briggs:** (interposing) That's right, Your Honor, ---

[minute A 03:53] **B.J. Burns:** --- you are representing ---

[minute A 03:54] **Orin G. Briggs:** (interposing) nice seeing you again.

[minute A 03:58] **B.J. Burns:** Assa'ad-Faltas? Is that how you pronounce your name?

[minute A 04:02] **Orin G. Briggs:** (interposing) Yeah. She, she will go by Faltas, Your Honor.

[minute A 04:05] **B.J. Burns:** Faltas?

[minute A 04:06] **Orin G. Briggs:** In short for we Americans who don't know all those names.

[minute A 04:08] **B.J. Burns:** Okay. And, hmm, the assistant solicitor is here.

[minute A 04:10] **Assistant Solicitor Weiss:** Yes, Your Honor, Heather Weiss from the solicitor's office.

[minute A 04:17] **B.J. Burns:** Okay. And, hmm, do we have our victims' advocate?

[minute A 04:20] **Female voice:** Yes, I'm with the victims Ms. Ingram and Ms. Mason.

[minute A 04:22] **B.J. Burns:** Are you Miss. Lowery?

[minute A 04:25] **Female voice:** Rorey.

[minute A 04:27] **B.J. Burns:** Laurie?

[minute A 04:28] **Female voice:** Rorey.

[minute A 04:22] **B.J. Burns:** Okay. We have them up here because none of us can remember anything from one second to another. Ms. Rorey. Okay. Nice to see you, meet you. Hmm. So, start again.

[minute A 04:42] **Female voice:** I'm here with the victims, Ms. Ingram and Ms. Mason.

[minute A 04:48] **B.J. Burns:** Ms. Mason? Okay. And that's Investigator.

[minute A 04:54] **Female voice:** Amanda Blanton.

[minute A 04:55] **Assistant Solicitor Weiss:** This is the husband of the victim, Your Honor.

[minute A 04:48] **B.J. Burns:** Okay. Investigator?

[minute A 04:57] **Female voice:** Blanton.

[minute A 04:48] **B.J. Burns:** Blanton. Okay.

<http://sdrv.ms/10KMX41> [minute B 00:02] **B.J. Burns:** All right, Solicitor?

[minute B 00:03] **Female voice:** Thank you, Your Honor.

[minute B 00:04] **B.J. Burns:** Or Miss. Rorey, which ever wants to go first.

[minute B 00:05] **Assistant Solicitor Weiss:** Hmm, on behalf of the state, I would like to go first. Hmm. [minute B 00:09] I'm just here, hmm, for the two harassment charges, Your Honor. [minute B 00:13] The victims are in this case is that, hmm, Ms. Faltas is still, is here on a green card, is still a resident of Egypt, I believe. She could be a flight risk. [minute B 00:23] I'd like to put that on the record, hmm, as well as the fact, Your Honor, we would like to request that Your Honor, hmm, order her to receive a mental health evaluation before a bond is set. [minute B 00:35] I think she is a threat to the community and we will hear from the victims. They are the community, the victims are the residents of the location she lived in. Hmm. [minute B 00:43] These are two charges that are allegations from many different people; but there were two that the City of Columbia felt they're enough to go forward on these two charges, the two charges of harassment. Hmm. [minute B 00:58] So, we would ask for mental health evaluation as well as to tell her to stay from the community based on these allegations and numerous allegations against her for harassment, threats, following them around. She doesn't live in the same complex on Byron Road. There have been eviction, hmm, proceedings which are on appeal right now; and so ---

[minute B 01:18] **B.J. Burns:** (interposing) What proceedings?

[minute B 01:19] **Assistant Solicitor Weiss:** Eviction, hmm, which are on appeal by Ms. Faltas. She was ordered evicted by magistrate's court. She appealed that and the eviction has been stayed simply by the appeal. So, she is currently living there. I don't know how Your Honor would choose to try to protect the community as well as set an appropriate bond for Ms. Faltas. I just wanted to make you aware of that.

[minute B 01:27] **B.J. Burns:** She was ordered not to, not to go back to that residence?

[minute B 01:28] **Assistant Solicitor Weiss:** She was ordered evicted; but that eviction was stayed for residential purposes. So, she was still living in that residence; and all of the victims, hmm ---

[minute B 01:32] **B.J. Burns:** That was not a condition of her former bond, that she move, that she leave.

[minute B 01:33] **Assistant Solicitor Weiss:** Hmm, part, she did not have a former bond.

[minute B 01:50] **B.J. Burns:** Okay. All right.

[minute B 01:57] **Assistant Solicitor Weiss:** This is her, these are her first criminal charges, Your Honor.

[minute B 02:02] **B.J. Burns:** Okay. Hmm. And insofar as the harassment is concerned, I'm assuming you checked the law on that. I know that stalking is a GSC, harassment first ---

[minute B 02:12] **Assistant Solicitor Weiss:** (interposing) Harassment is GSC, harassment in the first degree, Your Honor, that's GSC as well.

[minute B 02:18] **B.J. Burns:** All right. All right, hmm, and the, hmm, Ingram?

[minute B 02:23] **Female voice:** Yes.

[minute B 02:25] **B.J. Burns:** Okay. Tell me, hmm, what, what you know about this, since you're one of the alleged victims.

[minute B 02:29] **T.F. Ingram-Jackson:** Well, hmm, since the beginning of, of August, she harassed myself. Hmm, we are in the same complex.

[minute B 02:43] **B.J. Burns:** What do you mean by that? What? Tell me in your own words what that means.

[minute B 02:44] **T.F. Ingram-Jackson:** Okay. The nonstop taking pictures, hmm, the blocking me with her vehicle physically to, hmm, to be able to take pictures, hmm, she sits downstairs in waiting till I come outside and then she would take the pictures and, hmm, she threw rocks at me, hmm, I believe it was a month or two ago actually.

[minute B 03:04] **B.J. Burns:** Is this out of the clear blue or did, was there some previous issues?

[minute B 03:08] **T.F. Ingram-Jackson:** It's just out of the blue, hmm, in all honesty I think it started back when she asked

me to testify against the landlord and the landlady about issues that she was having. At that time I told her I did not want to get involved with that. I have been living out here for quite a bit of time and I have not had any problems. So, I told her I did not want to get involved with that. And almost immediately, hmm, she started the pictures when my family members come, my friends come. It's nonstop. And even after the restraining order has been, hmm, issued, hmm ---

[minute B 03:44] **B.J. Burns:** (interposing). You took out a restraining order?

[minute B 03:45] **T.F. Ingram-Jackson:** Yes, Your Honor, uh-huh. She, she has these little threats that she just stands out. If you just happen to be outside at the very same moment, this is after the restraining order, it's just she ---

[minute B 03:57] **B.J. Burns:** (interposing). Now, what does the restraining order require her to do? Stay within a thousand feet away?

[minute B 04:01] **T.F. Ingram-Jackson:** No, hmm, photographs.

[minute B 04:07] **B.J. Burns:** (interposing). No photographs?

[minute B 04:10] **T.F. Ingram-Jackson:** Correct and no harassment.

[minute B 04:13] **B.J. Burns:** And how long ago was this, hmm, restraining order issued?

[minute B 04:23] **T.F. Ingram-Jackson:** The tenth of, hmm, the 10th of November. 10 November.

[minute B 04:27] **B.J. Burns:** 10th of November. Okay. And this incident occurred when, these harassments?

[minute B 04:29] **T.F. Ingram-Jackson:** Since, hmm ---

[minute B 04:32] **B.J. Burns:** I don't have a copy of the warrant. Is there ---

[minute B 04:34] **Male voice:** Your Honor, it might be ---

[minute B 04:38] **B.J. Burns:** I do. I do. All right. This says "since February the 1st, 09, through 11/30 09.

[minute B 04:47] **T.F. Ingram-Jackson:** Exactly, yes, ma'am, hmm, she calls the police, hmm ---

[minute B 04:51] **B.J. Burns:** And so, when you got the, hmm, restraining order what day, you said?

[minute B 04:53] **T.F. Ingram-Jackson:** On the tenth of November.

[minute B 04:54] **B.J. Burns:** Okay.

<http://sdrv.ms/10KMX41> [minute C 00:04] **B.J. Burns:** All right. Okay. Ms. Mason? Is that all you wanted to say?

[minute C 00:05] **T.F. Ingram-Jackson:** I just know that she poses to be the landlady. [minute C 00:14] I have relatives that come from out of town and, hmm, she actually turns them around. [minute C 00:30] Hmm, she has followed me and my friend for several miles, hmm, for no apparent reason. [minute C 00:25] It's pretty much obvious what this is. I just feel threatened by her. [minute C 00:30] In fact I'm not sure if it's actually mental or anything else. [minute C 00:33] But it's nonstop harassment.

[minute C 00:40] **B.J. Burns:** All right, thank you. Ms. Mason?

[minute C 00:38] **Dinah Gail Steele:** My husband and I own the building. I don't actually live there. Hmm. [minute C 00:42] But, hmm, the harassment started basically immediately from the time she signed the lease; and, hmm, but ---

[minute C 00:52] **B.J. Burns:** And this property is located where?

[minute C 00:53] **Dinah Gail Steele:** At, hmm, three-o, 300 and 304 Byron Road. It's right near, across the street from the, hmm, VA Hospital. [minute C 01:03] And, hmm, we've been getting complaints from other tenants about her conduct in the parking lot, hmm, but after we gave her the, hmm, eviction notice it just escalated, hmm. [minute C 01:16] I've been stalked at my home, my residence, at my place of work. Hmm. [minute C 01:19] When we enter the property, I mean ---

[minute C 01:24] **B.J. Burns:** (interposing) By stalking you, describe that in your own words.

[minute C 01:23] **Dinah Gail Steele:** Hmm, I've seen her vehicle out, out at, in, on my property, pulling out of my parking, my driveway. [minute C 01:28] I've also seen her across the street at the gas station. Hmm.

[minute C 01:37] **B.J. Burns:** And this is nowhere near this building?

[minute C 01:40] **Dinah Gail Steele:** No. This is at my residence. [minute C 01:46] Hmm, at my place of work. I've seen her driving through my parking lot. [minute C 01:48] Hmm. Then, when we go on to the property, we're harassed the entire time we're doing any kind of maintenance. [minute C 01:55] She has called the police on us almost every time we have cut the grass. [minute C 01:58] **Something about cutting the grass pisses this woman off.** [minute C 02:03] Hmm, we got to the point where the police were coming up to us and they were just saying, you know, Ms. Mason, you're cutting the grass again. [minute C 02:10] You know. They, they just knew. [minute C 02:13] You know. [minute C 02:14] They showed up; they saw the lawn equipment. [minute C 02:16] Anything she's taking photographs of us, just harassing us. [minute C 02:21] What are you doing? Why are you doing that? Who is that? Who is that contractor over here? Why is this going on? It's none of your business. Leave us alone. [minute C 02:30] I don't like what

you're doing. [minute C 02:35] And then I said we started getting complaints that she was, hmm, hmm, addressing herself as if she was the landlord or the owner and she was ejecting people from the parking lot. [minute C 02:43] So we ended up giving her a do not trespass onto the 300 building. [minute C 02:47] She lives in the 304 building. [minute C 02:48] The buildings are right side by side. [minute C 02:50] That was the only way I could protect the people in the next building since I couldn't do anything about her being there. [minute C 02:57] The law is allowing her to stay there during her appeal. [minute C 03:07] So, at least I tried to protect the people over to the next building. [minute C 03:08] That didn't seem to work at all. [minute C 03:09] She was detaining them with her vehicle, blocking them in. [minute C 03:10] I mean you can even imagine: these people were getting, getting out of their apartment, getting into their car to go to work in the morning and she's pulling her car directly behind them preventing them from leaving. And then ---

[minute C 03:18] **B.J. Burns:** Did she even know them?

[minute C 03:20] **Dinah Gail Steele:** Yes, she knows them. [minute C 03:21] Everybody's lived there for years, you know. [minute C 03:26] Hmm, and any, anyway, you can imagine how it would escalate when, you know, they sit there and wait and they look in the rear-view mirror and, you know, she doesn't move, and then they finally get out of the car. [minute C 03:37] And you can see where this would escalate, and she's still not moving. [minute C 03:40] So, and this happened repeatedly. [minute C 03:41] Hmm, I was assaulted on the property on September 11 late in the evening about seven o'clock. [minute C 03:51] I was working on the 300 Building. [minute C 03:52] She trespassed on to that property in order to get to me, and she was trying to serve me with a paper saying that I could not, we were doing inspections of the apartments, like for, inspections for the fire, hmm, extinguishers, filters, leaks under the sinks, those kinds of yearly inspections. [minute C 04:06] And she was trying to give me a paper saying that I wasn't allowed in her apartment. [minute C 04:12] And, you know, like I said, she's already had a lot of problems. [minute C 04:14] I didn't want any contact with her. [minute C 04:20] You know, I put my hands up and I said: You know, Marie, you need to send any paper that you got to the attorney and I started backing up because the buildings are so close together you can't get around each other. [minute C 04:33] It's too narrow. [minute C 04:34] I started backing up so I didn't have any contact with her. [minute C 04:37] But she slammed me three times in the chest with that paper in her hand. [minute C 04:38] I've got witnesses to that. [minute C 04:39] Hmm, then we called the police and they, they made a complaint. [minute C 04:43] But the harassment and the stalking didn't ---

[minute C 04:48] **B.J. Burns:** (interposing) [] Is that still pending?

[minute C 04:47] **Dinah Gail Steele:** Yes, ma'am.

[minute C 04:48] **B.J. Burns:** What's that still pending?

[minute C 04:53] **Dinah Gail Steele:** Simple assaulting.

[minute C 04:56] **B.J. Burns:** And that happened in September?

[minute C 04:55] **Dinah Gail Steele:** September 11th.

[minute C 04:56] **B.J. Burns:** I'm assuming that means there's been

<http://sdrv.ms/10KMX41> [minute D 00:06] **B.J. Burns:** she's requested a jury trial. Correct?

[minute D 00:04] **B.J. Burns:** And what is your bond on that?

[minute D 00:06] **Dr. Assa'ad-Faltas:** There was no bond

[minute D 00:08] **B.J. Burns:** It was summoned back to court?

[minute D 00:10] **Dr. Assa'ad-Faltas:** I'm sorry, ---

[minute D 00:16] **B.J. Burns:** (interposing) Do you know, Mr. Briggs, if she was summoned back to court?

[minute D 00:17] **Orin G. Briggs:** I was not involved in that aspect but if she says that she didn't; if she said it was a PR bond, it would be, Your Honor. She wouldn't fib about that.

[minute D 00:22] **Dr. Assa'ad-Faltas:** May I say something, Your Honor?

[minute D 00:24] **B.J. Burns:** I just want to know that one thing, what was, what is your bond?

[minute D 00:27] **Dr. Assa'ad-Faltas:** On a courtesy summons there is none because a courtesy summons ---

[minute D 00:30] **B.J. Burns:** (interposing) All right. That's all I need to know.

[minute D 00:32] **Dr. Assa'ad-Faltas:** There was no bond

[minute D 00:33] **B.J. Burns:** All right. Got it.

[minute D 00:35] **Dinah Gail Steele:** We now have a total of four restraining orders against her, Your Honor: myself, my husband, and Teresa Ingram's, and Charlene Crouch. [minute D 00:46] Hmm, if we can at least, these things have escalated to assaults and, hmm, you know, I mean, it's, it's just like continuously getting worse. [minute D 00:57] And we, we are fearful.

[minute D 00:58] **B.J. Burns:** All right.

[minute D 00:59] **Dinah Gail Steele:** **We're very fearful. What will be the next step?**

[minute D 01:02] **B.J. Burns:** All right. Have you been informed of when, hmm, have you gotten a letter yet about the jury trial on the simple assault?

[minute D 01:09] **Dinah Gail Steele:** No, Your Honor.

[minute D 01:10] **B.J. Burns:** When it's coming up, were you at the bond setting for that?

[minute D 01:12] **Dinah Gail Steele:** Hmm. There was none. They didn't set up a bond for her on that.

[minute D 01:16] **B.J. Burns:** On a simple assault charges, they set a bond; they might have set a, a summons ---

[minute D 01:22] **Dinah Gail Steele:** (interposing) **She just automatically, hmm, went for a jury trial and, hmm, then just said --**

[minute D 01:26] **B.J. Burns:** Oh, a jury trial?

[minute D 01:28] **Dinah Gail Steele:** Yes, Your Honor.

[minute D 01:32] **B.J. Burns:** Okay, a jury trial? She wasn't booked in.

[minute D 01:29] **Dinah Gail Steele:** And we just left the courthouse.

[minute D 01:35] **B.J. Burns:** All right. It just hasn't come up yet?

[minute D 01:36] **Dinah Gail Steele:** No, ma'am.

[minute D 01:37] **B.J. Burns:** Okay

[minute D 01:38] **Assistant Solicitor Weiss:** And, your Honor, hmm, I would say considering these charges, it's certainly all encompassed in these charges as well. **So, as a solicitor, I've become wary of trying the individual charges that ended up underlying whether the City has cause for the harassment charges, Your Honor.**

[minute D 01:55] **B.J. Burns:** Well, if, if the case had been that a PR bond had been set on the simple assault, hmm, if I found that she had violated the conditions of that bond, then I would reset that bond or revoke that bond. [minute D 02:08] Hmm, is that what you're saying: let's don't, let's don't worry about this now?

[minute D 02:12] **Assistant Solicitor Weiss:** No, your Honor. As far as, as far as bond, I think, my understanding is ---

[minute D 02:16] **B.J. Burns:** (interposing) If it's a courtesy summons

[minute D 02:10] **Assistant Solicitor Weiss:** [indecipherable] the trial date, on those ---

[minute D 02:19] **B.J. Burns:** Okay. I just, I just wanted to know: had it been adjudicated, hmm, because I don't have.

[minute D 02:29] **Dr. Assa'ad-Faltas:** Actually, Your Honor, ---

[minute D 02:31] **B.J. Burns:** (interposing) No, ma'am. When I, when I, I am going to give you a chance to say something. [minute D 02:38] But I don't want you to say anything that's gonna ---

[minute D 02:40] **Dinah Gail Steele:** (interposing) She, she's also been notified like twenty times with certified letters, hmm, notifying her that, you know, we know that she is stalking and harassing these people, hmm, notified by certified mail over twenty times. [minute D 03:02] So, it wasn't like, you know, this is a big shock to her. This is like.

[minute D 03:11] **B.J. Burns:** Now, Solicitor, do you have any other criminal record more than what I have here maybe?

[minute D 03:18] **Assistant Solicitor Weiss:** No, Your Honor.

[minute D 03:21] **B.J. Burns:** Just a shoplifting in 2003?

[minute D 03:23] **Dr. Assa'ad-Faltas:** Actually, Your Honor, ---

[minute D 03:24] **Orin G. Briggs:** Your Honor, other than that one time she was charged with shoplifting, no. That was completely reversed, no longer exists.

[minute D 03:31] **B.J. Burns:** Okay. All right. Any other conviction that you know about?

[minute D 03:34] **Orin G. Briggs:** No.

[minute D 03:37] **B.J. Burns:** Okay. All right. Hmm, Investigator, would like to add something to this?

[minute D 03:41] **Amanda Star Blanton:** No, Your Honor.

[minute D 03:43] **B.J. Burns:** All right. Hmm. Mr. Briggs, hmm, let me hear from Mr. Briggs.

[minute D 03:50] **Dr. Assa'ad-Faltas:** Actually, Your Honor, ---

[minute D 03:51] **B.J. Burns:** (interposing) I want to hear from Mr. Briggs.

[minute D 03:52] **Orin G. Briggs:** May I ask her one question, Your Honor?

[minute D 03:53] **B.J. Burns:** Sure.

[minute D 03:52] **Orin G. Briggs:** Yes, she would want to talk to you. So, I ask you to let her.

[minute D 04:02] **Dr. Assa'ad-Faltas:** It never happened. It never happened. She ---

[minute D 04:05] **Orin G. Briggs:** All right. Okay, I understand.

[minute D 04:07] **Dr. Assa'ad-Faltas:** She was the one who threw rocks at me ---

[minute D 04:10] **Orin G. Briggs:** Okay, okay. (scolding) Wait.

[minute D 04:18] **B.J. Burns:** All right, Mr. Briggs.

[minute D 04:20] **Orin G. Briggs:** Your Honor, I have known Dr. Faltas in excess of fifteen years. Hmm, I worked with her on some legal issues. Some things she has done herself. And some four years ago, she, we did get her status adjusted to that of permanent resident. So, when she is here another year, she will be eligible for, for, hmm, citizenship, Your Honor. Doctor ---

[minute D 04:49] **B.J. Burns:** (interposing) All right. Well, the immigration is not an issue.

[minute D 04:51] **Orin G. Briggs:** I know. But, but, you need to know a little bit about her, Your Honor, if I could. Hmm. She is a medical doctor licensed to practice in the State of Virginia.

<http://sdrv.ms/10KMX41> [minute E 00:01] She has two sisters that are prominent eye surgeons in Cleveland, Ohio. [minute E 00:09] And both her brothers-in law are doctors, Your Honor. [minute E 00:12] But because of jobs and other things, she ended up down here; and she has chosen to live down here. [minute E 00:27] And she doesn't go to Ohio more than once a year, Your Honor.

[minute E 00:34] **B.J. Burns:** What brought her to South Carolina?

[minute E 00:38] **Orin G. Briggs:** She actually was on the medical staff at the medical university at USC.

[minute E 00:34] **B.J. Burns:** And what happened with that?

[minute E 00:36] **Orin G. Briggs:** Hmm.

[minute E 00:40] **B.J. Burns:** Was she terminated?

[minute E 00:36] **Orin G. Briggs:** Disagreements over things that I think were essentially political; and, so, they decided to fire her and she went through all that process, Your Honor.

[minute E 00:50] **B.J. Burns:** But she was not acting, she was not practicing as a physician since she was not licensed in this state?

[minute E 00:56] **Orin G. Briggs:** That's correct. She was just teaching.

[minute E 00:58] **Dr. Assa'ad-Faltas:** **No, no, no. When I worked here, I was licensed.**

[minute E 01:02] **B.J. Burns:** So there was termination in that job. And have you been employed since?

[minute E 01:05] **Dr. Assa'ad-Faltas:** Are you talking to me, Your Honor?

[minute E 01:08] **B.J. Burns:** Yes, yes.

[minute E 01:09] **Dr. Assa'ad-Faltas:** Yes, Your Honor, I was ---

[minute E 01:12] **B.J. Burns:** (interposing) What, first ---

[minute E 01:12] **Orin G. Briggs:** (interposing) First, answer the question, Marie.

[minute E 01:14] **B.J. Burns:** First, what year was that that your were terminated with this, with this medical school?

[minute E 01:09] **Dr. Assa'ad-Faltas:** 1993.

[minute E 01:14] **B.J. Burns:** 1993?

[minute E 01:27] **Dr. Assa'ad-Faltas:** Yes.

[minute E 01:28] **B.J. Burns:** And how long had you been in South Carolina by 1993?

[minute E 01:23] **Dr. Assa'ad-Faltas:** About two years.

[minute E 01:30] **B.J. Burns:** Two years, okay. And that's what brought you to Columbia.

[minute E 01:32] **Dr. Assa'ad-Faltas:** Yes, Your Honor.

[minute E 01:32] **B.J. Burns:** All right. And now, hmm, have you not, my other question is: have you been employed since that time?

[minute E 01:43] **Dr. Assa'ad-Faltas:** Self-employed on my own inventions. And recently I applied for a patent on my solar energy and flood plain building inventions. I, the patent itself takes about four years. But I was granted a priority filing date on the plans ---

[minute E 02:09] **B.J. Burns:** All right. So, you're self-employed and you're an inventor.

[minute E 02:12] **Dr. Assa'ad-Faltas:** Yes, Your Honor, ---

[minute E 02:13] **B.J. Burns:** (interposing) Okay.

[minute E 02:14] **Dr. Assa'ad-Faltas:** --- in addition to being medical doctor and I'm also a biostatistician. I hold, not only an MD degree, but also an MPH degree and ---

[minute E 02:26] **B.J. Burns:** (interposing) Okay. I understand. You're very well degreed and qualified.

[minute E 02:27] **Dr. Assa'ad-Faltas:** --- and ---

[minute E 02:28] **B.J. Burns:** (interposing) I just want to know how you're actually supporting yourself.

[minute E 02:32] **Dr. Assa'ad-Faltas:** My family supports me.

[minute E 02:33] **B.J. Burns:** Okay, and hmm.

[minute E 02:34] **Dr. Assa'ad-Faltas:** And ---

[minute E 02:35] **B.J. Burns:** (interposing) Now, wait. Hmm. So, right now, hmm, your residence is on Byron Road,

Apartment 3. But there is a, a motion or a, hmm, pleading, pleadings have been filed for eviction.

[minute E 02:51] **Assistant Solicitor Weiss:** Your Honor. The magistrate did grant the eviction and she appealed it.

[minute E 02:55] **B.J. Burns:** She appealed it. Okay. And do you know where that appeal is now, Mr. Briggs? Is it in General Sessions or it's gone up to the Court of Appeals?

[minute E 03:02] **Dr. Assa'ad-Faltas:** May I answer, Your Honor?

[minute E 03:05] **B.J. Burns:** Yeah, please.

[minute E 03:06] **Dr. Assa'ad-Faltas:** It's in the circuit court.

[minute E 03:05] **B.J. Burns:** Okay

[minute E 03:06] **Dr. Assa'ad-Faltas:** It has not yet been scheduled.

[minute E 03:07] **B.J. Burns:** That's not been heard yet by a circuit court judge.

[minute E 03:11] **Dr. Assa'ad-Faltas:** The answer is no, Your Honor.

[minute E 03:12] **B.J. Burns:** Okay. All right. So, Mr. Briggs, is there anything else you wanted to tell me?

[minute E 03:18] **Orin G. Briggs:** Yes, Your Honor. I'd like to tell you just a couple of other things.

[minute E 03:20] **B.J. Burns:** Besides the shoplifting and the ---

[minute E 03:21] **Dr. Assa'ad-Faltas:** (interposing) Your Honor, there was no shoplifting.

[minute E 03:22] **B.J. Burns:** That was, that was nolle prossed.

[minute E 03:24] **Orin G. Briggs:** She understands that.

[minute E 03:27] **Dr. Assa'ad-Faltas:** No, it wasn't nolle prossed. I, Let me tell you ---

[minute E 03:28] **B.J. Burns:** (interposing) No, I don't care. In other words it's no longer pending and you don't have a conviction. That's all that matters.

[minute E 03:34] **Orin G. Briggs:** Your Honor, there was a disagreement. It was completely reversed by the Court of Appeals. And then it was pulled and reheard by the trial judge. And he threw it out completely because of false testimony.

[minute E 03:44] **B.J. Burns:** Okay. That's all I want to know. Okay.

[minute E 03:53] **Orin G. Briggs:** Your Honor, obviously the, the assistant solicitor doesn't know Dr. Faltas. So, just a couple of things I've observed. Hmm. She tells me that the alleged throwing of the rocks is just a total fabrication. Of course, this Court is not interested in the merits of the case at this bond hearing. And of course, she has not been charged with, with stalking. So, any reference to stalking is, is a waste of time. Hmm. The only, the only discussion we've had so far that could have possibly been harassment as defined in the statute, Your Honor, which is, as you know, a really assault.

[minute E 04:30] **B.J. Burns:** I am very familiar with the harassment statute and the stalking statute.

[minute E 04:36] **Orin G. Briggs:** My, my computer is on the blink or I would have brought it with me. But I know what it says, too. Okay? Hmm. I'm not sure that an attempt to serve some papers and touching the person with the papers is really an assault. But that could be interpreted as assault. I understand that, Your Honor. Okay? And if that's assault, then that could fit into the definition of harassment, Your Honor. <http://sdrv.ms/10KMX41> [minute F 00:03] The point is that all of these other words are protected speech, Your Honor. And I could give an illustration, I know the Court ---

[minute F 00:11] **B.J. Burns:** (interposing) Let me stop you there, hmm, hmm, parking, hmm, blocking a person in the parking lot from being able to, to go to work, blocking their car with her car, I'm assuming it's with her car, how is that protected speech?

[minute F 00:29] **Dr. Assa'ad-Faltas:** Mr. Briggs ---

[minute F 00:30] **Orin G. Briggs:** Your Honor ---

[minute F 00:31] **Dr. Assa'ad-Faltas:** Mr. Briggs ---

[minute F 00:32] **B.J. Burns:** (interposing and scolding) I do not want to hear anything from you until I ask you for it. Mr. Briggs.

[minute F 00:37] **Orin G. Briggs:** Your Honor, let me give you an illustration

[minute F 00:32] **B.J. Burns:** (interposing) Well answer that.

[minute F 00:47] **Orin G. Briggs:** I will; but I want to do it this way. I know the Court understands the distinction between a verbal interference with an arrest, Your Honor, and actually physical interference with arrest, which is a crime. I ---

[minute F 00:57] **B.J. Burns:** (interposing) Arrest? We're not talking about arrest.

[minute F 00:59] **Orin G. Briggs:** But it's the same basic thing, Your Honor. Most words and actions themselves that do not constitute an assault are protected speech, whether it's commercial, whether it's yelling too loud, whether it's calling people names, whether it's calling police names or cursing police, all of that stuff is protected speech, Your Honor. And, hmm ---

[minute F 01:22] **B.J. Burns:** (interposing) Protected by what? The First Amendment?

[minute F 01:27] **Orin G. Briggs:** The First Amendment, yes, Your Honor.

[minute F 01:28] **B.J. Burns:** Okay. All right.

[minute F 01:27] **Orin G. Briggs:** Now, the point I'm, the point ---

[minute F 01:28] **B.J. Burns:** (interposing) Calling people names and talking too loudly is all protected by the First Amendment?

[minute F 01:39] **Orin G. Briggs:** I'm trying to make a simple point, Your Honor.

[minute F 01:42] **B.J. Burns:** Go ahead.

[minute F 01:44] **Orin G. Briggs:** I have known Dr. Faltas for fifteen years, Your Honor. We have had heated arguments. But in all those times, she never threatened me physically. This lady wouldn't hurt a flea. She would hurt herself before she hurt anybody else physically, Your Honor. She's incapable of doing that. Now, she has problems. She sees things in different ways. She thinks her way is the only way of doing things and all that bit. But she is in, in my opinion, incapable of physically harming anybody. So, this is a my, I'm arguing that this is a minor quote alleged assault, alleged harassment. And I would like to propose a bond which will fully protect the Court, Your Honor. Again, I talked to one of her sisters this morning. They would buy her a home so she wouldn't have to deal with landlords if she would find one. That was reiterated [sic] with me today. That family has plenty of money, Your Honor. So, if the Court saw fit to, to, to use a PR bond but put a substantial figure on the payment of that if she doesn't show up at trial. Her family is capable of paying ---

[minute F 03:08] **B.J. Burns:** (interposing) Well, you know, part of the condition of my bond, whatever it is, would be that she needs to cease and desist from, from going back to this particular apartment. I can do that as a condition of the bond. I do it every day. Now, eviction notice aside, the trouble is stemming from this, this, hmm, 304 Byron Road, Apartment 3, and, hmm, I've got lay witnesses here; I've got investigators; I've got the solicitor and the victims' advocate and people who are concerned enough to actually come and attend the bond setting. So, that is going to be a condition of your bond. If your family want to buy you a house, then they can surely get you a motel, motel or hotel room from now until your court date.

[minute F 03:53] **Dr. Assa'ad-Faltas:** Your Honor, I need to say something ---

[minute F 03:54] **B.J. Burns:** (interposing and scolding) I am not here to argue with you. What I am going to do is, hmm, I am going to order a mental health, hmm, evaluation from, we have that person in house here, BJ Preston. She's very good. She's from the Columbia Area Mental Health. Hmm. And so, after that is completed, hmm, then you will have, after posing, after the mental health evaluation is completed, then the bond would go into effect, because you will be here when you're evaluated.

[minute F 04:35] **Dr. Assa'ad-Faltas:** Your Honor, ---

[minute F 04:36] **B.J. Burns:** (interposing) And that may take a day. If you would quit interrupting me, I would appreciate it.

[minute F 04:41] **Orin G. Briggs:** In just a minute, I'm gonna ask her to let you talk.

[minute F 04:42] **B.J. Burns:** Okay.

[minute F 04:43] **Orin G. Briggs:** (scolding) Just wait. You're impossible.

[minute F 04:45] **B.J. Burns:** Let me just tell you, Mr. Briggs, I respect you, I've known you forever. But I am not going to argue with any defendant about my bond.

[minute F 04:55] **Orin G. Briggs:** I understand that, Your Honor.

[minute F 04:57] **B.J. Burns:** And, hmm, so

<http://sdrv.ms/10KMX41> [minute G 00:01] **Orin G. Briggs:** Your Honor, could I just raise one question?

[minute G 00:02] **B.J. Burns:** Yes, sir.

[minute G 00:03] **Orin G. Briggs:** I don't think there has been any testimony that justifies a mental health hearing. And I would just file an immediate appeal on that matter. Hmm. I just, I just don't think it's warranted. I don't have any problem with the court, by giving her two or three hours to go into the apartment, which, for instance, the police wouldn't give me one of her credit cards, Your Honor, so she has no, no money. She does not have her, her purse; and so, she at least needs to go in there under police escort and get some personal items ---

[minute G 00:35] **B.J. Burns:** (interposing) Okay, my, let me,

[minute G 00:36] **Orin G. Briggs:** (interposing) I have no problem ---

[minute G 00:37] **B.J. Burns:** (interposing) Okay, let me, ---

[minute G 00:39] **Orin G. Briggs:** Yes, sir.

[minute G 00:40] **B.J. Burns:** Let me tell why I'm ordering and you can appeal it. What I've heard here, hmm, is rather bizarre behavior, certainly not characteristic of as an educated woman as she is, hmm, and credentialed as she is. It's just downright bizarre. Taking pictures of people and posing as the manager and blocking people's car. I mean that's not something that you would expect, hmm, a Ph. D. or medical doctor, hmm, hmm, what else you said you were?

[minute G 01:11] **Dr. Assa'ad-Faltas:** May, may I speak now?

[minute G 01:12] **Orin G. Briggs:** Your Honor ---

[minute G 01:14] **B.J. Burns:** (interposing) The other credentials that you have. So, I am gonna order that, just to find out so "she doesn't see things the way others see it." Hmm, I don't know if that, I don't know if that's talk, you're talking about schizophrenia or borderline personality disorder or maybe some form of bipolar. I don't know, hmm, but that's; I'm not a professional in that field and that's why I'm gonna order the, hmm, the evaluation. [minute G 01:41] Now, would like to say something?

[minute G 01:43] **Dr. Assa'ad-Faltas:** Your Honor, this has begun when I discovered that they were charging me for identical apartments, for identical apartment about 30% more than the other tenants. And then, Mother and I ---

[minute G 02:03] **B.J. Burns:** (interposing) Did you sign a lease?

[minute G 02:06] **Dr. Assa'ad-Faltas:** Yes, Your Honor, ---

[minute G 02:07] **B.J. Burns:** (interposing) Was that made clear to you how much the rent was going to be?

[minute G 02:10] **Dr. Assa'ad-Faltas:** At that time I didn't know what the other tenants were paying for identical apartments.

[minute G 02:13] **B.J. Burns:** (interposing) Well, regardless of that; but in other words you were made aware of what the rent was going to be, what the deposit would be.

[minute G 02:20] **Dr. Assa'ad-Faltas:** Yes, yes, ---

[minute G 02:23] **B.J. Burns:** (interposing) Okay.

[minute G 02:24] **Dr. Assa'ad-Faltas:** Yes, but that doesn't prevent a discrimination claim. And then, after that, Mother and I ---

[minute G 02:29] **B.J. Burns:** (interposing) Are you sure they just didn't go up on their rates?

[minute G 02:34] **Dr. Assa'ad-Faltas:** I am, I am sure and what's more important, Your Honor, is that there is a civil lawsuit pending by me against them.

B.J. Burns: (interposing and scolding) a fact to be determined by a jury or a judge who is sitting hearing the case. I'm not going to listen to that during the bond setting. It doesn't matter to me. What I am concerned about is, hmm, not so much whether you're a flight risk. I mean: you know, you have family in the United States. Hmm. In fact, I've seen you. I don't really know you. You've never been before me. But I've seen you at the City courthouse.

[minute G 04:18] **Dr. Assa'ad-Faltas:** May I say ---

[minute G 04:21] **B.J. Burns:** (interposing) I don't know if you just observe or what, what you do there.

[minute G 04:22] **Dr. Assa'ad-Faltas:** May I say why Your Honor?

[minute G 04:23] **B.J. Burns:** Hmm.

[minute G 04:24] **Dr. Assa'ad-Faltas:** I need to tell why.

[minute G 04:25] **B.J. Burns:** All right. Go on.

[minute G 04:26] **Dr. Assa'ad-Faltas:** Previously, ---

[minute G 04:26] **B.J. Burns:** (interposing) Do you have business with the court?

[minute G 04:29] **Dr. Assa'ad-Faltas:** Absolutely, do you think I just go there to ---

[minute G 04:31] **B.J. Burns:** (interposing) No, I said that I don't know.

[minute G 04:34] **Dr. Assa'ad-Faltas:** I'll tell you, I'll tell you, I'll tell you exactly what happened.

[minute G 04:37] **B.J. Burns:** (interposing) No, I don't want to go into ---

[minute G 04:39] **Dr. Assa'ad-Faltas:** (interposing) Okay, I was charged with front-yard parking, which is supposed to be a criminal ordinance in the City of Columbia, parking in the front yard of a house I rented before -
--

[minute G 04:51] **B.J. Burns:** (interposing) Okay. All right. If that's the only reason you were up in court, then I'm going to consider it. I wasn't going to consider it before. I was just saying that I don't

<http://sdrv.ms/10KMX41>

[minute H 00:00] **B.J. Burns:** I don't know you personally. But I've seen you, hmm, ---

[minute H 00:01] **Dr. Assa'ad-Faltas:** (interposing) Yeah, in fact Your Honor dismissed ---

[minute H 00:02] **B.J. Burns:** --- in the courthouse.

[minute H 00:03] **Dr. Assa'ad-Faltas:** --- dismissed it because ---

[minute H 00:07] **B.J. Burns:** (interposing) What I'm going to do is this, hmm, I'm ---

[minute H 00:09] **Dr. Assa'ad-Faltas:** (interposing) Your Honor, ---

[minute H 00:10] **B.J. Burns:** I am going to set your bond now; and I would like you to be quiet while I'm doing that, because this, this reporter [sic] can't, or a court reporter can't, hmm, can't understand when two people are talking at one time. Hmm. I think that you are, hmm, like I said, not a flight risk; but that you are, hmm, you would, you could be a danger to the community because I've already got this many people up here now. And I don't, that doesn't, it's not my business what goes on in the civil court, hmm, but my business is the two charges in from of me. And also that I think that, hmm, I very, hmm, emphatically, hmm, agree with the solicitor that you need a, hmm, mental health evaluation. So, what I'm gonna do is I'm gonna order the mental health evaluation, hmm, that should be, I don't know what Ms. Preston's schedule is. It doesn't take more than a day, does it?

[minute H 01:10] **unknown voice:** (undecipherable) Monday to Friday, nine to five.

[minute H 01:18] **B.J. Burns:** Monday through Friday, nine to five? Okay. I'm ordering the evaluation by, hmm, B.J. Preston from the Columbia Area Mental Health, hmm, so that will be done here. And once that is completed, then I'm going to, hmm, to set, hmm, the bond on these charges at [sighs] twenty thousand dollars each. I'm gonna allow you to post 10% of that with the court. So, that's two thousand dollars on each count. Now, the other condition of your bond is that you are not to go back to Byron Road Apartment 3 unless you have police escort in order to get your things that you will need temporarily until these matters have been, hmm, adjudicated.

[minute H 02:12] **Dr. Assa'ad-Faltas:** May I ask you ---

[minute H 02:13] **B.J. Burns:** (interposing) Do you understand that?

[minute H 02:14] **Dr. Assa'ad-Faltas:** May I ask you ---

[minute H 02:15] **B.J. Burns:** (interposing) In other words, do you understand what I'm saying?

[minute H 02:17] **Dr. Assa'ad-Faltas:** Yes, Your Honor, but ---

[minute H 02:20] **B.J. Burns:** If you go back there to live between now and January 25th, when your first appearance comes up, then your bond can be revoked and will be revoked.

[minute H 02:28] **Dr. Assa'ad-Faltas:** May I ask, though, that, that the, the landlady be enjoined from going into my apartment and taking my things or looking into them because all of ---

[minute H 02:41] **B.J. Burns:** (interposing) Yes, she's, she's, unless it's an inspection like what she was describing, no, she has no right to, to take your things.

[minute H 02:46] **Dr. Assa'ad-Faltas:** Not only that, Your Honor, Officer Blanton took my mother's credit cards. And I don't know what she did with them. In addition, in addition ---

[minute H 02:56] **B.J. Burns:** (interposing) Hold on, let me get this through and ---

[minute H 02:57] **Amanda Star Blanton:** (interposing) Your Honor, hmm, she was arrested and we immediately did a search warrant of the apartment. The items of evidence are in our property room.

[minute H 03:06] **B.J. Burns:** Okay, as what, evidence of what?

[minute H 03:09] **Amanda Star Blanton:** They did not belong to her. There are other names. There were several credit cards that were under different people's names. These were all put into evidence.

[minute H 03:16] **B.J. Burns:** Not in her family's name?

[minute H 03:17] **Dr. Assa'ad-Faltas:** No, both my mother's and my father's name, Your Honor, and ---

[minute H 03:20] **Orin G. Briggs:** Let her ask if she wants to ---

[minute H 03:21] **Dr. Assa'ad-Faltas:** And that's ---

[minute H 03:22] **B.J. Burns:** (interposing) Wait, wait, wait.

[minute H 03:24] **Dr. Assa'ad-Faltas:** Okay ---

[minute H 03:25] **Amanda Star Blanton:** Your Honor, I have no proof of that, simply from ---

[minute H 03:27] **Dr. Assa'ad-Faltas:** (interposing) Actually, Your Honor, see precisely that's why I need to be there: because I have power of attorney for my, from my mother ---

[minute H 03:36] **B.J. Burns:** (interposing and scolding) You may go to that apartment with a police escort. And you may get the essential and necessary papers, clothing, toiletries, whatever it is that you want to take with you. But right now, the condition of your getting out of jail after you have this evaluation is that.

[minute H 03:52] **Dr. Assa'ad-Faltas:** But may I ask ---

[minute H 03:54] **B.J. Burns:** (interposing and scolding) And if you violate that condition, your bond will be revoked

and you will be in jail until this first appearance.

[minute H 04:02] **Dr. Assa'ad-Faltas:** May, may I ask Your Honor that in the meanwhile, they also be enjoined to not enter my apartment because I have paid ---

[minute H 04:13] **B.J. Burns:** (interposing) Is there any inspection coming due on her apartment?

[minute H 04:14] [receives a response in the negative; but it is not audible on the audio recording]

[minute H 04:15] **B.J. Burns:** O.K. Then you are ordered not to go into her apartment, hmm, you, the only people who can go into her apartment right now, if she's paid up on her rent, is gonna be herself, her lawyer and a member of the Columbia Police Department.

[minute H 04:30] **Assistant Solicitor Weiss:** And obviously, Your Honor, unless there is an emergency of some sort.

[minute H 04:35] **B.J. Burns:** Unless there is an emergency, unless the building is on fire, you know.

[minute H 04:38] **Dr. Assa'ad-Faltas:** May I ask, though Your Honor, I was taken, I wasn't even allowed to put my eyeglasses on. The key, the keys are inside the apartment. And the keys to my car are inside ---

[minute H 04:51] **B.J. Burns:** (interposing) Okay, so, ---

[minute H 04:38] **Dr. Assa'ad-Faltas:** I ---

[minute H 04:51] **B.J. Burns:** (interposing) So, for the purpose of, for the purpose of letting you in your apartment because you don't have any way to get in, is that correct?

[minute H 04:56] **Dr. Assa'ad-Faltas:** Yes, Your Honor.

[minute H 04:57] **B.J. Burns:** Okay, hmm, then whoever has ---

<http://sdrv.ms/10KMX41> [minute I 00:00] **B.J. Burns:** Ms. Mason,

[minute I 00:02] **Dinah Gail Steele:** Yes, ma'am.

[minute I 00:03] **B.J. Burns:** Hmm, provide that.

[minute I 00:04] **Amanda Star Blanton:** Her keys were also put into our property room along with her identification that way she'd be able to pick that stuff up from our property room.

[minute I 00:10] **B.J. Burns:** (interposing) All right. How about this: can you be the one that escorts her when she's done here at the jail maybe in a day or two?

[minute I 00:20] **Dr. Assa'ad-Faltas:** The other thing, Your Honor, ---

[minute I 00:21] **Amanda Star Blanton:** (interposing) With, with a uniformed officer, yes, ma'am.

[minute I 00:10] **B.J. Burns:** Okay, because you have the key, she has the keys to your apartment. That means Ms. Mason doesn't even have to go in.

[minute I 00:28] **Dr. Assa'ad-Faltas:** Your Honor, ---

[minute I 00:30] **B.J. Burns:** (interposing) She has the keys to your car. You need some papers. You need some clothes and that kind of thing.

[minute I 00:36] **Dr. Assa'ad-Faltas:** I need, I need, I need to ask another question.

[minute I 00:37] **B.J. Burns:** All right.

[minute I 00:38] **Dr. Assa'ad-Faltas:** Whether Ms., Ms. Steele or Mr. Mason have gone into my apartment while I was here. And I need to ---

[minute I 00:44] **B.J. Burns:** (interposing) Anybody been in her apartment since she was here? How long have you been here?

[minute I 00:50] **Dr. Assa'ad-Faltas:** How long have I been here?

[minute I 00:52] **B.J. Burns:** Uh-huh.

[minute I 00:53] **Dr. Assa'ad-Faltas:** I think from 10:30 in the morning already.

[minute I 00:56] **B.J. Burns:** (interposing) Okay. So, the investigator is the one that's been in your apartment.

[minute I 01:01] **Dr. Assa'ad-Faltas:** And ---

[minute I 01:01] **B.J. Burns:** (interposing) Have you, have you secured the apartment?

[minute I 01:02] **Amanda Star Blanton:** The apartment is secure.

[minute I 01:03] **B.J. Burns:** All right, we're done with that.

[minute I 01:05] **Dr. Assa'ad-Faltas:** I have one other question, Your Honor, one other question if it pleases the Court.

[minute I 01:09] **B.J. Burns:** What is it?

[minute I 01:10] **Dr. Assa'ad-Faltas:** As far as the eviction is concerned, I have to pay the rent, I, I, I, I, the eviction bond is I have to pay the rent by the third day of each month, which is tomorrow. And yesterday, I was in court before the Honorable Judge Lee from ten in the morning, who's a circuit judge, until se, almost seven in the evening ---

[minute I 01:40] **B.J. Burns:** (interposing) All right. I'll tell you what: I bet you, hmm, if I asked Ms. Mason could she go until Friday on, on getting the rent, that that would be acceptable.

[minute 1 01:50] **Dr. Assa'ad-Faltas:** It's, I have to pay it to the court, not to Ms. Mason. So, so that's a bond that is set by the magistrate's court ---

[minute 1 01:58] **B.J. Burns:** (interposing) Okay. Well then pay it. You can ---

[minute 1 02:01] **Dr. Assa'ad-Faltas:** I can't do anything because I don't even have my purse. I don't even ---

[minute 1 02:05] **B.J. Burns:** (interposing) Like I said, like I said, all you've got to do is, hmm, you know, and I don't know if Mr. Briggs may, if you appeal this, then you'll be in jail longer awaiting the results of that because my bond actually is, hmm, begins after that's, hmm, done.

[minute 1 02:26] **Dr. Assa'ad-Faltas:** So, so Your Honor ---

[minute 1 02:27] **B.J. Burns:** (interposing) Because I think, I think that's really the gravamen of this whole thing. I think that once we find out ---

[minute 1 02:32] **Dr. Assa'ad-Faltas:** May I ---

[minute 1 02:33] **B.J. Burns:** (interposing and scolding) I am not going to argue with you, ma'am. You have, I have ordered a mental health evaluation that be done, hmm, ASAP by Ms. BJ Preston. Hopefully that would be in the morning. Hmm, I will request that that be in the morning. Hmm. I don't know if there is a backlog; but, hmm, you can refuse that, I guess if you'd like to, hmm, but then you have ---

[minute 1 02:58] **Dr. Assa'ad-Faltas:** May I ---

[minute 1 03:02] **B.J. Burns:** (interposing) two thousand dollars each, a total of four thousand dollars to pay, hmm, as a bond. You may then go back to your residence with this investigator and a police escort when you will bring the keys and, and all of that. And that way Ms. Mason will not have to be involved at all.

[minute 1 03:18] **Dr. Assa'ad-Faltas:** Your Honor, ---

[minute 1 03:20] **B.J. Burns:** (interposing) Ms. Mason and, hmm, Mr. Mason, you're enjoined from going into that apartment during the time that she is still on the lease. Now, your problems with the magistrate's office and the eviction and your having to pay, hmm, since you don't have anything with you today, it's due tomorrow, hmm I will, hmm, if, if need be, you all have that judge call me.

[minute 1 03:48] **Dr. Assa'ad-Faltas:** Your Honor, ---

[minute 1 03:49] **B.J. Burns:** (interposing) Or do you know that judge's name that she's gonna be before.

[minute 1 03:51] **Orin G. Briggs:** You Honor, I don't think that's gonna be a problem with that, if she will tell me who it is, I will tell him that we're tied up in this matter.

[minute 1 03:59] **B.J. Burns:** All right.

[minute 1 04:01] **Orin G. Briggs:** And as soon, she will be out as soon as she posts bond.

[minute 1 04:01] **B.J. Burns:** Okay.

[minute 1 04:02] **Dr. Assa'ad-Faltas:** Your Honor, may I say something?

[minute 1 04:02] **B.J. Burns:** Thank you, ma'am. No. We're done here.

[minute 1 04:05] **Dr. Assa'ad-Faltas:** [] needed to reach [] in the interim

[minute 1 04:07] **B.J. Burns:** (interposing) I am done with your bond, ma'am. Thank you. You need to go this way.

[minute 1 04:10] **Orin G. Briggs:** I'll call your sister and tell her what happened.

[minute 1 04:15] **Dr. Assa'ad-Faltas:** I need to, I need to, could I tell, could I tell Mr. Briggs where to go pay that rent tomorrow please?

[minute 1 04:18] **Orin G. Briggs:** [indecipherable]

[minute 1 04:20] **B.J. Burns:** We need to get her out of this courtroom. You all can talk back there.

[minute 1 04:25] **Dr. Assa'ad-Faltas:** [indecipherable] Central Court.

[minute 1 04:30] **B.J. Burns:** Thank you Mr. Briggs.

[minute 1 04:35] **Male voice:** Matthew Alred.

[minute 1 04:40] **Male voice:** Mr. Alred, this is the bond setting for charges of auto break-in and petty larceny. You also have a City level charge. That charge is drunkenness. Your court date is 12-14-2009 at 8:00 am.

[minute 1 04:50] **B.J. Burns:** All right, now, Mr. Alred, you understand that means that you got two courts to report to.

[minute 1 04:52] **Male voice:** Yes, ma'am.

[minute 1 04:53] **B.J. Burns:** hmm, one coming (end of recording)

[page 1]

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

THE STATE OF SOUTH CAROLINA :

- VS - :

DR. MARIE ASSA'AD-FALTAS :

COURT OF GENERAL SESSIONS

2010-GS-40-11987

TRANSCRIPT OF RECORD

DECEMBER 17, 2009

COLUMBIA, SOUTH CAROLINA

BEFORE:

THE HONORABLE GEORGE C. JAMES, JR., JUDGE.

APPEARANCES:

HEATHER WEISS, ESQUIRE

ATTORNEY FOR THE STATE

DR. MARIE ASSA'AD-FALTAS,

PRO SE LITIGANT

ALSO PRESENT:

MARK SAWYER, ESQUIRE

ORIN BRIGGS, ESQUIRE

DAPHNE D. HELMS

CIRCUIT COURT REPORTER

[Page 2, line 1] **Ms. Weiss:** May it please the Court, Your Honor?[2] **The Court:** Yes, ma'am.

[3 - page 3, line 6] **Ms. Weiss:** [3-13] Thank you. Before you is Dr. Marie Assa'ad Faltas with Mark Sawyer of the public defender's office. Dr. Faltas is charged with two counts of harassment in the first degree. She filed a motion initially asking to have her bond reduced to an unconditional P.R. bond. The state has filed a motion to revoke bond, and, Your Honor, before we even get started on those motions, it is my understanding when this case first -- when she was first arrested, she was represented at the initial bond hearing by attorney Orin Briggs. After that bond hearing, Dave Farrell filed a letter of representation with our office and a discovery motion. [14-20] Prior to that letter even being received by my office, I was contacted by David Farrell and he indicated to me that when he met with Dr. Faltas she refused to waive his conflict. *He has a conflict with every case in our office because he handles forfeiture procedures for our office, and she refused to waive that conflict and, therefore, he could not proceed as her attorney.* [21-

page 3, line 1] He asked me if I would consent because of that refusal to waive, which I did, to him being relieved. He indicated on that motion that she wished to go *pro se*, but in the meantime while she was at the jail she was screened for a public defender and one was appointed, and Mark Sawyer was appointed by the public defender's office. [2-6] Your Honor, Mr. Sawyer is a very capable attorney and has been appointed to this case and I think would be a fine attorney to handle this case, and I would ask Your Honor to clarify how we're going to proceed with Dr. Faltas's motions and with her representation at this time.

[7-8] **The Court:** What's the General Sessions charge? There are two warrant numbers here.[9-10] **Ms. Weiss:** Yes, Your Honor. They're both counts of harassment first degree.

[11-17] **The Court:** All right. What I have is an order from Judge Childs clocked in December 11, 2009, dated December 10. It states that Mr. Farrell is relieved from any further obligations, and it also says that it appears the defendant now wishes to proceed *pro se*. Mr. Sawyer, do you know how your office, first of all, just the office was appointed to represent the defendant?

[18 - page 4, line 1] **Mr. Sawyer:** Your Honor, the best I can figure is most every defendant when they're arrested get screened automatically by the jail. We received the screen sheet. Initially our boss generally opens up the file on most everyone who goes in the jail who is in there for more than a day or two. I can only assume either that screening sheet came over to our office at that point or simply because she was down in the jail for a couple of days he just opened a file as he does per policy.

[2] **The Court:** All right. Your name, please, ma'am?[3-4] **Dr. Faltas:** Good afternoon, Your Honor. I'm Dr. Marie Assa'ad-Faltas.[5] **The Court:** All right.[6] **Dr. Faltas:** And---[7-8] **The Court:** Wait just a moment. I'm going to ask you some questions.[9] **Dr. Faltas:** Yes, Your Honor.

[10-11] **The Court:** Do you desire to represent yourself or do you want a lawyer?

[12] **Dr. Faltas:** May I give Your Honor the complete answer?

[13-14] **The Court:** Yes, ma'am, as long as it's direct and to the point.

[15-17] **Dr. Faltas:** I would like to represent myself with a back-up lawyer, with a stand-by lawyer. I've seen this arrangement permitted before.

[18-20] **The Court:** All right. Okay. All right. Wait just a second. Are you saying you want the court to appoint a stand-by lawyer or you want to retain a stand-by lawyer?

[21-22] **Dr. Faltas:** I'd like the court to appoint a stand-by lawyer.

[23 - page 5, line 5] **The Court:** All right. If that is -- if that is your desire, there are two things I have to talk to you about, one of which I can't take care of today. One of those is [sic] you're not entitled to appointed counsel, stand-by or otherwise, unless you can't afford counsel with your own funds. Now, that will require you to apply for a public defender. Fill out a questionnaire. Pay a \$40 -- \$40 -- still \$40?

[6] **Mr. Sawyer:** Yes, Your Honor.

[7-8] **The Court:** \$40 application fee. You've got to do that, so I'm not going to appoint stand-by counsel for you today.

[9-11] **Dr. Faltas:** May I just ask -- apparently that was done through the jail, and the \$40 were waived. Maybe that's the procedure.

[12-20] **The Court:** I don't -- well, I can only tell you what I know the procedure is where I come from. If you're in jail more than 15 days, you're automatically appointed a public defender, and when you get out, your application goes through its regular route. If it turns out you don't qualify financially for a public defender, then it's pretty much undone. I don't know what the procedure is here. I don't know how the counsel was appointed. Now, are you a medical doctor?

[21-22] **Dr. Faltas:** Yes, Your Honor. I've been -- I graduated With Honors in 1977---

[23-24] **The Court:** All right. Wait a minute, ma'am. My question was: are you a medical doctor?

[25] **Dr. Faltas:** Yes, Your Honor, I am.

[page 6, line 1] **The Court:** Okay. Do you have a practice?

[2] **Dr. Faltas:** No, Your Honor.

[3] **The Court:** All right. Do you have a source of income?

[4] **Dr. Faltas:** No, Your Honor. My family supports me---

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

[6] **Dr. Faltas:** But I live very frugally and...

[7-11] **The Court:** All right. So what you will have to do is if you want -- at least for the immediate purpose of now, you -- Mr. Sawyer is your lawyer until I tell him that he's not or some other judge tells him that he's not. Out of an abundance of caution, I may let both of you speak today.

[12] **Dr. Faltas:** Please.

[13-22] **The Court:** I just want to make sure we get to the point that we're here about. Now, you do have the right to a lawyer. If you can't afford a lawyer, one will be appointed to represent you free of charge, and you've said you want to represent yourself with stand-by counsel. That's done in certain situations, but it's not automatic that you get one appointed free. All right? If anybody here from the public defender's office or the clerk's office can correct me on any of that, I'd appreciate it because I certainly don't know all those rules that you may follow.

[23 - page 7, line 3] **Ms. Weiss:** The only thing I do know, Your Honor, if I may, is that the general practice - and I don't know if it's in the law - is that shadow counsel is appointed for trial purposes only I think from their office. Mr. Sawyer may be able to speak better to that. I think that has been the practice here.

[4-7] **Mr. Sawyer:** Yes, Your Honor. I discussed that with Ms. Faltas. Sorry. I discussed this with Dr. Faltas. Excuse me. I discussed this with Mr. Strickler, and he was of that same opinion that for the time being---

[8] **The Court:** It would be just for trial.

[9-10] **Mr. Sawyer:** I'm either her attorney or I'm not her attorney.

[11-14] **The Court:** And that's the way I took at it, too. Now, for today's purposes, ma'am, do you want Mr. Sawyer to represent you in these hearings today or do you want to represent yourself?

[15-16] **Dr. Faltas:** If it pleases the Court, I wish to represent myself.

[17-22] **The Court:** What I'm going to do is this: I'm going to ask -- I'm going to instruct Mr. Sawyer to remain here, and we can discuss these issues intelligently, concisely, and directly with no tangents. In other words, we'll get to the point, and I'll rule accordingly. Is that suitable to you, ma'am?

[23-25] **Dr. Faltas:** Thank you, Your Honor, very much. And may I say that it's a pleasure to see Your Honor again? I am sorry it's under these circumstances.

[page 8, lines 1-2] **The Court:** That's right. Nice to see you again. The last time I saw you, you brought me a stained glass picture.

[3-4] **Dr. Faltas:** It was a Coptic art replica of a Coptic icon, and I am very proud of my Coptic heritage---

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

[6-9] **Dr. Faltas:** ---and I wanted to show you. And it was in a civil case. Your Honor was kind enough to try to move the motions hearing forward, and when that failed, Your Honor was kind enough to continue it.

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

[11-14] **Dr. Faltas:** And I was able - thank God and thank you -- to go be with my mother, and thank God miraculously she recovered. We almost lost her three times and, Your Honor, these charges---

[15] **The Court:** Wait just a second---

[16] **Dr. Faltas:** Okay.

[17-18] **The Court:** ---because we're going to follow a particular order.

[19] **Dr. Faltas:** Thank you.

[20-21] **The Court:** And I understand, Ms. Weiss, that there are two motions. **One is your motion to revoke bond.**

[22] **Ms. Weiss:** Yes, Your Honor.

[23-24] **The Court:** And the other is a motion made by Dr. Faltas to convert a cash-posted bond to a P.R. bond.

[25] **Ms. Weiss:** Yes, Your Honor.

[page 9, lines 1-2] **The Court:** All right. Is Mr. Briggs present in the courtroom?

[3] **Ms. Weiss:** He is, Your Honor.

[4] **Mr. Briggs:** Yes, Your Honor.

[5] **The Court:** All right. Mr.---

[6-8] **Mr. Briggs:** I'd be glad to address the court only on the facts that I'm involved in, but I don't now and don't intend to in the future represent Dr. Faltas.

[9] **The Court:** All right. I---

[10-12] **Mr. Briggs:** But I'll be glad to help the court. I know I have been a friend and lawyer for her for more than 15 years.

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

[14-15] **Mr. Briggs:** So I know that she does not have any income and things like that.

[16-21] **The Court:** All right. Thank you, Mr. Briggs. All right. What we're going to do now -- I think the logical progression of this would be for me to, before I address the conversion of your bond, would be for me to hear from the state on whether or not the bond should be revoked, and I don't know if that's my ears or what but...

[22] **Ms. Weiss:** I think...

[23] **Dr. Faltas:** It's a necktie.

[24] **The Court:** It's a what?

[25] **Ms. Weiss:** Mr. Briggs' necktie.

[page 10, line 1] **The Court:** Somebody's tie is going off.

[2-3] **Mr. Briggs:** I'm sorry, Your Honor. When I move, my -- I apologize. I'll try to be still.

[4] **The Court:** That's all right.

[5-9] **Dr. Faltas:** Your Honor, may I say -- and I just am making my record. I'm not arguing with the Court or anything. May I say that it's unfair that Your Honor hear from the state first because my motion predated the state's motion?

[10-11] **The Court:** All right. You're on the record on that, but I'll hear from them first. Okay?

[12] Dr. Faltas: Would I be allowed to respond?

[13-16] The Court: You'll be able to respond; yes, ma'am. But I'm going to order right now that she goes first on her motion, and you're on the record as saying that's unfair, and that position is stated clearly.

[17] Dr. Faltas: And I object and take exceptions to it.

[18] The Court: Yes, ma'am, you certainly do.

[19] Dr. Faltas: Thank you, Your Honor.

[20] The Court: Okay. Ms. Weiss?

[21-25] Ms. Weiss: Thank you, Your Honor. May it please the Court? For the record, standing with me is Investigator Blanton with the City of Columbia police department. She is the investigator on this case, **and seated out in the gallery is Dinah Steele who is one of the two victims in this case.**

[page 11, line 1] The Court: Who is Ms. Steele?

[2] *(Ms. Steele raises her hand.)*

[3] The Court: Okay.

[4] Dr. Faltas: Your Honor, may I---

[5] Ms. Weiss: And---

[6] The Court: No, ma'am, you may not interrupt.

[7] Dr. Faltas: Okay.

[8-10] The Court: No, ma'am, you may not. You may not interrupt, and you may not speak until I tell you that you can. That's the -- that's the rule. Okay?

[11-12] Dr. Faltas: I apologize. I only wanted to refer to her as---

[13] The Court: No, ma'am.

[14] Dr. Faltas: All right.

[15] The Court: You can't---

[16] Dr. Faltas: All right.

[17-18] The Court: ---refer to something when I've told you not to refer to anything.

[19] Dr. Faltas: All right. I apologize.

[20] The Court: All right.

[21 - page 12, line 16] Ms. Weiss: [21 - page 12, line 5] Thank you, Your Honor. And the other victim, Teresa Ingram, was notified of the hearing but due to an illness in the family was unable to be present today, Your Honor. I received -- I received Dr. Faltas's motion to reduce her bond to an unconditional P.R. bond as well -- an unconditional P.R. bond and, Your Honor, I also received information actually just prior to that that Dr. Faltas was re-arrested this weekend for unlawful use of a telephone, Primarily because of her continued calling -- she called Dispatch for the City of Columbia. [6-10] She called numerous times, was told that law enforcement was on the way. She continued to call back, got louder, became -- used abusive language with dispatch, and then refused to relinquish the line. She was charged with a city level unlawful use of a telephone. [11-16] Based on her re-arrest as well as her actions, I filed a motion to revoke bond, and in the alternative, if Your Honor is not inclined to revoke a bond, I would ask that instead of reducing the bond to an unconditional P.R. bond that actually the bond restrictions be made clear so that we don't run into this situation again during the pendency of this case.

[17] The Court: Do you have a written bond form?

[18] Ms. Weiss: I do, Your Honor.

[19-20] The Court: And it was the summary court judge who issued the bond?

[21 - page 13, line 1] Ms. Weiss: It was, Your Honor. The bond was initially set by -- it's in here. I just pulled it out a minute ago. I just had it. Hold on. The initial bond was set by Judge Jean Burns of the City of Columbia. The papers are out of order; I apologize. She set a \$20,000 surety bond with a 10 percent option on each charge. Okay.

[2] The Court: So that was combined 20,000 or...

[3-4] **Ms. Weiss:** It was 20,000 on each one with a 10 percent option. So it was \$2,000 on---

[5] **The Court:** Times two?

[6-21] **Ms. Weiss:** [5-16] Times two. So -- there it is. And, Your Honor, I'm handing up now what was given to me as the bond. There are several problems with this bond form. There's several things missing, but I'm going to hand this up now. It will show you it's the basic bond form with \$2,000 cash in lieu of the surety bond that could be posted. As part of that bond, it was initially ordered that she -- that Dr. Faltas must receive an assessment from the mental health professionals at the jail, at Alvin S. Glenn Detention Center, and then once she did that and once that report was released, she could then be released. [17-21] Once she got that report, she actually went down to the jail. It said that Dr. Faltas was not a danger to herself or others but that it did appear there may be some neurological issues as well as high blood pressure, some medical issues and also---

[22] **The Court:** Would those impact her mental state?

[23 - page 14, line 2] **Ms. Weiss:** That they could, Your Honor, and those were -- and there could possibly be growth of a tumor, something along those lines, that they were concerned about and they also -- so she added an order which is not on that form. She told me verbally she added this order and---

[3] **The Court:** The judge told you that?

[4 - page 15, line 12] **Ms. Weiss:** [4-10] The judge told me this as she was leaving court that day. Mr. Briggs had telephoned me and said she wanted to talk to me to make sure he had -- he knew that it had -- the evaluation had taken place but just to make sure we were all on the same page, that that initial assessment had taken place and she was free to be released and not have any other way to contact Judge Burns. [11-19] I knew she was out there for court, and so actually I went to the jail because I didn't know how to reach her otherwise. She told me that she had added on there that she wanted Dr. Faltas to receive a full psychiatric evaluation as soon as possible as well as a neurological evaluation and that the evaluations -- the results should be sent to my office so we would know -- try to get an idea of what was going on with this case and, Your Honor, she was released on those. [20 - page 15, line 3] She was also told that once released she could not return to her apartment at 304 Byron Road, Apartment Number 3, that she could return with the investigator and an armed -- and a uniformed police officer to her apartment where she was to get whatever she needed for the next few months to be able to live. Mr. Briggs indicated that there were funds for her to be able to stay somewhere until he could get a house that she could move into and that it would not be a problem for her not to go back to that apartment. [14-12] The judge ordered that she not go back and that she only go back with a police escort. As you can see on the bond form, although she iterated in court very specifically that she go with the investigator and the officer and get as much -- you know, get her belongings, she put on there she could not return without a police escort. And I go into all that because after she was released -- approximately two days after her release, she started contact -- she went initially when she was released---

[13-14] **The Court:** And to put it in perspective, this bond form is dated 12 -- 15 days ago.

[15 - page 16, line 2] **Ms. Weiss:** [15-25] Yes, Your Honor. And Dr. Faltas, Orin Briggs, Investigator Blanton, and two uniformed police officers went to her apartment and she was given the opportunity to go in and get what she needed, and as far as we were concerned, that was what was provided by the court. Dr. Faltas began calling law enforcement approximately two days later and continued calling on a regular basis asking for an escort to go back to her apartment. She would go back to her apartment, get one or two things and leave, and this went on -- and then she would call, and sometimes they would say, "We can't meet you now." Then she would call back. [page 16, lines 1-2] Sometimes she would call and say, "I need somebody to go with me." She would go and be waiting on her porch at 304---

[3] (whereupon, Dr. Faltas gasps and/or sighs loudly.)

[4-5] **Ms. Weiss:** Waiting at 304 Byron Road is my understanding.

[6-7] **Investigator Blanton:** That was my understanding as well.

[8-11] **Ms. Weiss:** This is what the officers have relayed, so I'm relaying what I have understood, that she'd be waiting for them to get there before she would go into her apartment. She would not go in ---

[12-13] **The Court:** She was at the premises, according to the officers?

[14] **Ms. Weiss:** According to the officers.

[15-16] **Investigator Blanton:** *Not inside of the apartment but standing outside waiting on them to get there.*

[17] **The Court:** She's not supposed to be doing that.

[18] **Ms. Weiss:** Right.

[19] **Investigator Blanton:** *Without a police escort.*

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

[21 - page 17, line 22] **Ms. Weiss:** [21 - page 17, line 5] *And then -- but then this escalated until the 12th when she was -- when -- the day that she was charged with the new offense where she started calling dispatch. They said they were on the way. They said there was a very heavy call volume that day. They just couldn't get to an escort call right away, and she continued calling back. The calls escalated into abusive language and then a refusal to relinquish the line until finally charges were filed for unlawful use of a telephone, and she was arrested that day for unlawful use of a telephone against dispatch.* [16-17] *So the motion to revoke bond is based on that. In lieu of that, I ask that you make some clarification of the bond conditions so we don't end up back in this same position. And, Your Honor, in the same vein of clarifying issues, I know Dr. Faltas is proceeding pro se at this moment. I would just like to put on the record that, you know, however the Court deems to continue with that representation, if she is to proceed pro se, I want to make it clear that as the prosecutor on this case I'm only comfortable in dealing with Dr. Faltas on the record and in a courtroom. I'm not comfortable in dealing with her as a contemporary, as an attorney.* [18-22] *She is not familiar with the criminal law or the criminal procedures, and I'm only comfortable kind of dealing in that realm because that's what I do. And I would deal with her on the record, but she has already made filings and threats---*

[23] *(whereupon, Dr. Faltas gasps and/or sighs loudly.)*

[24-25] **The Court:** What is that? Where is that noise coming from?

[page 18, lines 1-2] **Dr. Faltas:** I'm sorry. I just sighed because I didn't make any threats.

[3-4] **The Court:** Okay. You can't -- don't make any noise. Okay?

[5] **Dr. Faltas:** I'm sorry.

[6-7] **The Court:** All right. No reason to sigh unless you have a medical condition.

[8] **Dr. Faltas:** I'm sorry.

[9-11] **The Court:** Okay? So just control yourself. All right. The record will show that there was an abrupt intake of breath. All right. Go ahead.

[12-17] **Ms. Weiss:** *Thank you, Your Honor. Basically a veiled threat to turn me over to disciplinary counsel for things that haven't even occurred. Basically this case hasn't even begun. We're 15 days into it. There have already been two things sent to the office of disciplinary counsel regarding this case.*

[18] **The Court:** On you?

[19 - page 19, line 1] **Ms. Weiss:** Well, they're on everyone involved. My name is listed in the report she is sending. There have not been specific allegations made at this point, but because the letters are already being sent, Your Honor, I feel like if she chooses to proceed pro se, the only way that I can competently deal with this case and protect my law license is to deal with things on the record with proper motions that are filed under the rules of criminal procedure.

[2-4] **The Court:** All right. Anything else as far as the motion to revoke or clarify the terms of the bond? Then we'll get into later her request about the conversion.

[5 - page 20, line 1] **Ms. Weiss:** [5-10] *And, Your Honor -- oh, there is one more thing. The address that Dr. Faltas keeps providing is 304 Byron Road, Apartment number or Number 3. That was the apartment she's specifically prohibited from going back to without a police escort, but that is the only address that we have for her.* [11-19] *As you noted on the -- as you may see on the bond form, there's no address listed. There's no signature acknowledging bond, and there's no address listed, and I don't have another copy, if there is one, of a bond form where she's acknowledging her bond. So I would ask Your Honor if we could have some sort of address to be able to communicate with her. It*

makes me a little bit uncomfortable, if she is receiving mail there, that obviously she's going there to get her mail. [20 - page 20, line 1] I don't know if she's going with a police escort or if she's going on her own, but that's the only place we have to serve her. We have no way of serving her if there are any motions, and we have no way of reaching her. And as a defendant, I think we -- I would like to ask that as a part of her bond she actually give an address where she is residing or an address where we can communicate with her.

[2-6] **The Court:** The one thing that obviously catches my eye is the fact that the acknowledgment that she'd be tried in her absence if she doesn't show up for court, she -- there's no signature there. Let me ask you this first, ma'am. Where do you reside?

[7-8] **Dr. Faltas:** Your Honor, may I respond in the complete way? And I won't take long to do it.

[9-10] **The Court:** I want to ask you first: where do you live? Then you can respond fully to what she said.

[11-12] **Dr. Faltas:** well, Your Honor, I have paid rent for my apartment for December 2009. I never went there without---

[13] **The Court:** Ma'am?

[14] **Dr. Faltas:** Okay.

[15] **The Court:** Ma'am?

[16-17] **Dr. Faltas:** As far as the mail, it is being held for me at the post office, and I go pick it up from the post office.

[18-19] **The Court:** Ma'am, my question I think is very clear. Where do you live?

[20-21] **Dr. Faltas:** Your Honor, I'm in a temporary faith-based facility.

[22-25] **The Court:** Okay. Because, in essence, the court and the clerk's office will need your physical residence so you will know -- so they'll know where to find you if you don't appear.

[page 21, line 1] **Dr. Faltas:** Oh, yeah. That's fine.

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

[3-4] **Dr. Faltas:** Now, of course, if my motion to convert it to---

[5] **The Court:** P.R. bond.

[6-9] **Dr. Faltas:** ---an unconditional P.R. bond which is what I'm asking is to be able to return to my apartment for which I paid rent and I have already paid rent and, Your Honor, this is what this is about---

[10-11] **The Court:** I will again say that I will need your physical address.

[12-13] **Dr. Faltas:** All right. May I just say that depending on how Your Honor rules on my motion---

[14] **The Court:** No, ma'am. No, ma'am.

[15] **Dr. Faltas:** Okay.

[16-17] **The Court:** My question is: what is your physical address? Mr. Briggs, you're preparing to stand?

[18-21] **Mr. Briggs:** Your Honor, let me consult with her just a minute because I'm prepared to let her use my P.O. Box if she wants to. Dr. Faltas is I think genuinely concerned. Now, I'm going to only deal with facts now concerned about her---

[22-24] **The Court:** No, wait. Wait, sir. Wait, sir. My question and I want the question answered - I sincerely do - is where does she live?

[25 - page 22, line 1] **Dr. Faltas:** May I tell Your Honor not *ex parte* but *in camera* because---

[2] **The Court:** No, ma'am.

[3-10] **Dr. Faltas:** All right. So then is it a question of my being picked up or is it the question of where the mail can come to me? I am in a situation -- I'm asking the question. I'm in a situation where I get permission day by day to stay there, and what I'm asking is: Does the court wish me to find another apartment? Does the court wish... I do not currently have a permanent guaranteed address. If it's a question of---

[11-13] **The Court:** All right. Round one goes to you. I will not make you answer that question yet, but you will by the time of this hearing answer that question.

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

[15-17] **The Court:** So, Mr. Briggs, is there anything you need to consult with her about? Now, you're not her lawyer, so

I'm a little confused about what your role is.

[18-19] (whereupon, an off-the-record discussion takes place between Mr. Briggs and Dr. Faltas.)

[20-21] **The Court:** All right. Now, let's talk about one thing at a time.

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

[23 - page 23, line 1] **The Court:** The solicitor, Ms. Weiss, I don't know where she went -- there she is. Ms. Weiss says that you are in violation of your bond because you continue to go back to your apartment.

[2] **Dr. Faltas:** Your Honor, and that's---

[3-7] **The Court:** And -- and -- and call the police and want an escort at your insistence each time you insist. So what is your position on whether or not I ought to revoke your bond and order you to be held in custody? Which I'm not inclined to do, to be quite frank.

[8-11] **Dr. Faltas:** Your Honor, may I say that my problem from since this case started -- and if I may hand Your Honor something I filed with the State Supreme Court and served Ms. Weiss with. May I -- may I -- may I show you?

[12-13] **The Court:** You can hand it to the clerk right down here, and she'll hand it to me.

[14] **Dr. Faltas:** Yes, Your Honor. All right.

[15] **The Court:** All right. Just a moment, please.

[16] (The Court reviews the document.)

[17-19] **The Court:** All right. You've handed me something I assume Ms. Weiss has not seen because it bears the date stamped today. You requested---

[20-21] **Ms. Weiss:** Your Honor, she did. She gave me a copy, Your Honor.

[22, 23] **The Court:** Okay. You requested this matter to be considered by the Supreme Court in its original jurisdiction.

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

[25 - page 24, line 5] **The Court:** All right. Wait. You've also got the complaint that accompanies that request. You've got an affidavit in support of that complaint, and that document appears to be at least two dozen pages long. That petition, I assume, has not been granted, so I'm not going to consider that.

[6-8] **Dr. Faltas:** All I'm saying, Your Honor, is, if it pleases the court, that this court -- the arguments I wish to make about all of this and some of the evidence is in---

[9] **The Court:** No, ma'am.

[10] **Dr. Faltas:** What I'm saying---

[11-16] **The Court:** Wait. Dr. Faltas, what we're here about are two relatively narrow issues. I am not going to talk about the facts except as they concern the motions that are before me. I've heard the state's position as to whether or not I should revoke the bond or at least clarify the conditions of the bond.

[17] **Dr. Faltas:** All right.

[18-21] **The Court:** Here's what my first question is to you: Do you understand that under that bond you are to have no contact with what the system refers to as the victims? If it suits you better, I will say the alleged victims.

[22] **Dr. Faltas:** That's what I was trying to interrupt---

[23 - page 25, line 1] **The Court:** Alleged victim. If I said the word victim, if Ms. Weiss says the word victim, it is the alleged victim. All right? So do you understand you're to have no contact with Ms. Steele?

[2] **Dr. Faltas:** I never did, Your Honor.

[3-5] **The Court:** All right. That's not my question. Do you understand that that is a condition of your bond? That's a yes-or-no answer.

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

[7-9] **The Court:** All right. You've answered that question. Do you understand that you are -- were not to return to the incident location without a police escort?

[10] **Dr. Faltas:** And that's---

[11] **The Court:** Yes or no? Do you understand that?

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

[13-15] **The Court:** Okay. Now, my next question is this: Do you construe that to mean that you can go to the apartment at any time as long as you have a police escort?

[16-23] **Dr. Faltas:** Your Honor, not only did I construe that, the police department construed it that way. In addition, I was in the magistrate's office and I was talking to the dispatch and he didn't understand it, and the Lykesland Magistrate spoke to him and they told me to go -- the way Judge Burns said it is, "do not enter the apartment." There is a difference between the location which you're reporting -- might include the whole City of Columbia.

[24] **The Court:** That's not what this says.

[25] **Dr. Faltas:** Okay.

[page 26, lines 1-6] **The Court:** Now, it would not withstand any reason or any reasonable analysis to say if that you're not to return to the incident location, that being the inside of your apartment without a police escort, because none of this apparently occurred inside your apartment. So I will disagree with you there.

[7-22] **Dr. Faltas:** [7-15] *Well, I was only -- I can't read Judge Burns' mind, but she said not to enter the apartment except with police escort and, in fact, the police department, and may I say something, Your Honor? I've been -- when I first came to this country, I didn't like many things about it, but I loved the Constitution, and it seems two things in this case are way outside the window. Number one, the presumption of innocence. Number two, the protection -- actually three things are out the window. [16-22] Number one, the presumption of innocence to where people don't even say alleged victim; they just assume she's a victim. Number two, the protection against warrant except under oath or affirmation, and here is the problem. This statute which I'm trying to challenge as on unconstitutional allows someone without personal knowledge to take a warrant. That is a clear violation of---*

[23-24] **The Court:** All right. I'm going to stop you right there. That is not before me today.

[25 -- page 27, line 1] **Dr. Faltas:** Well, may I ask that it be scheduled sometime?

[2-4] **The Court:** You can -- you can take care of that at a different time by filing a motion to suppress, but we're not going to discuss that today.

[5] **Dr. Faltas:** All right.

[6] **The Court:** And I might add---

[7] **Dr. Faltas:** Yes, sir.

[8-13] **The Court:** ---that you are enjoying the presumption of innocence because if you were in a country that did not employ that presumption, you'd be in jail right now. So we're not going to talk about anything and I caution you that we're not going to talk about anything except the motions before me now.

[14] **Dr. Faltas:** All right. All right.

[15-18] **The Court:** And that is why you should probably seriously entertain the thought of retaining counsel or applying for a public defender to serve you full-time instead of in a stand-by capacity.

[19-24] **Dr. Faltas:** Your Honor, so may I say Ms. Weiss said to Your Honor things that are factually untrue? And she -- Counsel is not supposed to testify, and then she said she heard it from the police officer. Well, that's hearsay. It never happened that I went either in the apartment or in that location without police escort.

[25 -- page 28, line 1] **The Court:** All right. Let me ask -- may I ask you a question?

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

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

[4-6] **Dr. Faltas:** There were two times, just to be complete and truthful. They specifically gave me the directions to go there and wait for them there.

[7-8] **The Court:** Okay. That's fine. Okay. I'm with you there. All right. Let me -- here is my question to you.

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

[10-12] **The Court:** Do you think that you're entitled to the police going with you every time you choose to call them

and get them to go?

[13-21] **Dr. Faltas:** Your Honor, I am entitled to reasonable access because the Eighth Amendment to the Constitution prohibits excessive bail, number one, and prohibits cruel and unusual punishment. And may I say the apartment was ransacked? So the first time I went there I couldn't even get to anything because everything was -- my hand purse was opened. Everything had been opened, ransacked, thrown on the floor. I couldn't even progress. I couldn't even walk to where I need to get---

[22-25] **The Court:** All right. Let's -- let's keep our focus on what my question was. Do you believe that you're entitled to a police escort to go over to this apartment any time you want?

[page 29, line 1] **Dr. Faltas:** No, Your Honor. At reasonable---

[2-3] **The Court:** All right. So you've answered that question.

[4-14] **Dr. Faltas:** At reasonable times do, when reasonable needs arise. For example, when this happened -- and there is an affidavit from the Lykesland Magistrate attached to the package. It was going to be freezing this past weekend, and I needed to get a coat which I hadn't gotten the first two times and, in fact, the first two times -- the first time Investigator Blanton was there, but then her supervisor said she doesn't need to be there. Get someone from another -- and that's fine with us. No, sir, it wasn't really needed. It was just -- that time it was relatively warm, but when it became risking freezing, I needed to get a coat.

[15] **The Court:** All right. Now.

[16] **Dr. Faltas:** That's -- that's human. Human.

[17] **The Court:** All right. Stop right there.

[18] **Dr. Faltas:** Okay.

[19] **The Court:** What else do you need from your apartment?

[20] **Dr. Faltas:** I ---

[21-24] **The Court:** Wait. I'm not finished yet. What else do you need from your apartment to take with you to your current place of sleeping that will ensure your comfort needs are met?

[25--page 30, line 2] **Dr. Faltas:** may I say, Your Honor, it's not just my comfort needs? It's my needs to defend myself, and there is a lot of exculpatory material---

[3-4] **The Court:** There's a lot of what? Exculpatory material?

[5] **Dr. Faltas:** In my apartment and---

[6-13] **The Court:** All right. What do you -- what do you need to get? Tell me what you need to get because what I'm going to do is this: You're under an order not to go back to the incident location without a police escort. They're not going to be there 24 hours a day, seven days a week. I'm going to leave that condition in place. What I'm asking you is -- and I'm going to order the police to go with you one time to get everything that you need.

[14-19] **Dr. Faltas:** Well, could that one time be a day long? I can -- I can try to get storage facility set up to where -- and I can even get a truck and maybe try to get as much out as I can so that -- because it's not just the needs to live, as I said. It's the exculpatory material, my mini law library.

[20] **The Court:** Your mini law library?

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

[22] **The Court:** That's exculpatory?

[23--page 31, line 5] **Dr. Faltas:** Well -- well, that's not in itself exculpatory, but I need it if I am to defend myself. But there are things that -- that are exculpatory that I did not think about until they started making false allegations. For example, for example, in the -- before the Lykesland Magistrate, she claimed that I went and -- that the alleged victim who is the defendant in the civil lawsuit that I brought -- and may I give Your Honor the background?

[6] **The Court:** No, ma'am.

[7-9] **Dr. Faltas:** All right. Fine. Fine. Fine. Fine. She claimed that I went and stalked her, and it turns out that I---

[10-11] **The Court:** You're giving me the background. I didn't want the background.

[12 – page 32, line 5] **Dr. Faltas:** [12-20] I'm sorry. I'm saying there are things that are exculpatory that I cannot think of now, but this is a moving target. They keep on adding -- adding charges or adding details. So if it is going to be one time, if it is going to be one time, may I ask that it be a full day and after I have had a chance to make arrangements? Because I don't think I can find rental with all of this facing me, that I can make arrangements to take my books, my papers, as much as possible, if not everything. [21 – page 32, line 5] And may I say if that is the case, this would have been exactly what I've been trying to say is being done? They are trying to achieve through the presentation of false criminal charges what they could not do in the civil case. The civil case is about rental discrimination, housing discrimination, in violation of South Carolina's Fair Housing Law and, Your Honor, I own land adjacent to Ms. Steele's building. I think it's a violation of my constitutional rights not to be able to build on my own land, and the reason this lawsuit started is that---

[6-7] **The Court:** I'm not going to hear the background of your civil suit.

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

[9] **The Court:** Not going to do it.

[10] **Dr. Faltas:** All right.

[11-13] **The Court:** I've asked you a series of very simple questions, and your answer to one is that you need a full day to get your goods -- your property out of that apartment.

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

[15-17] **The Court:** Now, what is a full day? Is that eight hours? Is that 24 hours or what is your impression of what a full day would be?

[18-19] **Dr. Faltas:** Well, it might be -- it may be three eight hour days.

[20] **The Court:** Ma'am?

[21-24] **Dr. Faltas:** I'm saying, yes, it's 24 hours, but it might be three 24-hour days because of the amount of books and there's papers that I have there. And may I add, Your Honor---

[25] **The Court:** No, ma'am, you may not add yet---

[page 33, line 1] **Dr. Faltas:** All right. I'm sorry.

[2] **The Court:** ---until you answer that question.

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

[4] **The Court:** All right. You need three eight-hour days.

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

[6-13] **The Court:** I cannot -- I cannot take law enforcement officers off of their responsibilities for three eight-hour time periods for you to retrieve information. I was -- based on what the solicitor said in her presentation, I thought that Mr. Briggs had said at your bond hearing that you had a place to go and that you needed to get some essentials and necessities and you'd be gone. Now, Mr. Briggs, is that not correct?

[14] **Dr. Faltas:** He may have said---

[15] **The Court:** Wait.

[16] **Dr. Faltas:** He misunderstood.

[17] **The Court:** Ma'am, you stop.

[18-20] **Mr. Briggs:** Your Honor, that is not what I said, and I don't want to argue about it but -- and I can talk about a couple of other things but---

[21-22] **The Court:** No, sir, I just want to know the answer to that.

[23 – page 34, line 4] **Mr. Briggs:** Here is the critical point: Dr. Faltas is involved in litigation. *I always felt like that she needed a time where she had at least two or four hours to go in there and inventory what's there.* The other problem that has not been mentioned, Your Honor: on a simple little allegation of harassment, the police confiscated more than 20 items from her apartment including a computer.

[5] **The Court:** We're not here about that.

[6-11] **Mr. Briggs:** *I understand that. I understand that, but I want you to know that it complicates her problem of trying to defend herself now and defend herself in the other thing. I'm just trying to give you the factual basis. So I'm not going to say how much time she needs, but she certainly needs more than 15 to 20 minutes---*

[12] **The Court:** I agree with you.

[13] **Mr. Briggs:** ---about two or three times.

[14 - page 35, line 4] **The Court:** [14-22] I agree with you. We've been in here for about 35 minutes, and she would certainly need longer than that. But what I'm trying to do is get a realistic -- this is very simple, very simple. She's presumed innocent. She's charged with two crimes. A magistrate issued a bond with three conditions on it. One of those is she's not to go back over there without a police escort. It would defy reason to conclude that she's entitled to call the police every time she should want to go. [23 - page 35, line 4] What I want to do is this and put it all to rest and she can live and die by the terms of this bond: No contact with the victims, a mental evaluation which has already been done at least preliminarily, and she can't return to that location without a police escort. *I want her to tell me a reasonable construction of what time she needs to go over there and get her stuff. That's very simple.*

[5] **Mr. Briggs:** Your Honor---

[6-8] **The Court:** I could go -- I could go to my house right now and get what I need to live for a month somewhere else. I could do it in an hour.

[9-14] **Mr. Briggs:** Okay. Your Honor, let me just correct two other little misinformations, not that anybody said anything wrong, but I believe and I always interpreted the bond condition as Judge Burns saying that she could not go into the apartment. I don't have any problem with the court changing it---

[15] **The Court:** That's not---

[16] **Mr. Briggs:** ---but not---

[17-18] **The Court:** It says the incident location. The solicitor said these events occurred in the parking lot.

[19-21] **Mr. Briggs:** Yeah, but let me give you an illustration. Judge Burns also said that the landlord could not go in the apartment. So she said that about both of them.

[22 - page 36, line 2] **The Court:** The landlord is not subject to a bond. The landlord is subject to penalties under the lease which I don't have anything to do with. This piece of paper says, "incident location." I would venture to say that none of the alleged events against any of the alleged victims occurred inside the walls of her apartment.

[3-4] **Mr. Briggs:** All right. But that's not what the bond says though, Your Honor.

[5-6] **The Court:** It says -- it says, "Do not return to incident location."

[7] **Mr. Briggs:** You're reading from the---

[8] **The Court:** Reading from---

[9] **Mr. Briggs:** ---cash bond?

[10-11] **The Court:** "Do not return to incident location without police escort," and there's an exclamation point at the end.

[12-13] **Mr. Briggs:** Okay. Then I misunderstood. I stand corrected.

[14] **The Court:** So, Ms. Weiss, one question. Brief answer.

[15] **Ms. Weiss:** Yes, sir.

[16] **The Court:** Where did the alleged incident take place?

[17-18] **Ms. Weiss:** *The -- most of the incidents took place in the parking lot on the grounds of 300 and 304 Byron Road.*

[19-20] **The Court:** *Is there any allegation that it occurred within her apartment?*

[21] **Ms. Weiss:** *No, Your Honor.*

[22 - page 37, line 2] **The Court:** All right. So we've got that straight. So, ma'am, if I were to somehow try to fashion a time where you could go get your things, do an inventory, as Mr. Briggs indicated, and get your necessities, clothing and so forth, so you can vacate that -- those premises until the bond is otherwise modified, how long will you need?

[3-5] **Dr. Faltas:** Eight hours but after I've had a chance to find a storage facility. So, I mean, it would be eight hours

but not today, not tomorrow.

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

[7-10] **Dr. Faltas:** But then -- and may I once again, Your Honor -- and I think Your Honor alluded to it. I did have the mental examination. I am very insulted that I was asked for a mental examination.

[11-13] **The Court:** Well, that's -- that's not an issue before me, and I -- I -- I understand your feeling insulted, but that's legally and factually irrelevant right now.

[14-18] **Dr. Faltas:** Okay. Now, I don't think anyone interprets my land, 324 Byron Road, which belongs to mother and me as the incident location. Can we meet here on that? For example, if it turns out that I can put a trailer there and put my things in it -- I hope no one objects to it.

[19-20] **The Court:** I don't know what the address of the incident location is.

[21-22] **Ms. Weiss:** Your Honor, the address of the incident location is 300 and 304 Byron Road.

[23] **The Court:** 303?

[24] **Ms. Weiss:** 300 and 304 Byron.

[25] **The Court:** 300 and 304?

[page 38, line 1] **Ms. Weiss:** And 304. They're two apartment buildings.

[2] **The Court:** These are apartment complexes?

[3] **Ms. Weiss:** Apartment buildings, yes, Your Honor.

[4] **The Court:** All right. Is---

[5] **Ms. Weiss:** And then 324 she bought, she, Dr. Faltas.

[6] **The Court:** But 324 is not the incident location.

[7-9] **Ms. Weiss:** It is not. I did want to just make Your Honor aware of what she's saying. She bought adjacent property to 304---

[10-13] **The Court:** So she can put what she wants there and live as long as it meets the zoning restrictions employed by Richland County as long as she doesn't go to 300 and 304 and as long as she doesn't have contact with these victims.

[14-16] **Ms. Weiss:** And Your Honor, could we stipulate that contact would include standing on her property taking pictures and videos of them?

[17] **Dr. Faltas:** I have never done that. What---

[18-19] **The Court:** Well, if -- if she says she's never done that, I suppose you would not object to such a restriction.

[20-21] **Dr. Faltas:** Well, yes, Your Honor. What I would object to is---

[22] **The Court:** No. Do you object to---

[23-24] **Dr. Faltas:** Yes, for one reason, and may I say something?

[25--page 39, line 2] **The Court:** No, ma'am. You can -- you can -- you can tell me the reason you object, and then you can say something.

[3-5] **Dr. Faltas:** Yes, is that there would be nothing to stop them from coming and telling a lie that I stood on my land and took a picture of them.

[6-11] **The Court:** They can take a picture of you taking a picture. They could take a picture of you taking a picture. I think we're -- we're now going in a downward spiral of minutia. Every adult in society is expected to behave himself and herself, and those include not harassing people. I'm not saying whether you're guilty or not.

[12] **Dr. Faltas:** See, the presumption of innocence of the---

[13] **The Court:** Ma'am, if you'll permit me to continue.

[14] **Dr. Faltas:** Thank you.

[15-25] **The Court:** All right. Everyone is expected to behave himself and herself and act accordingly in a civilized society. I don't have any problem with you putting whatever you want to put on 324 Byron Road as long as it doesn't

violate some type of law or restriction. What you're not permitted to do is have contact with the victims. Now, if she decides she wants to take pictures of them, if that's a new harassment offense in the eyes of the state, if you want to chase that, you can chase it, but I do not think that taking pictures from one's own property is a violation of this bond. I don't think that's contact.

[page 40, line 1] **Ms. Weiss:** Yes, Your Honor.

[2-5] **The Court:** *If the alleged victims feel threatened and it falls within the definition of harassment in the state's judgment, swear out new warrants and you can keep on doing this until the cows come home.*

[6] **Ms. Weiss:** Yes, Your Honor.

[7-9] **The Court:** So, again, we get back to what I've asked 20 minutes ago. How long do you need to go to that apartment and get your things?

[10-24] **Dr. Faltas:** [10-19] *Your Honor, since you're not inclined to give me 24 hours on eight -- on three eight-hour increments, I would like to two eight-hour increments. There is also another -- another suggestion that I had made which is I could, at my expense, install a motion-activated camera. So without police being there, they can see that I didn't do anything wrong. And if someone says that I did something wrong, they can call the police and the camera would be there, and the police can come and take the tape out of the camera. [20-24] This whole thing has been very unreasonable. It's not as if I injured anyone. It's not as if I'm even accused of having physically injured anyone. What they call harassment is my having called the fire department because there was an outdoor electric extension.*

[25] **The Court:** There was a what?

[page 41, lines 1-7] **Dr. Faltas:** An improper outdoor electric extension. Do you know how when you buy an electric cord there is the Underwriters Laboratory that says not to be used outdoors? There were wires like that running around that were safety hazards. There were trees with rotten limbs dropping branches and limbs as huge as this, and I called forestry because those trees belonged to the City of Columbia.

[8] **The Court:** Were they putting up Christmas lights?

[9] **Dr. Faltas:** What?

[10] **The Court:** Were they putting up Christmas lights?

[11-17] **Dr. Faltas:** No, no, no, no, no, no, no. These were tall oak trees. There are raccoons that come across the ditch, and I called animal control and paid for a cage to be put so the raccoon can be -- raccoons are dangerous animals. This is what they call harassment. Your Honor, please -- I mean, please don't start treating me as if I were insane or uncivilized or anything.

[18] **The Court:** How am I treating you like that?

[19-21] **Dr. Faltas:** When you're trying to lecture me about adults should know how to behave. You're presuming that I was behaving badly.

[22] **The Court:** I'm saying all adults ought to act that way.

[23 - page 42, line 5] **Dr. Faltas:** Well, yes, Your Honor, but I'm the one who is made to pay more than everyone else for an apartment I can't even live in, and I am the one who is a medical doctor with a Master's of Public Health degree and speak four languages, and yet my sanity has been questioned. And then, Your Honor, I totally -- and I hope Your Honor looks at the material that the Lykesland Magistrate himself put in an affidavit saying---

[6-7] **The Court:** I'm not going to consider any matters pertaining to the search warrant.

[8-12] **Dr. Faltas:** *It's not the search warrant. It's my having called the dispatcher, and the dispatcher said, "Yes, go there and wait for them," and the Lykesland Magistrate give -- may I show Your Honor?*

[13-14] **The Court:** No, ma'am, because I'm not going to revoke your bond.

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

[16] **The Court:** I've already told you that.

[17-18] **Dr. Faltas:** Well, you said you were not inclined. So now that you've decided---

[19] **The Court:** Okay. I'm not going to revoke your bond.

[20] **Dr. Faltas:** Thank you, Your Honor. Thank you, Your Honor. So then---

[21-22] **The Court:** All right. We're getting back to the question again.

[23] **Dr. Faltas:** Okay.

[24 - page 43, line 1] **The Court:** And if you don't answer it, I'm going to order a window of time where you can get your things and not go back until further order of a court.

[2] **Dr. Faltas:** All right. So---

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

[4] **Dr. Faltas:** Uh-huh.

[5-6] **The Court:** Okay. So you can give me an answer inside the space of 30 seconds or I will make a ruling.

[7] **Dr. Faltas:** All right.

[8] **The Court:** Go ahead.

[9-10] **Dr. Faltas:** What is the answer? What is the question, I mean?

[11] **The Court:** How long do you need to get your stuff?

[12] **Dr. Faltas:** Two eight-hours. Two eight-hours.

[13] **The Court:** You need 16 hours.

[14-19] **Dr. Faltas:** Yes, Your Honor, but spaced. Spaced. I mean, not -- not -- not after the other or maybe four times four because, you know, Your Honor, most people like have a huge bed, a huge couch, a huge something that can be taken, you know. *What I have is a great number of books, a great number of books.*

[20] **The Court:** And you need all those books?

[21-22] **Dr. Faltas:** Well, Your Honor, some of those books are very valuable and since---

[23] **The Court:** Fair enough. I understand that.

[24 - page 44, line 2] **Dr. Faltas:** Since Your Honor said that you will not enforce Judge Burns' order that they do not enter in my absence because I have reason to believe that they are, I would ---

[3-4] **The Court:** You think these alleged victims are entering your apartment?

[5-6] **Dr. Faltas:** Yes, Your Honor. They are the landlord, the landlady, and---

[7] **The Court:** Are you the landlady?

[8] **Ms. Steele:** I am.

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

[10] **Dr. Faltas:** And since she---

[11-13] **The Court:** You're not permitted to go in her apartment outside the terms of the lease. I'm sure you understand that.

[14-15] **Ms. Steele:** I did understand that, and we have been not been in there.

[16-23] **The Court:** [16-20] Okay. That's fine. All right. She said she didn't, and you said she did. They say you did some things; you say you didn't. Were not here to resolve that today. I would assume she'll comply with the civil law in that regard. [21-23] I'm not going to give you 16 hours. This is beginning to boggle my mind. Would you please enlighten me on what the alleged harassment has been?

[25 - page 45, line 4] **Ms. Weiss:** Yes, Your Honor, and Investigator Blanton may be able to tell you a little bit better than I could, but basically the defendant is accused of following these people around. *She's accused of blocking their cars in in the parking lot so they can't leave, to take photos of them. She has---*

[5] **The Court:** And who are these people?

[6-7] **Ms. Weiss:** Teresa Ingram is a tenant at the apartment, And Dinah Steele is the landlady.

[8] **The Court:** These are the two alleged victims.

[9-12] **Ms. Weiss:** These are the two alleged victims in these two -- in these two warrants, Your Honor, and she has

called the police on them. Is that correct? I don't know. Your Honor, if I may just have---

[13] **The Court:** Sure. I'll be glad to hear from you.

[14-15] **Ms. Weiss:** ---Investigator Blanton... *I just have not had a chance to come fully up to speed.*

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

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

[18] **The Court:** No, ma'am. Yes, ma'am.

[19 - page 46, line 2] **Investigator Blanton:** *Your Honor, as the warrant states, she's allegedly followed both of the victims to numerous places from the incident location from the parking lot at the apartments. She's blocked their vehicles in. She's blocked their companies' vehicles in to take photos of them. She sat in her vehicle, snapped photos of them, their family, relatives. There are family and relatives of Ms. Ingram - she's a tenant - that refuse to come visit her because---*

[3] **The Court:** On the -- this is going on on the premises.

[4-21] **Investigator Blanton:** *[4-14] Yes, sir, from around February of this year. Possibly sooner, to my knowledge. No. But as of my knowledge, February of this year started all of this. Constantly, you know, "Who are you? Why are you here?" She's questioning their company, possible potential tenants that were coming to visit -- to come to meet Ms. Mason -- Ms. Steele-mason to review a vacant apartment. She questioned the young man as far as why he was there, that there were no apartments available, presented herself as the owner or landlord; he wasn't exactly sure. He did submit a statement for that as well. [15-21] She is constantly doing these sort of things that are causing these people to stay in their homes, in their apartments, and not go anywhere because they're afraid she's going to follow them. They're afraid that she's going to -- You know, they can't have company over because they're afraid she's going to intervene with their company and target them as well.*

[22-25] **The Court:** All right. Ms. Steele, you're an alleged victim in this case. I'm going to allow you to speak, as the law permits. Ms. Faltas, I want you to hear all this because this is part of the proceeding.

[page 47, line 1] **Dr. Faltas:** May I just---

[2] **The Court:** No, ma'am, you may not.

[3-6] **Dr. Faltas:** ---note an objection that none of this is sworn? None of this is sworn, and I object to things being said and accepted by the Court that are not under oath and especially by Investigator Blanton---

[7] **The Court:** Your exception is noted.

[8-9] **Dr. Faltas:** ---that are not even in her personal knowledge.

[10] **The Court:** Your exception is noted.

[11] **Dr. Faltas:** She has not witnessed---

[12] **Officer in the courtroom:** Ma'am.

[13-14] **The Court:** Your exception is noted. All right. Thank you. Yes, ma'am?

[15-17] **Ms. Steele:** Your Honor, Ms. Faltas was evicted from my apartment for harassment. That was the reason why she was evicted. The laws allowed her---

[18] **The Court:** She's already been evicted?

[19-21] **Ms. Steele:** She has been evicted, but the law is allowing her to stay there because she is -- her -- the decision of the court is being appealed.

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

[23 - page 48, line 25] **Ms. Steele:** *[23 - page 48, line 5] She filed an appeal. So that's why she's been allowed to stay here. But during this time she just picked up the harassment. I mean, she is unlawfully detaining these renters. Where these people are leaving early in the morning, she's getting -- they're getting into their cars. She's pulling her vehicle directly behind their vehicle which they cannot leave. She will not move her vehicle. [6-11] So you can see they're looking in their rear-view mirror. As they're finally getting out of their car,*

she's still not moving. She's taking photographs of their vehicles, their tag numbers, anybody else that's in the car. Those -- the people that are getting out of the car -- you can see how quickly this would escalate. [12-16] We've got four restraining orders right now against this woman. Two are from tenants: myself and my husband. I mean, the harassment has just been horrendous. Every time we go over there, she calls the police on us, whether or not we're cutting the grass or doing any kind of maintenance. [17-25] The maintenance people that we have hired to go over there have been harassed by this -- the last person was an electrician about this particular cord that she's referring to. She made the complaint. We hired the electrician to fix it. She harassed this man while we stood out there from 10 in the morning until 1:30 in the afternoon until he completed it, and I know she took at least 50 to a hundred photographs of this man, you know, doing his work, just nonstop harassment.

[page 49, line 1] **The Court:** All right.

[2-6] **Ms. Steele:** The police are there all the time, sometimes as many as three times a day. And since she has the order for her not to come back to the apartment, it's like somebody cut the lights out. We don't have any problems. It is peaceful.

[7-10] **The Court:** All right. All right. Ms. Faltas, I'll give you some time to get your things out of your apartment. Your eviction decision, you're appealing that? Is that correct?

[11-17] **Dr. Faltas:** And it was not based on harassment, Your Honor. Yes, Your Honor, it has been appealed. The appeal stays it. I don't think -- what has happened is that my position was that they gave the eviction notice in bad faith. There was a jury trial convened. The plaintiff -- they took it two days and a half to present her case. I was not allowed to put a defense at all, at all.

[18-19] **The Court:** All right. All right. My question, ma'am, you've answered it. You've appealed that decision.

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

[21] **The Court:** Okay.

[22-24] **Dr. Faltas:** And I want again to put an exception to the Court entertaining unsworn testimony that I'm not allowed to cross-examine. This is what happened at the---

[25 -- page 50, line 5] **The Court:** Ma'am, perhaps if I may educate you on a procedural matter now, and you may roll your eyes and the record will show that you've rolled your eyes repeatedly when I address you. The procedural posture in a bond hearing is that I can receive summaries of what the allegations are. You've not been sworn in either.

[6] **Dr. Faltas:** May I?

[7] **The Court:** No, ma'am.

[8] **Dr. Faltas:** Okay.

[9-18] **The Court:** You've not been sworn either. So I'm entitled to have a factual summary of what they say you did, and you're entitled to respond, even though you do have the right to remain silent. The victim has a right -- the alleged victim has a right to speak, and the law enforcement may give its position as well. All right. Here is my ruling on the first motion, and then we're going to very, very quickly move on to your motion. You are to have no contact with the alleged victims, and I want their names on the order.

[19] **Ms. Weiss:** Yes, Your Honor.

[20] **The Court:** Give me their names.

[21] **Ms. Weiss:** Teresa Ingram and Dinah Steele-Mason.

[22 -- page 51, line 8] **The Court:** All right. You're to have no contact, direct or indirect. You will at your peril take photographs of them. I would assume that you have no reason to do that. I'm not finished yet. If you want to move your trailer or any other abode to 324 Byron Road, you may do so as long as it complies with any zoning restriction or other regulation of the county or municipality where that might be. That's not an incident location. You are not to return to 300 or 304 Byron Road, which is the incident location, without a police escort. I'm going to order -- what department, ma'am?

[8] **Investigator Blanton:** Columbia Police Department.

[9-12] **The Court:** I'm going to order the Columbia Police Department to make itself available to you for two three-hour increments to get that done, to get your things. Otherwise, you're not to go there. All right? Is that clear?

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

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

[15] **Ms. Weiss:** Your Honor?

[16-17] **Dr. Faltas:** May I state -- may I ask a question? Something is not clear. Okay?

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

[19-21] **Dr. Faltas:** What protection do I have -- you told me that I take pictures at my peril. What has been my peril is that I haven't been taking the pictures that---

[22] **The Court:** then you have nothing to worry about.

[23 - page 52, line 11] **Dr. Faltas:** [23 - page 52, line 7] **Yes, I have to worry about the lies they tell.** What -- what proof will you accept by their coming and saying -- you see, I wasn't abusive to the dispatcher. I didn't do any of what was in the other order -- in the other arrest, and that was also a warrantless arrest to boot. **I didn't do any of it, but I am at the mercy of people telling lies.** And the courts have not so far required either to issue a warrant or you told me in the bond condition, but the bond is different because the warrant has to be under oath or affirmation of personal knowledge. [8-11] I have been already arrested two times without warrant upon personal knowledge. If you look at the warrant here, it is signed by Investigator Blanton. It---

[12-13] **The Court:** Ma'am, I told you I was not going to get into that.

[14] **Dr. Faltas:** All right. Fine.

[15-17] **The Court:** And I'm not going to, so I'm going to stop you right there. Ms. Weiss, do you have any clarification that you need?

[18-21] **Ms. Weiss:** Yes, Your Honor. I just want to know if you have a recommendation on how we need to set up because three hours -- obviously we're going to need a special officer assigned---

[22-23] **The Court:** They're going to have to do that. I'm not going to prescribe that---

[23-25] **Ms. Weiss:** Well, I know. I'm just saying like sort of a when or how to set it up, if she's not represented. I can set it up with counsel; I know that.

[page 53, lines 1-2] **The Court:** I want you to -- the police can set it up with her.

[3-4] **Dr. Faltas:** And Your Honor said two three-hours. Right?

[5-6] **The Court:** Two three-hour increments which I think is more than enough.

[7] **Dr. Faltas:** Whatever Your Honor says.

[8] **The Court:** That's what I say.

[9-11] **Dr. Faltas:** But what I'm saying is: If they are going to pretend that I took pictures, they need to have a time and date that---

[12-22] **The Court:** *The State of South Carolina has the burden of proving you guilty beyond a reasonable doubt. I would dare say that you can -- that all those issues can be explored. I'm not going to educate you on how you may defend yourself. That's what a lawyer would be for. I've ruled on the matter pertaining to the bond. All right. We'll move on now, and the police department will confer with the defendant and set up those two three-hour increments. If there's any difficulty, you bring it in front of Judge Cooper here next week. He'll be here for a chambers week. All right? So what's next?*

[23-25] **Dr. Faltas:** May I ask that a designated person in the police department does that because I don't want to get the runaround for something---

[page 54, lines 1-2] **The Court:** Ma'am? Ma'am, they are under an order from me---

[3] **Dr. Faltas:** Okay.

[4] **The Court:** ---to deal with you in good faith.

[5] **Dr. Faltas:** Okay.

[6-7] **The Court:** If they don't do it, I'll hold them contempt.

[8] **Dr. Faltas:** Please.

[9-10] **The Court:** But whether or not they're dealing with you in good faith is not to be decided by you.

[11] **Dr. Faltas:** Absolutely.

[12] **The Court:** All right. We're finished with that point.

[13] **Dr. Faltas:** Yes, sir.

[14-17] **Ms. Weiss:** Your Honor, I just -- for the record, Investigator Blanton will be out of the state next week. So if she would just deal with Sergeant Drafts and if we'd just have a deadline---

[18-20] **The Court:** Sergeant Drafts better contact her. You better get him some contact information. I suggest that you---

[21] **Dr. Faltas:** He has my cell phone number.

[22-23] **The Court:** You deal with them in good faith; they deal with you in good faith.

[24] **Dr. Faltas:** Yes, sir.

[25] **The Court:** All right. We'll move on.

[page 55, lines 1-2] **Ms. Weiss:** And I'll have him set up two dates with her---

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

[4-5] **Ms. Weiss:** ---by mon -- preferably by Monday I'll have those dates set.

[6-7] **The Court:** All right. Your motion, ma'am? Do you have a motion?

[8-10] **Dr. Faltas:** Yes, Your Honor. The bond was excessive. The warrant itself is improper because no other statute -- The warrant statute is unconstitutional---

[11] **The Court:** No, ma'am. Let's talk about your bond.

[12-21] **Dr. Faltas:** *All right. The bond is excessive monetary-wise. I am not a flight risk. I have applied and received a patent. I own property that I want to build on, and I am vigorously prosecuting pro se my civil lawsuit against them, so I am not a flight risk. The other -- the other issue is that I am not a risk to others. All they have said is frankly silly stuff. There has not been any accusation of any violence. I do not have any history of any violence, no history of any conviction whatsoever, not even a parking ticket.*

[22] **The Court:** All right. So you posted \$4,000 in cash?

[23] **Dr. Faltas:** My sisters did, Your Honor.

[24] **The Court:** So---

[25 -- page 56, line 2] **Dr. Faltas:** I'd like that refunded to use in my defense in those -- in those cases. There is no chance that I am a flight risk---

[3-4] **The Court:** So the money would go to them. Do you agree?

[5-6] **Dr. Faltas:** Yes, absolutely, but they might loan it back to me to...

[7] **The Court:** Mr. Briggs is noted as the surety.

[8-13] **Mr. Briggs:** Your Honor, I probably ought to correct that. I never heard the word surety mentioned. It was always a cash bond, and Dr. Faltas has raised that question to me. You know, lawyers aren't supposed to be sureties, so I probably ought to talk to the lady down at the clerk's court, but nobody -- nobody made me a surety.

[14] **The Court:** The money just came through you?

[15] **Mr. Briggs:** It came through my office.

[16] **The Court:** I understand that. I understand that.

[17-18] **Mr. Briggs:** And I guess I had an obligation to give a copy of that bond to my client, Your Honor.

[19-20] **The Court:** All right. Okay. But she's -- well, she's not your client.

[21] **Mr. Briggs:** Was at that time, Your Honor.

[22-24] **The Court:** Okay. I got you. All right. What's the state's position on her request to -- are you asking that these be converted to P.R. bonds?

[25 – page 57, line 1] **Dr. Faltas:** Yes, Your Honor, and so I wanted it unconditional, but since you're keeping the conditions---

[2] **The Court:** It's not going to be unconditional.

[3-5] **Dr. Faltas:** No. Okay. But -- but -- but -- but I understand that you kept those conditions, but I'd like the money refunded because that money doesn't do anything.

[6] **The Court:** Okay. Yes, ma'am. Ms. Weiss?

[7-15] **Ms. Weiss:** Your Honor, I would submit that this is a reasonable bond. The bond -- the defendant was able to make the bond. She is currently out on bond. It is \$4,000 there to show that she will act in good faith to the conditions of the bond as well as that she's not a flight risk or a danger to the community. I think it is very appropriate -- the 10 percent I thought was a very appropriate option that the judge gave. I would ask Your Honor to deny that motion and just leave the bond in place as is.

[16-20] **The Court:** All right. Based on the circumstances, I would assume that she is certainly not a risk of flight. She seems to be very willing to come to court any time the call is made; that's apparent today. Do you have any response to what Ms. Weiss said?

[21 – page 58, line 2] **Dr. Faltas:** Yes, Your Honor. Of course, as Your Honor said that I am willing to come to court any and every time the case is called. I need to get transcripts and things for my defense, and I do need that money. And as I said, that money doesn't do anything that I wouldn't do on my own personal recognizance and for my own interest. May I just say -- ask one thing Your Honor to clarify?

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

[4-7] **Dr. Faltas:** In the civil lawsuit the defendants might be taking my deposition, and they would, of course, be entitled to attend. So I assume that wouldn't violate the conditions of my bond.

[8-10] **The Court:** If you're summoned by a court order which would include a deposition notice, I don't think you're violating the conditions of your bond.

[11-12] **Dr. Faltas:** But if there are other hearings during -- in the civil lawsuit that---

[13-14] **The Court:** I would not construe that in a legitimate sense as being any impermissible contact.

[15] **Dr. Faltas:** That's all I needed to clarify.

[16] **The Court:** All right. Here is---

[17-18] **Dr. Faltas:** Please refund the money, please. I need it.

[19-20] **The Court:** Here is my ruling: the bonds are -- I'm going to -- I'm going to create one bond.

[21] **Ms. Weiss:** Okay.

[22 – page 59, line 1] **The Court:** It's \$15,000 personal recognizance -- excuse me -- surety or 10 percent option. That way the other \$2500 can be refunded through the appropriate channels. Where it might end up, I don't know, but right now it's going to go to Mr. Briggs. All right? Okay.

[2] **Ms. Weiss:** Thank you, Your Honor.

[3-7] **The Court:** The conditions are the same, and I can tell you: I might not be around. I don't come here much. Maybe everybody is glad I don't, but I assume that a judge would look at these -- any alleged violation very seriously. Okay. We're---

[8-10] **Dr. Faltas:** I thank Your Honor for having reduced it some, but may I also reserve my right to give a notice of appeal from your partial denial of my motion?

[11-12] **The Court:** Yes, ma'am, and that's not for me to consider whether or not your appeal is interlocutory or not.

[13] **Dr. Faltas:** All right. Thank you, Your Honor.

[14] **The Court:** Ms. Steele, thank you for coming and---

[15] **Ms. Steele:** Thank you.

[16-18] **The Court:** ---officer, thank you for coming. We'll take a break for five minutes, and then we'll deal with the other business.

[19]

(pause in proceedings.)

[20-22] The Court: All right. Dr. Faltas, for the bond form it will be necessary for you to put your address on there. Okay?

[23] Dr. Faltas: May I put Mr. Briggs' address?

[24] Court reporter: I can't hear her. I can't hear her.

[25] The Court: You Said Mr. Briggs' address?

[page 60, line 1] Dr. Faltas: (nodded head up and down.)

[2] The Court: If that's where you reside, that's fine.

[3] Dr. Faltas: Okay.

[4-5] The Court: It needs your -- we need your residence address. All right?

[6] Dr. Faltas: Thank you.

[7] The Court: All right. Thank you.

[8-9] **(Whereupon, the proceedings were concluded. There were no exhibits introduced.)**

[page 61]

I, the undersigned Daphne D. Helms, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of the record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Richland County, South Carolina, on the 17th of December, 2009.

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

June 21, 2010

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Marie Assa'ad Faltas, MD, MPH,)
Plaintiff,)

vs.)

Dinah Steele, Steele Enterprises and/or AAA)
Investments, a business; Larry Roe; Sharon)
B. Koon; Eugene W. (Buddy) Koon, Jr.;)
Eugene W. (Trip) Koon III; Evers-Koon and)
or EKG of South Carolina, a business;)
Jane Doe; and other unknown-named)
persons and entities who injured Plaintiff.)
Defendants,)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Docket No.: 2009-CP-40-2219

**ORDER FOR
PRELIMINARY INJUNCTION**

2009 DEC 22 PM 4:48
JEANETTE W. McBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
CLERK

This matter comes before me on motion of Plaintiff for an injunction preventing Defendants Larry Mason and Dinah Steele from engaging in harassment. She also seeks to require Defendants to move sewer lines off of her property. The motion was heard on December 1, 2009. Defendants, Larry Mason and Dinah Steele, were represented by J. Andrew Delaney, Esquire. Plaintiff was pro se. Also present were counsel for Sharon Koon and Buddy Koon, Robert McKenzie, Esquire, and counsel for Trip Koon and Evers-Koon, Alice Adams, Esquire. Based upon the evidence presented, this court grants the injunction enjoining the defendants from engaging in harassing activities and denies the injunction regarding the moving of the sewer lines because Plaintiff has an adequate remedy at law. No injunctive relief is sought against any of the remaining defendants.

DISCUSSION

The granting of an injunction is within the sound discretion of the trial court. In order for the court to grant a preliminary injunction, Plaintiff must establish that: (1) she would suffer irreparable harm if the injunction is not granted; (2) she will likely succeed on the merits of the litigation; and (3) there is an inadequate remedy at law. *AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 51, 674 S.E.2d 505, 508 (Cl. App. 2009). An injunction is a drastic remedy issued by the court to preserve the status quo and prevent irreparable injury to a party pending the litigation. *Id.*, 382 S.C. at 50, 674 S.E.2d at 508.

Agency is the fiduciary relationship resulting from the manifestation of consent by one person to another that the other shall act on behalf of and subject to the control of the first, and of consent by the other so to act. Peoples Fed. Sav. & Loan Ass'n v. Myrtle Beach Golf & Yacht Club, 310 S.C. 132, 425 S.E.2d 764 (Ct. App. 1992). Therefore, in order for agency to exist, the principal must intend that the agent act on his behalf, the agent must intend to accept the authority of the principal and act on it, and the intention of each must be manifest either in words or conduct between them. Id. Under the doctrine of respondeat superior,

“[a] principal may be held liable to a third person in a civil lawsuit for the fraud, deceit, concealment, misrepresentation, negligence, and other omissions of duty of his agent which occur in the scope of the agent’s employment, even when the principal did not authorize, participate in, or know of such misconduct or even when the principal forbade or disapproved of the act in question.”

Spence v. Spence, 368 S.C. 106, 628 S.E.2d 869 (2006); West v. Service Life & Health Ins. Co., 220 S.C. 198, 66 S.E.2d 816 (1951). However, vicarious liability does not eliminate the primary liability of the tortfeasor. Gilbert v. Mid-South Mach. Co. Inc., 267 S.C. 211, 227 S.E.2d 189 (1976). “An agent’s liability for his own tortious acts is unaffected by the fact that he acted in his representative capacity.” Thomas v. Delta Enter., Inc., 302 S.C. 351, 352, 396 S.E.2d 122, 123 (Ct. App. 1990). Therefore, both principal and agent, may be held liable for an agent’s tortious conduct toward a third party.

Plaintiff asserts that the Defendants, Dinah Steele and Larry Mason, are engaging in a course of conduct to harass her and to gain an unfair advantage in the pending litigation. Specifically, she claims that she is fearful for life and the threat of criminal prosecution.

A hearing was conducted on December 1, 2009 during which several witnesses testified. Of particular interest to the court is the testimony of Plaintiff and Defendant Mason. Also of significance to the court are certain events which occurred the day after the hearing of which the court takes judicial notice.

A brief factual background is instructive in this case. Plaintiff is a tenant of Defendant Steele. She lives at 304 Byron Road, Apt. 3 in Columbia. Defendant Mason testified that the apartment buildings were purchased by his wife and that he assists her in the management of the units. He is her agent. Steele and Mason initiated eviction proceedings against Faltas in magistrate court. The magistrate ordered eviction which was appealed by Plaintiff and she

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continued to live on the premises. In March 2009, Plaintiff filed the current lawsuit alleging several causes of action against several defendants including Steele and Mason. During the course of the current litigation, Defendants Mason and Steele obtained a restraining order against Plaintiff Faltas (Magistrate Civil Action No. 2009CV401063496) to prevent her from "taking photo's, stalking" and "no trespassing of 300 building." This order was issued on November 10, 2009. According to the testimony presented in the December 1 hearing, Faltas also requested a restraining order from the magistrate in April 2009 which was denied. A copy of the transcript from that hearing is Exhibit 1 (Magistrate Civil Case No. 2009CV401100887).

The testimony reveals that Defendant Mason sought the restraining order because Faltas engaged in a pattern of conduct of using her vehicle to block other tenants in the parking lot for the purpose of taking pictures of the residents and of the defendants. Additionally, Mason testified that Faltas followed them to work and to their home on Trenholm Road and that conduct constituted stalking.

Mason's testimony further revealed that he has made numerous inquiries of various governmental officials regarding the immigration status of Plaintiff and her mother. For example, requests have been made of South Carolina congressional representatives to determine Plaintiff's immigration status. Evidence was also produced by Plaintiff that the Department of Motor Vehicles contacted Plaintiff regarding her driving privileges. The Department intended to revoke her privileges unless she furnished information about her immigrant status. Additionally, Plaintiff was required to meet with Social Security Administration to answer questions about her mother including her status in the United States. Plaintiff claims all of these matters resulted from inquiries initiated by Defendant Mason. Although he denies initiating any contact with these agencies, Mason's attorney attempted to cross examine Plaintiff about the personal banking accounts of Plaintiff and her mother and asked specific questions about Plaintiff's mother's health and well being. These questions by counsel for Defendants reveals the ongoing conflict between the parties about Plaintiff's immigration status, the status of Plaintiff's mother (who co-owns the property adjacent to the Defendants' rental units), and other personal information not relevant to the pending lawsuits between the parties. Both Plaintiff and her mother appear to be residing in this country legally.

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It was also obvious to the Court during Mason's testimony that he uses his former law enforcement credentials with the military or SLED to make inquiries about the Plaintiff and to engage in activities that Plaintiff finds threatening. On one occasion, Plaintiff alleges when she advised Defendant Mason that she was going to call the police, he reached into her car in an attempt to take her cell phone and showed her a law enforcement badge. His disdain for her is quite apparent. It is also equally clear that the exercise by Plaintiff of her rights to appeal the eviction and to institute litigation to remedy any perceived alleged wrongs is not well taken by Mason. Certainly, Defendant Mason has availed himself of legal counsel to defend against the allegations made by Plaintiff, but the court is also aware that Defendant's actions outside of court are simply adding fuel to the fire in the course of this litigation.

Plaintiff testified about the repeated taunting not only by Defendant but also by the other tenants in the apartment building. She claims that Defendants actions demeaning her ancestry and immigration status in the presence of the other tenants have prompted the tenants to also engage in similar behavior. As support for this, Plaintiff presented photographs of the neighbors displaying offensive signs to her. Defendant counters that it is Plaintiff's conduct of repeatedly photographing them and invading their privacy that have prompted such a response. This court finds that the behavior is extreme by all parties involved. Defendant is quite aware of the sensitivities of the Plaintiff and engages in conduct to excite and incite her and to goad her into committing the very behavior that has resulted in the restraining order issued by the magistrate.

Because of Plaintiff's extreme litigious behavior, the Defendant seeks to obtain some advantage in the situation by also engaging in extreme behavior to annoy and harass the Plaintiff in retaliation. None of the activities by the Defendants are illegal, but based upon the ongoing history between the parties, Defendants conduct is designed to harass her to the point of frustration with the hope that she will abandon her appeal, vacate the rented apartment, and abandon any plans to develop the property she purchased next door. The transcript of the hearing before the magistrate in April 2009 reveals the nature of the ongoing dispute which is clearly the subject of the current lawsuit. The allegations cited at that hearing are the same as those raised before this court.

Plaintiff expressed fear that the Defendants were seeking to criminally prosecute her to the point that she would be subject to possible life imprisonment. It was clear that based upon

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her previous encounters with immigration and law enforcement, Plaintiff was fearful of imprisonment. Her fear of criminal prosecution is very real in light of the restraining order and the activities that occurred the day after the hearing.

The day after the hearing, the court was informed that Plaintiff had been arrested on harassment warrants initiated by Defendant and one of the tenants (Teresa Ingram) of the apartment complex. The allegations in the warrant are the same as those in this case. Specifically, the warrants state that the conduct by Plaintiff has occurred between February 2009 and November 2009, the same time period involved in the lawsuit. Additionally, the warrants were presented to the magistrate by Investigator Blanton whom Faltas subpoenaed for the December 1 hearing. The City of Columbia appeared to quash the subpoena as not being properly served, among other grounds. In addition, a search warrant was executed to obtain photographs, computer, car keys and documents from Plaintiff's apartment. Of particular interest to the Court is the fact that the warrants were issued on the date of the hearing before this court.

Plaintiff appeared in bond court on December 2, 2009. At that time a mutual order enjoining Faltas, Steele and Mason from contact was issued. Faltas cannot return to her apartment without a police escort to retrieve her belongings pending the resolution of the criminal matter. Steele and Mason are prohibited from entering the apartment except in case of emergency such as fire or flood.

While the activities complained of by the Plaintiff do not appear to warrant the issuance of an injunction, when combined with the additional actions of the Defendant of instituting criminal proceedings against Plaintiff, this court has no doubt that such conduct is done solely for the purpose of harassing the Plaintiff. The landlord-tenant relationship has only further complicated the situation. It is also evident that Plaintiff has exceeded reasonable bounds of privacy in an effort to document the alleged wrongful conduct she claims to endure.

Based upon the evidence presented, Plaintiff will suffer irreparable harm in the form of continued criminal prosecution and undue mental stress and anguish if the injunction is not granted. There is a real question to be determined before this court relating to the conduct of the parties in the causes of action brought by Plaintiff. Plaintiff is not required to prove an absolute legal right when seeking a preliminary injunction, but the Plaintiff must present a reasonable

question as to the existence of such a right. *ANJ Holdings, LLC v. Dunn, supra*. Additionally, there is no adequate remedy at law to redress the immediacy of this conduct except an injunction. S.C. Rules of Civil Procedure Rule 65(c) requires the giving of security by the applicant in such sum as the court deems proper. In this case, security in the amount of \$100 must be deposited with the Clerk of Court before the injunction is effective. Proof of payment of the security shall be filed with the Clerk and in the public file of this case. The parties may view the proof of payment at the office of the Clerk of Court.

ORDER

Based upon the foregoing, **IT IS ORDERED**, that Plaintiff is entitled to a preliminary injunction preventing Defendants Larry Mason and Dinah Steele from engaging in any conduct that may be construed as harassing, threatening, or intimidating by a court of law or equity. This injunction remains in effect until final orders are issued in this litigation or any other litigation, civil or criminal, between these parties, or until further order of the court.

IT IS FURTHER ORDERED that Larry Mason and Dinah Steele shall not have any direct or indirect contact with Plaintiff Maria Faltas except through their counsel of record during the course of this litigation. This prohibition extends to any other litigation, criminal or civil, involving these three parties. Larry Mason and Dinah Steele shall not cause or encourage any tenant to have any contact, directly or indirectly, with Plaintiff during the pending of this litigation or any other litigation between the Defendants and Plaintiff.

IT IS FURTHER ORDERED that Larry Mason and Dinah Steele shall not enter the premises at 304 Byron Road, Apt. 3 in Columbia, except for emergencies such as fire or flood.

IT IS FURTHER ORDERED that Plaintiff Maria Faltas shall not have any contact, directly or indirectly, with the Defendants Larry Mason and Dinah Steele during the pendency of this litigation or any other litigation, civil or criminal, between the parties. Any communication must be directed through the Defendants' counsel of record in this litigation.

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IT IS FURTHER ORDERED that Plaintiff provide proof of payment of the security to counsel of the Defendants and counsel of Defendants shall immediately inform the Defendants without further proof by the Plaintiff.

AND IT IS SO ORDERED.


ALISON RENEE LEE
Presiding Judge

December 22, 2009
Columbia, South Carolina

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STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT

Marie Assa'ad Faltas, MD, MPH,)

Docket No.: 2009-CP-40-2219

Plaintiff,)
 vs.)

ORDER

Dinah Steele, Steele Enterprises and/or AAA)
 Investments, a business; Larry Roe; Sharon)
 B. Koon; Eugene W. (Buddy) Koon, Jr.;)
 Eugene W. (Trip) Koon III; Evers-Koon and)
 or EKG of South Carolina, a business;)
 Jane Doe; and other unknown-named)
 persons and entities who injured Plaintiff.)

Defendants,)

RICHLAND COUNTY
 FILED
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 JEANETTE W. McBRIDE
 C.C.P. & G.S.

This matter comes before the Court by way of a motion filed by Plaintiff for partial reconsideration and/or clarification of this Court's Order entered on December 22, 2009. Plaintiff asks that this Court reconsider its denial of the injunction concerning the sewer lines. However, after careful consideration of the record in this case and the submissions of counsel, this Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or facts not appropriately considered. Furthermore, Plaintiff's motion for reconsideration fails to set forth any material fact or principle of law, which she claims the Court failed to consider.

Plaintiff also asks that this Court clarify two portions of the December 22, 2009 order. Specifically, Plaintiff requests that the Court clarify a statement on page 4 of the order that "none of the activities by the Defendants are illegal" and that this Court made no finding as to Plaintiff's culpability for taking photographs of her neighbors. The Court's statement that "none of the activities by the Defendants are illegal," should only be interpreted to include the activities addressed within the context of the Court's discussion concerning the preliminary injunction. Lastly, in reference to Plaintiff's culpability for taking photographs of her neighbors, the Court finds no statements within the December 22, 2009 order where it makes any finding concerning Plaintiff's culpability. Whether Plaintiff is culpable for taking photographs of her neighbors was not a matter before the Court in consideration of Plaintiff's motion for preliminary injunction;

therefore, the Court's order cannot be interpreted to make any findings with regard to those accusations.

Accordingly, this Court hereby **DENIES** Plaintiff's Motion pursuant to Rule 59(e) SCRPC to Alter or Amend Judgment of this Court's Order entered on December 22, 2009 in reference to the sewer lines. In the alternative, the Court has clarified statements within the order as requested by Plaintiff. Pursuant to Rule 59(f), the Court is of the opinion that oral argument is not necessary.

AND IT IS SO ORDERED.


ALISON RENEE LEE
Presiding Judge

December 31, 2009
Columbia, South Carolina

HONORABLE GEORGE C. JAMES, JR., PRESIDING JUDGE.

EXHIBITS

[19] **Dr. Faltas:** Stand by.

[20] The Court: Stand by?

[21] Dr. Faltas: Yes.

[22-23] The Court: So, Mr. Sawyer is here conditionally, based on that application. Is that correct?

[24] Mr. Sawyer: Correct Your Honor.

[25 – page 5, line 6] The Court: All right. Here are the ground rules we are going to follow in light of the hearing that we had two weeks ago, which to my recollection was that it took an hour and a half on a bond modification motion. Nobody talks unless a direct question is asked or a request is made for a direct response. Do you understand that Ms. Weiss?

[7] Ms. Weiss: Yes, Your Honor.

[8] The Court: And Dr. Faltas, do you understand that?

[9] Dr. Faltas: Yes, Your Honor.

[10-21] The Court: Do not interrupt anybody and if you have any questions about anything, they will be answered at the appropriate time, but this is not going to be an examination of this case on the merits at all. If I refer to the folks at the apartment complex as victims, you objected to that last time, if I say the word victim, I mean alleged victims. You have all the rights under the Constitution that you are entitled to have and this hearing is not going to deprive you of anything. But if I mis-speak in your mind in any way and call these folks victims, you understand what I'm talking about is that correct?

[22-23] Dr. Faltas: Yes, Your Honor. May I say two things however if --- with your permission?

[24] The Court: Speak clearly and speak loudly.

[25 – page 6, line 3] Dr. Faltas: Yes, Your Honor. First, I think I remember clearly that Your Honor had allowed Ms. Weiss until the end of the day Tuesday to file a response to my motion.

[4] The Court: If she wanted to.

[5-10] Dr. Faltas: She --- yeah. She didn't. I believe that she --- I ---Your Honor should treat my motion as uncontested. In the alternative, I pray the Court to not allow her to introduce any new matter, because I wasn't given notice of it and I didn't have a chance to reply.

[11-17] The Court: Those requests are noted and they are denied. What I've told her on the phone during our conference call was that if she wanted to respond in writing, if, she would have to do it by yesterday, excuse me Tuesday. She chose not to file anything and she can do it verbally today. So your requests are denied.

[18-20] Dr. Faltas: The other thing, Your Honor, is that I had attached to my motion, an order by the Honorable, very courageous, Judge Lee and ...

[21] The Court: The Honorable what?

[22] Dr. Faltas: Very courageous.

[23] The Court: Honorable, very courageous Judge Lee.

[24 – page 7, line 5] Dr. Faltas: Yes, Your Honor, and of course that was served on Ms. Weiss. I had subsequently filed a motion for partial reconsideration and Her Honor issued an order on that and I give it to Ms. Weiss yesterday in open Court, so if it pleases the Court, may I give it to the Court personnel to pass it up to you?

[6] The Court: Yes ma'am.

[7] Dr. Faltas: Thank you.

[8-10] The Court: All right. And here's the next ground rule. Since --- I'm going to start a timer. We've got fifteen minutes.

[11] Dr. Faltas: Thank you.

[12-14] The Court: As soon as I finish reading this order, this new order, which is a page, we're going to start and you've got fifteen minutes.

[15] Dr. Faltas: Yes, Your Honor, it's two ...

[16] The Court: That's fifteen minutes total.

[17-18] Dr. Faltas: Sure, sure. The order is two pages however, if ...

[19] The Court: No, it's not. It's a page and four lines.

[20] Dr. Faltas: I'm sorry. I apolo --- I was just ...

[21-23] The Court: And you're wasting time, so we are not going to dwell like we did last time, so we'll, if you'll just be quiet for just a minute.

[24-25] Ms. Weiss: Your Honor, I did not receive a copy of that order, if she has another copy?

[page 8, line 1] The Court: I'll give it to you as soon as I read it.

[2] Ms. Weiss: Okay, thank you. That's fine.

[3] (Court reads order)

[4-9] The Court: All right. Dr. Faltas, is there anything that you would like to say in support of your motion that I reconsider the bond condition that I actually modified to allow you two to three hours windows to go to your apartment in Columbia to remove your personal items?

[10-17] Dr. Faltas: Your Honor, the understanding is that I wasn't able to, that I wasn't suppose to remove everything and that was something that was the Sergeant said he'd check with Ms. Weiss and she confirmed it. Mr. Sawyer's office says that they are getting the transcript. But may I say Your Honor and, of course, Ms. Weiss I'm sure will bring this up, is that the Chief Justice is very upset with me.

[18-19] The Court: And that has nothing to do with what I'm doing now so ...

[20] Dr. Faltas: Excalty.

[21] The Court: So I ...

[22] Dr. Faltas: Exactly.

[23-25] The Court: I know that you have filed numerous documents with the Supreme Court. I have nothing to do with that.

[page 9, line 1] Dr. Faltas: Excalty.

[2] The Court: So, you want to use your time wisely ...

[3] Dr. Faltas: Yes.

[4] The Court: ... tell me what you want me to do.

[5 - page 10, line 5] Dr. Faltas: Yes, Your Honor. I wanted to say that when Your Honor assumed the independent judiciary chair, your oath wasn't to the Chief Justice or to representatives, but to the Constitution of the United States and the Constitution of South Carolina secondarily and of course the Constitution of the United States under the supremacy clause trumps any laws in South Carolina and even the Constitution of South Carolina. Your Honor, the presumption of innocence is so ingrained, it's almost the crown jewel of the Bill of Rights of the Constitution of the United States. Additionally, the Writ of Habeas Corpus is part of the Constitution itself, before the Bill of Rights. And so, the Eighth Amendment prohibits excessive bail and cruel and unusual punishment. I should be presumed innocent. I have been out of my apartment and without access to many things for more than months now. That sometimes gets to be punitive. Then yesterday we had a probably cause hearing and I was shocked, shocked at the certain hearsay and that the Municipal Judge, who is --- doesn't at all satisfy the Constitution requirement of a neutral magistrate and there were several cases where the U.S. Supreme Court said that a neutral magistrate cannot have any connection with ...

[6-8] The Court: I caution you that what happened yesterday has nothing to do with today, so you need to get to your ...

[9-16] Dr. Faltas: All right, all right, All right. So, so, all they said and they said she claimed that yelling and screaming is not protected by the First Amendment. Well, Your Honor, if the First Amendment only protects whispers and pleasant speech, then this wouldn't be a free society at all. The First Amendment protects offensive speech, protects vigorous assertions of one's rights ...

[17-20] The Court: This is not a First Amendment case. You are charged with harassment in the First Degree. Part of the charge against you, well the facts are what the facts are. The bond is what we're here to talk about.

[21] Dr. Faltas: Yes, Your Honor ...

[22-23] The Court: You're contesting that I did not modify the bond enough.

[24] Dr. Faltas: Yes.

[25] The Court: So tell me what you want you want me to do.

[page 11, line 1] Dr. Faltas: Yes, Your Honor, yes.

[2-3] **The Court:** I know the law, that you've expressed to me, but tell me what you want me to do.

[4 – page 12, line 14] **Dr. Faltas:** Well, first of all, the statute makes exception for speech and conduct protected by the First Amendment, so that the fact that somebody, because they have an interest especially to get advantage in a civil litigation, claims that my speech wasn't protected by the First Amendment is wrong, but what we're --- twenty-four hour video surveillance. The whole country of England has vigil cameras for surveillance in the street. Many home I'm asking Your Honor, as I stand before you, I am innocent and I'm asking this horrendous deprivation of my property and my liberty to return to my apartment. What is --- what is the risk to the alleged victims? They claim that I blocked their car long enough to take a photograph. Well a photograph is taken in a fraction of second. In addition, in addition, there is a restraining order issued by the Magistrate that I'm not supposed to take photographs of those people. But if, and, Your Honor, in the first hearing, said that last you knew it wasn't illegal to take photographs. In fact, most Courts, the office of the Supreme Court, Richland County, the Magistrate's courts, they have twenty-four hour video surveillance. The whole country of England has vigil cameras for surveillance in the street. Many home owner's install video surveillance outside, so the only complaint they have is that while they were out, visible to the public, that I took photographs of them to document something wrong they were doing to me. Even if it weren't, people who have neighborhood watch associations, they either post somebody to watch when people walk on the street, prowlers, anything. So, in balance of that, in balance of that, that people don't want me to even look at them when they are in public, and there hasn't been any allegation that I broke into someone's house or wire tapped their telephone or did anything that's really an invasion, an invasion of their private space. Just for that, and I'm presumed innocent.

[15-18] **The Court:** All right, I'm going to have to give her a chance to respond, so I want you to tell me what you want me to do. Then I'm going to hear from the State and then you'll be the last one to talk.

[19 – page 13, line 1] **Dr. Faltas:** Thank you Your Honor, so all I'm saying is that at this point the imposition on my health, on my liberty, on my access to the things I need, my books, my papers, my everything. The financial horrendousness of my having to be out of my apartment and my being unable to get another apartment because I have no references. All of that is totally disproportionate to whatever harm they claim I cause them. In fact ...

[2] **The Court:** So you want me to lift that restriction?

[3-5] **Dr. Faltas:** If it pleases the Court, yes and again, I would also like Your Honor to completely make it a personal recognizance bond. I ...

[6] **The Court:** I'm not going to do that.

[7] **Dr. Faltas:** All right.

[8] **The Court:** I can tell you right now, I've lowered ...

[9] **Dr. Faltas:** Okay, that's fine.

[10-11] **The Court:** ... the bond sufficiently. I'm not going to lower the ...

[12-13] **Dr. Faltas:** That's fine, but, and I also offered long ago ... about the bond. To install motion detect ... motion activated cameras, they would be subject to the police supervision so

[14] **The Court:** No I'm ...

[15-19] **Dr. Faltas:** No, I've got you about the part about the bond. To install motion detect ... motion activated cameras, they would be subject to the police supervision so that everybody knows that I'm not blocking anyone. I'm doing ...

[20] **The Court:** Are you going to install those?

[21 – page 14, line 1] **Dr. Faltas:** Yes, Your Honor, if the Court agrees. Yes, absolutely and they can be supervised by anyone the Court assigns so the Court will know that I'm not committing any of those offenses until the trial or until the charges are dismissed based on whatever reason.

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

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

[4-10] **Ms. Weiss:** Yes, Your Honor. May it please the Court. Just to go over kind of a procedural background very quickly. Well, first of all, I want to let you know that present in the courtroom today are Larry Mason and Teresa Ingram. Teresa Ingram is one of the named victims. Larry Mason is the husband of one of the other victims.

[11] The Court: Are they on the back row?

[12-16] Ms. Weiss: They are on the back row Your Honor with my Victim Advocate and the investigator in this case, Investigator Blanton from the City of Columbia in case you need to hear from her. And the other victim Donna Steele Mason had some difficulties yesterday and ...

[17] The Court: With who?

[18-20] Ms. Weiss: With some stress and had to seek medical attention and was unable to be here today, but her husband is here on her behalf.

[21-22] The Court: Is that the lady who spoke at the last hearing?

[23 – page 16, line 4] Ms. Weiss: Yes, Your Honor. Your Honor the, I know we're not here for these things, but I just want to point them out. The Defendant has filed a Habeas Corpus petition with the Circuit Court, I've answered that, so that is clearly not before you today on issues on that. The motion to reconsider, I mean the motion, the preliminary injunction order by Judge Lee that the Defendant is ask you to consider is currently under reconsideration filed by Andy Delaney, the attorney for the Defendants, the Masons in that case. So that's currently under reconsideration. After being filed by Andy Delaney on that case. I just want the Court to be aware of that. We did have a preliminary yesterday after approximately two hours of that. Both charges were held over to General Sessions. As far as Your Honor's order for the two three hour periods, Sgt. Drouse [sic] of the City of Columbia did speak with Dr. Faltas, set up two three hour periods. One was yesterday from nine to twelve. The other was prior to Christmas, was from about eleven to two, prior to the holidays. Prior to us returning to Court, Dr. Faltas was given those two three hour periods. It's my understanding she did come an hour late for the first one, but was given time to go in there. And then for the second one yesterday, was also thirty minutes late, but she did get those two three hour periods. She did take things from her apartment, she did not come with anything other than her vehicle and herself to do that. But she was given access with law enforcement supervision to get whatever she needed from her apartment. So, that has been provided to her.

[5-12] The Court: Here's what she's asking for, what I've been able to gleam from her filing, she was evicted because of some perceived harassment. That is true. Granted that Order. She appealed that, so she still has possessory rights. Then she gets arrested for harassment in the first degree and one of the conditions of the bond is that she can't go back to the apartment at all without a police escort.

[13] Ms. Weiss: Yes, Your Honor.

[14-17] The Court: There was some confusion in some people's minds as to what that meant and she took it to mean that anytime she wanted to go, the police would just have to go with her.

[18] Ms. Weiss: Right.

[19-21] The Court: For whatever reason. Then I made it more definitive. She has two three hour increments to go get her things.

[22] Ms. Weiss: Yes, Your Honor.

[23 – page 17, line 6] The Court: She's asking me now to just do away with all of that and let her have her possessory rights to her apartment, with the restraining orders in place. That nobody bothers anybody, nobody blocks anybody, nobody takes pictures of anybody and just nobody messes with anybody. What I can't understand is why a group of adults, I'm not finding fault with anybody, just can't leave each other alone? And I know it's the State's position is she, Dr. Faltas won't leave anybody alone.

[7] Ms. Weiss: Yes, Your Honor.

[8-9] The Court: So, do you think I should lift that restriction?

[10-18] Ms. Weiss: No, Your Honor, I do not think you should lift that restriction. The discovery will show that, in fact, when this all started, as far as this case is concerned back in February the landlord/land-lady, as well as the tenants in the apartment sent letters, sent numerous letters, numerous personal requests, you know as adults, please do not harass us, do not block us in, do not take pictures, just as Your Honor is asking.

[19-20] The Court: I can't ask her about all that because she has the right to remain silent.

[21 – page 19, line 15] Ms. Weiss: No, Your Honor. I understand, I'm just saying, as far as Your Honor is saying. They did try that avenue. That was not adhered to. She continued to do these things, causing people to --- the question obviously before us today is whether she is a flight risk or whether she's a danger to the community. Her

actions cause people to be late for work, late for appointments and cause people mental and emotional distress. Most recently evidenced by Ms. Mason's medical treatment that she had to seek, in relation to the stress being caused by some of this. So, Your Honor, I feel that this is not causing her a hardship. Actually, at her initial bond hearing, she was represented by Attorney Briggs of the private bar. He spoke to Judge Burns, who was the presiding Judge and said, Your Honor, this is no problem. She does not need to go back, we do not want her to go back. Her family has provided sufficient funds for her to get a house for her to stay in. She will not have a landlord, she can live there. Her family is providing all this. Her family as the Defendant has stated, provides all of her income. So this is not some extraordinary remedy. This is, her family is the one who provides for everything. Provide for her clothes, her shopping, her living day to day. So for this apartment or for this house, her family provides for that. They provided money for that. She refused to do that Your Honor. That was what was given to Judge Burns and Judge Burns even spoke on the record and said, I'm sure if they provided money for a house until you could find that house, they will provide money for her to stay in a hotel until that time. Her attorney represented to the Court that was no problem. They had provided that money, they will provide that money. Her apartment does not have any special set up for any of her disabilities as provided in her motion. Her apartment does not have food, it does not have drinks, it does not have anything extraordinary outside of what would be even in a normal hotel room. Much less a home that she could live in. It actually, you know, there are actually problems with that apartment that, were the landlords allowed to go in, they could probably fix, but they haven't been allowed to go in very recently, that would not be in a hotel room or in a home that she could buy for herself.

[16-17] The Court: So you think the conditions should stay the same?

[18 – page 20, line 5] Ms. Weiss: Absolutely Your Honor for the safety of the community. We have complaints from everybody in that community that this is a problem. They have all tried civilly, outside of criminal charges, to proceed with this. So Your Honor, I feel that this is an appropriate order in this matter and I will do everything in my power as an Assistant Solicitor to expedite this case, to set this case for trial and try to get this adjudicated. Her first appearance is January 25th. I'm not intending to extraordinarily prolong it to prolong her being out of that apartment, if that, depending on the way this case goes one way or the other.

[6] The Court: Where are you living now ma'am?

[7] Dr. Faltas: Your Honor, I'm staying in a hotel.

[8] The Court: Ma'am?

[9-10] Dr. Faltas: I am staying in an hotel. That's one thing. The other thing ...

[11-12] The Court: Wait a minute, I just asked you where you were staying.

[13] Dr. Faltas: Yes sir.

[14-15] The Court: Okay, all right. When is the civil appeal going to be heard?

[16] Dr. Faltas: What civil appeal?

[17] The Court: You appealed the eviction.

[18] Dr. Faltas: Oh and Your Honor ...

[19] The Court: When is it going to be heard?

[20] Dr. Faltas: I have no idea.

[21-22] The Court: That would take care --- Because if the eviction is affirmed.

[23] Ms. Weiss: Yes Your Honor.

[24 – page 21, line 1] The Court: She's out. No matter what the bond condition is. If the eviction is overturned then we're right back and this still is a question.

[2] Ms. Weiss: Yes, Your Honor.

[3-8] The Court: This, I guess in layman's terms, is I may have said at the last hearing, this blows my mind. That we have devoted all this time and the Magistrate devoted several hours to a hearing on why people can't get along. It's like a playground fight. What's your response ma'am to what the Prosecutor said?

[9-10] Dr. Faltas: Well Your Honor, I hope you have read Judge Lee's order.

[11] The Court: I read it.

[12-16] Dr. Faltas: Yes, first of all, it's not at all, and please realize, at one time I was falsely accused of something else and I argued my own case to the State Court of Appeals and won and that's not published, but it does have a reference.

[17] The Court: Not in front of me.

[18 – page 22, line 6] Dr. Faltas: No, I understand, I understand. But I was asking if the Honorable Municipal Judge Dennis would expunge it. He said I cannot make you anymore not guilty than not guilty. I could not have not done those things anymore than not having done them. Your Honor, in our very recent lives, we have seen that the Duke Lacrosse players were falsely accused of rape; we have seen that Joseph --- was accused of sexually molesting somebody; we have seen that the late Michael Jackson was sexually accused of somebody. Judge, people tell lies for reasons and the Honorable Judge Lee found that they are trying to get advantage in a civil litigation. Please, the presumption of innocence means that my accusers aren't telling the truth.

[7-8] The Court: Were you were evicted from three other places you said?

[9-10] Dr. Faltas: No, Your Honor. I didn't say that at all. I said I couldn't get a current apartment.

[11-12] The Court: Okay, have you ever been evicted from other apartments in Columbia?

[13-25] Dr. Faltas: Your Honor, the answer is one house and the woman defaulted on the mortgage the next day and claimed it as her primary residence. That was --- the other thing is they claimed that this eviction was because of harassment. Actually the return was made and the Magistrate said that her only finding is that I did not get at all to present that the notice was in bad faith, but that just that the fact that they filed a lawsuit constitutes a notice. I think that's legal error and I'm very hopeful in prevailing. So no, it wasn't three other apartments Your Honor, and it was never, never because of harassment and not this time either. And then ...

[page 23, line 1] The Court: Let me ask you this question.

[2] Dr. Faltas: Okay.

[3-12] The Court: First of all, we're almost finished and I'm going to stop okay. We've got about one more minute. I'm going to ask you this question. I'm not inclined to lift this restriction. If I did, would you take the position that you would have the right to do anything but park in your space and go in your apartment, sleep, eat and come back out and go to work or wherever you go the next day. Do you think you would have the right to take photographs, talk to anybody else on the premises or do anything?

[13-23] Dr. Faltas: No, because there is a restraining order in place from the Magistrate. That's one thing, the other thing is, she says that Ms. Steele had to be treated yesterday for some kind of stress. Well I've been away for forty days now. So if she's having stress, it's because of something else. So my putting, their putting me away didn't help whatever claim Ms. Steele has of stress. If she suddenly, after my being forty days away from my apartment, she's suddenly being yesterday treated for stress, then she has other reasons of stress and ...

[24] The Court: Thank you.

[25] Dr. Faltas: Thank you.

[page 24, lines 1-3] The Court: All right that will conclude --- Do the victim's [sic] want to say anything? Alleged victims and that will be Mr. Mason did speak at the last time.

[4-7] Ms. Weiss: I believe Ms. Ingram would like to address the Court and I apologize. I don't know court room decorum as to where she should be. I just need to know where she needed to be in this courtroom.

[8-9] The Court: She can come on up. We don't have that restriction here.

[10-12] Dr. Faltas: Your Honor, may I for the record, just interpose an objection that she needs to be sworn if she ...

[13] The Court: No, she's not going to be sworn.

[14] Dr. Faltas: All right, then I ...

[15-16] The Court: And your objection is noted for the record.

[17] Dr. Faltas: Do I get to cross examine her?

[18-19] The Court: No ma'am, you do not. All right, yes ma'am, your name?

[20] Ms. Ingram: I'm Teresa Ingram.

[21] The Court: All right and your occupation?

[22-24] Ms. Ingram: I'm with the Mentor Network. It's called the Direct Service Employers. I guess that would be like a residential specialist.

[25] The Court: Do you live in this apartment complex?

[page 25, line 1] Ms. Ingram: Yes sir.

[2-3] The Court: All right, tell me what you want to tell me.

[4-6] Ms. Ingram: Well, she has constantly harassed myself and the other tenants that's there and we're actually in two different buildings and ----

[7] The Court: What does she do?

[8] Ms. Ingram: The constant pictures and name calling.

[9] The Court: What does she call you?

[10-19] Ms. Ingram: Prostitute, everybody in Columbia, from the Sheriff's Department to the Commissioner of HUD, the Fire Department, everyone in Columbia has been dispatched to that particular address, comes with the intentions of meeting a prostitute. She said that in court several times, to the point where I had to personally ask the Judge or Ms. Steele personally asked the Judge to not allow her to continuously say that. She blocks my entrance and exits from leaving the apartment.

[20] The Court: How does she do that?

[21] Ms. Ingram: With her car.

[22] The Court: Okay.

[23 – page 26, line 13] Ms. Ingram: With her car. She takes pictures of myself and my guests, kids, sometimes I have my girlfriends little girl. She comes out with a camera and scares the kids. They're crying and trying to run from her. My parents that comes, and I know that she knows that these are my parents, my uncle, well my father and two uncles came and she's outside like blocking them, snapping pictures, telling me that my father and my uncle are my clients. So and since she has been gone, it has been peaceful and I would not like to have her back. She has stalk me, she has physically assaulted me and she ... a restraining order has been issued and as a matter of fact, this morning when she noticed that I came to court, she flipped me the bird. So the harassment never stops.

[13] The Court: All right, your name please ma'am?

[14-15] Ms. Reynolds: I'm Francis Reynolds, I'm the Victim Advocate.

[16-17] The Court: All right, okay, anything you want to say ma'am?

[18] Ms. Reynolds: No, sir.

[19-20] The Court: Okay, I'll give you one minute for the last word.

[21-25] Dr. Faltas: Your Honor, I have pictures which have been referenced in Judge Lee's order of Ms. Ingram and her guests pointing fingers, doing this and in fact it was Ms. Ingram who did that on the way to court to me. I do not ...

[page 27, line 1] The Court: Did you call her a prostitute?

[2] Dr. Faltas: No sir, I ...

[3-4] The Court: All right. Did you flip her the bird this morning?

[5-13] Dr. Faltas: No, Your Honor, I never did, ever. In fact, I have pictures of her and one of her guests doing that and these are the ones Judge Lee referenced in addition. That she says I'm blocking, it shows her with a wire coat hanger attaching a car to a truck in a non safe and illegal way and then pulling the other exit. There are two wide exits. I couldn't have possibly done that and these pictures were presented to the Magistrate.

[14-17] The Court: All right, that will conclude the hearing this morning. All right, thank you. I will advise you of my ruling. And Ma'am, Dr. Faltas, your fax number is disabled?

[18] Dr. Faltas: Yes Your Honor.

[19-20] The Court: All right, how am I going to get this to you?

[21-22] Dr. Faltas: If it pleases the Court, you have my cell number.

[23] The Court: I need to know where I can send it.

[24-25] Dr. Faltas: Would it be possible to fax it to Mr. Briggs and he will advise me?

[page 28, line 1] The Court: What is his number?

[2] Dr. Faltas: It's area code 803-957-5763.

[3] The Court: That's the fax number?

[4] Dr. Faltas: Yes, Your Honor, or to Mr. Sawyer as well.

[6] The Court: All right Mr. Sawyer your fax number?

[6-7] Mr. Sawyer: Your Honor I don't know it off the top of my head.

[8] The Court: I don't know mine either.

[9] Dr. Faltas: May I ...

[10] The Court: You may not say anything else.

[11-12] Dr. Faltas: I was wanting to offer the pictures for the record.

[13-14] The Court: You should have done that at the beginning. Yes sir Mr. Sawyer?

[15] Mr. Sawyer: 803-748-5018.

[16] The Court: 5018. All right.

[17-19] Dr. Faltas: Well then may I ask that you can take judicial notice of the pictures that have been presented to Judge Lee?

[20-22] The Court: You can leave them here, but I'm not going to look at them now. I've got other business to conduct in Sumter county.

[23-25] Dr. Faltas: May I go copy them and bring them back because I have the original that's stamped by the Magistrate's office certified copy.

[page 29, lines 1-2] The Court: However you feel compelled to do it, but you're not going to have any conversation.

[3-4] Dr. Faltas: No, that's fine. So I'll go do that and then bring them to the court.

[5] The Court: That will be fine.

[6-10] Dr. Faltas: And certainly Ms. Weiss can look at them before I copy them. Your Honor, it's always a pleasure to appear before Your Honor and I hope Your Honor doesn't take any offense in my zealous advocacy of myself.

[11] The Court: No, ma'am. You did fine. Thank you.

[12] Dr. Faltas: Thank you.

[13] The Court: I need your address too Dr. Faltas.

[14-16] Dr. Faltas: Well, what's been happening is that the post office is holding my mail and I go pick it up, so the apartment address is good.

[17] The Court: The apartment address is good?

[18] Dr. Faltas: Yes Your Honor.

[19] The Court: Thank you.

CERTIFICATE

This is to certify that the hearing in the matter of State of South Carolina vs. Marie Asa'ad Faltas, consisting of twenty-nine (29) pages is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 1st day of July, 2010.

[s/] Melissa R. Singletary
Certified Court Reporter
Notary Public for South Carolina
THIRD JUDICIAL CIRCUIT (803) 436-2150