

THE STATE OF SOUTH CAROLINA

**No. 2022-000339**

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

RECEIVED

OCT 16 2023

SC Court of Appeals

**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.**

**ABREVIATED RECORD ON APPEAL in seven volumes**

Volume II: Containing: (1) Photos Admitted to the Trial and Circuit Courts, (2) Photos and Records from the Internet also submitted to the Trial and Circuit Courts, (3) Dr. Assa'ad-Faltas' then-forced-attorney Ted Lupton's Discovery Requests and Production of Reciprocal Discovery, (4) Extracted complete but uncorrected 28 January 2022 hearing transcript before the Circuit Court [listed in, but inadvertently omitted from, Volume VII], and [5] Amended list of contents.

Sincerely submitted and served on 16 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](mailto: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](mailto:Jocelyn.Baker@columbiasc.gov)  
Phone: (803) 737-4230 Ext

RECEIVED

OCT 16 2023

**Contents of Abbreviated Record on Appeal (7 volumes) in SC Appellate Case 2022-000339**

**Volume I: Documents Mandated by Rule 210(c), SCACR, in descending Chronological Order**

Document identification	Document Date	length	Page
1. FJDCB denies reconsideration	2022-03-11	7 pp	Vol I - 1
2. Dr. Assa'ad-Faltas' timely Rule 59(e) motion	2022-02-22	18 pp	Vol I - 8
3. FJDCB's ORDER affirming magistrate	2022-02-09	11 pp	Vol I - 26
4. Magistrate's signature and itemization of Return to Circuit	2021-06-23	2 pp	Vol I - 37
5. Judge Pope's ORDER for Magistrate to make return	2019-12-12	3 pp	Vol I - 39
6. Magistrate's denial of reconsideration and of transfer	2019-02-27	1 p	Vol I - 42
7. Timely motion to reconsider and renewed request to transfer	2019-02-11	2 pp	Vol I - 43
8. Judge Jocelyn Newman's remand to summary court for 29(b)	2018-01-04	3 pp	Vol I - 45
9. Letter from Jeanette McBride refusing to schedule motion	2014-06-05	1 p	Vol I - 48
10. Dr. Assa'ad-Faltas' Rule 29(b) sent by certified mail to CMC	2014-01-31	18 pp	Vol I - 49
11. Motion to suspend appeal and present Rule 29(b) to trial court	2013-12-23	15 pp	Vol I - 67
12. CMC's Solomon's Final Report on all Dr. Faltas' CMC cases	2013-07-25	1 p	Vol I - 82
13. Then-CMC's Solomon's Status Update to then-SC CJ Toal	2013-05-14	5 pp	Vol I - 83
14. Highlights of sentencing transcript proving improper factors	2013-04-25	6 pp	Vol I - 88
15. Then-SC-Chief Justice Toal Administrative Order re Dr. Faltas	2013-03-07	1 p	Vol I - 94
16. City of Columbia's courtesy summons for alleged simple assault	2009-09-11	1 p	Vol I - 95

**Volume II: Contains Photos Admitted to the Trial and Circuit Courts in this and related cases, includes Dr. Assa'ad-Faltas' then-forced-attorney Ted Lupton's Discovery Requests and Reciprocal Production, etc.**

17. Dinah Steele self-advertised "athletic, 5'7" single female	2008-05-28	2 p	Vol II - 1
18. Photos of Dinah Steele's typical gesture at Dr. Assa'ad-Faltas	2009-11-09	2 p	Vol II - 3
19. Separate arrest photos of Charlene Crouch and Teresa Ingram	2012	1 p	Vol II - 5
20. Lupton's specific Rule 5/Brady requests to Fernandez	2013-01-24	2 pp	Vol II - 6
21. Lupton's Service of CD as Defense's reciprocal discovery	2013-02-21	1 p	Vol II - 7
22. Extracted uncorrected Transcript of City vs Faltas	2022-01-28	6 pp	Vol II - 8

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

23. Charlene Crouch's redacted 10-year driving record	2009-11-11	3 pp	Vol III - 1
24. Redacted Dr. Assa'ad-Faltas' CMC disposition letters	1999-2010	10 pp	Vol III - 4
25. Then-CMC Judge Dennis GRANTS Rule 29(b) in different case	2005-07-23	6 pp	Vol III - 14
26. RC Public Index (PI) of Dinah Steele evicting Renard Walker	2006-11-17 <i>et seq</i>	1 p	Vol III - 20
27. Audio transcript of Dr. Assa'ad-Faltas' <i>pro se</i> oral argument	2007-02-06	9 pp	Vol III - 21
28. SC CoA's 2007-UP-193 opinion in Dr. Assa'ad-Faltas' favor	2007-04-26	4 pp	Vol III - 30
29. SC Advance Sheets No 2007-27, City's rehearing DENIED	2007-07-02	8 pp	Vol III - 34
30. Charlene Crouch's Larceny Warrant in Winnsboro, SC	2007-07-08	3 pp	Vol III - 42
31. Charlene Crouch's grand larceny conviction documents	2007-08-07	4 pp	Vol III - 45
32. Charlene Crouch's 2007-GS-20-350 Crouch Guilty Plea	2007-08-15	11 pp	Vol III - 48
33. Crouch's 2007-GS-20-350 Plea extracted Tr highlighted	2007-08-15	3 pp	Vol III - 59
34. City of Columbia's Cert Petition by SC S Ct DENIED	2007-10-18	2 pp	Vol III - 62
35. Charlene Crouch's Lykesland Magistrate documents Part I	2007-10-23 <i>et seq</i>	19 pp	Vol III - 64
36. Crouch's Lykesland Magistrate documents (last 12 pp of Part I)	2008-05-06 <i>et seq</i>	13 pp	Vol III - 83
37. City of Columbia resumes dual payments to Heather Savitz Weiss	2009-01-05	3 pp	Vol III - 96

**Volume IV: Continued Evidentiary Documents in ascending Chronological Order**

38. Charlie White's letter & Delaney's response to discovery in civil	2009-08-20	2 pp	Vol IV - 1
39. City's Police Department's incident report simple assault	2009-09-11	2 pp	Vol IV - 3
40. Dr. Assa'ad-Faltas' <i>pro se</i> motion to dismiss 1st trespass	2009-11-04	1 p	Vol IV - 5
41. Blanton interviews Charlene Crouch to testify for simple assault	2009-11-09	2 pp	Vol IV - 6
42. Blanton's then-undisclosed purported case summary	2009-11-17	7 pp	Vol IV - 8

43. CMC-made transcript of hearing before Marion Oneida Hanna	2009-11-17	14 pp	Vol IV - 15
44. Same transcript extracted, formatted and highlighted	2009-11-17	4 pp	Vol IV - 29
45. Dr. Assa'ad-Faltas' <i>pro se</i> Amend Comp 2009-CP-40-02219	2009-11-20	12 pp	Vol IV - 33
46. City of Columbia renews payments to RC Solicitor's Office	2009-11-24-30	2 pp	Vol IV - 45
47. Warrant Affidavit signed against Dr. Assa'ad-Faltas alleging	2009-12-01	1 p	Vol IV - 47
48. Bond setting audio Tr for Dr. Assa'ad-Faltas at ASGDC	2009-12-02	12 pp	Vol IV - 48
49. Bond modification Tr for Dr. Assa'ad-Faltas at RC Gen Sessions	2009-12-17	21 pp	Vol IV - 60
50. Judge Lee's Order for Preliminary Injunction in 2009-CP-40-	2009-12-22	7 pp	Vol IV - 81
51. Judge Lee's Order on Reconsideration in 2009-CP-40-02219	2010-01-04	2 pp	Vol IV - 88
52. Tr. Hearing on further bond modification by then-Judge James	2010-01-07	9 pp	Vol IV - 90

**Volume V: Continued Evidentiary Documents in *ascending* Chronological Order**

53. CMC letter scheduling hearing on motion to dismiss	2010-01-12	4 pp	Vol V - 1
54. Hearing before Judge Clifton Newman extracted and highlighted	2010-02-11	8 pp	Vol V - 5
55. Same hearing on pretrial discovery before Judge Clifton Newman	2010-02-11	9 pp	Vol V - 13
56. Confirmation of hearing scheduled on motions to dismiss	2010-02-23	4 pp	Vol V - 22
57. David Fernandez' fax to Clark Newton further confirming	2010-03-01	2 pp	Vol V - 26
58. Extracted CMC Transcript with highlights re discovery	2010-03-03	5 pp	Vol V - 28
59. Motion to convert GS bond into PR bond after GS mistrial	2010-03-03	2 pp	Vol V - 33
60. CMC-made-from-audio transcript of hearing on discovery, <i>etc.</i>	2010-03-03	13 pp	Vol V - 35
61. Fernandez' denial that 2010-03-03 occurred, highlighted	2010-04-15	1 p	Vol V - 48
62. Plain copy of Fernandez' letter denying hearing occurred	2010-04-15	1 p	Vol V - 49
63. Daphne Helms' estimate of 2010-02-22-26 trial transcript	2010-04-26	2 pp	Vol V - 50
64. CMC's invoices for CMC 2009-11-17 & 2010-03-03 transcripts	2010-05-28	1 p	Vol V - 52
65. e-mail chain Daphne Helms re GS transcripts	2010-06-26	7 pp	Vol V - 53
66. Reviewing Two Banker's Boxes (note added on p 12 in 2012)	2010-11-12	12 pp	Vol V - 60
67. City of Columbia pays \$70K for Heather Savitz Weiss	2010-12-07	2 pp	Vol V - 72
68. Redacted SLED Report on Charlene Crouch	2012-02-21	6 pp	Vol V - 74
69. Charlene Crouch's bond and BWs for failure to appear	2012-06-10	5 pp	Vol V - 80
70. PG Expungement of K613792 & K613793 certified true copy	2012-08-24	1 p	Vol V - 85

**Volume VI: Continued Evidentiary Documents in *ascending* Chronological Order**

71. Book 245 P 794 Bench warrants re Crouch's non-appearance	2012-10-25 <i>et seq</i>	4 pp	Vol VI - 1
72. Public Index Search Charlene Crouch's battery conviction	2012-2013	1 p	Vol VI - 5
73. Lupton's specific Rule 5/Brady requests to Fernandez	2013-01-24	2 pp	Vol VI - 6
74. Lupton's Service of CD as Defense's reciprocal discovery	2013-02-21	1 p	Vol VI - 8
75. Extracted, Converted & Highlighted Tr. of simple assault trial	2013-04-25	45 pp	Vol VI - 9
76. Charlene Crouch's GS Guilty Plea & Sentencing Transcript	2013-07-11	14 pp	Vol VI - 54
77. Complete transcript of appeal arguments before Judge Lee	2013-12-13	25 pp	Vol VI - 68
78. CMC's letter belatedly disclosing Crouch's GUILTY disposition	2014-01-21	3 pp	Vol VI - 93
79. Dr. Assa'ad-Faltas' Emergency Motion to SC's Supreme Court	2014-02-06	6 pp	Vol VI - 96

**Volume VII: Continued Evidentiary Documents in *ascending* Chronological Order**

80. Fernandez' RTSC motion against Dr. Assa'ad-Faltas' Rule 29(b)	2014-02-19	4 pp	Vol VII - 1
81. SC S Ct Order to SCCOID 2015-000941 to represent Dr. Faltas	2015-06-17	1 p	Vol VII - 5
82. Extracted, formatted Tr, before Judge Strickland in circuit	2015-09-03	5 pp	Vol VII - 6
83. Made-from-audio DMN transcript re recusal and transfer	2018-04-25	6 pp	Vol VII - 11
84. CMC's renewed refusal to produce documents for Faltas	2018-05-01	1 p	Vol VII - 17
85. CMC's made-from audio transcript of hearing before DMN	2019-02-04	45 pp	Vol VII - 18
86. Dinah Steele's RC cases includes v Renard Walker	2023-03-22 visited	1 p	Vol VII - 63
87. Steele evicts 300 Byron Apt 1 tenant	2023-05-05 visited	1 p	Vol VII - 64



People ▾ Search \_\_\_\_\_

Home Browse People Find Friends Local Music Video Games More ▾ Log In Sign Up

## dinah



Female  
52 years old  
South Carolina  
United States

Last Login:  
5/28/2008

View My: [Pics](#) | [Gifts](#)

### Contacting dinah

- |                |                   |
|----------------|-------------------|
| Send Message   | Forward to Friend |
| Add to Friends | Add to Favorites  |
| IM / Call      | Block User        |
| Add to Group   | Send Gift         |

### dinah's Details

Status: Single  
 Here for: Networking, Friends  
 Body type: 5' 7" / Athletic  
 Ethnicity: White / Caucasian  
 Zodiac Sign: Gemini  
 Occupation: IBO cyberwise Tunguska Blast

**dinah is in your extended network**

[view more](#)

**dinah's Latest Blog Entry** [[Subscribe to this Blog](#)]

[[View All Blog Entries](#)]

dinah's Blurbs

About me:

Who I'd like to meet:

dinah's Friend Space (Top 1)

**dinah has 1 friends.**

Tom



View dinah's Friends: [All](#) | [Online](#) | [New](#)

### dinah's Friends Comments

[Add Comment](#)

[Help](#) | [Terms](#) | [Privacy Policy](#) | [Safety Tips](#) | [Block User](#) | [Report Abuse](#) | [MySpace International](#) | [MySpace Latino](#)

[Press Room](#) | [Advertise](#) | [Developers](#)

©2003-2010 MySpace.com. All Rights Reserved.





4 / 14



**Charlene Crouch's April 2012 (public drunkenness) and June 2012 (sexual battery on a vulnerable adult) arrest photos**



**Teresa Felicia Ingram-Jackson's 2012 arrest photos for shoplifting and solicitation for prostitution in Florence, SC, and drugs in Richland, SC**





LUPTON LAW FIRM

6 / 14

Theodore N. Lupton  
Michelle Q. Lupton

140 Gibson Road  
Lexington, SC 29072

803-358-7208 office  
803-358-7233 fax  
LuptonLawFirm.com

January 24, 2013

Davis Fernandez  
City Attorney  
City of Columbia  
1 Justice Square  
Columbia, SC 29201

State v. Dr. Marie Faltas – Warrant No.s 388303FK, 37025FK, L066971, L066954, and  
201310

Dear Mr. Fernandez:

I have been appointed to represent Dr. Faltas pursuant to the Attached Order. Please note me as attorney of record for the above cases. Please send all future communications and notices to me concerning this case.

Enclosed please find my discovery request. Please send all discovery material to me at the above address, or to my e-mail address: [Ted@LuptonLawFirm.com](mailto:Ted@LuptonLawFirm.com).

Additionally, as we discussed, I cannot see any options for working this case out. My client is insistent on the charges either being dismissed, or called for trial as soon as possible. It is my understanding that only Judge Carl Solomon can hear these cases, so I am requesting they be placed on the docket for his next term, and that any that are not reached be carried over to his next docket until we reach them all.

I look forward to working with you on this case.

Sincerely,

Theodore N. Lupton  
Attorney for the Defendant

Enclosure

Cc City Clerk of Court

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
STATE OF SOUTH CAROLINA )  
v. )  
Dr. Marie Faltas )  
Defendant. )

IN THE MUNICIPAL COURT  
CITY OF COLUMBIA

RULE 5 MOTION

Warrant/Indictment No.

388303FK, 37025FK  
LOG6971, LOG6954  
201310

Pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure, the Defendant requests the following information:

**(A) Statement of Defendant.** Any relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the defendant whether before or after arrest in response to interrogation by any person then known to the defendant to be a prosecution agent.


**(B) Defendant's Prior Record.** A copy of the defendant's prior criminal record, if any, within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.

**(C) Documents and Tangible Objects.** Copies of any books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the preparation of the defendant's defense or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant.

**(D) Reports of Examinations and Tests.** Copies of any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

**(E) Names and contact information of witnesses.** Names, addresses, and phone numbers of any witnesses to the alleged offense, or who have inculpatory information concerning this case and the State intends to use them as a witness to prove its case; or who have exculpatory information concerning this case regardless of the State's intention to use them as a witness.

Respectfully submitted:

  
Theodore N. Lupton  
Attorney for the Defendant

Columbia, South Carolina  
Date: 1-24-13

STATE OF SOUTH CAROLINA )  
 )  
CITY OF COLUMBIA )  
 )  
STATE OF SOUTH CAROLINA )  
 )  
 )  
v. )  
 )  
MARIE FALTAS, )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COLUMBIA MUNICIPAL COURT  
FIFTH JUDICIAL CIRCUIT  
Warrant No. 388303FK, 37025FK, L066971,  
L066954, and 201310

Certificate of Service by Mail

RECEIVED

FEB 21 2013

The undersigned, Theodore N. Lupton, hereby certifies that the below party was served with defendant's reciprocal discovery in the form of one data DVD labeled "Faltas Recip Rule 5," a copy of which is attached hereto, by depositing it in the US Mail, postage pre-paid, on this date and addressed to the below address:

David Fernandez  
Office of the City Attorney  
P.O. Box 667  
Columbia, SC 29202

And by hand delivery to the City of Columbia Municipal Court.



Theodore N. Lupton  
Lupton Law Firm  
140 Gibson Road  
Lexington, SC 29072

February 21, 2013  
Columbia, SC



California and under State vs. Williams, which implemented Anders vs. California in South Carolina, even when one is represented in a criminal appeal and the -- and the appellate counsel doesn't wish to argue the merits of the appeal, then the pro se party -- the party is allowed to proceed, brief the issues. [18-22] In this case, because -- I think the same process should apply to appeals from Magistrate's Court to Circuit Court as it applies from Circuit Court to either the Court of Appeals or -- the State Court of Appeals or the State Supreme Court. [23-25] So if you deny the motion to relieve Mr. Addison, and he does not argue that I should prevail on this appeal, then I should be allowed to argue it myself. [Page 6, lines 1-6] In addition, because the Notice of Appeal from Magistrate to Circuit Court requires the grounds of appeal. I had written in my notice detailed preliminary grounds for appeal and indicated that I will await the provision of a -- of a transcript to further supplement the grounds. [7] The transcript I think was made from... [8] Hello?

[9] **THE COURT:** I'm still here.

[10-16] **DR. FALTAS:** I'm so-- okay. For some reason, it -- it had turned off. So I should be, at the very least, allowed the same rights, the same Anders right -- rights that the worst serial murderer or the worst serial rapist in South Carolina is allowed, which is to supplement counsel's brief or argument on appeal from a criminal matter.

[17] **THE COURT:** All right.

[18-22] **DR. FALTAS:** If you -- if you deny the motion to relieve counsel, I -- I -- I would like the same permission to interlocutory appeal as you gave me yesterday in the PCR case because this discrimination needs to come to a head.

[23-24] **THE COURT:** All right. Thank you, Dr. Faltas. Mr. Addison, let me hear from you, please, sir.

[25 to p 7, line 1] **MR. ADDISON:** Your Honor, can you hear me from back here?

[2-3] **THE COURT:** I can. Can you hear him, Dr. Faltas?

[4] **DR. FALTAS:** Yes, sir.

[5-6] **THE COURT:** All right. Thank you. Mr. Addison, you may proceed.

[7-13] **MR. ADDISON:** Your Honor, I have not filed anything to oppose Dr. Faltas' motion as we discussed in, I think, some of the email stream that went back and forth on this issue with your office and -- and Dr. Faltas and myself. [7] I have moved from Columbia to Charleston. I am practicing with a firm down there. I was appointed to this case in the --

[14-16] **DR. FALTAS:** I'm sorry, I can't hear. I didn't hear what he said. I hear voices, but I can't hear him clearly.

[17] **MR. ADDISON:** I'm coming up --

[18] **DR. FALTAS:** If he can repeat what --

[19] **MR. ADDISON:** -- to the computer.

[20] **THE COURT:** That's okay. Go ahead, Mr. Addison.

[21] **MR. ADDISON:** Can you hear me now, Dr. Faltas?

[22] **DR. FALTAS:** Yes, sir. Good morning. Yes, sir.

[23 to p 9, line 6] **MR. ADDISON:** [23 to p 8, line 2] Your Honor, I moved from Columbia to Charleston in March of 2020 after I had been appointed to this case. I had been on the case probably five or six months at that point, came down -- came down to Charleston and continued to handle the case. [3-6] We did have some matters heard before I left Columbia and moved down, and then we entered, obviously, the pandemic peaks and waited for quite a while for the magistrate to return -- to issue his return. [7-10] In that process, I have continued to be in touch with Dr. Faltas. I know she's indicated that I'm a bad lawyer and don't communicate. I believe that I have communicated as necessary. [11 - 14] As I have told her continually throughout it's my belief that it's my job to represent her interest and make sure the system treats her correctly pursuant to my responsibilities under the pro bono rules. [15-19] As I told your office and Dr. Faltas, I truly have no understanding of what pro bono requires of me once I leave the district. I don't really know why it's there. But I had been assigned to the case, and I've continued to handle it as necessary. [20-25] This position that I would not file supplements if it was my position that I didn't believe they were necessary. I think she has made her points clear in her motion to the court on her appeal and the motion that we're dealing with today of the refusal of the judge to recuse himself and some other issues in her appeal at the Magistrate level. [Page 9, lines 1-2] That is what we are handling before you today per my understanding. [3-6] In terms of this motion for my relief, I have made no opposition to it formally. If Dr. Faltas wants me off the case, and the Court wants me off the case, that's fine. If I am to remain, I will remain and do my job.

[7-17] **THE COURT:** All right. Thank you, sir. [7] All right. Based upon what I've heard here today, I am going to respectfully deny Dr. Faltas' motion to relieve Mr. Addison as her attorney in this matter. [7] As I said yesterday, I believe that the Supreme Court has on more than one occasion issued orders prohibiting her from representing herself in the courts of this state. [7] I do not hear anything that would lead me to believe that Mr. Addison should be relieved as her attorney and, therefore, that request is respectfully denied. [7] Now --

[18] **DR. FALTAS:** May I --

[19] **THE COURT:** I'm sorry.

[20] DR. FALTAS: I'm sorry.

[21] **THE COURT**: I'm sorry. Go ahead, Dr. Faltas.

[22-23] DR. FALTAS: I just want to renew the motion for leave to interlocutory appeal, please.

[24 to p 10, line 12] **THE COURT**: Well, this is what I'm going to do. I thought about this thing yesterday after we broke court, and it's something that woke me up at three o'clock this morning thinking about it. [11] I do not -- I believe that my decision yesterday is a decision that I made, and I am stuck with it. But I do believe that the decision I made yesterday to continue that case to allow you to appeal that issue was an error on my part, and it will be something that I have to eat crow, so to speak, on -- on that issue. [11] You will certainly be entitled to appeal this issue after this matter is heard, and therefore, I plan to move forward with this case today. [11] So Mr. Addison, are you ready to proceed, sir?

[13] MR. ADDISON: Yes, sir.

[14] **THE COURT**: Mr. James, are you ready to proceed?

[15] MR. JAMES: Yes, sir.

[16-20] DR. FALTAS: Sir, may I ask if you've made the ruling on my ability to supplement counsel's argument under *Anders vs. California* from the U.S. Supreme Court and *State vs. Williams* from the Supreme Court of South Carolina?

[21 to p 11, line 1] **THE COURT**: Pursuant to, as I said yesterday, the previous orders of the South Carolina Supreme Court without counsel filing such, you are prohibited from filing such. [11] All right. Let me hear from you, Mr. Addison, please, sir.

[2-3] DR. FALTAS: But, sir, this -- this applies to all pro --- all counsel of criminal appellants that they get --

[4-6] **THE COURT**: Dr. Faltas, I've ruled on that issue. We're going to move forward, and that's my ruling, okay? [11] All right. Mr. Addison.

[7 to p 15, line 18] MR. ADDISON: [7-11] Your Honor, the issues before you today on this motion are relatively simple. Dr. Faltas submitted a written motion that she submitted to the Court that's been the issue of quite a few matters we've been dealing with. [12-16] The initial matter was dealt with the prior ruling of Judge Newman where there was no return. There was just an oral order from the magistrate. We needed a return. We finally got the return. That, obviously, took quite a bit of while. [17-25] I think Dr. Faltas actually has a point in her motion that -- within the language of the motion that the return should have been done in a timely manner as per the statute and the requirements under the rules, which is why Judge Newman did rule. She issued an order that said the magistrate was supposed to get us -- get that return to us in a timely manner. He did not. He actually took quite a bit of time. Obviously, I believe Covid may have been a factor in there. [Page 12, lines 1-5] But my primary point that I would have for you today, Your Honor, what I believe is the best argument that Dr. Faltas has in her motion is this: The motion for recusal at that hearing with Judge Newsome, the magistrate, in Richland County. [6-9] She points out that she had prior dealings with Judge Newsome and did not feel like that she could get a fair trial with Judge Newsome because of those prior dealings with Judge Newsome. [10-16] His response to the request for a return is evidence in and of itself to me that he does not like judge -- Your Honor, that he does not like Dr. Faltas. He was very put out that he was going to have to do this return. It took him quite a while to do it. There was a great deal of back and forth with the Court and all of us on his lack of desire to do so. [17-19] If you read transcript from this particular hearing in front of Judge Newsome himself, it's very clear he has a great deal of animosity for Dr. Faltas. [20-23] As we just heard in the motion before you to have me relieved, Dr. Faltas does not do well with personal relationships with most everybody around her. She is an extremely difficult person to deal with. [24 to p 13, line 2] I know she's not going to like me saying any of this, but I believe it goes to the very heart of her motion as to the judge recusing himself in this appeal hearing at the magistrate level. [3-9] He clearly had prior dealings with her. He clearly had a great deal of dislike for her as is evidenced by transcript. And as such, I believe that it was in the best interest of the system that we all want to hold up to a very high standard that he should have said I just need to step away from this case. I'm going let somebody else handle it. [10-13] It's difficult because Judge Faltas -- I keep saying Judge Faltas, I'm sorry, Dr. Faltas at that point had been through about every judge in Richland County. That's why Judge Newsome heard it. [14-20] All the city judges had to recuse themselves for one dealing or another with her, and Judge Newsome is kind of the one who ended up with the last run at it within Richland County. That's why he was assigned to the case. It was actually a city case, obviously, and you have a Richland County magistrate hearing it instead of a city judge. [21 to p 14, line 3] Regardless of all of that, I believe the best thing that could have happened here would have been for Judge Newsome to have said, "You're right, Dr. Faltas. I do not need to hear this case. Let's bring someone else in here to hear it." Then she can make all the arguments she wanted to make and put them up and you would not have had the back and forth banter as much between her and the judge in that particular case. [4-8] If you read the transcript, that's a great deal of what went on, was this, you know, you did this to me in the past and him responding

yes, I did and here's why. [7-10] So you can see the immediate potential for a belief that there is clear bias of that sitting jurist hearing the case. So I believe that is the strongest argument that the Doctor makes in her motion. [11-16] As to her other motion matters that she's brought up, there was a Brady motion issue that she believes the City did not properly provide her with certain evidence, but to a large degree, I believe that the magistrate pretty much just kind of dismissed without going into a whole lot of detail. [17-23] He did talk to the City some about it. There was some back and forth on it, and there was some admission from the City that it's possible that they may have missed some things. Because of the numerous cases that they are dealing with Dr. Faltas on, that was pretty much the response from the City as to why there might have been some problems. [24 to p 15, line 2] The issue with that is if there was anything missing pursuant to her Brady motion -- it doesn't matter if it was one-third of one page with a little bit of information on it, that's a clear violation of her rights under Brady. [3-7] She should have had any potential evidence that might be exculpatory at her disposal prior to going forward with her -- with her hearing. So I believe the judge was a bit dismissive of that particular motion that the Doctor made at that prior hearing, as well. [8-12] The after-discovered evidence, I'm not going to get into any of that in too -- in too great of detail, Your Honor. She's made her points on those issues. I think that's where Dr. Faltas and I split hairs over what needs to be presented to this Court today. [13-18] I will rest on what Dr. Faltas has presented on that particular issue. She can file her request for supplementals as you have indicated to her. But I believe the two primary issues here are, first and foremost, the motion for recusal and then the Brady motion issues. And that's it, Your Honor.

[19-20] **THE COURT:** All right. [1] All right. Mr. James.

[21-22] MR. JAMES: Good morning, Your Honor. Marshall James for the City of Columbia.

[23] **THE COURT:** Good morning.

[24 to p 16, line 2] MR. JAMES: May it please the Court. As for the motion to recuse, my reading of the transcript was a little different from counsel's in that the transcript evidenced that Judge Newman -- I didn't read that --

[3-4] DR. FALTAS: Sir, I cannot hear Mr. James. If he can speak a little louder and slower, please.

[5 to p 20, line 2] MR. JAMES: [5] Yes, ma'am, I'm sorry. [6-8] My reading of the transcript, contrary to counsel's reading of the transcript was not that Judge Newsome was necessarily -- or had animosity for Dr. Faltas. [9-14] The transcript is evidence that he gave Dr. Faltas every opportunity to make every argument that she wanted to make, to call witnesses that she wanted to call and to examine those witnesses. And he noted himself that, generally speaking, motions for after-discovered evidence take about ten minutes. [15-19] I think they took -- this one in particular took around three hours. So I think the transcript is evidence that he was very generous with Dr. Faltas in making sure she got to say and argue all of the points that she wanted to -- to make. [20-25] Furthermore, there is no evidence in the record that -- that -- of bias against Dr. Faltas on Judge Newsome's part. In *Christensen vs. Mikell*, 324 SC 70, the Court says, "It is not enough for the party seeking disqualification to simply allege bias. The party must show some evidence of bias." [Page 17, lines 1-3] There is nothing in the record from the Magistrate's Court that establishes that Judge Newsome was biased. So we ask that this Court deny Dr. Faltas' motion to recuse. [4-7] As far as the motion for after-discovered evidence, we ask this Court affirm Judge Newsome's denial of Dr. Faltas' motion for after-discovered evidence. It was the correct decision. [8-13] As I'm sure the Court is aware, Judge Newsome's denial should be reviewed for abuse of discretion, and that's under *State v. Irvin*, 210 SC 549 at 545. In that case, the Supreme Court in that case also says that grants of motions for a new trial based on after-discovered evidence are generally not favored. [14-21] There are five elements that Dr. Faltas is required to establish, and they are all -- each and every one must be established. And we ask that this Court affirm Judge Newsome's denial based on the fact that he concluded that none of the assertions of newly-discovered evidence that Dr. Faltas made during the hearing met -- met the requirements, and most of them were merely impeaching, which is the -- which is the fifth -- the fifth element. [22-25] He identified about five different assertions of newly-discovered evidence that Dr. Faltas made. The first has to do with the document that opposing counsel mentioned. [Page 18, lines 1-6] Dr. Faltas, at the hearing, produced no evidence that the City withheld improperly a document. That was Judge Newsome's finding. Dr. Faltas did not produce evidence during the hearing to the contrary, so -- so that isn't really after-discovered evidence that would be sufficient for the opening of -- reopening of this case. [7-10] The second assertion of new evidence that Dr. Faltas asserted had to do with Ms. Steele's medications and whether or not she was on medications during her trial and whether or not her doctor should have prescribed Paxil. [11-16] Well, that's not newly-discovered evidence. I think Dr. Faltas says she either was on medications or she was lying about the medications, but -- or the medicines that she was taking, but as Judge Newsome concluded, she could have crossed or examined Ms. Steele about these medications when

she was on the stand at -- at the trial. [17-22] The third assertion that Judge Newsome addressed was the -- was Charlene Crouch's drunkenness charge and/or conviction. Judge Newsome correctly pointed out that even if Dr. Faltas wanted to, she would not have been able to impeach Charlene Crouch on a drunkenness charge or conviction. [23 to p 19, line 2] I think at the time of the trial, it was merely a charge, so she wouldn't have been able to question Charlene Crouch about that -- that arrest. But even a conviction is not impeachable. So that cannot be after-discovered evidence. [3-11] Fourth, Dr. Faltas discusses or asserts that a letter from Charles White -- I think as I understand the record in which he says he would -- in exchange for her dropping her subpoena, he would not testify against her. That letter was a 2009 letter, which is four years, around four years before the 2013 trial, so it can't be after-discovered. In addition to which the judge correctly pointed out that letter would have been hearsay and not admissible in any event. [12-18] Finally, there was an assertion concerning after-discovered evidence related to a Teresa Ingram, who according to Dr. Faltas, received free rent in exchange for alleged lies about her. Judge Newsome pointed out that Teresa Ingram could have but did not testify at trial, so that, too, could not have been after-discovered evidence. [19-21] In the record at 135, he sums up by saying that nothing in the record is after-discovered and everything that she had presented was merely impeaching. [22 to p 20, line 1] For that reason, Your Honor, the City asks that you deny Dr. Faltas' motion. Again, the standard is abuse of discretion, and motions to reopen for after-discovered evidence are under South Carolina Supreme Court rulings generally disfavored. [2] Thank you.

[3-4] **THE COURT:** All right. Thank you, sir. [7] Mr. Addison, anything in reply?

[5-9] **MR. ADDISON:** Your Honor, I would just reiterate that I believe a complete reading of the record, it's clear that there is enough bias with Dr. -- with Judge Newsome to uphold the standard of whether the jurist has bias and should recuse himself. [10-13] As such, I believe that is the strongest point that is made by this motion on appeal with Dr. Faltas' case, is that there should have been a recusal by that judge, and the case heard by a different judge.

[14] **THE COURT:** Okay.

[15-16] **MR. ADDISON:** For the system's sake, I believe that should have occurred, Your Honor. Certainly --

[17-18] **THE COURT:** I'm sorry? What was the last -- what was the last thing you said? I'm sorry.

[19-21] **MR. ADDISON:** I said for the system's sake, I think to protect the integrity of our system, the judge should have recused himself in that particular instance.

[22] **DR. FALTAS:** Sir, may I --

[23] **THE COURT:** Thank you, Mr. Addison.

[24-25] **DR. FALTAS:** May I renew my motion to make an order to supplement under Anders and Williams, please?

[Page 21, lines 1-3] **THE COURT:** I'm not going to allow you to supplement unless your lawyer has done so, and your lawyer has chosen not to do so.

[4-5] **DR. FALTAS:** I just wanted to keep my -- what is it called in South Carolina, preserve my issues and as --

[6-8] **THE COURT:** Well, you've raised that issue, and you've preserved it. And I've ruled upon it, and that's my ruling, okay.

[9-12] **DR. FALTAS:** Yes, sir. Just because my understanding is that it -- the preservation has to be done at the last -- at the first chance and at the last chance, so -- so that's -- that's why I'm doing that.

[13-14] **THE COURT:** All right. And you have done that, okay, Dr. Faltas.

[15] **DR. FALTAS:** You're the judge. I'm not.

[16 to p 22, line 6] **THE COURT:** I'm just -- I'm just telling you, okay. You've done it at the first and at the end, okay. [7] All right. That will conclude this matter today. I will let you all know what my ruling is. There are a couple of things I want to look at before I make a final ruling on this. [7] But I want to thank both of you, all three of you lawyers, for being in the courtroom. I apologize for any misunderstanding as it relates to that, and I hope you do accept my apology on that. [7] Mr. Addison, I appreciate you coming up from Charleston today to address the issues that you have addressed on behalf of Dr. Faltas. [7] And I will let you all know in the very near future what my ruling is on these issues, okay. [7] Anything further --

[7] **DR. FALTAS:** It's --

[8] **THE COURT:** Mr. Addison?

[9] **MR. ADDISON:** Thank you, Your Honor.

[10] **DR. FALTAS:** Sir? As a --

[11-12] **THE COURT:** Hold on. [7] Anything further, Mr. Addison?

[13] **MR. ADDISON:** No, sir. I was just saying thank you.

[14] **THE COURT:** Anything further, Mr. James?

[15] MR. JAMES: No, sir. Thank you.

[16-17] **THE COURT:** All right. All right. What was that, Dr. Faltas? I'm sorry.

[18-23] DR. FALTAS: *If it pleases the Court, I had -- yesterday, I had a housekeeping question. Would there be an -- a written order or a Form 4 order from yesterday, and Mr. Griffith informed me that the State has requested the transcript. So I just wanted the Court to make sure that my side, the Applicant's side, gets a copy.*

[24 to p 23, line 1] **THE COURT:** I'm sure Mr. Griffith will be in touch with the Attorney General's Office to address that issue. Okay.

[2-4] DR. FALTAS: *So will be there be an order -- would there be an order from yesterday? Because I mean, I can't appeal an oral ruling.*

[5-6] **THE COURT:** I will issue some order as it relates to that.

[7] DR. FALTAS: *Thank you, sir.*

[8-13] **THE COURT:** All right. Thank you all again. I won't -- this will conclude the matter. [17] Ms. Ambroziak, I thank you for being there today and helping us out on that, and I apologize for any miscommunication as it relates to what happened this morning. Okay.

[14] **THE COURT REPORTER:** That's fine. Not a problem.

[15-16] **THE COURT:** Thank you all. You all have a good weekend.

[17] **(Whereupon, the proceedings were concluded.)**

[Page 24, line 1] **CERTIFICATE OF REPORTER:**

[3-4] STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

[7-14] I, Karen Ambroziak, Official Court Reporter for the 5th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Richland County, South Carolina, on the 28th day of January, 2022.

[17]

September 6, 2022

[20-22]

[s/] \_\_\_\_\_ Karen Ambroziak, RPR  
Circuit Court Reporter