

BEFORE THE SUPREME COURT OF SOUTH CAROLINA

Appellate Case No. 2015-000941

APPEAL from RICHLAND COUNTY Court of Common Pleas

Alison Renée Lee, Circuit Court Judge
Circuit Court Case No. 2013-CP-40-03522

City of Columbia, South Carolina,

v.

Marie-Thérèse Assa'ad-Faltas, MD, MPH,

Respondent, S.C. SUPREME COURT

Appellant.

Appellant's Second and Final Motion and Brief to Relieve Attorney John Strom as Counsel for Cause AND Marie-Thérèse Assa'ad-Faltas, MD, MPH's Consent for Attorney Strom to File an Amicus Brief Urging Reversal So Long as Such Brief Does NOT Bind Appellant

Dr. Assa'ad-Faltas does NOT ask this Court to appoint for her counsel other than John Strom and realizes, **but does not accept**, that this Court might *retaliatorily* dismiss this appeal upon relieving Mr. Strom. Were this Court to relieve Mr. Strom yet deny Dr. Assa'ad-Faltas the right to file a *pro se* brief *per Anders v. California* (a right exercised by even the worst convicts in this State), this Court would **lose all moral authority** to hear from Dr. Assa'ad-Faltas or rule on her cases in any form.

John Strom's attached 10 June 2016 letter proves he knows this Court wrongly robbed Dr. Assa'ad-Faltas of her Sixth Amendment right to *pro se* defense in criminal trials. Yet, against Dr. Assa'ad-Faltas' clearly-and-repeatedly-stated insistence that the Fourteenth Amendment guarantees her right to advocate *pro se in all civil cases and appeals where others are so allowed*, Strom waives that right of his client as "a good foil," *i.e.*, bribe, for this Court to acknowledge *one* of its prior structural errors.

Dr. Assa'ad-Faltas refuses to waive *any* constitutional right of hers, refuses to be represented by an officer of the courts who haggles over constitutional rights, **and refuses to be judged by this Court if it were to continue tolerating the perjury, prosecutorial misconduct, and brazen judicial tyranny (including former SC's Chief Justice Toal's many ex parte "directions" to trial judges involved in Dr. Assa'ad-Faltas' cases in disregard of the required insulation between all trial judges and all appellate judges who sit to review the formers' decisions)**, which caused the false misdemeanor conviction Dr. Assa'ad-Faltas *once* trusted this Court to *fairly* review and reverse. **But Dr. Assa'ad-Faltas also refuses to suspend her medical knowledge or her Christian love for her enemies.**

Chief Justice Pleicones must hurry (because he has already wasted too much time) to think of Dr. Assa'ad-Faltas as the moral equivalent of the missionary physician who offered his survivor serum, rich with anti-Ebola immunoglobulins, to help treat a nurse occupationally infected with Ebola.

Dr. Assa'ad-Faltas' 2 December 2009 false arrest on two counts of "harassment-in-the-first-degree" (of which she ultimately, thank God, **fully exonerated herself pro se**) by **ten** City of Columbia Police Department ("CPD") officers and investigators (including **Amanda Star Blanton**, *subject of an Appendix Section to this motion*), led by **Larry Wayne Mason** (*subject of another Appendix Section to this motion*), and armed with weapons, cameras, **and** false arrest and search warrants (**which Blanton displays to Mason and says "Wayne, Wayne, I signed them for you" before entering Dr. Assa'ad-Faltas' building**) was meant to kill Dr. Assa'ad-Faltas under false pretext that she resisted arrest.

If she survived the arrest, Dr. Assa'ad-Faltas was to be framed for more crimes (*e.g.*, Blanton took Dr. Assa'ad-Faltas' mother's credit cards from Dr. Assa'ad-Faltas' shirt pocket under false pretext that Soraya Fares is not Dr. Assa'ad-Faltas' mother, **after** Blanton had written in a 17 November 2009 "case summary" that Dr. Faltas has "power of attorney for her mother" **and after Blanton herself had referred** Dr. Faltas to SSA for investigation which concluded she acted properly in managing her elderly ailing mother's finances as attorney-in-fact.)

Failing the frames, CPD was to keep Dr. Assa'ad-Faltas permanently jailed pending a trial the Prosecution knew it could *never* win (**and never mounted on the count pretended by Dinah Gail Steele**).

A "final solution" was to break Dr. Assa'ad-Faltas' spirit by, *inter alia*, branding her mentally ill, bankrupting her family, and pushing her to suicide. But she, thank God, developed the moral anti-suicide-immunoglobulins-equivalent she now offers to SC's Chief Justice.

Biostatistics knows that females attempt suicide more but males accomplish it more. The risk is **bi-modal**, with two peaks, **one** for late teens to early twenties **and another** for the elderly. A completed suicide by one member of a family increases the risk for all members of that family. At ten, Marie Assa'ad-Faltas saw a neighbor throw himself from a fourth-floor balcony of a now-replaced apartment building next to the one where the Halim Faltas family lived in a third-floor apartment. It was impossible to stop a swift and unannounced suicide. Catechism teaches that the Church withholds rites from suicidants as, unlike taking *another's* life, a suicidant forecloses his/her own chance to repent before death for the sin of taking a life.

Contemporaneously with then-SC Fifth Judicial Circuit ("SC JC-5") Assistant Solicitor Sara Heather Savitz Weiss ("JC-5-AS Weiss") torment of Dr. Assa'ad-Faltas, a federal prosecutor reprimanded for withholding exculpatory evidence while prosecuting late-Alaska-Senator Stevens committed suicide. Dr. Assa'ad-Faltas was stunned at the cold blood with which JC-5-AS Weiss obsessively tried to throw a known innocent into prison for years and feared it would culminate in Weiss later becoming so disgraced as to commit suicide.

Nor could Weiss possibly have been teaching her children to be truthful if her work was suborning perjury, forgery and fabrications, and deriving such perverse pleasure from it to the point of giggling.

True to her intractable falsity, Weiss falsely complained that Dr. Assa'ad-Faltas "threatened" the Weiss children. Then-Columbia-Assistant-City-Attorney ("CACA") David Amadeo Fernandez later repeated the same falsehood about his own child(ren) because Dr. Assa'ad-Faltas had, in her opening to the jury, told the Biblical story of how God punished *King David in his children* for David's sins of lust and conspiracy.

Dr. Assa'ad-Faltas continued to see lawyers **totally devoid of a moral core** but refused to paint all with the same brush. **With every new lawyer forced on her**, Dr. Assa'ad-Faltas saw a new chance *and duty* to teach by example morality to those who had many teachers of *legalistic* "ethics" but none of true morality.

Betrayal by all: from Mark Sawyer, who falsely claimed Dr. Assa'ad-Faltas "loitered" problematically around the public defender's office (when all she did was wait outside as that office does not allow its clients to wait inside if they arrive early for their appointments) to John Strom, who falsely wrote that Dr. Assa'ad-Faltas is "hateful" to the staff, when all she did was politely point out to that staff that Mr. Strom **repeatedly** broke the promises he had staff transmit to Dr. Assa'ad-Faltas. Strom's betrayal is aggravated by his abandonment of **all fourteen issues**, other than *Faretta*, which Dr. Assa'ad-Faltas painstakingly preserved below. He concludes the draft brief he belatedly showed her with a prayer for the matter to be remanded to Columbia's Municipal Court ("CMC") for a new trial, **after** Dr. Assa'ad-Faltas had unassailably shown below that CMC is not a constitutionally-permissible court. In the opinion here appealed, Judge Lee correctly agreed with Appellant that the City of Columbia is not a sovereign but incorrectly read a U.S. Supreme Court opinion to the effect that states may extend to counties and municipalities powers the U.S. constitution expressly reserves for the federal and state sovereigns, including power to prosecute crime.

In his 2013 bid for Chief Justice, Justice Pleicones testified that SC's judiciary needs "a fresh pair of eyes."

Since then, municipal courts were proven to be a national problem. **The attached three transcripts cry for SC's Chief Justice Pleicones to turn his "fresh pair of eyes" to the moral decay Toal caused by, *inter alia*, imposing of Dr. Assa'ad-Faltas a lawyer who sold her out in her absence to CMC's later-privately-reprimanded Marion Oneida Hanna. Hanna directed the Warden (holding Dr. Assa'ad-Faltas for twenty-five days for the "crime" of not being able to stand up on a fractured knee when Hanna "entered the room") to commit the *crime* of revoking Dr. Faltas' work and good-time credits *without cause*.**

Only **after** Dr. Faltas reached her release date based on those credits, **did Hanna sign a bond which Dr. Faltas had sought, at the beginning, not the end, of her sentence pending appeal.**

Hanna loaded the bond with impossible conditions **totally unrelated to flight risk** to ensure repeated convictions and jailing of Dr. Assa'ad-Faltas, **even though SC statute allows municipal courts to impose only a monetary bond pending appeal. Toal collaborated by ruling Orin Briggs authorized "to bind" Dr. Faltas to those conditions** although he had indicated in the transcript "**my client does not want a bond under those conditions.**" Hanna held Dr. Assa'ad-Faltas in *new* contempt of court and planned to jail her *repeatedly* if she failed to force a psychiatrist "other than the Columbia Area Mental Health Clinic and other than Richland Springs" to see Dr. Assa'ad-Faltas **in weekly sessions despite her having been previously diagnosed free from mental illness by Hanna's own acknowledgement.** That ended only after Dr. Assa'ad-Faltas resorted to federal court.

The illegality of CMC's existence and of its judges' abuses cry for this Court's review led by SC's new Chief Justice's fresh pair of eyes. CMC is not local government *replacing* big government but more bits of government *on top of* big government and out of control of *any* state government. SC's Governor neither appoints CMC's judges nor may remove them as she is empowered to do to misbehaving county magistrates and solicitors. SC's Senate does NOT advise the appointment of CMC's judges as it does magistrates. And this Court's Office of Court Administration **never audits CMC's finances** but CMC's status as "not a court of record" keeps its misdeeds, including release of a recent cop-killer, hidden from this Court.

Such important questions are kept hostage to corrupt decisions by Toal to rob Dr. Assa'ad-Faltas of her constitutional rights to self-representation in all matters and to rob all judges in this state of their self-respect (including choosing their law clerks) and of courage to openly criticize Toal, sitting or retired.

Clearly, John Strom intends to lose this appeal or win it at a price Dr. Assa'ad-Faltas is too wise and too principled to pay as it would cause her more suffering in the future. To prove that this motion is not intended for delay, Dr. Assa'ad-Faltas consents to John Strom submitting, as an *amicus*, whatever his opinion and research are on this Court having committed, and urged the lower courts to commit, structural error against Dr. Assa'ad-Faltas by peremptorily eliminating her *Faretta* right **without Dr. Assa'ad-Faltas ever having done anything to forfeit that right.** To the contrary (and these are key facts Strom omitted from the draft brief he belatedly shared with Dr. Assa'ad-Faltas shortly before noon on Friday, 10 June 2016), Dr. Assa'ad-Faltas was such a model of advocacy in her only General Sessions jury trial on one the false harassment counts underlying the 2 December 2009 arrest that then-presiding Judge Newman, *père*, complimented Faltas as "**most pleasant and gracious [] not frivolous at all,**" **and** had (unknownst to Dr. Faltas at the time of the trial) invited/allowed a lawyer to attend the whole trial and **learn from Dr. Faltas** as proven by this trial transcript excerpt (followed by another trial excerpt, which shows the extent of Dr. Assa'ad-Faltas' altruism that, while her jury was out, she was thinking of helping Judge Manning quit smoking):

[pages 321-2, after the jury was excused at 5:55 pm on Wednesday, 24 February 2010]

The Court: We won't be here on Saturday. Yes. * * * * Mock trial with high school students. I won't be here Saturday nor Sunday.

Dr. Faltas: So, Your Honor, then may I ask that you make the State give a time certain so that---

The Court: Make the State rest?

Dr. Faltas: At a time certain.

The Court: All right. Well, I'll be happy to impose time limits on everything in the trial. I'll be happy to impose time limits on direct examination, time limits on cross-examination, time limits on arguments. I'll be happy to do that if that's what you would like for me to do.

Dr. Faltas: Well, so long as they allow for me a fair chance to put on my case.

The Court: Do you agree that--- (A telephone rings in the courtroom.) The Court: Oh, boy. Oh, boy. Let's let her slide this time. She's worked hard being on a 403... She won't do it again. We'll let her slide.

Lady In The Courtroom: I apologize.

The Court: But I appreciate you being on the case though. Yes, ma'am? You -- you think that there should be time limits so that you'll have an opportunity to get your defense in so that we can finish this case on Friday.

Dr. Faltas: Yes, Your Honor, or possibly on Saturday. I mean---

The Court: We can't be here Saturday. The court -- the county has already agreed to host the mock trial competition which takes place every year, and they'll be using these courtrooms.

Dr. Faltas: All of them?

The Court: Yeah, and the court reporter has a previous engagement on Friday. I have something else to do on Friday. What do you have on Friday? Saturday. Saturday. Saturday, not Friday. Saturday.

Dr. Faltas: Well, Your Honor, of course, another court reporter can be brought in.

The Court: But you can't bring in another judge.

Dr. Faltas: No, I understand. I didn't know that Your Honor---

The Court: Well, we're on to something: Time limits to get this trial done. That's -- that's what we're on to.

.....
(Whereupon, the jury was excused from open court and continued deliberating at 7:50 p.m [on Friday, 26 February 2010])

The Court: Any additions or exceptions to the charge from the State?

Ms. Weiss: No, Your Honor.

The Court: From the defense?

Dr. Faltas: Your Honor, I think that second -- harassment second is a lesser included offense and should be charged.

The Court: It is. It may be. I don't know if it is or it isn't, but it wasn't requested prior to the case being submitted to the jury.

Dr. Faltas: But I'm asking. It could be given in an answer to the jury question.

The Court: You take exception to the Court not giving an additional charge in the middle of the deliberations. That will be noted, but any requests to charge is what must be made prior to the judge instructing the jury, and the Court inquired as to whether or not there were any requested charges. Your requested charge entailed the first, second, fourth, eighth and various amendments to the Constitution---

Dr. Faltas: Not the second, Your Honor, I don't believe.

The Court: Not the right to bear arms. Is that the second?

Dr. Faltas: Yes. I am totally against it.

The Court: I'm sorry.

Dr. Faltas: I'm an absolute pacifist.

The Court: I'm sorry. I didn't mean to say second. I believe I was going to say fourth.

Dr. Faltas: I apologize---

The Court: The second -- first, fourth, and various other amendments, but it did not include a request to charge on a lesser -- on any lesser included offense, and it would be inappropriate for the Court to charge a lesser -- any other offenses without the unanimous consent of both sides.

Dr. Faltas: Well, could we ask if Ms. Weiss would be agreeable for that charge to the lesser offense?

Ms. Weiss: No, Your Honor.

Dr. Faltas: Well, I'm sorry. In fact, after the jury went out, I told Mr. Sawyer: Oh, I should have asked for the second degree. **Of course, I believe I'm not guilty of anything and even second would be unconstitutional but...**

The Court: All right. Okay. Well, the jury is back out deliberating.

Dr. Faltas: Thank you.

Ms. Weiss: Your Honor---

The Court: It's all or nothing.

Ms. Weiss: I do have a question.

The Court: Yes.

Ms. Weiss: I know there are some smokers on the panel. If they wanted to go smoke, are they allowed to stop deliberating to go smoke or is that...

Dr. Faltas: I think they're -- oh, sorry.

The Court: Generally I think they make that request to the bailiffs and then I -- have you had requests for smoke breaks?

The Clerk: Not yet, Your Honor, but if they do I usually---

Bailiff: We have---

The Clerk: Usually I tell everybody they have to stop deliberating until that juror comes back.

The Court: Right. If there's a request for a smoke break by any juror, considering the length of time that they've been deliberating, we'll accommodate them and have the panel stop deliberating while that juror is having a smoke break, the same as if someone has to make a phone call.

Dr. Faltas: Your Honor, I---

Ms. Weiss: Thank you, Your Honor.

Dr. Faltas: I apologize, but how does Ms. Weiss know all those things and I don't? I mean, how does she know that a juror wants a smoking break? How she even knew that they had a question before -- before anyone else knew it? How -- I need to -- and I'm not attacking anyone. I just, you know, am legitimately curious.

The Court: I don't know. I don't know how she knew that there was a smoke break or that the juror -- or that the jury had a question other than once the question comes out, generally the bailiffs locate the parties to come into the courtroom because the jury has a question.

Dr. Faltas: They didn't locate me.

The Court: Well, you were here when I came in, so I'm not sure how you got here.

Dr. Faltas: No, I mean -- no, I was always in the courtroom, but she knew about it before I did and now she knows about the smoking break request by the juror. I mean---

The Court: I don't know how she knows.

Dr. Faltas: Well, may I ask the Court to inquire of her, please?

The Court: How did you know that -- do you know that they have smokers on the jury?

Ms. Weiss: Your Honor, during voir dire there was a specific question requested by the defense whether anybody was a smoker and they stood up and said they were smokers, and then the defendant asked could they specifically be struck. So they were specifically sort of pointed out, and then the defendant chose to seat some of them. And I just made note when she sat them after commenting that she was allergic to them. And so I knew that a couple of them had been sat, and when they asked for a mental health break, it concerned me that perhaps maybe one of the smokers wanted to smoke, and I just wanted -- that's why I inquired of the Court. I didn't know until I looked at the bailiff who then acknowledged to the clerk that actually there was one. I don't believe the clerk even knew until he told her, but it was more just a concern after being in the courthouse for over ten years and dealing with juries.

Dr. Faltas: And the question about how she knew that they had a question?

The Court: How did you know the jury had a question?

Ms. Weiss: Because I was cleaning up my stuff and carrying it up to my office and they stopped me - I believe it might have been Ms. Helms even in the back hall - because I think they realized I was headed to my office and said: By the way, there's a question. We're waiting on the judge -- to call the judge. So I took all my stuff to my office and came back down to hear the question, came back in here and told them there's a question.

The Court: All right.

Dr. Faltas: Well, I'm satisfied and I hope Ms. Weiss herself is not a smoker for the sake of her children, and I hope Your Honor is not smoker.

The Court: No, I'm not. Fortunately never - never have had that interest.

Dr. Faltas: That's great. Please work on Judge Manning. I've been - I've been trying to get His Honor to stop smoking the same way President Obama stopped smoking or the First Lady made it a condition for them to run that he stop smoking.

Ms. Weiss: Your Honor, are we at ease at this point?

The Court: Yes, we are. And the note will be given to the court reporter.

(Court's Exhibit 6 was marked for identification only. Pause in proceedings as the jury continued to deliberate.)

The Court: The jury note says, "We are deadlocked with no hope of reaching a unanimous decision." What says the State?

Ms. Weiss: I'd ask for an Allen charge, Your Honor.

The Court: All right. What says the defense?

Dr. Faltas: Please declare a mistrial, Your Honor. They said there is no hope. And the lateness of the hour and all that, it would make it impossible for me to get further in deliberations. If it were possible to send them home for the night and for them to come home -- to come back tomorrow, that would have been another situation, but, please, Your Honor, declare a mistrial.

The Court: All right. They can go home and come back Monday.

Dr. Faltas: But Your Honor will not be here Monday and--- **Dr. Faltas:** Your Honor will not be here Monday.

The Court: Well, I'll be here if the jury needs to come back for -- to continue deliberations.

Dr. Faltas: I think they've deliberated for five hours, and I think they should be taken at their word that there is no hope for a consensus. So I think at this point my rights to a unanimous verdict would require a mistrial, Your Honor. **Dr. Faltas:** Thank you, Your Honor.

The Court: From the State? Anything further?

Ms. Weiss: Your Honor, I just would ask for an Allen charge. I think that this is the first time the jury has come back with this, and I believe they're entitled to that. We've come this far. We've been in here this long. I'd ask for you to at least give them an Allen charge and see if they can possibly come up with a verdict.

The Court: Yes, ma'am?

Dr. Faltas: Your Honor, I think the only fair thing to me is a mistrial. It would not have been a waste of the Court's time because I don't think there should be another trial. There shouldn't have been the first trial to begin with, and I think the risk of -- for sending them back would be some undue pressure by some jurors over others, and my rights require a mistrial. * * * Thank you, Your Honor.

The Court: The rule regarding this matter is that generally if the jury returns without a verdict or are indicating that they cannot make a unanimous decision, the judge may declare a mistrial or may urge the jury to continue its deliberations. When the jury or if a jury twice indicates that it's deadlocked, the -- the judge may diplomatically discuss whether further deliberations should or would be beneficial, but the jury would have to consent impliedly or expressly to continue deliberations after it has twice indicated it's deadlocked. The trial judge cannot send a jury out a third time without its consent unless the jury asks the Court for some further explanation of the law. So in this instance the -- considering the length of the trial, the amount of testimony and all, I think it would be appropriate to give the jury an Allen charge to see if they can reach a unanimous verdict, and that's what I'm going to do.

Dr. Faltas: Your Honor, may I ask that the Allen charge be limited in time, meaning do not require them to try to deliberate indefinitely but for a reasonable time?

The Court: Yeah, that's part of the Allen charge.

Dr. Faltas: Thank you.

The Court: All right. Now, of course, it is - the hour is late. So if the -- if you all want me to have the jury come back on Monday morning, that is a consideration. If you want me to give them the Allen charge and have them continue tonight, then I can do that as well.

Dr. Faltas: Your Honor, I think several jurors indicated that they cannot come next week, so I think that maybe a very limited time on the Allen charge that may end it tonight and...

The Court: A juror submitted a note -- one juror submitted a note earlier today. Oh, this is from a juror. It said, "If this trial continues past today, I will only be available until 4:30 p.m. each day." That's just a note from one juror.

Dr. Faltas: I think the physician had said he cannot cancel patients next week or something like that.

The excerpts below prove how Weiss kept turning Dr. Assa'ad-Faltas' altruism against her:

[11 to page 29, line 4] **Ms. Weiss:** Your Honor, I've been brought in the courtroom numerous times by Dr. Faltas by orders of the Court, not on set motions, to make comments about this case. I did say -- I mean, Judge Cooper asked how many indictments.

There are two indictments. Both indictments are for harassment; that is true. ^[1] **As a prosecutor, I believe it is in the best interest of the State to go forward with one at a time. I've talked this over with my office; they agree.** And I choose to call the indictment against Dr. Faltas involving Teresa Ingram this week. ^[1] My investigator has to leave the country next week. This cannot go over more than a week. We're already half a day into Tuesday and we have not even picked a jury. I believe by trying both cases, we risk going over one week and I do not believe it's in the best interest of the State. ^[1] And part of my job as the prosecutor in calling the case, I believe it is -- I believe that -- I choose to call the case involving Teresa Ingram.

^[5] **Dr. Faltas:** Your Honor?

^[6] **The Court:** Yes, ma'am.

^[7 to page 30, line 18] **Dr. Faltas:** First, absolutely not -- and this is what I was trying to say yesterday. **As a minister of justice, a prosecutor cannot be concerned only about getting a conviction but has to be fair to the defendant, and she just admitted that all she cares about is the interest of the State, meaning getting a conviction.** ^[1] Number one, that's unfair to me. Number two, if she's exercising that right, I would want to challenge the constitutionality of the statute that allows her to do that. And I'm sorry we talked about challenging the constitutionality on many things, but if she's going to choose to do that, I think she's violating the separation of powers by -- by -- **through that statute because the separation of powers, which is part of the republican form of government and that is also in South Carolina or in the South Carolina Constitution as well as in the federal Constitution which supersedes that.** ^[1] There is a case which is from 1907 but which Chief Justice Toal cited in an opinion in a recent case of ex -- *The State ex rel Ellison* versus somebody (verbatim). It says that the republican form of government means separation of powers. So, once a judicial officer has found that fairness to the defendant requires that the cases being tried be tried together, or that they be called at a certain time, an executive cannot overrule the judiciary. ^[1] That's why we have the Constitution requires an independent judiciary. An executive cannot overrule that. ^[1] In addition, in addition, **she just admitted all she cares about are the State's interests and not fairness to the defendant. So it's up to the Court to decide that fairness to the defendant requires holding the prosecution to the promise that she made to a judicial officer.** ^[1] And as I said, I cannot present a coherent defense with only one case. And **she also admitted that what she wants to do is to filter out the background information** which is --- you know, **I need to give the jury a motive.** Why has this alleged victim fabricated all of this against me?

^[21 to page 31, line 13] **The Court:** All right. **The State's motion to limit the trial to the case involving Teresa Ingram is denied. The matters are interrelated, and it's impossible for me to grant a motion separating this one indictment from the other. These matters do involve separate indictments. They're not two counts of the same indictment. They are separate indictments involving separate victims. The Court cannot compel the State, even though it does appear that the matters probably should be tried together -- I can't fathom any benefit to the State or the resources of the State to drag this on through separate proceedings, separate courts, separate timelines and all of that, having everybody come here again to go through this process again at a separate time involving the separate victims when the whole matter -- when the matters are interrelated, but it is the option of the State to call the indictments that the State chooses to call for trial. But with regard to the evidence, the matters overlap and the motion is denied.**

^[14] **Dr. Faltas:** Her motion?

^[15-16] **The Court:** The State's motion to limit it to Teresa Ingram is denied.

^[17-18] **Dr. Faltas:** Thank you. Thank you, Your Honor. God bless you.

^[19-20] **The Court:** All right. Anything further before we bring the jury?

^[21-22] **Ms. Weiss:** Yes, Your Honor, if I may, just one comment, one---

^[23] **The Court:** Yes.

^[24 to page 32, line 12] **Ms. Weiss:** ---question to the Court about decorum. Dr. Faltas has been personally addressing myself outside of the presence of the Court and the court reporter. She's been commenting on my family and my children, and I take that to be personal attacks on myself as well as veiled threats. I would ask that Your Honor order Dr. Faltas -- I consider her to be a criminal defendant at this point. There's nothing else

that needs to be done between us that cannot be done either in writing or on the record, and I would ask Your Honor to order Dr. Faltas to either put things in writing or put them on the record. There's no reason for her to be talking to me about my family, about my children, and making threats and comments about those people, Your Honor, and I find that to be personally offensive to myself.

[13 to page 33, line 6] **Dr. Faltas:** Your Honor, I made absolutely no threat against her or her children or anybody and that -- I am sorry -- is a bold-face lie. I told her, "I am old enough to be your mother," and she said, "That's right." And I told her, "You have children. It's important to raise your children to be truthful people." [7] And the Bible has two -- two sides of the coin. One says -- from in the Psalms: "I was a young man and grew old, and I never saw the children of the righteous forsaken by God or begging for alms." So the Bible has a promise that the children of the righteous will always be taken care of. [10] It also has the reverse of that, that God visits the sins of the fathers on the children to the seventh generation, and that is the only way civilization can work. It's not a vengeful rule. It's the rule sometimes people don't care about what happens to them but what happens to themselves and to their children. And I wasn't threatening. I was telling her that God, God, rewards the righteous and their children.

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

[8] **Dr. Faltas:** That's all I said.

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

[10] **Dr. Faltas:** That's all I said.

[11-18] **The Court:** Well, it's evident, based on the motion, that Ms. Weiss does not solicit, seek or desire your advice on any matters nor any contact or communication from you on any matters and that the only contact that she wants you to have with her are only matters strictly related to this case with no references to her friends, families, children or otherwise, and that is a reasonable request and I grant that motion. The---

[19-21] **Dr. Faltas:** It's her loss, Your Honor, I think. I'm a good person, and people can learn a lot from me, but that's her right. Thank you, Your Honor.

[22] **The Court:** Okay. Very good. [24-25] **The Court:** All right. Thank you. Now, we're ready for the jury panel.

[From 2 August 2010 hearing on the Prosecution's motion to have Dr. Assa'ad-Faltas mentally evaluated for a fourth time]

[page 48, lines 20-24] Judge, there is no precedent for the motion that the State wants. There is no justification for it. The only justification is that they are trying to keep me under unfair bond conditions, and they have no intention of trying me again because they have no evidence. [25 to page 49, line 4] They never had evidence in the first trial. They thought that by rushing me I won't discover all of it. I discovered some of it but not all of it in the perjury, but thank God the jury saw through -- saw through their witnesses. [5-7] They know that they cannot try me again, and the statute says -- it has to be an ongoing trial, not just imminent. It has to be ongoing. [8-12] She lied to you right here, and yes, I did sometimes say to her in a loving way -- I told her my father didn't leave me much money, but he left me an important thing: Strength of character, and I was hoping that she would learn through me. [13-16] It doesn't matter that she can get the dual payment from the City to -- to -- to harass people whom politicians don't like. What she needs to give her children is strength of character. [17-22] I did tell her -- I didn't tell her that she was going to corrupt her children, and then look at how much my privacy was invaded, because I cooperated with the three mental evaluations, one by a psychologist at the jail, another by a psychologist at -- at the outpatient of the memorial hospital, and then another one. [23-25] She puts it all over the world that I am taking thyroid replacement medication, and it could cause me to be crazy. Is she an idiot? [page 50, lines 1-5] I am going to say that people who are diabetic are mentally incompetent? I had thyroid surgery in 1980, 30 years ago, and had resulting laryngeal paralysis--- because I had to have a tracheostomy after it as a result of the laryngeal paralysis, many other things. [6-9] After 30 years of -- of -- of having -- after my surgery, I got my M.P.H. I passed the equivalency examination. I passed my licensing examination. I invented many things. [10-15] After all of this, this idiot is going to come and tell the court that she thinks that somebody who is taking thyroid replacement medication -- which incidentally, this is the second most prescribed drug in the United States -- is so mentally incompetent as to -- as to be denied her constitutional right to represent herself? [16-20] What does she know about it? Did she do any duty, any diligence, as an officer of the court? Did she consult a physician who says someone who has been taking thyroid medicine for 30 years will suddenly become mentally incompetent? [21-24] Did she do diligence, any diligence? No, she didn't. I, the *pro se* defendant, researched everything. Patiently, methodically, all the cases, put the dots together, did the timelines. [25 to page 51, line 1] Judge, I think the only right decision is for you to order the case is dismissed for prosecutorial misconduct.

[2-3] **THE COURT:** All right. All right. Thank you, Dr. Faltas.

Another 2 August 2010 excerpt proves how Dr. Assa'ad-Faltas honors her grandparents:

[page 42, line 2] And Ms. Weiss: "No further questions, Your Honor." [3-7] And that was my first question, because she had opened the door. She was giving the jury the false impression that she wasn't a conspirator; that she wasn't someone who was trying to get me imprisoned. She just wanted me to leave her alone. [8-11] The prosecutor had opened the door, and it was my right to examine the witness whether she knew that the only thing the jury can -- can do is find me guilty which would carry imprisonment. [12-15] The jury cannot -- doesn't have the potential of telling me what to do anyway, and going to that, Judge, historically -- and that's how educated I am, and I do not apologize for it. [16-19] I am proud of it, because when I was 11 years old, I had only learned Arabic and French, and I wanted to transfer to an American school. So I had to catch up with those who had been speaking English the whole time. [20-23] In the summer of my 11 years of age, from sixth grade to seventh grade, I learned English by myself, and my paternal grandfather -- my maternal grandfather, God rest his soul, I told him I wanted to read Shakespeare. [24 to page 43, line 1] He said, "Go ahead, it's -- the first one will be really difficult, but the next play will be -- will be much more smooth for you." [2-5] In *Romeo and Juliet*, after Romeo killed somebody, his punishment wasn't imprisonment. It was exile. In Charles Dickens' *Great Expectations*, the punishment was not imprisonment. It was exile to Australia. [6-10] So exiling somebody from his or her own home is punitive. There is no question about it. I have been exiled from my apartment where my books are, where my religious objects are, where many, many things that I need are from December 2nd until today. [11-17] Now, I think we can agree that the necessities of life are food, shelter, and clothing, and this country has a constitution. And guess what, South Carolina specifically wrote -- written by the United States constitution that from the South Carolina Constitution and all South Carolina, too, and the eighth amendment says no excessive bail, no cruel and unusual punishment. [18-22] If a condition were imposed that I do not eat or drink until trial, wouldn't that violate the eighth amendment? If a condition were imposed that I do not wear clothes; that I walk around naked until trial, would that not violate the eighth amendment?

In addition to having, on 23 February 2010 and earlier, attacked the constitutionality of prosecutorial control over the criminal docket, *supra*, Dr. Assa'ad-Faltas, in 2013, challenged SC's now-changed "last argument rule," which further proves her always ahead of her time:

[25 April 2013 trial transcript page 50, lines 22-24] **Defendant Faltas:** At this point, may I just make my *Anders* argument that the last argument rule should be changed based on *Holmes vs. South Carolina*, a U.S. Supreme ---

[25 -- page 51, line 1] **The Court:** We are not going to address any last arguments at this point. We are going to take testimony.

[13 December 2013 Appeal-to-Circuit-Court hearing transcript, starting at p 90, line 20 to p 91, line 1, by Dr. Faltas]: The other issue I wanted also to put for posterity is that after *Holmes v. South Carolina*, the rule that if a defendant offers evidence he does not go last, but if he does not offer evidence he can go last in the closing argument. Is the rule no longer acceptable under *Holmes v. South Carolina*? [2-8] Now, *Holmes v. South Carolina* did not address who goes first and who goes last in closing arguments in criminal trials. And in most states the prosecution goes last in the arguments in criminal trials. However, only in South Carolina a defendant can go last in closing argument if she does not offer evidence in defense. [9-14] So this is a rule that discourages the presentation of a defense by holding a reward, because everyone knows the power of the last word, by holding a reward for the defendant to not present everything by making it possible to argue last. [15 to page 92, line 6] So either the defendant always closes regardless of whether she presented a defense, or the prosecution always closes regardless of whether the defendant presented a defense. But it cannot be one or the other closing dependent on whether the defendant -- and these are issues of first impression. No one has brought them up. And, again, Your Honor, I have been immersed for the past four years in all these criminal matters and criminal laws and peculiarities of South Carolina than I ever imagined in my life. But some ideas evolved and there is no reason someone of your unique integrity and brilliance should not rule on them. They are issues of first impression. And, of course, they did prejudice me in that I was not allowed to have the last word because I presented a defense.

John Strom's waiver by abandonment of such a compelling and well-preserved issue on appeal proves that Dr. Assa'ad-Faltas: (1) is always her own best, and exemplary advocate, and (2) needs to proceed *pro se* on all matters, not because "she simply does not like having a lawyer" (as Tristan Shaffer has falsely claimed in his only submission to this Court on Dr. Assa'ad-Faltas' behalf in 2013), but because *experience* statistically proved that she always gets better results for herself.

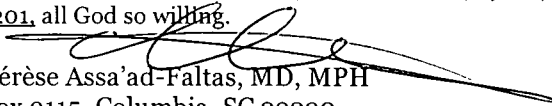
Preliminary Conclusion

The consequences of immorality and a-morality can no more be “lawyered away” than the laws of gravity. But the consequences of the laws of gravity manifest themselves sooner than the up-to-seven-generations it may take for the sins of the fathers’ consequences to be visited on the children. **All consequences are inevitable because they are built in.** Each act either increases or decreases one’s moral authority. Abundant moral authority spills courage and decency across generations; but moral bankruptcy, like a black hole, draws even the will to live out of the loved ones surrounding a morally-bankrupt person.

The continued torture of the innocent *solely because she refused to be convicted of crimes of which all knew she is innocent* is a sin grave enough to morally bankrupt a system. Count the number of lawyers who accepted appointment knowing that their mission is to lose Dr. Assa’ad-Faltas’ cases on purpose. Then wonder from where such a lawyer would draw the courage to live if faced with really challenging circumstances beyond Jean Toal’s control?

Wherefore, John Strom should be relieved from this case and this Court should examine its conscience “with a fresh pair of eyes” to decide what to do next.

Submitted on 13 June 2016 and served by personal delivery of a copy thereof to the City Attorney for the City of Columbia, Attorney for Respondent, at her office located at 1401 Main Street, Columbia, South Carolina, 29201, and on Mr. Dudek at his office at 1331 Lady Street, Columbia, SC 29201, all God so willing.


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June 10, 2016

Page 1 of 2

Via Email and First Class Mail

Dr. Marie Assa'ad-Faltas
P.O. Box 9115
Columbia, SC 29290

Re: Response to Suggestions on Initial Brief and Limitations on Future Communications

Dear Dr. Faltas:

Let me begin by thanking you for emailing me Judge Barber's order. Interestingly it is not in the case file at the Richland County Clerk's Office. Having reviewed it, I will reference it in the brief as I believe the order helps us illustrate the kind of errors that wrongly denied you your right to self-representation. Ultimately, though the order is of only marginal relevance because the appeal is focused on the decisions of Judge Solomon and Judge Lee.

With respect to your question about numbered paragraphs, briefs do not require them. Numbered paragraphs are most commonly used in motions practice and in discovery responses.

Turning to Footnote 4, as we have discussed at length, I have the discretion to decide what issues to raise and how to raise them. Contrary to your allegations, I did not include the footnote as a way of somehow limiting the malpractice exposure of Tristan Schaffer.

The issue in your appeal is whether or not three different Supreme Court orders unconstitutionally deprived you of your right to self-representation at the trial court level. I certainly believe that they did. This is a narrow issue and I believe the law is in our favor. However, I also believe that your litigation history and the resulting animosity between you and members of the Supreme Court is at the root of what caused state courts to ignore constitutional protections and procedures when imposing the broad prior restraint on your Sixth Amendment right to self-representation.

Footnote 4 serves as a contrast, pointing out ways in which courts may legitimately exercise control over litigants appearing before them. This makes it a good foil to our argument that the Supreme Court orders are unconstitutional. The note also helps to keep the appeal focused on the constitutional violation you suffered rather than on your past litigation history and how much former Chief Justice Toal and other members of the judiciary dislike you.

Footnote 4 is not an incorrect statement of the law. Under, *State v. Roberts*, 364 S.C. 583, 614 S.E.2d 626 (2005) holds that a criminal defendant has no right to proceed *pro se* in his or her appeal. That being said, I will give your suggestion to remove the footnote serious consideration and will send you an email Monday regarding my final thoughts on the issue.

It has been brought to my attention that you are demeaning, rude, loud, and hateful towards our support staff when calling the office or making unannounced visits. This conduct is unacceptable. I have tolerated your offensive, disparaging, and bad-mannered remarks towards me as part of my duty as your appointed attorney.

Given your history of intemperate and argumentative behavior, effective immediately our sole means of communication will be via email or letter. You are not to call my office. I will no longer accept your calls. I will order the support staff to no longer accept your calls. Written letters or emails are now the only acceptable mediums of communication. I will read anything that you send me, give it due consideration, and respond as necessary.

Our Constitution entitles you to the effective assistance of appointed counsel. It does not guarantee a meaningful attorney-client relationship with appointed counsel. *Morris v. Slappy*, 416 U.S. 1, 13-14, 103 S.Ct. 1610, 1617-18 (1983); *State v. Boykin*, 324 S.C. 552, 555, 478 S.E.2d 689, 690 (Ct. App. 1996). This constitutional right is not a license to harass, insult, and abuse my staff and I.

I regret that your comportment has made such restrictive measures necessary. I remain committed to your appeal and vindicating what I see as a serious constitutional violation at the heart of your conviction. Should you have any questions or concerns, please do not hesitate to contact me **in writing**.

Sincerely,



John H. Strom
Appellate Defender

JHS/css

Link to audio recordings of that hearing: <https://skydrive.live.com/redir.aspx?cid=d7b35c212dc1eccc&resid=D7B35C212DC1EECC!3285&parid=D7B35C212DC1EECC!113&authkey=!ABshTNDB6uoEnnQ>

Links to audio recordings of that hearing:

<https://skydrive.live.com/redir.aspx?cid=d7b35c212dc1eccc&resid=D7B35C212DC1EECC!3285&parid=root>

<https://skydrive.live.com/redir.aspx?cid=d7b35c212dc1eccc&resid=D7B35C212DC1EECC!3285&parid=D7B35C212DC1EECC!113&authkey=!ABshTNDB6uoEnnQ>

[Minute 0:10] **Dr. Assa'ad-Faltas:** Testing, testing, testing. (Then replays tape: "Testing, testing, testing.")

[Minute 0:56] **Courtroom officer:** All rise. The court is now back in session.

[Minute 1:03] **Marion O. Hanna:** Stand up!

[Minute 1:07] **Courtroom officer:** Ms. Faltas, stand up, please.

[Minute 1:09] **Marion O. Hanna:** Stand up, Ms. Faltas! (To courtroom officer:) Go lift her up if she can't do anything else.

[Minute 1:23] **Courtroom officer:** Stand up!

[Minute 1:25] **Dr. Assa'ad-Faltas:** She said for you to lift me up.

[Minute 1:26] **Marion O. Hanna:** (*Yelling and scolding*) He's not gonna lift you up. You stand up! You're able to stand up. Stand up!

[Minute 1:29] **Courtroom officer:** Stand up!

[Minute 1:30] **Marion O. Hanna:** (*yelling and scolding*) You're not able to stand up? I saw you walk in here. What's wrong with you? And you're not able to speak today either? Ah! That's a blessing. Have, keep your seat then!

All right. This is a motion to determine whether, eh, Marie Assa'ad-Faltas should be held in contempt of court. (To courtroom officer:) Are we on yet? O.K. This is a motion to determine whether, uh, Marie Assa'ad-Faltas should be held in contempt of court for her failure to pro, comply with the, an order issued by me on October 13, 2010. And the City has asked for the contempt hearing. The defendant Faltas was notified, is present.

(Reads silently from document submitted by Dr. Assa'ad-Faltas.)

This morning she has asserted that she is neither able to stand nor speak. She has with her an unauthorized, uh, old-fashioned tape recorder. Uh, or this is not a certified, uh, recording. She states that she has a right to her stand-by counsel and that she won't answer any questions. Uh, she seems to believe that she has a right to a jury trial in a contempt hearing, which is not, of course, not the case. And, uh, also believes that the City Municipal Court has no jurisdiction to determine whether one is in contempt of its own orders. And, uh, as I said, she brings with her an old-fashioned tape recorder which is not the same thing, of course, as a certified court reporter.

And (pause). All right. Mis--ter Fernandez.

[Minute 4:32] **Assistant City of Columbia Attorney (ACA) David Fernandez:** Yes, Your Honor. Thank you.

[Minute 4:33] **Dr. Assa'ad-Faltas:** Respectfully ---

[Minute 6:34] **Marion O. Hanna:** (interposing) Sorry, Doctor, Ms., Dr. Faltas, you've indicated that you were not able to speak and I haven't called upon you. I will hear from Mr. Fernandez.

[Minute 4:36] **Dr. Assa'ad-Faltas:** I am able to speak now.

[Minute 4:49] **Marion O. Hanna:** (interposing, *yelling and scolding*) Miss, don't talk unless I ask you to. You indicated you were not able to speak. I am telling you now. Don't talk unless I ask you to speak. You've got that? All right. Mr. Fernandez.

[Minute 5:01] **ACA Fernandez:** Yes, Your Honor. Thank you. This revolves around the order Your Honor signed on October 13, 2010. The key language the City relies on is that the defendant is asked to use U.S. mail, uh, when contacting the office of the City Attorney or its employees. Also too, she is prevented it [sic] from cooperating, from confronting or

accosting by phone, e-mail or in person the attorneys or employees of the City Attorney's office. The basis for violations of the order are e-mails that were submitted. And there were actually two motions that were separately filed. But there were e-mails dated October 31, 2010, December 15, 2010, February 21, 2011, and two phone calls placed February 22, 2011. And at the receiving end was Ms. Cheri Sutton, who is present today, filed an affidavit, eh, stating that she did receive a phone call from the defendant. And then also Ms. Constance Holloway, who also filed an affidavit. However, I found out this morning she will not be at work today. So, she, we won't have her physical present [sic]. Uh, the e-mails as Your Honor can see that are attached to the motion very clearly show in the, in the "to" line numerous employees of the City of Columbia: David Fernandez, Cheri Sutton, Holly Beeson, Pete Balthazor, Robert Cooper and Ken Gaines, all in the subject line of, of all or some of these e-mails. And that would be the basis to declare a violation of the order. I, I don't know why the defendant decided to or elected to violate it. It's very clear. It couldn't be more clear. We, she's been very reluctant to even utilize the U.S. mail until very recently, uh, and, uh, and that's what we're asking for, Your Honor. We're asking you to hold her, hold her in contempt for violation of the order.

[Minute 6:56] **Marion O. Hanna:** All right. Thank you. The order has been handed out to me and I am familiar with it. We have there, as Mr. Fernandez noted, a copy of an e-mail from Marie Faltas, dated February 21, 2011, to a long list of people including those persons who work for the City of Columbia Attorney's Office, Cheri Sutton, is that you, ma'am?

[Minute 7:40] **Ms. Cheri Sutton:** Yes.

[Minute 7:42] **Marion O. Hanna:** Uh, David Fernandez, H. Beeson, who is that, Mr. Fernandez?

[Minute 7:50] **ACA Fernandez:** That's Holly Beeson, she's an attorney in our office.

[Minute 7:54] **Marion O. Hanna:** All right. Thank you. Also Ken Gaines, who's an attorney with the City of Columbia. Peter Bathazar, who is also a City Attorney. Robert Cooper, who is also a City Attorney, and a number of other people, including circuit court judges, eh, which has no bearing on this particular matter. It's a long list of people. And Dr. Faltas's [sic] subjects concern Black History Month, also the Egyptian problem, also reference is made to me, uh, also to other judges.

[Minute 9:06] **ACA Fernandez:** Your Honor, I apologize for interrupting; but there is also a reference to Mr. Cooper and his slide towards conspiring to murder, uh, the --

[Minute 9:15] **Marion O. Hanna:** I think that's later in there. I'm going down the list. In one paragraph, she states that there is no difference between Municipal Court Judge Hanna and President Mubarak. That's Hosni Mubarak of Egypt. She also indicates that two supposed judges have restricted her access to the courts and her free use of e-mail and she indicates that that means they have no respect and, excuse me, she says she has no respect for those judges. She says she will continue to respect certain black jurists whom she initially respected but now will no longer respect them. Uh, she states in this e-mail that she attempted to retain Attorney Herbert Buhl. She says Mr. Buhl. That's Herbert Buhl and wanted to arrange a meeting with the City of Columbia Legal Department and her in the sole hope of averting what she sees as a slippery slope of Bob Cooper's, that's Robert Cooper who is the City Attorney, slide towards conspiring to murder her. She states there was never an attempt and would never be permission for Mr. Buhl to represent her or negotiate with, she says "Boob Cooper," I assume she means Bob Cooper or anyone from the City of Columbia's Legal Department, though she states Mr. Buhl no longer represents her. She states that she got an unplayable tape from the City of Columbia. Complains about the recording and five dollars that was charged. She complains that she tried to talk to, hmm, Ms. Hawkins about it in the morning. And I would note here that the order restricts her from contacting the court except from 2:00

to 4:00 and only for official business concerning her cases within this court. And she was told to call back after two. She complains further that, when she called back, that Ms. Hawkins was at lunch. She says that South Carolina uh, practice, practices Apartheid and states that this is "Apartheid South Carolina style." And she states it is a shame that it is practiced by black people against first-generation immigrants.

She says next that she tried to talk to Doctor Andrew, excuse me, to J. Andrew Delaney about protecting her mother's truck, which is located at 304 Byron Road apartment building. She indicates that she, it has been damaged and vandalized there.

And also complains about sewer lines and rerouting sewer lines, uh, and further complains about other people doing work without construction or repair permit.

She states this is urgent and important and is copied to the City of Columbia's Legal Department to ensure that no further work is being undertaken without permit.

Further states she wants Chief Administrative Common Pleas Judge Lee to schedule an immediate hearing for an injunction because it appears to her that the work is being done on 300 and 304 Byron Road is causing excess water drainage into her mother's land located adjacently on Byron Road. She next complains that, despite requests for arrangements for her to access her family's and her belongings, she is still unable to go into apartment 3, 304 Byron Road, Columbia, SC 29209. And she says she has received a response setting impossible conditions. She says this should put the lie everybody's false claim that she's not the problem. And so forth.

She also goes on, this is two and a half pages long in the same vein.

She complains about needing a hearing before Judge Lee, a playable CD, uh, she wants Judges Hanna and Cooper to know, and I quote here, that she has quote "no respect for either them. And if they want to hold her in contempt of court, they need to hold a hearing on the record with media present rather than conspire secretly with supposed City Police and Richland County Sheriff's deputies to arrest her if she enters the courthouse at any time it is open to the rest of the public." Uh, then she complains about Judge Burns and accuses Judge Burns of problems that she herself is alleged to have had. Further, she complains that she threatened to banish a person from the City of Columbia because of a parking ticket. She further states that she found evidence that Judge Hanna had committed elder abuse and, uh, other complaints and, uh, complains about Judge Bogan as well. And complains that, seems to think that Judge Bogan had represented Judge Hanna, which is just not the case, in the probate matter or case.

Uh, at any rate, this, these, this goes on for quite sometime, which is seeming to be a general rant against everyone with whom she has possibly come in contact. And that e-mail was sent in violation of the order, and further has nothing to do with the cases that are before this court. Even if the e-mail was not prohibited, those are the types of e-mails, as I recall, that caused the problem and the uh, e-mail prohibition was put in its place because of that. Now, Ms. Sutton is here?

[Minute 17:51] **ACA Fernandez:** Yes, Your Honor.

[Minute 17:52] **Marion O. Hanna:** Ms. Sutton, do come forward, please. If you would stand over here on Mr. Fernandez' right. Ms. Sutton, please and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

[Minute 18:07] **Ms. Cheri Sutton:** I do.

[Minute 18:08] **Marion O. Hanna:** All right, Ms. Sutton, what is your position with the City of Columbia?

[Minute 18:13] **Ms. Cheri Sutton:** I am a legal assistant with the City Attorney's Office.

[Minute 18:16] **Marion O. Hanna:** And, uh, does that include answering telephones?

[Minute 18:22] **Ms. Cheri Sutton:** That is my primary function, Your Honor.

[Minute 18:24] **Marion O. Hanna:** Mr. Fernandez, would you like to ask her?

[Minute 18:25] **ACA Fernandez:** (interposing) Sure. Uh. Ms. Sutton, uh, were you often, were you , eh, working the day of February 22, 2011.

[Minute 18:36] **Ms. Cheri Sutton:** Yes, I was.

[Minute 18:38] **ACA Fernandez:** And are you aware of the order, eh, being a, being an employee of the City Attorney's office, are you aware of Judge Hanna's order dating back from October 13, 2010, regarding Marie Faltas?

[Minute 18:46] **Ms. Cheri Sutton:** Yes.

[Minute 18:50] **ACA Fernandez:** And, uh, were you aware of the order?

[Minute 18:52] **Dr. Assa'ad-Faltas:** Objection.

[Minute 18:55] **Marion O. Hanna:** Overruled. Go ahead.

[Minute 18:59] **ACA Fernandez:** And were you aware of the contents of the order? Was it explained to you?

[Minute 19:03] **Ms. Cheri Sutton:** Yes, it was.

[Minute 19:04] **ACA Fernandez:** By your supervisors.

[Minute 19:05] **Ms. Cheri Sutton:** Yes, it was.

[Minute 19:06] **Dr. Assa'ad-Faltas:** Objection.

[Minute 19:07] **Marion O. Hanna:** Overruled.

[Minute 19:08] **ACA Fernandez:** And did the defendant, Marie Faltas, place a phone call on February 22, 2011?

[Minute 19:11] **Dr. Assa'ad-Faltas:** Objection.

[Minute 19:12] **Marion O. Hanna:** You are leading, Mr. Fernandez.

[Minute 19:15] **ACA Fernandez:** Did you, who did you receive a phone call from on February 22, 2011?

[Minute 19:17] **Dr. Assa'ad-Faltas:** Objection.

[Minute 19:18] **Marion O. Hanna:** (*yelling and scolding*) Ma'am, you need to wait until a question is asked. Overruled. Did you receive any phone calls from Dr. Faltas?

[Minute 19:26] **Ms. Cheri Sutton:** Yes, Your Honor.

[Minute 19:28] **Marion O. Hanna:** (*yelling and scolding*) Tell me about it.

[Minute 19:29] **Ms. Cheri Sutton:** She called at approximately 8:30 that morning of February 22; and I recognized her voice, being aware of the order, I hung up. I did not speak with her at all.

[Minute 19:41] **Marion O. Hanna:** How were you aware of her voice?

[Minute 19:45] **Ms. Cheri Sutton:** For the past five years, it's been my primary function to answer phone calls for the Legal Department. And for the past five years, I've spoken with Dr. Faltas on numerous occasions.

[Minute 19:55] **Marion O. Hanna:** Thank you. What type of calls has she made to your office?

[Minute 20:02] **Ms. Cheri Sutton:** For the past five years, Your Honor, it's been in reference to her court appearances. She has, I've always tried to be very professional with Dr. Faltas. But once the order was issued, I was instructed no longer to speak with her at all. And I --

[Minute 20:18] **Marion O. Hanna:** (interposing) Thank you. And what type of attitude has she had towards you, if any?

[Minute 20:26] **Ms. Cheri Sutton:** She has always been, there were times that she was angry. But, to be perfectly honest, she has always been professional or nice when she has called and spoken to me.

[Minute 20:36] **Marion O. Hanna:** And how many times over the last five years, before the order was in place, had she called you, if you remember?

[Minute 20:49] **Ms. Cheri Sutton:** I really don't remember. I have them all documented for the last probably three years. It is really, it can't, I really don't know. I can guess and say ---

Link to audio recordings of that hearing: <https://skydrive.live.com/redir.aspx?cid=d7b35c212dc1eccc&resid=D7B35C212DC1EECC!3285&parid=D7B35C212DC1EECC!113&authkey=!ABshTND86uoEnnQ>

[Minute 21:01] **Marion O. Hanna:** (interposing) Let me ask you this: was it on a daily basis? Was it on a weekly basis? Was it on a monthly basis? Or did it just vary?

[Minute 21:06] **Ms. Cheri Sutton:** It varied. It would depend on what she had in court or what she needed at that time.

[Minute 21:15] **Marion O. Hanna:** And since the imposition of the order restraining her from calling the City Attorney's office, how many times has she called?

[Minute 21:19] **Ms. Cheri Sutton:** That was the only time.

[Minute 21:21] **Marion O. Hanna:** O.K. Thank you. All right, Dr. Faltas, you may ask questions of this witness; but they will only be confined to what we're here for. And you'll need to stand up.

[Minute 21:39] **Dr. Assa'ad-Faltas:** Good morning.

[Minute 21:41] **Ms. Cheri Sutton:** Good morning.

[Minute 21:43] **Dr. Assa'ad-Faltas:** In response to Mr. Fernandez' question, he asked you: "Was the order explained to you?" And you said: "Yes." May I ask you by whom?

[Minute 21:54] **Ms. Cheri Sutton:** By Mr. Fernandez.

[Minute 21:57] **Dr. Assa'ad-Faltas:** So, when you answered that it was explained to you by your supervisor, is Mr. Fernandez considered your supervisor?

[Minute 22:06] **Ms. Cheri Sutton:** Yes, he is.

[Minute 22:11] **Dr. Assa'ad-Faltas:** Uh. This is going to be very difficult. But I hope you're conscientious enough to answer truthfully. Did you see the affidavit where Constance Holloway wrote, or claimed, in my opinion, falsely, that when I called her --

[Minute 22:21] **Marion O. Hanna:** (interposing) Dr. Faltas.

[Minute 22:30] **Dr. Assa'ad-Faltas:** O.K.

[Minute 22:31] **Marion O. Hanna:** (interposing) That has nothing to do ---

[Minute 22:33] **Dr. Assa'ad-Faltas:** O.K. All right, all right. Let me rephrase it.

[Minute 22:34] **Marion O. Hanna:** No, you're not going to rephrase it. She has nothing to do with someone else.

[Minute 22:39] **Dr. Assa'ad-Faltas:** I am going to rephrase it totally.

[Minute 22:41] **Marion O. Hanna:** (*yelling and scolding*) Ma'am. You're not going to rephrase it. You're not gonna ask it. You're going to confine yourself to what was asked of her and now!

[Minute 22:48] **Dr. Assa'ad-Faltas:** O.K. Did he, did Fernandez ask you to prepare and affidavit?

[Minute 22:53] **Ms. Cheri Sutton:** Yes.

[Minute 22:55] **Dr. Assa'ad-Faltas:** When he was asking you to prepare the affidavit, did he ask you in it to say that I yelled at you?

[Minute 23:02] **Ms. Cheri Sutton:** No.

[Minute 23:07] **Dr. Assa'ad-Faltas:** All right. Do you happen to know that I have two sisters?

[Minute 23:11] **Marion O. Hanna:** (interposing) That is not relevant.

[Minute 23:17] **Dr. Assa'ad-Faltas:** Do you happen to know that they sound exactly like me?

[Minute 23:20] **Marion O. Hanna:** (interposing) That is not relevant. Do you know any of her sisters or any of her relatives?

[Minute 23:22] **Ms. Cheri Sutton:** No, Your Honor, I do not.

[Minute 23:28] **Marion O. Hanna:** All right, thank you.

[Minute 23:25] **Dr. Assa'ad-Faltas:** Is there anything impossible about someone sounding like me?

[Minute 23:33] **Marion O. Hanna:** (interposing) You don't have to answer that. Have a seat. Have a seat, Dr. Faltas. All right. This, uh, Mr. Fernandez, anything else?

[Minute 23:52] **ACA Fernandez:** No, Your Honor.

[Minute 23:55] **Marion O. Hanna:** This is only, is this the only, eh, violations order you're bringing before me today?

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[Minute 24:03] **ACA Fernandez:** There was another violation, Your Honor, which I filed under, and, you know, and Judge Turner scheduled this one motion for the hearing today. There was a separate motion I filed, an earlier motion. I don't know if Your Honor wants to entertain it or not. But I don't know, I don't know that the defendant here's been noticed for that.

[Minute 24:21] **Marion O. Hanna:** Well she has no notice of it. No. So the two violations are that she called the City Attorney's office, correct? And the e-mail?

[Minute 24:35] **ACA Fernandez:** That's correct. And there were two phone calls. One was to Constance Holloway; but of course she's not here.

[Minute 24:40] **Marion O. Hanna:** All right, you have, you don't have a phone log or anything?

[Minute 24:41] **ACA Fernandez:** No.

[Minute 24:40] **Marion O. Hanna:** All right, first of all, the, the order --

[Minute 24:50] **Dr. Assa'ad-Faltas:** (interposing) May I be heard?

[Minute 24:55] **Marion O. Hanna:** (*yelling and scolding*) In a moment. The order is dated October 13, 2010. And, after findings, after a long and, a long hearing, the court found as follows: the defendant Faltas has engaged in a consistent pattern of abuse of the municipal, municipal court processes, court personnel, City Attorney's office and the City Attorneys, causing delays in and obstructions of the court's business on a constant basis. She has attempted to and succeeded in intimidating court personnel and the City Attorneys and has violated the City Attorney's written-correspondence-only rule. And then, the findings go on for the rest of that page and part of the next one. And the court found, eh, ordered, that the defendant Marie-Theresa [sic] Assa'ad-Faltas is hereby restricted from entering or coming about the Columbia police courthouse, the Columbia municipal courthouse and from coming into contact with court personnel except only: (a) for her scheduled court appearances and (b) for the purpose of filing documents with the Clerk of Court relating to her criminal charges only between the hours of 2:00 pm and 4:00 pm during the normal operating hours of the court. The defendant is further restricted from entering or coming about the office of the City Attorney for the City of Columbia or the building in which it's located, 1401 Main Street, Columbia, SC 29202, or from any, coming into contact with persons employed therein and with any individuals involved in the prosecution of any of her several criminal charges, whether at their places of employment, their respective parking lots, residences, or any other place. Prohibited from confronting or accosting, whether by phone, e-mail, or in person, any of the judges and employees of the City Court, the attorneys employees of the City Attorney's office. Defendant Faltas shall make no *ex parte* communications with the judges, the City Attorney's office's personnel or that of the City Court. The defendant also is hereby directed to utilize the U.S. mail when making necessary correspondence with the office of the City Attorney or she may coordinate with her stand-by counsel to have correspondence delivered by hand. She is prohibited from making unnecessary, abusive, threatening, or uncivil communications by any means with the City Court and the City Attorney's office or personnel of each. For documentation that requires formal service, the defendant Faltas is hereby required to serve those documents pursuant to the South Carolina Rules of Criminal Procedure and any applicable rules of civil procedure concerning all her pending criminal charges in the City of Columbia Municipal Court, provided however that she may not serve any document upon a prosecutor in person. And Dr. Faltas, please stand. (**Dr. Assa'ad-Faltas stands.**) Now, I have read or summarized somewhat the e-mail. Is, was this e-mail that I earlier summarized into the record, was that from you? It indicates so on this document. Was that from you?

[Minute 28:22] **Dr. Assa'ad-Faltas:** May I respectfully --

[Minute 28:26] **Marion O. Hanna:** (interposing, *yelling and scolding*) You may answer my question.

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[Minute 28:28] **Dr. Assa'ad-Faltas:** May I respectfully say--

[Minute 28:30] **Marion O. Hanna:** (interposing, *yelling and scolding*) You may answer my question.

[Minute 28:33] **Dr. Assa'ad-Faltas:** -- that the court has no jurisdiction to hold this hearing.

[Minute 28:34] **Marion O. Hanna:** (interposing, *yelling and scolding*) Ma'am

[Minute 28:36] **Dr. Assa'ad-Faltas:** It had no jurisdiction to enter the order to begin with --

[Minute 28:40] **Marion O. Hanna:** (interposing, *yelling and scolding*) If, if you want to be heard, if you don't want to go to jail this morning, then you're gonna have to answer my questions. I read your earlier, what you handed up. All that is denied. This court has court has jurisdiction to enforce its own orders. Get that. And answer my question. Did you send this e-mail that I earlier read, summarized into the record? Did you send it?

[Minute 29:06] **Dr. Assa'ad-Faltas:** I do not recall.

[Minute 29:09] **Marion O. Hanna:** You don't recall.

[Minute 29:10] **Dr. Assa'ad-Faltas:** But I want to say something.

[Minute 29:12] **Marion O. Hanna:** (interposing, *yelling and scolding loudly*) Answer my questions!

[Minute 29:13] **Dr. Assa'ad-Faltas:** The answer is: I do not recall.

[Minute 29:16] **Marion O. Hanna:** You don't recall. All right. I have another question. Did you send this e-mail to Adel Assa'ad?

[Minute 29:24] **Dr. Assa'ad-Faltas:** I do not recall.

[Minute 29:26] **Marion O. Hanna:** Did you recall having sent it to anyone?

[Minute 29:29] **Dr. Assa'ad-Faltas:** Ma'am, may, may, may I say ---

[Minute 29:32] **Marion O. Hanna:** (interposing, *yelling and scolding*) You may answer my questions.

[Minute 29:33] **Dr. Assa'ad-Faltas:** Ma'am, ma'am, first of all ---

[Minute 29:36] **Marion O. Hanna:** (interposing) Are you denying that you sent this e-mail?

[Minute 29:38] **Dr. Assa'ad-Faltas:** I'm saying: I do not recall.

[Minute 29:40] **Marion O. Hanna:** You don't recall?

[Minute 29:44] **Dr. Assa'ad-Faltas:** Yes, ma'am.

[Minute 29:46] **Marion O. Hanna:** All right then. Did you call the City Attorney's office and, when you called, did Ms. Sutton answer your call?

[Minute 29:50] **Dr. Assa'ad-Faltas:** I do not recall.

[Minute 29:51] **Marion O. Hanna:** You don't remember?

[Minute 29:13] **Dr. Assa'ad-Faltas:** That's correct.

[Minute 29:51] **Marion O. Hanna:** O.K.

[Minute 29:53] **Dr. Assa'ad-Faltas:** The other thing is ---

[Minute 29:54] **Marion O. Hanna:** Now ---

[Minute 29:55] **Dr. Assa'ad-Faltas:** (inadvertently interposing) Please ---

[Minute 29:56] **Marion O. Hanna:** (interposing, *yelling and scolding*) Don't talk when I'm talking. You have told me and you have demonstrated that you have no respect for this court. But it is required that you do. It is required. I don't care what you think about other judges or myself personally. That doesn't matter. But this is a court of law. And you're not above it. So, answer my question. Did you call the City Attorney's office as said so by Ms. Sutton here.

[Minute 30:33] **Dr. Assa'ad-Faltas:** I do not recall.

[Minute 30:35] **Marion O. Hanna:** All right then.

[Minute 30:36] **Dr. Assa'ad-Faltas:** But I want to say that you had no jurisdiction to enter ---

[Minute 30:37] **Marion O. Hanna:** (interposing, *yelling and scolding very loudly*) You said that, you wrote that, I heard that. I have jurisdiction. I have ruled.

[Minute 30:46] **Dr. Assa'ad-Faltas:** --- to enter the order to begin with because you have no civil jurisdiction. And that is by statute. In addition, your order is under appeal and the Supreme Court certified the appeal to itself. So, you don't, you had no jurisdiction ---

- [Minute 31:01] **Marion O. Hanna:** (interposing) You have anything on that?
- [Minute 31:04] **Dr. Assa'ad-Faltas:** This, that the Court ---
- [Minute 31:05] **Marion O. Hanna:** (interposing) Did you have anything to show me that?
- [Minute 31:06] **Dr. Assa'ad-Faltas:** Absolutely, absolutely.
- [Minute 31:08] **Marion O. Hanna:** Pass it up. Give it to one, give it to the court officer.
- [Minute 31:11] **Dr. Assa'ad-Faltas:** But I need it back.
- [Minute 31:12] **Marion O. Hanna:** (*yelling and scolding*) You need to pass it up and you need to do it now.
- [Minute 31:14] **Dr. Assa'ad-Faltas:** I, I haven't finished. I haven't finished.
- [Minute 31:21] **Marion O. Hanna:** (*yelling and scolding*) You need to pass it up and you need to do it now.
- [Minute 31:23] **Dr. Assa'ad-Faltas:** I am giving it now.
- [Minute 31:24] **Marion O. Hanna:** (*yelling and scolding*) Do it.
- [Minute 31:28] **Dr. Assa'ad-Faltas:** There is one, one other one, just.
- [Minute 31:33] **Marion O. Hanna:** Ma'am, all I need to see from you on that, I don't need see your documents that you sent to a court. I need to see just evidence that evidence that it may be on appeal
- [Minute 31:43] **Dr. Assa'ad-Faltas:** Yeah. Oh, absolutely. You can, this is, this is it. The, all, all ---
- [Minute 31:51] **Marion O. Hanna:** (interposing) Your theory, Ms., Ms. Faltas, is that this court cannot issue an order against you; and, if it does, this court cannot enforce it. That's your theory. Pass that up over here please.
- [Minute 32:04] **Dr. Assa'ad-Faltas:** A civil, a civil, in juris, an order in civil jurisdiction, an order in civil jurisdiction you do not have, ma'am. The, the statute, the statute says it---
- [Minute 32:25] **Marion O. Hanna:** (interposing) Ma'am, I'm sorry. I'm passing this back over to you. You need to have something showing me that you appealed this to the circuit court.
- [Minute 32:31] **Dr. Assa'ad-Faltas:** Oh, yes ---
- [Minute 32:33] **Marion O. Hanna:** (interposing and *yelling and scolding very loudly and banging the gavel*) These cases are appealed to the circuit court, not the Supreme Court.
- [Minute 32:36] **Dr. Assa'ad-Faltas:** Ma'am, they, it was filed here and the appeal numbers; and this court made the return to the circuit court.
- [Minute 32:40] **Marion O. Hanna:** Where is your circuit court proof? I don't see any. You passed me with something stamped in the Supreme Court.
- [Minute 32:45] **Dr. Assa'ad-Faltas:** It's in this court's own files. This court can take judicial notice of its own ---
- [Minute 32:48] **Marion O. Hanna:** (interposing) I don't have it. I don't have any such thing.
- [Minute 32:50] **Dr. Assa'ad-Faltas:** It is in ---
- [Minute 32:51] **Marion O. Hanna:** (interposing) Besides, this is an order ongoing of the court.
- [Minute 32:56] **Dr. Assa'ad-Faltas:** Ma'am, it had no jurisdiction because it has no civil jurisdiction.
- [Minute 33:01] **Marion O. Hanna:** Dr. Faltas, just because you say so doesn't make it true. It is for me.
- [Minute 33:04] **Dr. Assa'ad-Faltas:** The statute says so.
- [Minute 33:06] **Marion O. Hanna:** (interposing) This is for me to decide.
- [Minute 33:08] **Dr. Assa'ad-Faltas:** O.K. May I give you the statute number please?
- [Minute 33:10] **Marion O. Hanna:** Statute?
- [Minute 33:11] **Dr. Assa'ad-Faltas:** Yes, ma'am, the statute that says the civil ---
- [Minute 33:15] **Marion O. Hanna:** I understand this is is a criminal court, Dr. Faltas.
- [Minute 33:16] **Dr. Assa'ad-Faltas:** South Carolina Code of Laws ---
- [Minute 33:20] **Marion O. Hanna:** (interposing, *yelling and scolding*) No! I don't want to hear that. This is a court of criminal jurisdiction. However, we issue orders. When people violate

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those orders, we have jurisdiction to hear a rule to show cause as to why you should not be held in contempt of court and you have not given me one reason yet.

[Minute 33:36] **Dr. Assa'ad-Faltas:** Ma'am I just say, please, first of all, first of all, first of all: that motion to restrict my access, blah, blah, blah, was a civil motion. You had no jurisdiction to entertain it *ab initio* ---

[Minute 33:50] **Marion O. Hanna:** (interposing) Who had? Who had jurisdiction then?

[Minute 33:56] **Dr. Assa'ad-Faltas:** A, a court of general jurisdiction ---

[Minute 34:00] **Marion O. Hanna:** (interposing) Nobody?

[Minute 34:01] **Dr. Assa'ad-Faltas:** Pardon?

[Minute 34:03] **Marion O. Hanna:** Nobody had jurisdiction to hear it?

[Minute 34:04] **Dr. Assa'ad-Faltas:** Ma'am, they could have ---

[Minute 33:20] **Marion O. Hanna:** (interposing) Would the circuit court have jurisdiction to hear it?

[Minute 34:06] **Dr. Assa'ad-Faltas:** Absolutely.

[Minute 34:07] **Marion O. Hanna:** Ah!

[Minute 34:08] **Dr. Assa'ad-Faltas:** But they didn't bring an action in circuit court because circuit court has general jurisdiction. This court, under the statute which I was about to read to you and you interrupted me is section, Code of Laws, and I'm sorry, may I sit please? It's, may I sit? Thank you.

[Minute 34:25] **Marion O. Hanna:** (interposing, *yelling and scolding*) I didn't say you can sit. Stand up!

[Minute 34:34] **Dr. Assa'ad-Faltas:** South Carolina Code of Laws, Section 14-25-45: "Each municipal court shall have jurisdiction to try all cases arising under the ordinances of the municipality for which established. The court shall also have such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates. The court shall have no jurisdiction in civil matters." That's one thing. The other thing is: the order doesn't say that I may not use e-mail. It says "shall not accost or confront." Even if that e-mail were sent, it is not accosting or confronting. It is, if it were sent, specifically saying that someone is working in a flood plain area without a permit and the City needs to know that to, to immediately abate that nuisance. It was neither confronting nor accosting. And the ---

[Minute 35:40] **Marion O. Hanna:** (interposing) Well, was it contacting?

[Minute 35:43] **Dr. Assa'ad-Faltas:** It's a ---

[Minute 35:44] **Marion O. Hanna:** (interposing, *yelling and scolding*) Was it contacting?

[Minute 35:46] **Dr. Assa'ad-Faltas:** Well ---

[Minute 35:47] **Marion O. Hanna:** (interposing, *yelling and scolding*) Was it contacting?

[Minute 35:49] **Dr. Assa'ad-Faltas:** Well. It says, no, no, no ---

[Minute 35:50] **Marion O. Hanna:** (interposing, *yelling and scolding*) Was it contacting?

[Minute 35:51] **Dr. Assa'ad-Faltas:** I don't know.

[Minute 35:53] **Marion O. Hanna:** You don't know that.

[Minute 35:56] **Dr. Assa'ad-Faltas:** Because the order says "shall not confront or accost" ---

[Minute 35:55] **Marion O. Hanna:** (interposing, *yelling and scolding*) Was it contact?

[Minute 35:58] **Dr. Assa'ad-Faltas:** It doesn't say "shall not contact by e-mail" ---

[Minute 35:59] **Marion O. Hanna:** (interposing, *yelling and scolding*) Was it contact?

[Minute 36:01] **Dr. Assa'ad-Faltas:** It does not say "shall not contact."

[Minute 36:02] **Marion O. Hanna:** (*yelling and scolding*) I asked you: was it contact? I'm not asking you what the order said. Stand up and answer! Was it contact with the City Attorney?

[Minute 36:15] **Dr. Assa'ad-Faltas:** I do not believe so.

[Minute 36:17] **Marion O. Hanna:** You don't think so. E-mail is not contact.

[Minute 36:20] **Dr. Assa'ad-Faltas:** You're asking me. First of all, we have not established that a call was made. But, I, I am talking about if the e-mail had been made, it does not violate the,

the letter or the spirit of the order. Besides, you're asking me for a legal opinion. And my legal opinion is: No. I do not believe so. And the order doesn't say "shall not contact."

But, in any event, this hearing should ---

[Minute 36:45] **Marion O. Hanna:** (interposing) Listen to me Dr. Faltas and let me read this to you again. Perhaps you can get it this time. "Now, therefore, the defendant Marie-Theresa [sic] Assa'ad-Faltas is hereby restricted from entering or coming about the Columbia municipal courthouse and from coming into contact with court personnel except: (a) only for her scheduled court appearances and (b) for the purpose of filing documents with the Clerk of Court relating to her criminal charges and only between the hours of 2:00 pm and 4:00 pm during the normal operating hours of court. The defendant is further restricted from entering or coming about the office of the City Attorney for the City of Columbia or the building in which it's located, 1401 Main Street, and from any, coming into contact with persons employed therein and with any individuals involved in the prosecution of any of her several criminal charges, whether at their places of employment, and so forth, their respective parking lots. She is prohibited from confronting or accosting, whether by phone, e-mail, or in person, any of the judges and employees of the City Court, the defendant, and excuse me, the attorneys employees of the City Attorney's office. Defendant Faltas shall make no *ex parte* communications with the City, with the judges, the City Attorney's office's personnel or that of the City Court."

I ask you again: is an e-mail communication? Do you consider it such?

[Minute 38:25] **Dr. Assa'ad-Faltas:** I do not consider it a violation of this order ---

[Minute 38:26] **Marion O. Hanna:** (interposing) That's not what I asked you.

[Minute 38:27] **Dr. Assa'ad-Faltas:** I am ---

[Minute 38:28] **Marion O. Hanna:** (interposing) All right, Dr. Faltas, you know, you are terribly uncooperative. You are in contempt of court this morning. You refused to stand when the judge entered the room. You refused to answer my questions in a straight-forward manner. You have refused to conduct yourself properly. This is a court of law. You are not above this court or any other court in this country. You are not above the law. You are not above the law. And you need to get that through your head. You are not above the law. Do you understand that? No. You don't. Do you?

[Minute 39:20] **Dr. Assa'ad-Faltas:** Ma'am, I perfectly understand it. In fact ---

[Minute 39:24] **Marion O. Hanna:** (interposing) Very good. Have a seat.

[Minute 39:26] **Dr. Assa'ad-Faltas:** In fact, thank you. In fact I ---

[Minute 39:32] **Marion O. Hanna:** (interposing) Have a seat and don't talk any more. Now, you have not given me any reason not to hold you in contempt of court, which is what the hearing is for: for you to give me some reason ---

[Minute 39:40] **Dr. Assa'ad-Faltas:** (interposing) Actually, the hearing is on the City's motion for a rule to show cause order. If you want to issue a rule to show cause order, then I am entitled to a hearing on the actual rule to show cause ---

[Minute 39:52] **Marion O. Hanna:** (interposing) That's what we're here for.

[Minute 39:55] **Dr. Assa'ad-Faltas:** (interposing) No. You cannot combine both of them. There is a motion. If you grant the motion, then you issue a rule to show cause. And then, you need to appoint for me stand-by counsel, assuming you even have jurisdiction to hold the next hearing---

[Minute 40:09] **Marion O. Hanna:** (interposing) How many times have you had stand-by counsel appointed for you?

[Minute 40:11] **Dr. Assa'ad-Faltas:** Ma'am ---

[Minute 40:12] **Marion O. Hanna:** (interposing) How many times have you had stand-by counsel?

[Minute 40:16] **Dr. Assa'ad-Faltas:** They were conflicted. And I have no duty to accept ---

[Minute 40:21] **Marion O. Hanna:** (interposing) How many of them have you had? Just as stand-by counsel? How many?

[Minute 40:23] **Dr. Assa'ad-Faltas:** Four.

[Minute 40:26] **Marion O. Hanna:** Four. And what happened to each one of them?

[Minute 40:31] **Dr. Assa'ad-Faltas:** They, they, they told the judge, three of them, I'm sorry, two of them told the judge that they have a conflict. One of them was developing a conflict and did not disclose it until later. The third one, the fourth one was ineffective. I have no duty ---

[Minute 40:51] **Marion O. Hanna:** (interposing) And what was the conflict?

[Minute 40:52] **Dr. Assa'ad-Faltas:** The conflict with April Sampson? Is that she was negotiating to work with the Solicitor's office. That's as clear a conflict as can be.

[Minute 41:01] **Marion O. Hanna:** What was the conflict with the next one?

[Minute 41:02] **Dr. Assa'ad-Faltas:** No, that was the previous two, the public defenders. They said they had conflicts as far as the timing, as the time. And that was their motion and that was the judge said that they had a conflict. So, I'm not required to accept a conflicted counsel.

[Minute 41:22] **Marion O. Hanna:** And you've had appointed counsel, have you not?

[Minute 41:24] **Dr. Assa'ad-Faltas:** Totally appointed? No. Only as stand-by. No, I did not have counsel appointed totally except in 2001, and that was, he was also ineffective. And I fired him.

[Minute 41:42] **Marion O. Hanna:** He was ineffective too?

[Minute 41:43] **Dr. Assa'ad-Faltas:** Yes, ma'am---

[Minute 41:45] **Marion O. Hanna:** (interposing) Because these lawyers don't know as much as you do. Is that right?

[Minute 41:46] **Dr. Assa'ad-Faltas:** Sorry?

[Minute 41:47] **Marion O. Hanna:** Is that because these lawyers don't as much as you do?

[Minute 41:50] **Dr. Assa'ad-Faltas:** Some don't, yes ma'am. Some don't. And some judges don't know as much as I do.

[Minute 41:52] **Marion O. Hanna:** Is that right?

[Minute 41:53] **Dr. Assa'ad-Faltas:** Yes, ma'am---

[Minute 41:54] **Marion O. Hanna:** (interposing) And what do you think of the judge before whom you are today?

[Minute 41:57] **Dr. Assa'ad-Faltas:** Not much.

[Minute 42:00] **Marion O. Hanna:** (interposing) Ah, hah. She doesn't know as much as you do, either?

[Minute 42:07] **Dr. Assa'ad-Faltas:** I don't believe so ---

[Minute 42:00] **Marion O. Hanna:** (interposing) Ah, hah.

[Minute 42:07] **Dr. Assa'ad-Faltas:** --- because if she did, she would know that she has no jurisdiction to hold a civil hearing. That's one thing. The other thing ---

[Minute 42:15] **Marion O. Hanna:** (interposing) All right, Dr. Faltas, I find you in contempt of court, both this morning and your attitude before the court today, and also in violation of the court's order of October 13, 2010. I've given you every opportunity to tell me why I shouldn't hold you in contempt of court. Once again, I also note that your communication, particularly looking at this one from the e-mail from you to a list of people, including, uh, the City Attorney's offices or people who work in the City Attorney's office, circuit court judges, people of whom I have no idea who they are but some of them I recognize as attorneys and different folks. And your rantings in here, once again, indicate to me, and I am not a psychological professional of course, but it indicates to me because I have been around for quite sometime, done extensive work with mental health, that you are in need of psychological assistance, that your mental health is unstable. And I ask you once again, Dr. Faltas, are you willing to get some help? I have asked you this, I think, every time I've ever seen you. And I'm asking you again. Stand up! (**Dr. Assa'ad-Faltas stands.**) Are you willing to get some help?

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[Minute 44:03] **Dr. Assa'ad-Faltas:** Ma'am, the standard is *Addington versus Texas*. And it needs to be clear and convincing evidence. And I told you before that I had a psychiatric evaluation. And there, it found that there, I have no mental illness. And if you want to do that, you need to, you need first to ---

[Minute 44:15] **Marion O. Hanna:** (interposing) I don't want to do that. I want you to get some help for yourself because you are your worst enemy. Have you ever read the boy that cried wolf?

[Minute 44:26] **Dr. Assa'ad-Faltas:** No.

[Minute 44:27] **Marion O. Hanna:** You're not familiar with it? I'd suggest you add it to your reading list. All right, Dr. Faltas, as I said, I find you are in contempt of court. There, you know, the violations, eh, brought before me are only two instances, although the, the one e-mail is two, and this is small font here, is three pages long. The notice to whom all this is sent is tremendously long and it's over two-pages long. Uh, without the heading for who [sic] it's sent to, it would be two full pages of very small type. But that and one phone call. I did not consider the other affidavit because the person is not here. There are actually two other affidavits. I'm sorry, just one. This person, that person is not present today, of course. So, that will not be considered. However, and this is, this is not a whole lot. And I was hoping you would, instead of your quoting law to me, I was hoping that you would perhaps have enough to take this opportunity to tell me why I should not hold you in contempt of court. You have failed and refused to do so. I find you in contempt of court for this morning. And the sentence is on this morning's contempt ten days. On the contempt of the order of the court, fifteen days. Thank you.

[Minute 46:20] **Dr. Assa'ad-Faltas:** Your Honor, may I ask for suspension pending appeal.

[Minute 46:22] **Marion O. Hanna:** Sorry. If you want to talk to me, you need to stand. I didn't hear what you said. I didn't understand it that is.

[Minute 46:30] **Dr. Assa'ad-Faltas:** May I ask for it to be suspended pending appeal, please.

[Minute 46:31] **Marion O. Hanna:** No. No. You need to go with the court officer.

[Minute 46:45] **Dr. Assa'ad-Faltas:** Your Honor, this is not fair.

[Minute 46:47] **Officer Hampee:** Empty your pockets! Empty your pockets! Everything in here that you have today? Empty your pockets!

[Minute 46:52] **Dr. Assa'ad-Faltas:** Yes, Sir, I will.

[Minute 46:53] **Officer Canteen:** Consecutive, Your Honor?

[Minute 46:54] **Marion O. Hanna:** Yeah, they run consecutively.

[Minute 46:55] **Dr. Assa'ad-Faltas:** Ma'am, I, I, need to move for suspension ---

[Minute 46:57] **Officer Hampee:** (interposing) Everything is finished.

[Minute 46:59] **Dr. Assa'ad-Faltas:** Ma'am, I, I, need to move for suspension ---

[Minute 47:02] **Officer Hampee:** (interposing) She's finished with you. Everything is finished, Dr. Faltas. I'm telling you please be quiet because she's ruled. She's done. We need you to empty your pockets and let us do what we need to do.

[Minute 47:24] **Marion O. Hanna:** Oh! Here it is.

[Minute 47:25] **Officer Hampee:** Would you please empty your pockets out.

[Minute 47:30] **Dr. Assa'ad-Faltas:** Yes, yes, could, could I, could I sit down please? Could I sit down here? Thank you.

[Minute 47:33] **Officer Hampee:** Sit down and empty your pockets.

[Minute 47:44] **Marion O. Hanna:** Make sure you know how to spell her name.

[Minute 47:46] **Officer Hampee:** Place everything in your pockets in your bag!

[Minute 47:58] **Dr. Assa'ad-Faltas:** Ma'am, may I make one phone call to my mother, please?

[Minute 48:03] **Marion O. Hanna:** No, ma'am, not at this time. You need to cooperate.

[Minute 48:15] **Dr. Assa'ad-Faltas:** What do you want me to do?

- [Minute 48:16] **Officer Hampee:** Place the contents of all your pockets and place them in this bag right here. Make sure your cell phone is shut off. Save your battery. Dr. Faltas, for safety's sake, we'll go ahead and not hand-cuff you until we walk downstairs holding area. Are you o.k. now?
- [Minute 48:58] **Dr. Assa'ad-Faltas:** No. No, I am not o.k. I'm not o.k. at all. I'm not, I'm not o.k. at all.
- [Minute 49:04] **Officer Hampee:** What can I do to help you?
- [Minute 49:11] **Dr. Assa'ad-Faltas:** I need medical attention.
- [Minute 49:14] **Officer Hampee:** That's fine. That's all I wanted to hear. I'll take care of that.
- [Minute 49:15] **Dr. Assa'ad-Faltas:** I'm sorry?
- [Minute 49:19] **Officer Hampee:** Could I ask what your problem is? They are going to ask me, ma'am.
- [Minute 49:21] **Dr. Assa'ad-Faltas:** Yes. I'll tell you.
- [Minute 49:26] **Marion O. Hanna:** (*yelling and scolding*) Is this a cell phone? Give him that cell phone and do it now!
- [Minute 49:28] **Dr. Assa'ad-Faltas:** I am trying to turn it off.
- [Minute 49:34] **Marion O. Hanna:** (*yelling and scolding*) Give him that cell phone!
- [Minute 49:35] **Officer Hampee:** What is wrong with you, ma'am?
- [Minute 49:36] **Dr. Assa'ad-Faltas:** I have a rapid heart beat, shortness of breath. I'll show you how to shut it off. I'll show you how to shut if off, may I?
- [Minute 49:43] **Officer Hampee:** You had your opportunity to shut it off.
- [Minute 49:45] **Dr. Assa'ad-Faltas:** I was trying to shut it off.
- [Minute 49:47] **Marion O. Hanna:** (*yelling and scolding*) It should have been shut off before she came into the court.
- [Minute 49:52] **Dr. Assa'ad-Faltas:** No, I just put it on silent. I put it on silent before. I can shut it off. (Officers try unsuccessfully to shut Dr. Assa'ad-Faltas' cell phone off.)
- [Minute 50:18] **Dr. Assa'ad-Faltas:** I was trying to shut it off. May I shut it off please?
- [Minute 50:20] **Marion O. Hanna:** You may take the other things out of your pockets and, and be ready to give them up.
- [Minute 50:36] **Officer Hampee:** Everything out of your pockets and on the table.
- [Minute 50:40] **Dr. Assa'ad-Faltas:** I already emptied my shirt pockets.
- [Minute 50:43] **Officer Hampee:** Your jacket pockets now. Everything out of there. Who would you like to tow your car? That's a question. Who would like to tow your car? If not, we'll take care of it. We will tow it ourselves unless you have someone specific you want to tow your car.
- [Minute 51:08] **Dr. Assa'ad-Faltas:** Uh, the one on, on, on Gervais Street, I guess.
- [Minute 51:15] **Officer Hampee:** We need a name. We're not gonna guess, but ---
- [Minute 51:20] **Dr. Assa'ad-Faltas:** Elgin? Elgin?
- [Minute 51:21] **Officer Hampee:** Don't know.
- [Minute 51:20] **Dr. Assa'ad-Faltas:** The one on Gervais Street: City? City Garage?
- [Minute 51:25] **Officer Hampee:** City Garage? That's not on Gervais Street.
- [Minute 51:30] **Dr. Assa'ad-Faltas:** Then what's the other one?
- [Minute 51:35] **Officer Hampee:** Ma'am, I don't know.
- [Minute 51:36] **Marion O. Hanna:** City Garage is somewhere around there. At least it used to be.
- [Minute 51:39] **Officer Hampee:** It's on Rosewood.
- [Minute 51:43] **Marion O. Hanna:** Rosewood? They moved? There is one there on Gervais.
- [Minute 51:40] **Dr. Assa'ad-Faltas:** Then what's the one on Gervais?
- [Minute 51:52] **Marion O. Hanna:** Well, put City Garage down there. It used to be there.
- [Minute 52:01] **Dr. Assa'ad-Faltas:** In here or on the table?
- [Minute 52:39] **Officer Hampee:** I will call and have a tow truck and, when you get out, go to the front desk, tell them your name, what type of car it is and they'll tell you where your car is. Have you finished taking everything in your pockets out?
- [Minute 52:40] **Dr. Assa'ad-Faltas:** No. No, because I'm having palpitations.

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[Minute 52:49] **Officer Hampee:** The medical part, that's not my job. I cannot interfere with that. (Tries again unsuccessfully to shut Dr. Assa'ad-Faltas' cell phone off.)

[Minute 52:53] **Marion O. Hanna:** You can give it to her to turn it off. She can do that now that she's relaxed a little bit.

[Minute 52:10] **Dr. Assa'ad-Faltas:** Judge Hanna said I can turn it off myself. I can turn it off.

[Minute 53:03] **Marion O. Hanna:** You're not making any phone calls though.

[Minute 53:10] **Dr. Assa'ad-Faltas:** I am not. Could I turn it off myself, please?

[Minute 53:19] **Officer Hampee:** I'm quite capable if you tell me which button it is. Which button do you push?

[Minute 53:20] **Dr. Assa'ad-Faltas:** I'll show you.

Links to audio recordings of that hearing:

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City Of Columbia,	)	Transcript Of Record April 6, 2011
v.	)	Motion
Marle-Therese Assa'ad-Faltas,	)	Judge Marion O. Hanna
Defendant.	)	ACA David A. Fernandez

[page 1, lines 1-3] **The Court:** ... A letter here waiving her presence so I don't see that it would be helpful to have her here unless you need her yourself, Mr. Briggs.

[4-8] **Mr. Briggs:** Judge, I don't even know how to address that question. I'm not sure. She wants the judge to see what we wrote and the I've got the same thing with her signature on it already so if we did this I'll tell the judge what I would prefer to do but that's beside the point. The judge can do what she wants to do.

[9-11] **The Court:** Okay. So this is a proposal I'm being handed that the two attorneys here have agreed upon for the defendant Faltas to have a bond set pending appeal.

[12-17] **Mr. Briggs:** And, Judge, between the two of us I want to make sure that we agreed that that was what you wanted as conditions. We also thought in anticipating what you said about the amount we thought that a thousand dollar cash bond would be sufficient, Judge, but that's your decision also. We didn't write that in but we did have that conversation.

[18 - page 2, line 18] **The Court:** [18 - page 2, Line 10] All Right. Well, let me just read this into the record here and the we'll discuss it if need be. This first page sets forth an appeal bond to be set by the judge and says see below for additional conditions. This is a proposal and these conditions are, one, regular psychiatric evaluation and treatment as recommended by the evaluator for a period of one year or conclusion of pending appeal for this matter whichever comes first. Two, abide by the order of municipal court regarding restrictions and contact in the court with city employees, order of October 6th, 2010. Three, Defendant Faltas surrenders possession of her passport. And, Four, clarify original sentence of twenty-five days in jail for contempt of court in violation of the court order to be served day for day with no credit given for good behavior or any other reason. [page 2, lines 11-18] Okay. The only thing I have -- and I see that this was inserted in here, evaluation as recommended by the evaluator. I really wanted it to be that she would see a psychiatrist on a regular basis and discuss these matters with the psychiatrist, take with her her files concerning all these cases so that she could discuss not necessarily the merits of the case but how she might alter her behavior as a person who appears in court to get a result that's good for her rather than what she's been getting.

[19] **Mr. Briggs:** Your Honor, let me address that.

[20] **The Court:** All Right.

[21- page 3, line 9] **Mr. Briggs:** David and I talked about that part of it. We agreed that neither one of us would contact the evaluator ahead of time and try to, you know, prejudice that person's point of view, but we also said -- and we didn't write it in there -- but it seems like it is necessary for her to make any of her litigation files available to the evaluator -- I don't have any problem with that language being added. In addressing that other point, I think we briefly talked about it but we didn't come to any agreement. It would be appropriate if the evaluator or the treatment person sent you reports and then if that person was to ask questions either of me or David it would be appropriate for us to respond to those. I don't know that you need to be that detailed but we understand that if the evaluator calls one of us we have an obligation as an officer of the court to respond to his inquiry, his or her inquiry. Your Honor.

[10] **The Court:** Okay. Now--

[11-12] **Mr. Briggs:** If you want to put counsel cooperates with the evaluator you could do it that way maybe.

[13-22] **The Court:** Well, I certainly don't want to get into her privacy rights. I don't want to violate them or, you know, have the City -- I think all those rules come into play there and there has to be a need for that. If she agreed to it, fine but I don't know that -- you know, I want her to get some help. That's what I would like above all things is for her to be able to come into court and behave as if she had some respect for the court and to act in her own best interests. And that's my concern. I don't want to get involved with what the -- and here's another point. I want her to see a psychiatrist, not a psychologist or a counselor.

[23-24] **Mr. Briggs:** We intended psychiatrist, we just didn't write it down, Judge. Let me add to concur in what you are saying.

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

[page 4, Lines 1-4] **Mr. Briggs:** I think the three of us agree that if a psychiatrist gives her a full evaluation that psychiatrist is going to decide if she needs some kind of treatment. It may be just anger management. It may be the -- I forget what word they use.

[5] **The Court:** They still do a psychoanalysis.

[6-9] **Mr. Briggs:** Hallucinations or -- the visions of grandeur or whatever. I mean a psychiatrist is going to figure that out but if you are going to change the wording to required treatment instead of his evaluation.

[10-15] **The Court:** Well, you run the risk of a psychiatrist not wanting to deal with her frankly as well and then that happens but I would rather that she be required to have regular psychiatric treatment. And this I hope you explained to her doesn't mean she has a mental illness. It's just to try and help her with her problems of not being able to act in her own best interests.

[16-17] **Mr. Briggs:** Why don't we the say not treatment as recommended but treatment based upon the evaluation.

[18-20] **The Court:** We can say sessions. Sessions with a psychiatrist and that will not imply that she has a mental problem or even an evaluation is needed.

[21-22] **Mr. Briggs:** In follow-up to the evaluation, Your Honor. Something like that. I'm just trying to help.

[23-24] **The Court:** Well, you know, I'm not so interested in an evaluation as I am in treatment sessions with a psychiatrist.

[25 - Page 5, Line 1] **Mr. Briggs:** I understand, Judge. You are not a psychiatrist.

[2-5] **The Court:** I'm not saying I am. I'm just saying if we ask for an evaluation we'll get a perfunctory thing that you always get these days. She's oriented to time and place and this and that and it's not going to help her.

[6-8] **Mr. Briggs:** Well, say necessary treatment. I'm just trying to help. What do you think, David? How do we assure that she gets some kind of treatment?

[9-12] **The Court:** Mr. Briggs, just a second. If we qualify this the that gives an out and she doesn't have to go. If we qualify it in any way by saying necessary or what an evaluator says or whatever then she's going to have an out and she needs this.

[13] **Mr. Briggs:** All right. Is the evaluation and treatment -

[14] **The Court:** Just psychiatric sessions.

[15] **Mr. Briggs:** Yeah. That solves the problem?

[16-22] **The Court:** Psychiatric sessions. That means with a psychiatrist. And then if the psychiatrist finds that she has a problem the psychiatrist, unlike a psychologist or counselor or somebody in mental health, they can prescribe something and that might help her. I don't know what she needs. As you said and it's noted that I am not a psychiatrist. I don't pretend to be. Yes, Mr. Fernandez.

[23-25] **Mr. Fernandez:** And I agree with Your Honor about wiggle room there. Sessions. I don't know if Your Honor wants to say weekly sessions.

[page 6, Line 1] **The Court:** Regular.

[2] **Mr. Fernandez:** Regular.

[3-4] **Mr. Briggs:** I think regular is good enough if that's fine enough for Your Honor in trying to say what you want to say.

[5-8] **The Court:** All right then. Now -- All right then. Now let's go back and address the issue of the monetary bond. Are you satisfied, Mr. Fernandez, with the recommendation of Mr. Briggs of a thousand dollars?

[9-12] **Mr. Fernandez:** Yes, Your Honor. The justification that I came to was there were -- Your Honor, there were two findings. There was contempt of court violations of the order. The dollars and fees comes to a thousand dollars.

[13-14] **Mr. Briggs:** And that not being ten percent of that but there has to be a thousand dollars made out to the City.

[15-19] **The Court:** Okay. We'll set the bond, the cash bond, of one thousand dollars and also require that regular sessions with a psychiatrist be attended by the defendant Faltas for a period of one year or the conclusion of the appeal of -- the contempt of court order is the appeal we are talking about.

[20] **Mr. Fernandez:** That's correct, Your Honor.

[21-22] **The Court:** All right. Appeal of the contempt of court order which was --

[23-24] **Mr. Briggs:** Last Monday, Your Honor. Let me see if I can find that date.

[25 - Page 7, Line 1] **The Court:** Oh, we have it. That's all right. That was the 4th I believe. No, that was not the date -- that was --

[2] **Mr. Fernandez:** March 28th.

[3] **The Court:** 28th of March.

[4] **Mr. Briggs:** That's right.

[5-10] **The Court:** All right. So in addition to the monetary bond the conditions are that the defendant Faltas will attend regular sessions with a psychiatrist for a period of one year or the conclusion of the appeal of the order holding her in contempt of court on that date and in contempt of the previous order of the court and the order of that date was I believe October something.

[11] **Mr. Briggs:** October 6th, Your Honor.

[12-13] **The Court:** And of the order of October 6th, both of those are being appealed as one appeal, correct?

[14-15] **Mr. Briggs:** Actually I think they are two appeals but I'm sure they'll be joined, Your Honor.

[16] **The Court:** Okay.

[17] **Mr. Fernandez:** Circuit Court may join them.

[18] **Mr. Briggs:** Yes.

[19-21] **The Court:** All right. So the conclusion of the pending appeals of the two citations of contempt of court, that being behavior in court on March the 28th, 2011, and the appeal of the order of October 6th, 2011, in which the defendant was --

[23] **Mr. Briggs:** That's ten, Your Honor.

[24 - page 8, Line 23] **The Court:** Ten. No. Was it ten? Oh, it was ten. Yes. we hadn't got that far yet. Thank you. October 6th, 2010. That's Condition One. Condition Two, abide by the order of this Court regarding restrictions and contacting the court and the city employees, that order being October 6th, 2010. Wait a minute. We need to go back to the first condition. As part of Condition One, make all litigation files, criminal and civil, if any, available to the psychiatrist upon the first visit. All Right. Then Condition Three, Ms. Faltas surrenders possession of her passport to this Court which will be held as is the usual case in matters of this type and we are going to clarify today and send an amended order on this matter to the jail to indicate that this sentence was and is intended to be a total of twenty-five days in jail, ten days for contempt of court while in court that date, March the 28th, 2011, and fifteen days for contempt of the order of the court of October 6th, 2010, and that any further violation of the court order -- excuse me. And for violation of the court order and it is to be served on a day-for-day basis with no credit for good behavior or for any other reason. And also just for clarification there have been two charges of contempt of court of that order of October 6th. Any other charges, if any, which have not been brought to the court's attention would be another matter, if it ever is. And there may not be other violations. I don't know but I'm just mentioning that if there were any other violations that have not been adjudicated. I don't know. Okay. So everybody-- and Dr. Faltas understands this and she's--

[24 - page 10, Line 13] **Mr. Briggs:** [24 - page 9, Line 7] Your Honor, I need to make a brief statement about her position and I think if I could try to, David, put on the record the discussion that we had in chambers because there's one point that I think we need to be on the record and I made it clear to her that nobody was criticizing her, nobody was questioning her right to do what she wanted but the position of the city was that they would like to get all these charges tried as soon as possible. Let me just make a statement and see if he can correct me, Your Honor. Okay? [page 9, lines 8-15] First of all, Dr. Faltas' position is that she cannot and would not agree to those conditions on the bond, that is, she would not consent to those and since she's already filed and I have filed an *amicus* motion in the Supreme Court her preference would be the court just not issue a bond based upon her unwillingness to cooperate. And I won't say any more than that. I just wanted that to be on the record but the court can do what it wants to in the issues of bond then I'll take the bond to the Supreme Court. [16 - Page 10, Line 13] Your Honor, with regard to the in-chambers meeting, as I recall, subject to correction by Mr. Fernandez, we just discussed primarily your concern that there be some conditions to be attached to the bond. And in that discussion and I indicated to her that Judge Dennis was there also as a witness if you will that there was no criticism of Dr. Faltas. There was no -- I think the only observation about that is I made some comment that, you know, we would all prefer that she doesn't personally attack the prosecutors or something like that but that would have been the only comment that would have been made that would have been in any way negative about her and that was not my intent. It's just that we were all trying to figure how we could move these cases along and not have, if you will, disruptions or disturbances during the trial that really didn't have anything to do with the trying of the case before

the Court. And I don't recall Mr. Fernandez having very much to say during that period of time except he tried to clarify with the judge the conditions that you wanted imposed on bond and then he and I had a brief meeting after the session with the Court to try to put your conditions in writing which you have now reviewed and you have made some corrections to and I think we are at the point now where you're prepared to make a decision about issuing a bond, Your Honor. is that essentially what happened, Mr. Fernandez?

[14] **Mr. Fernandez:** That's what I recall, Your Honor.

[15] **The Court:** All right. Thank you. All right then.

[16-17] **Mr. Fernandez:** Your Honor, can I put something on the record just very quickly?

[18] **The Court:** Yes. Sure.

[19 - Page 11, Line 2] **Mr. Fernandez:** And I did bring this up in our in-chambers. This is one of the things that I did raise and I'll just raise it just for the record. I did raise the issue of jurisdiction just that I didn't know if the Court was inclined to hear the matter or not given that the appeal was filed in Richland County as opposed to the Municipal Court but that I was willing to go forward if everyone else was willing to go forward. That was just the jurisdictional issue I thought was appropriate to raise and that we can't waive that. I just think I have to bring it up at least.

[3-4] **The Court:** Well, thank you. On that point, Mr. Fernandez, I don't think that it matters whether -- even whether she has filed it in the incorrect place or not. I would think they would send it back down here. Mr. Briggs, do you --

[7-8] **Mr. Briggs:** Your Honor, I failed to understand his argument.

[9-11] **The Court:** Instead of filing the appeal in the Municipal Court for us to send it to Richland County, she filed papers in the Richland County court.

[12-15] **Mr. Briggs:** It's my reading of Rule 246 Of The Appellate Rules of the Supreme Court and your Section 14-25-95, Your Honor, that the setting of the bond is appropriately done in this Court, not in the Court of General Sessions.

[16] **The Court:** Yes. That's not what he's talking about.

[17-18] **Mr. Briggs:** But the appeal is from this court to Common Pleas.

[19-20] **The Court:** Right. But she's supposed to file something here.

[21] **Mr. Briggs:** We filed a copy.

[22 - Page 11, Line 23] **The Court:** Uh-Huh. Okay. Well, I don't think there's anybody worried about it at all, just Mr. Fernandez wanted to state that. At any rate, as we discussed in chambers these conditions that I have cited previously it was somehow my understanding that the defendant had agreed to them but she has not. However, her agreement is not necessary. She still is asking for a bond and so we will set the bond, a monetary bond of a thousand dollars with certain conditions, these being: that the defendant Faltas engage in regular sessions with a psychiatrist for a period of one year or the conclusion of her appeal of the contempt of court order of March the 28th, 2011, for contempt of court during that proceeding, and the sentence for contempt of court for violation of the order of October 6th, 2010, and the defendant is to make all her litigation files, criminal and/or civil, if any, available to the psychiatrist upon her first visit there. And, Two, Defendant Faltas surrenders possession of her passport to this court and, three, that the court is clarifying, and we'll do that today, her original sentence of twenty-five days in jail for contempt of court in violation of the court order prior to that date to be served on a day-for-day basis with no credit give for good behavior or for any other reason. In other words, that will be the twenty-five days. If she is released on bond and violates these conditions then she would be in violation of her bond and would be subject to a bench warrant for that reason for violation of her bond. And, of course, she could have a hearing prior to any bench warrant or other sentencing. All right. Everyone understands this? Yes, sir.

[23 - Page 13, Line 5] **Mr. Briggs:** Your Honor, just so the record is clear I think I should add one other thing, that I had made a brief argument in chambers that I thought that I disagreed with the amount of sentence, namely, twenty-five days, and that if the court would consider changing it to fifteen which the court was very strongly opposed to I know that a bond wouldn't even be necessary because she would have already served the fifteen days. I don't want to argue that, I just want that on the record.

[6] **The Court:** All right. Mr. Fernandez, any reply to that?

[7] **Mr. Fernandez:** No, Your Honor.

[8-13] **The Court:** Okay. As I stated in chambers when we discussed this matter, the sentence was very, very lenient for the actual contemptuousness of the defendant and I'm certainly not inclined to change it. one way if you want to look at it, it might be changed in the other direction but I'm not going to do that either. All right then.

[14] **Mr. Briggs:** Nothing Further.

[15] **Mr. Fernandez:** Thank You, Your Honor.

[16] **The Court:** All Right.

[17-21] **Mr. Briggs:** Could I ask David do we have any idea when you might have this retyped and signed by the judge? I'm not trying to rush anybody and I certainly wouldn't tell you what your priorities are but can you give a guesstimate so I can come back and look for it?

[22] **Mr. Fernandez:** Do you want me to prepare the order?

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

[24] **Mr. Briggs:** I could go to my office and do it.

[25] **The Court:** No, we'll let Mr. Fernandez do it.

[page 14, Lines 1-3] **Mr. Briggs:** Are we talking about today? If he wants to use the one she signed all you got to do is attach the conditions or, of course, we can get her signature again, Your Honor.

[4] **The Court:** Well, she hasn't seen it so I mean ..

[5] **Mr. Fernandez:** I'll prepare a new one.

[6-8] **Mr. Briggs:** Well, actually she has seen everything except the little changes you made. In other words, you want her to sign it again is what you are saying?

[9] **The Court:** Oh, after she's seen it, yes.

[10] **Mr. Briggs:** Okay.

[11-12] **The Court:** I'll be here tomorrow and today. If you want to do it today I'll --

[13-14] **Mr. Fernandez:** I'll prepare a proposed order, I'll send you a copy and --

[15-16] **The Court:** You can send it to me at Hannaboliver61@Sc.Rr.Com.

[18] **(ADJOURNED)**

State Of South Carolina	)	In The Municipal Court For
County Of Richland	)	The City Of Columbia
	)	
City Of Columbia,	)	
vs.	)	CERTIFICATE
Marie-Therese Assa'ad-Faltas,	)	
Defendant.	)	

This is to certify that the within hearing, consisting of fourteen (14) pages, is a true and correct transcript of record for the hearing on April 6, 2011, 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 10th day of May, 2011.

[s]Nancy S. Ahrens

Notary Public for South Carolina

My Commission Expires: 03-29-19

CITY OF COLUMBIA,	)	TRANSCRIPT OF RECORD MAY 18, 2011
vs.	)	RULE TO SHOW CAUSE
MARIE-THERESE ASSA'AD-FALTAS,	)	CRIMINAL COURT JUDGE MARION O. HANNA
DEFENDANT.	)	ACA DAVID A. FERNANDEZ

[page 1, lines 1-2] **The Court:** All right we are here on a rule to show cause. This is on the defendant, Marie Assa'ad-Faltas.

[3-4] **Mr. Briggs:** Judge Hanna, I think she wants to make (inaudible). Can she do that (inaudible)?

[5-10] **The Court:** Ma'am, you may record. Put it over there on your desk so it can get you too. However, that is not an official recording of the court. The transcript from the court would be the only thing that would be relied upon. The only thing that can be relied upon is the official transcript of the court and not your own recording.

[11] **Mr. Briggs:** (inaudible)

[12] **Defendant Faltas:** It doesn't reach.

[13] **Mr. Briggs:** Your Honor, (Inaudible)

[14-15] **The Court:** Is there any way for her to hook that up so it can sit on the desk?

[16] **Unidentified Male:** No, ma'am.

[17] **The Court:** All right. Thank you.

[18] **Unidentified Male:** (inaudible).

[19] **The Court:** We don't have that. Is Mr. Fernandez here?

[20] **Mr. Fernandez:** Yes, Your Honor.

[page 2, lines 1-9] **The Court:** Oh, okay. Sorry. All right. We are here as I said for a rule to show cause. This was an order issued for the appearance of the defendant Faltas who was given an appeal bond with certain conditions and -- there were three. The first condition of a posting of a bond I understand had been met and we are here to see about these two conditions -- failure to surrender the passport by the defendant Faltas and failure to provide proof of initial and weekly sessions with a psychiatrist. **Ms. Fluitt, would you please stand.**

[110-111] **DEDE W. FLUITT, AFTER BEING DULY SWORN BY THE COURT, TESTIFIES AS FOLLOWS:**

[12] **QUESTIONS BY THE COURT:** *[13-14]* **Q.** Ms. Fluitt, would you tell us please, what is your position with the city?

[15] **A.** Jury trial scheduling clerk.

[16-18] **Q.** All right. And as the jury trial scheduling clerk, would you be in any position to know whether this defendant Faltas surrendered her passport to the City of Columbia Municipal Court?

[19] **A.** I would but not that I recall. It has not been surrendered.

[20] **Q:** Have you checked the records?

[21] **A.** Yes, I have.

[22] **Q:** And when did you last check the records?

[23] **A.** When we scheduled her for a jury trial for this week I believe.

[24-25] **Q.** And you checked them at that time to see whether the passport had been relinquished?

[page 3, line 1] **A.** Yes, Ma'am.

[2] **Q:** All right. Among your duties, would you also have any reason to know whether proof of initial and weekly sessions with a psychiatrist by the defendant Faltas had been filed?

[3] **A.** They have not been filed.

[6] **Q:** All right. And when did you last check?

[7] **A.** Also whenever we scheduled her jury trial for this week.

[8] **Q.** For this week. All right. Thank you.

[9] **The Court:** Mr. Briggs, do you have any questions?

[10-11] **Mr. Briggs:** No questions for her, Your Honor. **But I do have two quick motions if I could!**

[12-13] **The Court:** All right. No, we are not finished with her testimony yet. Mr. Fernandez.

[14] **Mr. Fernandez:** No, Your Honor.

[15] **The Court:** All right. Thank you. You may be seated.

(WITNESS TO THE SIDE)

[17] **The Court:** All right. You have motions?

[18-19] **Mr. Briggs:** Yes, very quickly, Your Honor, just for the record.

[20] **The Court:** All right, sir.

[21-23] **Mr. Briggs:** There seems to be some misinterpretation of what I have said and have not said in the past so I want to make sure I'm clear on what I'm saying today.

[24-25] **The Court:** Whose misinterpretation are you referring to, sir?

[page 4, line 1] **Mr. Briggs:** Well, actually the Supreme Court.

[2-3] **The Court:** Sir, I don't disagree with the Supreme Court and it's not up to me to agree with them and I cannot change anything the Supreme Court has said.

[5-6] **Mr. Briggs:** I don't want you to, Your Honor. I'm just trying to make sure you know why I'm trying to be particular--

[7] **The Court:** Yes, sir, I understand.

[8-9] **Mr. Briggs:** And make my point on the record, Your Honor.

[10] **The Court:** Yes, sir.

[11-17] **Mr. Briggs:** In fact, I may ask the Court to put our position in the order if there is an order that comes out of this hearing, Your Honor. First of all, Your Honor, I ask the Court to recuse itself on this matter. Just briefly, the defendant believes that there is a conflict of interest for this judge to hear this matter and there's a question of whether the Court is being impartial with regard to this particular defendant.

[18] **The Court:** And what's that based upon?

[19-20] **Mr. Briggs:** I don't want to argue that any more, I just state it for the record.

[21] **The Court:** Okay. Thank you.

[22-23] **Mr. Briggs:** And secondly I do want to read two short things to make this point.

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

[25 - page 6, line 5] **Mr. Briggs:** It is my understanding the ruling -- in reading Appellate Rule 205 and the cases that have to do with that, it's my position that this court does not have jurisdiction to hear any matters that are under appeal, including the conditions of the appeal bond, Your Honor, because all matters decided by the trial at the bond hearing were appealed. The lower court has no jurisdiction pending appeal to rule on any of these issues. Now there's a number of family court cases, Your Honor. It wouldn't do us any good to do them. Something that's left out of a court order, the family court still has jurisdiction of it. There are a lot of cases that say that but anything that's on appeal the lower court loses, Your Honor. And I'm just going to read 205 for the record to make sure it's in the record. This is Appellate Rule 205 and it's entitled "Effect of the Appeal. Upon the service of notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal; the lower court or administrative tribunal shall have jurisdiction to entertain petitions for writs of supersedeas as provided by Rule 241." In other words, Mr. Fernandez or I could file a supersedeas and ask the court to clarify something that we are not sure about. That's been the rule a long time. The other language is "nothing in these rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal." My argument is that everything in both of your orders, Your Honor, are covered under appeal by the original appeal and the defendant's motion to -- for the court to deem she had completed her sentence and to amend the conditions. And I'll just give the Court a copy of both of those and there's one other letter in here that we'll argue at the right time whether this should or should not be introduced and all that bit. And Mr. Fernandez does have a copy of each of those, Your Honor. The first is the appeal, the second is that motion to amend the conditions of the bond.

[6] **The Court:** All right, sir.

[7-21] **Mr. Briggs:** Just one other sentence, Your Honor. I'm sorry, two. I think it makes it clear that all issues of sentences and the appeal bond are now within the jurisdiction of the circuit court. In addition, Your Honor, I would argue just for the record that the municipal bond setting statute 14-25-95 is silent on any authority for the court to add conditions to an appeal bond. Now this is not a bail bond. We know we have conditions on a bail bond but this is an appeal bond. And the wording of that statute only authorized a money bond to be set and I'll just read that one sentence and I'm through with my motion. "The party appealing shall enter into a bond payable to the municipality to appear at the next term of court for common pleas or shall pay the fine assessed." Period. That's the last sentence in that section and I say it's totally silent about this court having any authority to set conditions in an appeal bond. Period. That's my argument.

[22-24] **The Court:** All right, sir. As far as what you said, do you see any instruction from the Supreme Court order in any of what you have said?

[25 - page 7, line 2] **Mr. Briggs:** No, Your Honor. We don't have anything on that.

[3] **The Court:** Mr. Fernandez.

[4] **Mr. Fernandez:** I don't have anything to add, Your Honor.

[5-6] **The Court:** Well, he's made motions. I have read the Supreme Court's order.

[7-15] **Mr. Fernandez:** The only clarification I'd ask for is I have the appeal itself. This is the appeal dated March 30th, 2011, the first one. Also this motion dated May 5th, 2011. The appeal itself makes no reference to any of the conditions of bond. We think the appeal occurred before the actual bond was set. What I'm looking at is the appellant's motion. It looks like it's a motion that is attached to the appeal and I don't know if that's possible. It's probably a separate appeal. I don't know if it's possible to amend your appeal after the ten days have run.

[16-18] **The Court:** All right. Do you have that? I mean could I take a look at it rather than having to go through this whole file. Do you have it handy?

[19-24] **Mr. Briggs:** That's the second document, Your Honor. I don't mind you taking time to read part of it. It's a motion but it clearly asks the court to amend the conditions and we would be asking the Court of Common Pleas to consider that motion at the same time as the appeal because in fact it's -- it's an amendment to the appeal, Your Honor.

[25 - page 8, line 5] **The Court:** All right. Well, what I have here is appeal to circuit court, Richland County, from the City of Columbia municipal court and this was filed on March 30th, 2011. I'm just reading this. I am aware without getting to the signature page and having now looked at it that's it's not prepared by you, Mr. Briggs. It's not prepared by an attorney.

[6-10] **Mr. Briggs:** The appeal was prepared by Dr. Faltas before we got into this situation where now as you know the Supreme Court says she must have counsel and we actually have to file any pleadings that go to the Supreme Court ahead of time, Your Honor. I think you are aware of that process.

The Court: Yes, I am. Well, we are not going to rule on the appeal in this court. That is going to be for the Court of Appeals. And this ... So, Mr. Briggs, your motion is to dismiss the rule to show cause and order because we don't have any authority. First of all, we didn't have any authority which is what you have appealed to make these other conditions and, secondly, we don't have any authority to enforce our own orders. Is that correct?

Mr. Briggs: Your Honor, I would make a distinction there. This Court -- the appellate rules do not stay the conditions, Your Honor. I want to make sure that I'm not implying that. But it prevents the court from ruling on non-compliance with those conditions at this time. In other words, it would come back to this court after the appeal is ruled on and then if there was reason to impose a penalty or some other sanction on the defendant then this court would again have jurisdiction over those conditions, Your Honor.

The Court: All right.

Mr. Briggs: It doesn't stay the conditions. Unless we got a ruling -- we are talking about a supersedeas -- unless we got a ruling that says the conditions are stayed, she's still obligated under your order to comply with those conditions, Your Honor, but we are saying that you can't enforce that part of the order is all I'm saying based upon the fact that it's on appeal.

The Court: But, sir, you are also saying that I could have enforced the matter of the monetary bond if it hadn't been posted if she had been let out of incarceration and had not come and posted that amount? Are you saying that I could have?

Mr. Briggs: Your Honor, if she hadn't -- I don't know how that would happen because if she hadn't posted the bond we wouldn't appeal, we couldn't appeal.

The Court: Well, there were three conditions.

Mr. Briggs: We do appeal. Your Honor, I just ask you to read Rule 205. I think it's clear and I've argued this a dozen times in the family court. There are some things the courts can look at and some things that they can't and if they are on appeal they can't look at them. It's that simple.

The Court: All right. Mr. Fernandez?

Mr. Fernandez: Your Honor, my only confusion is what's on appeal because I see the March 30th appeal and that doesn't have anything to do with the bond. But then there's this other appeal -- it's called a motion but it's essentially an appeal. **Then you have the Supreme Court ruling that just came out this afternoon that says to disregard what they caption as Appellant's Supplemental Motion For Emergency Hearing.**

Mr. Briggs: That's the third document, Mr. Fernandez. It has nothing to do with what's already on file. That document that you refer to there is already on file.

The Court: Mr. Briggs, you need to let Mr. Fernandez finish what he's saying. One at a time, sir.

Mr. Briggs: I'm not trying to argue with him.

The Court: You've been a lawyer long enough to know that. Mr. Fernandez, you may continue.

Mr. Fernandez: Well, that may answer the question but I guess this was blessed by the Supreme Court --

Mr. Briggs: (inaudible)

Mr. Fernandez: This May 5th, 2011, motion. That was already I guess cleared because that would be after April 8th.

The Court: Are you referring, Mr. Fernandez, to the order of May 18th, 2011, of the Supreme Court?

Mr. Fernandez: April 8th.

The Court: I'm sorry. May the 18th. Are you referring to today's order?

Mr. Fernandez: Yes, that's correct, Your Honor.

The Court: I think we should take a look at today's order so we'll see how that affects these proceedings.

Mr. Briggs: Your Honor, May I just add one thing. **It only applies to what we referred to as a supersedeas that was petitioned.** It was a new petition and I'll be glad to find you a copy of that. **A new petition to the common pleas court for an emergency hearing prior to this hearing, Your Honor. And as you know now the Supreme Court said, "no, we want you to go on with the hearing today."**

The Court: In the Municipal Court?

Mr. Briggs: That's Correct.

The Court: Exactly.

Mr. Briggs: **And I haven't even informed my client of that** because I didn't want to do it ahead of time, Your Honor.

The Court: (12 - page 12, line 23) Okay. Well, **the order of the Supreme Court is dated today, May 18th, 2011,** and it states: "By order dated April 8th, 2011, the clerks of the court were directed not to accept any filings from Maria Asaad-Faltas unless they had been prepared by an attorney, submitted by the attorney (inaudible) for approval and filed by the attorney. Orin Briggs, counsel for Dr. Faltas has submitted a document -- excuse me -- entitled Appellant's Supplemental Motion For Emergency Hearing To Modify And Supersede The Conditions Of Her Appeal Bond for approval by this court for filing in the circuit court. Therein Mr. Briggs asks the circuit court to stay the bond conditions imposed by municipal court on April 11th, 2011, or grant a continuance of a rule to show cause hearing scheduled for today in municipal court until the circuit court has reviewed Dr. Faltas' appeal. We deny Mr. Briggs' request for permission to file the motion. **Following a hearing in the municipal court on March 28th, 2011, Dr. Faltas was held in contempt of court and sentenced to twenty-five days in jail. On March 30th, 2011, Dr. Faltas filed an appeal in the circuit court from that order. On April 6, 2011, another hearing was held in municipal court on Dr. Faltas' request for bond. Mr. Briggs as counsel for Dr. Faltas and the city attorney,**

presented a municipal court judge with proposed conditions of bond agreed upon by counsel. The municipal court judge accepted the proposed conditions with a slight change to the language regarding psychiatric counseling agreed to by Mr. Briggs on Dr. Faltas' behalf and by order dated April 11th, 2011, granted Dr. Faltas a bond subject to the proposed conditions. The motion Mr. Briggs seeks to file in the circuit court deals exclusively with the April 11th, 2011, order, the conditions of bond and the rule to show cause hearing scheduled for today. **Because Mr. Briggs as counsel for Dr. Faltas participated with the city attorney in proposing the conditions of bond and agreed to the conditions, we find the motion he now seeks to file improper. We, therefore, deny Mr. Briggs' request for permission to file the motion in circuit court and direct the Richland County Clerk of court not to accept the motion for filing. We further instruct the City Of Columbia Municipal Court that it may proceed with the rule to show cause hearing scheduled for today.**" [24 - page 13, line 21] And in doing that what we are here for is to determine whether there is any cause that can be shown as to why the defendant Faltas should not be held in contempt of court for violation of the order in the two particulars that I noted earlier -- failure to surrender the passport to the City Of Columbia Municipal Court. **And I'll note here for your edification that every time that we have had someone who was posting an appeal bond who was not a citizen of any kind, naturalized or born in the United States, any time that situation has occurred we have had the defendant surrender the passport to the Columbia Municipal Court as a condition of the bond.** The failure to provide proof of initial and weekly sessions with a psychiatrist, the defendant was given ten days in which to file that initial proof and from that order of April 11th it has been many more than ten days. **And also I would say for your edification this court has made no diagnosis of the defendant's condition nor claimed that she had a mental illness; however, you don't have to have a mental illness to seek counseling with a psychiatrist and under the conditions with which this defendant has presented herself I found and I still find that it is a reasonable thing to order her to do.** She has not done it and has shown no reason for her not having done it except that **she finds herself always -- as always, excuse me -- in disagreement with this court** and has presented no good cause for not doing this. Mr. Briggs.

[22-24] **Mr. Briggs:** Yes, Your Honor. First of all, does the court want to see the particular submission to the Supreme Court that order prior to Your Honor just for the record?

[25] **The Court:** All Right, sir. You may pass it up.

[page 14, line 1-8] **Mr. Briggs:** I'm going to give you my original (inaudible) my computer, Your Honor. It doesn't change anything. It was a separate issue which The Court identified. It dealt only with this hearing today, Your Honor. In other words, I was seeking the emergency hearing from the Court of Common Pleas. And I understand the Court wants this process to go orderly. That's been one of the problems. Your Honor, my hip has been bothering me. Can I sit down?

[9] **The Court:** That's all right, Mr. Briggs.

[10-14] **Mr. Briggs:** I feel a kinship since we both have to have (inaudible) your condition is worse than mine. But anyway, Your Honor, I would only provide some brief information about the reasons Dr. Faltas has not yet -- and I don't want to belabor this point.

[15-16] **The Court:** All right. Well, that's what we are here for, sir.

[17-21] **Mr. Briggs:** Not yet done it and a possible solution to the problem if the Court wants to consider a fine rather than imprisonment. I guess I ought to ask the question. I submitted and Mr. Fernandez has it and you have a copy of the letter from the Columbia Mental Health Clinic that says, quote—

[22] **The Court:** I do not have any such copy.

[23-25] **Mr. Briggs:** It's on the bottom of your stack, Your Honor. I apologize. It's my fault. I should have called it to your attention. And you might want to read that entire thing, Your Honor.

[page 15, Line 1] **The Court:** Columbia Area Mental Health.

[2] **Mr. Briggs:** (inaudible)

[3] **The Court:** That's okay. Go ahead.

[4-10] **Mr. Briggs:** All right, Your Honor. There's been two efforts of Dr. Faltas to find a psychiatrist to give her some counseling. Now we could all argue that, you know, she should have seen four different people and all that but I'm not going to try and get into that, but one was in fact sent to Mr. Fernandez earlier. The original people she saw is what we call -- The River Place. What is it? Give me the name. It's a psychiatric unit—

[11] **The Court:** Three Rivers?

[12-15] **Mr. Briggs:** Yeah, no, no, no. I'm sorry. I always have trouble (inaudible). My wife works over there and I still have trouble (inaudible). It's the psychiatric unit of Richland Memorial Hospital.

[16] **The Court:** Richland Springs.

[17-18] **Mr. Briggs:** Richland Springs. Right. Thank you, Your Honor.

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

[20 - Page 16, Line 20] **Mr. Briggs:** They said, "No, we can't help you." That's faxed to Mr. Fernandez. Then she went back to the Columbia Area Mental Health Clinic. And as a result of that interview and assessment we got this letter from those people. And I really ask The Court to review that for the record. Now I'm not arguing that that gives her an excuse for not finding another psychiatrist, Your Honor, but when I get to the end I'd like to ask the Court for some indulgence. Dr.

Faltas does not want to be in contempt of this order. Okay? That's not her purpose. But, for instance, I have already recommended to her, I know that the First Presbyterian Church in Columbia has an outstanding counseling service that is on Bull Street right behind (inaudible). I've sent people there before and they let you pay on a needs basis. So she's got to find somewhere she can afford. I do not know yet -- I did not have a chance to go this morning to go by there. But I'm going to go when I leave here if the Court gives us any more time and find out if they will take her and my recommendation would be that she set up not one, but three or four counseling sessions with those people if they can assure us that she will at some time see a psychiatrist. I understand the Court's concern and I understand the difference between a psychologist and a psychiatrist. In fact, I have some background in this area. So, I appreciate what it's all about and I've dealt with clients. I have a family member that's bipolar. I have some understanding of those kinds of problems, Your Honor. **Anyway, but that letter clearly says that the Columbia Area Mental Health Clinic will not give her these services the Court wants her to have.**

[21-23] The Court: The Court did not order her to go to Columbia Area Mental Health and the Court did not order her to seek an evaluation.

[24] Mr. Briggs: I understand that, Your Honor.

[25] The Court: That's what she's done apparently.

[page 17, Lines 1-7] Mr. Briggs: But she has to go where she can afford. She has -- Your Honor, she's gotten to the place where she has no money and I'm not going to ask her to correct this but it's my understanding that essentially she's spending the money that she's earned from any kind of lawsuits or anything like that and she's essentially living on her mother's Social Security now. That's my understanding.

[8] The Court: Where is her mother?

[9-10] Mr. Briggs: Her mother lives in Ohio. Please don't ask me if she's dead, Your Honor. I've heard that a dozen times.

[11] The Court: I haven't asked you that, sir.

[12] Mr. Briggs: And I talked to her last week.

[13-14] The Court: Sir, I don't think it's called for this reaction. I asked you where does her mother live.

[15-23] Mr. Briggs: She lives in Ohio with one of her other two sisters. Since the Court has asked the question, she has two sisters. Both of them are eye surgeons. They are very prominent in the Cleveland community. Both their husbands are citizens and everybody else in the family is a citizen. But Dr. Faltas is not just an alien. Dr. Faltas has permanent resident status. She's a permanent resident alien now because I helped her get that status from -- oh, six years ago now. So she's not like -- she has a Green Card. She's not like an alien that's not supposed to be here.

[24-25] The Court: She has a Green Card so she could work. Is that correct?

[page 17, Lines 1-13] Mr. Briggs: She could but she has a lot of medical problems, Your Honor. I don't know that we really ought to get into that right now. But I'll be glad to let her answer any questions that you want to ask her. Your Honor, I would raise that question and only for the purpose of this. She has committed to me that she will find a psychiatrist, that she will go to some counseling. My only request is the Court consider modifying the Court's original order. If the Court decides it still has jurisdiction to give her two weeks to submit to you appointments -- not just one -- appointments with a counseling service to where she is seeing a psychiatrist as much as possible. Some of these folks don't have psychiatrists but I'm sure this outfit would, Your Honor, and she would have to find a service where she can see a psychiatrist.

[14-15] The Court: Which outfit are you referring to? The Presbyterian Church here?

[16] Mr. Briggs: The one at the Presbyterian, Your Honor. It's a very good program but I know they let you pay on a needs basis and the last time I checked -- I really wish I had gone by there this morning -- They have, oh, seven or eight counselors there, Your Honor. It's a reputable place.

[21-22] The Court: Which Presbyterian Church are you speaking of?

[23] Mr. Briggs: We're Talking First Presbyterian.

[24] The Court: Trenholm Road?

[25] Mr. Briggs: Right on Bull Street --

[page 19, Line 17] The Court: Bull Street.

[2] Mr. Briggs: Behind the church, Your Honor.

[3] The Court: Oh, okay.

[4] Mr. Briggs: All right. Give me some more time --

[5-6] The Court: Excuse me, I'm sorry. Is your client a member of any church in this town?

[7-8] Mr. Briggs: No, ma'am. She goes to what we call -- she might correct me. She is what we call a Coptic Christian in Egypt.

[9] The Court: Yes.

[10-11] Mr. Briggs: It is a form of Christianity that's unique to Egypt.

[12] The Court: I understand that.

[13-19] Mr. Briggs: But there is one church here in this city that is of that denomination and it happens to be in West Columbia. I don't know why but it is but there is one of those churches here. Sometimes she's been known to go to the Catholic Church, Your Honor. It's similar. It has some similarities with the Catholic Church and some similarities to the Orthodox Church but it's not the Orthodox, Your Honor.

[20-21] The Court: All right. So she's not a member of any particular church here in town.

[22 -- page 20, line 16] Mr. Briggs: Now. Now. And, Your Honor, I'd be glad for Dr. Faltas to testify to what she did. That letter is an honest, reasonable response to what -- of course, she gave them your order. I didn't have any contact with them, we didn't try to finagle the situation and all that. I'll stop with that unless the Court has some questions of me. And my

only other point, Your Honor, in mitigation if you will is that -- Your Honor, I have tried four times now to call the Egyptian Embassy and I still have yet to talk to a real person so I think if I had time and I'm saying something that I have not discussed with my client and I'm going to ask her if she'll agree to it, she feels like there's some legal restraint on her releasing her passport which is actually the property of the Egyptian Embassy (inaudible). I would no more argue that than I'd stand -- I'd jump off of a ten-story building until I had a piece of paper from them saying that, Your Honor. But what I'd like to do is if we could maybe consider the possibility of amending that order to do whatever the Egyptian Embassy says she has the right to do with her passport. They may very well say that she's got every right to give it to you or they may say that you need to serve that order on them, Your Honor.

^{117-18]} **The Court:** This Court is not ruled by Egyptian or any other Embassy. Mr. Fernandez, do you have anything to say here?

^{119-21]} **Mr. Fernandez:** I think, Your Honor, the only issue I'd raise is what Your Honor already raised. The letter is not exactly what Your Honor required. The order is evaluation, not really --

^{122 - page 21, line 5]} **The Court:** **What the Court required is proof within ten days of April the 11th that a psychiatrist had been consulted.** What this letter says is that the defendant, Dr. Faltas, presented herself to the Columbia Area Mental Health Center for an evaluation and that was on May 3rd, 2011. And the letter says pursuant to a court order dated April 11th. Even this going to the Mental Health Center for an evaluation occurred long after the ten days for -- it says that she presented herself on May the 3rd. Ten days after April 11th would have clearly been before that, would it not, Mr. Briggs?

^{16]} **Mr. Briggs:** Yes, Your Honor, we understand that.

^{17 - page 23, line 1]} **The Court:** ^{12 - page 22, line 6]} All right. And that pursuant to the Court Order and it says that she initially went to a previous location at 10 Medical Park on 4-20-2011 but discovered that -- and it says "we had moved." Then it says that "you then came to our present location on 4-21-11 as a walk-in but due to the number of patients who were already being seen, waiting there to be seen, and since you were not in acute distress you were asked to return on April 22nd, 2011. You returned On April 22nd, 2011, as requested and met with Allison Norvel (ph) for a preliminary screening only since we do not ordinarily honor court orders such as yours. **After talking with you, Ms. Norvel met with (inaudible) Patel, the medical director for the emergency service program for her recommendation and Dr. Patel recommended that you return on May 3rd, 2011, to see me for a thorough evaluation. I would have seen you sooner but I was on annual leave the entire last week of April. Having conducted a thorough interview and mental status exam, reviewed your record of being evaluated in 2009 under similar circumstances, as well as other legal documents which exonerate you from multiple other allegations, I concur with our previous conclusion from 2009 that I do not find any evidence of a mental illness that requires treatment. Since the Columbia Area Mental Health Center can only provide treatment for people who do have a chronic and severe mental illness, we are not in a position to offer you the services stipulated by the court order of April 11th, 2011.** If I can be of any further service to you, please feel free to call me at this number." ^{17 - page 23, line 1]} **This letter -- this is totally beside the point since the defendant was ordered to see a psychiatrist and to provide proof to the court within ten days of April 11th that she had done so. She was never ordered to go to the Columbia Area Mental Health Clinic for an evaluation or for another talk with the person who had already given her an evaluation at a different date and she was ordered to seek counseling with a psychiatrist.** And there are many good reasons for that which Dr. Faltas knows them as well as I do.

And this does not -- this letter does not meet the requirements of the April 11th order in many causes and for many reasons and not just because she went to the Columbia Area Mental Health knowing full well what the result would be and that she was not ordered to go there. But none of this was conveyed to the court by any document from the defendant. She made no effort to show that she had complied with the Court's order by her dodging around the Court's order even. And we haven't had the passport. So your position is that your client believes that she does not have to relinquish the passport due to her being an Egyptian citizen who is controlled only by the Egyptian Embassy and not by this Court or apparently any other.

^{12-61]} **Mr. Briggs:** No. Only as to the -- only as to how and in what way -- in fact, I left the question (inaudible). I said is there any restriction on her leaving her passport as security or some other reason or ordered by a court and I still haven't talked to a real person yet, Your Honor.

^{17-81]} **The Court:** Well, I don't think they are the people to talk to. In my opinion this Court--

^{191]} **Mr. Briggs:** They issued the passport, Your Honor.

^{110-171]} **The Court:** -- and the courts of this state and the courts of the United States and other authorities of this state and the United States has that authority and I have already ruled on it and I'm certainly not going to change that. We are not going to get the embassy involved and it's a simple thing. You turn over your passport to this Court for security of your not leaving the country pending your matters before this Court, in this case as it applies to this order of April 11th. So I find Dr. Faltas in contempt of court.

[118-201] **Mr. Briggs:** Your Honor, May I -- I left out one rule of argument. It's not going to change anything but just so I've got it in the record.

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

[22 - page 24, line 5] **Mr. Briggs:** Your Honor, I still argue that -- let me apologize for this but I'm still disappointed at the overall prosecution of Dr. Faltas. This has nothing to do with this Court. I have great respect for every court. I have never intentionally been disrespectful to any court and don't ever intend to do that because I honor the robe and I honor the position and I honor our system. But some of the things that have been done to Dr. Faltas have gone beyond the prosecution and has gotten to persecution. But here's my--

[16-10] **The Court:** Mr. Briggs, hold on just a second. I am here today about this order of April 11th and if you are accusing -- I'm not the prosecutor for one thing and I think you know that full well. I'm not the prosecutor and I'm certainly not a persecutor. Is that what you are accusing this Court of?

[11-18] **Mr. Briggs:** No, I'm talking about the overall situation with her at both the City and the County. Let me just make the one point about flight risk, Your Honor, just so it's on the record. **Counsel would argue that there's no evidence that Dr. Faltas is a flight risk** but, Your Honor, I heard what you said. I tell people I talk a lot but I listen real good. I heard you say that y'all have a practice of every person who is not an actual citizen of this country --

[19-20] **The Court:** **I'm not talking about any other judges but me.** I can't speak for them.

[21 - page 25, line 14] **Mr. Briggs:** Okay. **She's not a flight risk. To the contrary the evidence over the last eighteen months shows the opposite. It shows the defendant is prepared to fight all charges against her until hell freezes over, Your Honor. She's just not going anywhere and so there's no reason to take her passport.** But if that's the Court's order I will again -- and I don't mind saying this in court. I've told her, I said, Marie, you need to remember that a lawyer cannot help you disobey a court order. She knows I've told her that. And I've encouraged her to do it but my plea today is at least let her find out she's not going to get into some kind of criminal problem with the Egyptian Embassy before she turns it over. That's all I'm asking for time to do, Your Honor, and I'd ask the Court -- here's what **I'd ask the Court: to fine her per day for continuing violations of both of these things, okay?** But let her purge herself if she gets a psychiatrist within another ten days and she has several appointments with a psychiatrist set and we have enough time to find out. The Embassy may very well say if the court orders it she has to turn it over. They may agree with you, Your Honor.

[115-19] **The Court:** I'm sorry, Mr. Briggs, but I don't believe that you or Dr. Faltas can go outside this courtroom other than to our own courts which you have already been and find whether you can supersede an order of this Court. The embassy of any country has no jurisdiction over that.

[20] **Mr. Briggs:** Your Honor, I'm not asking to supersede it.

[21] **The Court:** Yes, you are.

[22-23] **Mr. Briggs:** I'm asking to let you know what it says and ask this Court to maybe modify the order.

[24 - page 26, line 5] **The Court:** It has no bearing -- yes, sir, it has no bearing upon it. What the embassy says has no bearing upon whether this defendant should surrender her passport. She's been ordered to surrender it. **This is for safekeeping and for the flight risk problem there. Anyone who is not a citizen has a passport or maybe a person who is a citizen under certain circumstances, certainly that has been ordered as well.** Mr. Fernandez?

[6] **Mr. Fernandez:** Judge, nothing further.

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

[8-11] **Mr. Briggs:** Okay, Your Honor. I apologize. I think I did interrupt you issuing your order. I just want to make one -- I want to make two other reservations and preservations for the record after you issue the order. It will be very brief, Your Honor.

[12-14] **The Court:** Well, your client is raising her hand. I assume she wishes to speak. If you do so, ma'am, you need to stand up and be sworn in.

[15-16] **Mr. Briggs:** You're doing it against counsel's recommendations.

[17-18] **The Court:** Yes, sir, I'm sure. Raise your right hand. Would you both please stop talking?

[19] **(Dr. Faltas Is Duly Sworn By The Court)**

[20] **The Court:** What is your name?

[21-22] **Defendant Faltas:** Marie-Therese (inaudible) Assa'ad-Faltas.

[23 - page 27, line 1] **The Court:** All right. Thank you. Now, did you turn you passport into this Court as ordered? It's a simple question, ma'am. Answer it. Did you turn your passport over to this Court as ordered on April 11th, 2011?

[2] **Defendant Faltas:** Your Honor --

[3] **Mr. Briggs:** Answer the question.

[4] **The Court:** Did you or not?

[5] **Defendant Faltas:** I did not.

[6-8] **The Court:** All right. Thank you. Hold on just a second. We'll get to that. **Now did you fail to file any proof before today even of your cagy quest with the Mental Health --**

[9-11] **Mr. Briggs:** Your Honor, I'm sorry. I told the Court I would not participate in any kind of subterfuge and she isn't either, Your Honor.

^{112]} **The Court:** Oh, well, thank you, Mr. Briggs.

^{113]} **Mr. Briggs:** I don't do those kinds of things.

^{114-119]} **The Court:** We appreciate your outburst as well but I find this letter and this -- I find it to be in contravention of the Court's order and a -- shall we say -- I think we refer to this type behavior as two cubed by half in the vernacular but at any rate it does not comply with the Court's order, nor did you even file anything until -- this has a date on it of May 9th 2011.

^{120-22]} **Defendant Faltas:** **May I answer the Court's question? I did ask them to fax to both Mr. Briggs and Mr. Fernandez and I have the proof and let me tell you, no --**

^{123-24]} **The Court:** **Excuse me, ma'am. Was that before May the 9th?**

^{125]} **Defendant Faltas:** **Absolutely.**

^{126-28, line 11]} **The Court:** When was that?

^{12-31]} **Defendant Faltas:** It was on April 22nd. And this is the proof or even that they received 737-4250 --

^{14-51]} **The Court:** Pass that over to your attorney and let him look at it.

^{16]} **Defendant Faltas:** That's--

^{17-81]} **The Court:** Pass it over to your attorney and let him look at it.

^{19]} **Mr. Briggs:** I've seen it.

^{110-111]} **The Court:** All right, Mr. Briggs. His name is Fernandez. Mr. Fernandez.

^{112]} **Defendant Faltas:** And may I say --

^{113-14]} **The Court:** Hold on, please. Do not talk at this moment, please.

^{115-17]} **Mr. Fernandez:** It does have a transaction report on there for the 22nd to our fax number. It doesn't say what it is. There is some sort of (inaudible).

^{118-119]} **The Court:** Any objection to my looking at whatever this is?

^{120]} **Mr. Briggs:** No.

^{121 - page 29, line 12]} **The Court:** Pass it over to the clerk, ma'am. Pass it over now. And please do not interrupt me while I'm looking at it. All right. This is a certificate for return to work, slash, school which is a common thing that people have in offices of any type and it doesn't fit everyone. All right. This is dated on April 22nd. It says -- again this is a form and it says "has been under my care" but there's a note here which is slightly legible but it says that "Dr. Faltas is attempting to be compliant with the court order from criminal court. She's not been provided with an appointment with our psychiatrist. Writer of note will staff case with director to determine" -- actually she says "determine if we can see, slash, criteria for our services or not. I will contact Ms. Faltas with appointments and/or referral to private psychiatrist." This doesn't indicate who it is from but an address 2715 Colonial Drive, 200-B and there's transaction report April 22nd, 2011. This is a fax, has nothing on it. It's dated April 22nd, 12:21 p.m. And there's a receiver number. It's not a phone number. All right. Thank you.

^{113]} **Defendant Faltas:** Your Honor, may I --

^{114 - page 30, line 15]} **The Court:** No, ma'am, you may be seated now and if your attorney feels that you need to give further evidence he will let me know. You may be seated now. Thank you, ma'am. You may be seated. Thank you. You may be seated now. All right. Are you going to sit, please? Thank you. All right. This sheds very little, if any, light upon the situation although Dr. Faltas claims that she did try to fax something. We'll certainly take that into consideration. However, there is the failure to surrender the passport. I have not-- we have not received it and we are not being governed by the Egyptian Embassy or any other. I find Dr. Faltas in contempt of court in that regard. **On her failure to provide proof of initial and weekly sessions with a psychiatrist I will note that, as the Supreme Court notes, counsel for the defendant agreed to these negotiated conditions as appropriate with some minor changes and those minor changes as I recall -- and you can correct me if I'm wrong, please, or if you believe I am -- had to do with the language regarding psychiatric counseling. The Court -- I determined at that time that it would be a good idea to put in the order to make it very specific so that the defendant had no difficulty understanding it or complying with it and that would be on a definite time. Rather than regular she was ordered to weekly sessions with a psychiatrist and we had all agreed on psychiatric counseling and also that a report would be made back to the Court within the ten days and regularly after that and that these reports could be made by the psychiatrist in question.** Now Mr. Briggs has asked me to consider allowing Dr. Faltas to go to counseling at First Presbyterian which is on Sumter Street or the front is on Washington?

^{116-17]} **Mr. Briggs:** I think it's on Bull But it's directly behind the church, Your Honor.

^{118]} **The Court:** But the church I'm talking about is --

^{119]} **Mr. Briggs:** The church is on Sumter Street, yes.

^{120]} **The Court:** Yes, that's the First Presbyterian.

^{121]} **Mr. Briggs:** First Presbyterian Church.

[22 - page 31, line 2] **The Court:** I wanted to identify it for the record as being that church's facilities that you're speaking of. He has asked that Dr. Faltas be allowed to go there for counseling; however, I'm certainly amenable to considering that but what concerns me, Mr. Briggs, is that your client won't do that either. Do you have any assurance from her that she will, Mr. Briggs?

[13-14] **Mr. Briggs:** We had a discussion of it before we came to court and she said she would go to counseling. **Your Honor, my concern is that we go to counseling -- let's say we go to counseling for two months and whoever her main counselor is with the approval of a psychiatrist says this is all she needs. This Court has ordered her to do it during the entire appeal!** I guess I'd have the right to come back and ask the Court to change the bond conditions. That's my only reservation but I'm not asking the Court to change that at this time, Your Honor. I understand. **But, yes, she's prepared to go to regular counseling if we find a place that will do it that she can afford and to where she does periodically see a psychiatrist!**

[15-16] **The Court:** Well, I don't want all these ifs in there. I mean you said if you find a place and if they will see her.

[17-21] **Mr. Briggs:** Well, it's when. We'll do it, Your Honor. I'll do it myself if I have to. I've been pleased with these -- I go to a psychologist. I can ask him for a list of psychiatrists but I just haven't done that. I don't think that's my place, Your Honor. I'm sorry but I will get it done.

[22] **The Court:** Well,--

[23-24] **Mr. Briggs:** So -- and I'm not going to tell the Court how to write an order.

[25] **The Court:** Well, hold on then. Let's stop.

[page 32, lines 1-3] **Mr. Briggs:** Yes, she's prepared to do -- she's prepared to expend some extra energy to finding a counseling service with a psychiatrist.

[4] **The Court:** Well, did she do that before today?

[5-6] **Mr. Briggs:** She tried, Your Honor, but she wasn't successful. She probably didn't try hard enough. She tried.

[7-8] **The Court:** All right. And to whom did she make an attempt? I mean other than this Columbia Area Mental Health thing.

[9] **Mr. Briggs:** Well, she also went to Springs.

[10] **The Court:** Richland Springs. That's the same.

[11-12] **Mr. Briggs:** It's really the same. Columbia works with Richland, yes, Your Honor.

[13] **Defendant Faltas:** (inaudible).

[14] **The Court:** You can consult with your attorney quietly.

[15] (PAUSE)

[16-18] **Mr. Briggs:** Your Honor, it may help a little bit. She was trying to find -- she was trying to get an appointment with the same psychiatrist she saw when Judge --

[19-20] **The Court:** That's the same psychiatrist who said she doesn't have any problem.

[21 - page 33, line 3] **Mr. Briggs:** No, No. The psychiatrist she was sent to when Judge Burns asked her to do that. In fact, I took her over there myself, Your Honor, to what was then the Mental Health Clinic or Springs. She was trying to get back to him because she knew that psychiatrist. She wasn't trying to finagle anything. You can't finagle a competent professional. But she didn't succeed in that, Your Honor. And she didn't comply with your order. I'm conceding that.

[4] **The Court:** Well, you know --

[5] **Defendant Faltas:** (inaudible).

[6-19] **The Court:** Not when I'm talking, ma'am. **Dr. Faltas has been before me many times and has many times indicated to me that the psychiatrist whom she saw after Judge Burns ordered her to do so found that she had no problems, no mental illness and no problems that she reported back to me but no mental illness.** And so I think that that was -- I don't know who that was and I have not read and I won't read whatever he had to say about it. But the problem here is that your client has indicated and demonstrated that she has -- she's a very intelligent person and she has all kinds of degrees which she wants respected and acknowledged. However, she has not been able to perform as a reasonable person under many circumstances and this is to her detriment and as you know that's why we wanted her to follow this order. Now did you bring the passport today, Mr. Briggs?

[20] **Defendant Faltas:** Your Honor, may I say something?

[21-23] **The Court:** No, ma'am. You can answer whether you brought it or not. If you brought it, we'll accept it today. Did you bring the passport, ma'am? Yes or no. [24] (PAUSE) [25 - page 34, line 3] **The Court:** All right. I've been handed a passport from the Republic of Egypt. Of course, a lot of it is in a language that I don't speak or read. However, apparently this passport was issued-- is this your current passport, ma'am? Is it or not?

[4] **Defendant Faltas:** I do not have a current passport.

[5] **The Court:** You don't have a current passport?

[6] **Defendant Faltas:** This is the one (inaudible).

[7-8] **The Court:** So this is not your proper passport. It's expired, is it?

[9-10] **Defendant Faltas:** My older passport is expired and I had to (inaudible) again and that's why I (inaudible).

[11-16] **The Court:** Ma'am, I'm trying to figure out whether this passport is valid right now and it's -- apparently it was stamped in July, July 15th, 1981, and I don't have -- let's see. This is also stamped 15 October, 1981, for a single journey to the United Kingdom used by -- is excuse me, used by October 15th, 1981, and was stamped July 15th, 1981. And there's a stamp August 22nd, 1979. There is a non-immigration visa here attached. And this passport appears to have expired on the 13th of August and I believe that's 1986, is that correct? It's expired.

[19-23] **Defendant Faltas:** Your Honor, to answer the question yes. May I also say this is the only passport I have now and two things: **I did not see the order and I did not see the transcript and since the transcript says that you wanted me to see a psychiatrist even though they realize I have no mental illness.**

[24 - page 35, line 4] **The Court:** I did not say I realize you have no mental illness. I realize you've never been diagnosed. I'm not making any statement about whether you have a mental illness or not. However, I do know that you need some help and this passport is expired and you are telling me you don't have another one, is that correct?

[5] **Defendant Faltas:** Yes, Your Honor.

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

[7-12] **Defendant Faltas:** And may I say the reason I went there is the first time they took me on a walk-in basis about (inaudible) so the reason I went there is to see if I (inaudible) on a walk-in basis because I got out of jail on the 12th of May. I had to do many things. I had to renew my driver's license. I had to do so many things and also

[13-16] **The Court:** All of them more important than complying with the Court's order or going back -- which you knew you could go back to jail if you didn't comply with the Court's order so I don't understand your priorities, ma'am.

[17-21] **Defendant Faltas:** Well, Your Honor, I couldn't (inaudible) expired driver's license so I'm trying in very good faith to comply with the Court's order and I have no intention of fleeing whatsoever. And if Your Honor looks at the back of the passport. It's in Arabic; but I will be more than happy to translate it --

[22-23] **The Court:** Well, I can't read it, Ma'am, and you cannot translate for yourself.

[24 - page 36, line 1] **Defendant Faltas:** Well, (inaudible). **I tried very, very hard to comply with the Court's order. Ma'am, I have excruciating pains in my left knee --**

[2-6] **The Court:** Ma'am, I'm not a doctor and I'm not here to rule on the pain in your knee. It's not going to be before me. I certainly do remember your last attempt to not comply and be under the jurisdiction of the Court **by your medical reasons and don't appreciate it.** Please if you would have a seat.

[7] **Defendant Faltas:** (inaudible).

[8-14] **The Court:** I would be pleased if you'd have a seat. Thank you. All right. **I do find the defendant in contempt of court on the issue of the failure to surrender the passport. The fine is five hundred dollars or thirty days.** On this issue of the failure to provide proof of initial and weekly sessions with a psychiatrist there's a fine of one hundred dollars or thirty days and provided that the defendant does go to seek counseling--

[15-16] **Mr. Briggs:** Submits a scheduled appointment, Your Honor?

[17-25] **The Court:** I am going to allow her to seek counseling with the First Presbyterian Church and they can provide proof that she's been there within ten days of today's date and this can be either a qualified psychiatrist or other counselor if it's submitted and then approved by the Court. However, if they won't take her there then you are going to have to come back and seek a different solution to this but I don't know -- unless the defendant makes her own provision with them I don't see why they wouldn't see her, do you, Mr. Briggs?

[page 37, lines 1-11] **Mr. Briggs:** I don't -- it's a very good outfit, Your Honor. I've been impressed with them and I've probably sent three or four clients there but not anything in the last year or so. It's just a very reputable company. Your Honor --

[5-8] **The Court:** All right. **I'm going to make this with the First Presbyterian Church or some other qualified counseling center other than the Columbia Area Mental Health or Richland Springs.**

[9-10] **Mr. Briggs:** Are we to seek permission from the Court giving you two or three psychiatrists' names, Your Honor?

[11-14] **The Court:** I just want her to go to one. I'm not going -- no, I want her to go first of all if she must attempt to go to First Presbyterian Church. If that doesn't work out -- and we have to have something showing she did that.

[15] **Mr. Briggs:** I understand.

[16-18] **The Court:** If they won't take her for some reason then we need to have that. If that doesn't work out then she's to find another qualified counseling center.

[19-23] **Mr. Briggs:** Your Honor, just so I understand it. That's acceptable to the Court. She can get in touch with several, get a couple of appointments. Would that purge her of the hundred dollars or not? I don't know whether the court addressed that. I know there is no purging of the five hundred.

[24 - page 38, line 10] **The Court:** No. All right. Yes, she can purge herself of that. It's going to be thirty days rather than the hundred dollars. So it will just be thirty days. She can purge herself of it by complying with this amended portion of the order that she will seek counseling with the First Presbyterian Church. Failing that we'll have some other qualified counseling center other than Columbia Area Mental Health or Richland Springs and provide within ten days notice to the Court that she has done this and whether -- and if it fails then we need to know that as well and why. The point is she has to attempt this, get it done, get notice back to us within ten days that she has gone to the Presbyterian Church counseling center and attempted to be seen by them.

[11-12] **Mr. Briggs:** You are requiring a positive or a negative report in ten days?

[13-14] **The Court:** I am but if it's a negative report we are going to have a hearing on it.

[15] **Mr. Briggs:** I understand that, Your Honor.

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

[17-18] **Mr. Briggs:** I just want to make sure we are on the same page.

[19] **The Court:** Okay. It's within ten days.

[20-22] **Mr. Briggs:** I am going to go by there right now. I think she's got (inaudible) situation but I am going to go there myself when I leave here, Your Honor.

[23-24] **The Court:** And is she prepared to pay the five hundred dollars today because it needs to be done.

[page 38, lines 1-21] **Defendant Faltas:** (inaudible) Could I have until tomorrow, Your Honor, or Wednesday?

[3] **Mr. Briggs:** Your Honor, she's got two or three accounts.

[4] **Defendant Faltas:** (inaudible).

[5-6] **The Court:** No, Ma'am. I don't see any point in putting this off because this --

[7-8] **Defendant Faltas:** Can the court take a credit card? (inaudible).

[9-10] **The Court:** I have no idea about that. I think they take checks. Do they take credit cards?

[11] **Unidentified Female:** Downstairs.

[12-15] **The Court:** All right. That's fine. I don't have any problem with -- you will have to go with the court officer and he can help you with that better than I can. I don't have anything to do with that portion of it except to make sure that it's done.

[16] **Mr. Briggs:** Your Honor, could I for the record --

[17] **Defendant Faltas:** (inaudible)

[18-19] **The Court:** Sit, please. I understand that. Please sit down. Yes, Mr. Briggs.

[20-21] **Mr. Briggs:** Your Honor, I need to clarify something, Your Honor.

[22] **The Court:** Yes, sir.

[23 - page 40, line 10] **Mr. Briggs:** I've been accused sometimes with outbursts. Sometimes I've been accused by clients for being too nice and not making my point clear so I want to make my point clear, Your Honor. I'm not going to ask Mr. Fernandez to confirm this and I'm going to read the transcript again but I think the Supreme Court is clearly wrong. I did not consent to the conditions of this bond. That doesn't have anything to do with you, Your Honor, but I want the record to show that I did not intend to consent to that and I thought at the end I said neither me nor my client consents to these conditions. And the fact that I helped make them a little less onerous I don't know how you can read that as consenting. But that doesn't have anything to do with you, Your Honor, but I want the record to show that.

[11-14] **The Court:** All right, Mr. Briggs, I must say that you have shown grand patience with this client of yours and you have certainly represented her to the best of your ability and as well as could be done.

[15-18] **Mr. Briggs:** Your Honor, just two other things. I made reference in the last hearing, Your Honor, that is, the bond hearing, of the Court's inherent ability to change conditions in a draft form. In fact, until it's signed it ain't signed.

[19] **The Court:** It's not an order.

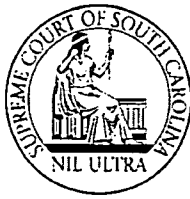
[20 - page 41, line 5] **Mr. Briggs:** I understand that. But some people including my client had gotten the impression that I had maybe waived her argument that the Court didn't have civil jurisdiction. I just want the record to show, Your Honor, I didn't intend to waive her argument about the civil jurisdiction and I would like to preserve that for appeal if it helps any to make it today. Period. That's all I want to say. One other thing, Your Honor. I think in both of the cases where the Court has issued orders I think the Court failed to follow the procedures in *Poston v. Poston* and that's 502 S.E.2d 86. And if it has to do with the standard of proof and all that bit, period. That's all, Your Honor. I just wanted that on the record.

[6] **The Court:** All right, Mr. Briggs, thank you.

[7] **Mr. Briggs:** Okay. Thank you for your time, Your Honor.

[8-9] **The Court:** Court is adjourned and we will keep the passport.

[10] (ADJOURNED)



The Supreme Court of South Carolina

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June 28, 2012

PERSONAL AND CONFIDENTIAL

Marie A. Faltas
P.O. Box 9115
Columbia, SC 29290

RE: NOTICE OF FINAL DISPOSITION

Judge: Municipal Court Judge Marion Oneida Hanna
Matter Number: 11-DE-J-0092

Dear Dr. Faltas:

You previously filed a complaint with the Commission on Judicial Conduct concerning Municipal Court Judge Marion Oneida Hanna. This matter was concluded on September 27, 2011. Your complaint was not dismissed, but the disposition is confidential under the provisions of the Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR.

This constitutes final disposition of the proceedings in this matter. Your cooperation with the Commission and this office is appreciated. I apologize for my oversight in not getting this letter to you sooner.

Sincerely,

Joseph P. Turner Jr.

