

OCT 18 2017

BEFORE THE SUPREME COURT OF SOUTH CAROLINA

Appellate Case No. 2016-002541

S.C. SUPREME COURT

State of South Carolina, and City of Columbia, SC
v. Marie Assa'ad-Faltas, MD, MPH

On Petition for a writ of certiorari
To the Court of Appeals of South Carolina

**Motion to Appoint Counsel for Rehearing or to Allow Petitioner to Argue Rehearing pro se
And in either case, to Extend the Time to File for Rehearing.**

***Luke 18:** Then Jesus told his disciples a parable to show them that they should always pray and not give up. He said: "In a certain town there was a judge who neither feared God nor cared what people thought. And there was a widow in that town who kept coming to him with the plea, 'Grant me justice against my adversary.' "For some time he refused. But finally he said to himself, 'Even though I don't fear God or care what people think, yet because this widow keeps bothering me, I will see that she gets justice, so that she won't eventually come and attack me!'" And the Lord said, "Listen to what the unjust judge says. And will not God bring about justice for his chosen ones, who cry out to him day and night? Will he keep putting them off? I tell you, he will see that they get justice, and quickly. However, when the Son of Man comes, will he find faith on the earth?"*

Dr. Assa'ad-Faltas is "guilty" only of hoping that justice will be done; but she was given no chance to brief the case after certiorari was granted. Rather, grant of certiorari and a summary decision adverse to her on merits were in the same document. That is inconsistent with the certiorari process itself, which is reserved for issues of public importance not to be summarily decided. Reimbursement of expenses for indigent criminal defendants generally is an issue on which SC Circuit Judge Clifton Newman, in a separate case (the transcript of which Petitioner had cited in her prior submissions in this case), expressed need for definite guidance from this Court. This petition also raised important issues of equal protection for reimbursement of necessary defense expenses for pro se defendants compared to represented ones and also of equal protection between civil defendants who are subjected to frivolous civil claims (and who may recover their defense expenses under Rule 11 within the civil action) and criminal defendants, indigent or not, who are subjected to totally false criminal charges but cannot recover all their defense expenses and be otherwise made whole within the criminal case.

Petitioner had filed the first part of the complete transcript of her 22-26 February 2010 General Sessions jury trial on two false charges of harassment in the first degree, of which she, thank God, ultimately fully exonerated herself pro se, and from which she now seeks her defense expenses, the day after this matter was submitted to a bare quorum of this Court without oral argument. Thus, this Court could not possibly have fully reviewed the facts of this important and innovative case before issuing its opinion adverse to Petitioner. This certiorari petition sought to reverse SC's Court of Appeals' dismissal of Dr. Assa'ad-Faltas' appeal from SC Circuit Judge Lee's denial of Dr. Assa'ad-Faltas' request to be refunded all reasonable pro se defense expenses necessitated by those two false charges and by a related false charge of unlawful use of a telephone of which Dr. Assa'ad-Faltas, thank God, also ably and fully exonerated herself pro se. SC's Court of Appeals dismissed her appeal solely because she did not have counsel but that court refused to appoint one for her.

This Court should not repeat the Court of Appeals' error but should appoint counsel for Dr. Assa'ad-Faltas or allow her to proceed pro se on a full briefing and oral arguments for rehearing. In either case, a reasonable period should be allowed after this Court resolves the representation issue.

In support hereof, she Dr. Assa'ad-Faltas relies on the view Judge Lee had expressed in a civil case and on the views of even Judge Cooper and of independent lawyers on how malicious the criminal charges were both in the purpose for which they were brought and the manner they were prosecuted.

Submitted on 18 October 2017 and served by personal delivery of a copy to the office of SC's Attorney General.

Marie-Thérèse Assa'ad-Faltas, MD, MPH, Petitioner pro se for purpose of this motion

P.O. Box 9115, Columbia, SC 29290

Phone: (803) 783-4536

e-mail: Marie_Faltas@hotmail.com

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Marie Assa'ad Faltas, MD, MPH,

Plaintiff,

vs.

Dinah Steele, Steele Enterprises and/or AAA)
Investments, a business; Larry Roe; Sharon)
B. Koon; Eugene W. (Buddy) Koon, Jr.;)
Eugene W. (Trip) Koon III; Evers-Koon and)
or EKG of South Carolina, a business;)
Jane Doe; and other unknown-named)
persons and entities who injured Plaintiff.)

Defendants,

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Docket No.: 2009-CP-40-2219

**ORDER FOR
PRELIMINARY INJUNCTION**

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

2009 DEC 22 PM 4:48

RICHLAND COUNTY
FILED

This matter comes before me on motion of Plaintiff for an injunction preventing Defendants Larry Mason and Dinah Steele from engaging in harassment. She also seeks to require Defendants to move sewer lines off of her property. The motion was heard on December 1, 2009. Defendants, Larry Mason and Dinah Steele, were represented by J. Andrew Delaney, Esquire. Plaintiff was pro se. Also present were counsel for Sharon Koon and Buddy Koon, Robert McKenzie, Esquire, and counsel for Trip Koon and Evers-Koon, Alice Adams, Esquire. Based upon the evidence presented, this court grants the injunction enjoining the defendants from engaging in harassing activities and denies the injunction regarding the moving of the sewer lines because Plaintiff has an adequate remedy at law. No injunctive relief is sought against any of the remaining defendants.

DISCUSSION

The granting of an injunction is within the sound discretion of the trial court. In order for the court to grant a preliminary injunction, Plaintiff must establish that: (1) she would suffer irreparable harm if the injunction is not granted; (2) she will likely succeed on the merits of the litigation; and (3) there is an inadequate remedy at law. *AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 51, 674 S.E.2d 505, 508 (Ct. App. 2009). An injunction is a drastic remedy issued by the court to preserve the status quo and prevent irreparable injury to a party pending the litigation. *Id.*, 382 S.C. at 50, 674 S.E.2d at 508.

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeanette W. McBride
C.C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA
17 SEP 2010

Agency is the fiduciary relationship resulting from the manifestation of consent by one person to another that the other shall act on behalf of and subject to the control of the first, and of consent by the other so to act. Peoples Fed. Sav. & Loan Ass'n v. Myrtle Beach Golf & Yacht Club, 310 S.C. 132, 425 S.E.2d 764 (Ct. App. 1992). Therefore, in order for agency to exist, the principal must intend that the agent act on his behalf, the agent must intend to accept the authority of the principal and act on it, and the intention of each must be manifest either in words or conduct between them. Id. Under the doctrine of respondeat superior,

“[a] principal may be held liable to a third person in a civil lawsuit for the fraud, deceit, concealment, misrepresentation, negligence, and other omissions of duty of his agent which occur in the scope of the agent's employment, even when the principal did not authorize, participate in, or know of such misconduct or even when the principal forbade or disapproved of the act in question.”

Spence v. Spence, 368 S.C. 106, 628 S.E.2d 869 (2006); West v. Service Life & Health Ins. Co., 220 S.C. 198, 66 S.E.2d 816 (1951). However, vicarious liability does not eliminate the primary liability of the tortfeasor. Gilbert v. Mid-South Mach. Co. Inc., 267 S.C. 211, 227 S.E.2d 189 (1976). “An agent's liability for his own tortious acts is unaffected by the fact that he acted in his representative capacity.” Thomas v. Delta Enter., Inc., 302 S.C. 351, 352, 396 S.E.2d 122, 123 (Ct. App. 1990). Therefore, both principal and agent, may be held liable for an agent's tortious conduct toward a third party.

Plaintiff asserts that the Defendants, Dinah Steele and Larry Mason, are engaging in a course of conduct to harass her and to gain an unfair advantage in the pending litigation. Specifically, she claims that she is fearful for life and the threat of criminal prosecution.

A hearing was conducted on December 1, 2009 during which several witnesses testified. Of particular interest to the court is the testimony of Plaintiff and Defendant Mason. Also of significance to the court are certain events which occurred the day after the hearing of which the court takes judicial notice.

A brief factual background is instructive in this case. Plaintiff is a tenant of Defendant Steele. She lives at 304 Byron Road, Apt. 3 in Columbia. Defendant Mason testified that the apartment buildings were purchased by his wife and that he assists her in the management of the units. He is her agent. Steele and Mason initiated eviction proceedings against Faltas in magistrate court. The magistrate ordered eviction which was appealed by Plaintiff and she

continued to live on the premises. In March 2009, Plaintiff filed the current lawsuit alleging several causes of action against several defendants including Steele and Mason. During the course of the current litigation, Defendants Mason and Steele obtained a restraining order against Plaintiff Faltas (Magistrate Civil Action No. 2009CV401063496) to prevent her from "taking photo's, stalking" and "no trespassing of 300 building." This order was issued on November 10, 2009. According to the testimony presented in the December 1 hearing, Faltas also requested a restraining order from the magistrate in April 2009 which was denied. A copy of the transcript from that hearing is Exhibit 1 (Magistrate Civil Case No. 2009CV401100887).

The testimony reveals that Defendant Mason sought the restraining order because Faltas engaged in a pattern of conduct of using her vehicle to block other tenants in the parking lot for the purpose of taking pictures of the residents and of the defendants. Additionally, Mason testified that Faltas followed them to work and to their home on Trenholm Road and that conduct constituted stalking.

Mason's testimony further revealed that he has made numerous inquiries of various governmental officials regarding the immigration status of Plaintiff and her mother. For example, requests have been made of South Carolina congressional representatives to determine Plaintiff's immigration status. Evidence was also produced by Plaintiff that the Department of Motor Vehicles contacted Plaintiff regarding her driving privileges. The Department intended to revoke her privileges unless she furnished information about her immigrant status. Additionally, Plaintiff was required to meet with Social Security Administration to answer questions about her mother including her status in the United States. Plaintiff claims all of these matters resulted from inquiries initiated by Defendant Mason. Although he denies initiating any contact with these agencies, Mason's attorney attempted to cross examine Plaintiff about the personal banking accounts of Plaintiff and her mother and asked specific questions about Plaintiff's mother's health and well being. These questions by counsel for Defendants reveals the ongoing conflict between the parties about Plaintiff's immigration status, the status of Plaintiff's mother (who co-owns the property adjacent to the Defendants' rental units), and other personal information not relevant to the pending lawsuits between the parties. Both Plaintiff and her mother appear to be residing in this country legally.

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OF ORIGINAL FILED,
Jacqueline W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

17 SEP 2010

It was also obvious to the Court during Mason's testimony that he uses his former law enforcement credentials with the military or SLED to make inquiries about the Plaintiff and to engage in activities that Plaintiff finds threatening. On one occasion, Plaintiff alleges when she advised Defendant Mason that she was going to call the police, he reached into her car in an attempt to take her cell phone and showed her a law enforcement badge. His disdain for her is quite apparent. It is also equally clear that the exercise by Plaintiff of her rights to appeal the eviction and to institute litigation to remedy any perceived alleged wrongs is not well taken by Mason. Certainly, Defendant Mason has availed himself of legal counsel to defend against the allegations made by Plaintiff, but the court is also aware that Defendant's actions outside of court are simply adding fuel to the fire in the course of this litigation.

Plaintiff testified about the repeated taunting not only by Defendant but also by the other tenants in the apartment building. She claims that Defendants actions demeaning her ancestry and immigration status in the presence of the other tenants have prompted the tenants to also engage in similar behavior. As support for this, Plaintiff presented photographs of the neighbors displaying offensive signs to her. Defendant counters that it is Plaintiff's conduct of repeatedly photographing them and invading their privacy that have prompted such a response. This court finds that the behavior is extreme by all parties involved. Defendant is quite aware of the sensitivities of the Plaintiff and engages in conduct to excite and incite her and to goad her into committing the very behavior that has resulted in the restraining order issued by the magistrate.

Because of Plaintiff's extreme litigious behavior, the Defendant seeks to obtain some advantage in the situation by also engaging in extreme behavior to annoy and harass the Plaintiff in retaliation. None of the activities by the Defendants are illegal, but based upon the ongoing history between the parties, Defendants conduct is designed to harass her to the point of frustration with the hope that she will abandon her appeal, vacate the rented apartment, and abandon any plans to develop the property she purchased next door. The transcript of the hearing before the magistrate in April 2009 reveals the nature of the ongoing dispute which is clearly the subject of the current lawsuit. The allegations cited at that hearing are the same as those raised before this court.

Plaintiff expressed fear that the Defendants were seeking to criminally prosecute her to the point that she would be subject to possible life imprisonment. It was clear that based upon

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OF ORIGINAL FILED,
Jeanette W. McBride
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

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her previous encounters with immigration and law enforcement, Plaintiff was fearful of imprisonment. Her fear of criminal prosecution is very real in light of the restraining order and the activities that occurred the day after the hearing.

The day after the hearing, the court was informed that Plaintiff had been arrested on harassment warrants initiated by Defendant and one of the tenants (Teresa Ingram) of the apartment complex. The allegations in the warrant are the same as those in this case. Specifically, the warrants state that the conduct by Plaintiff has occurred between February 2009 and November 2009, the same time period involved in the lawsuit. Additionally, the warrants were presented to the magistrate by Investigator Blanton whom Faltas subpoenaed for the December 1 hearing. The City of Columbia appeared to quash the subpoena as not being properly served, among other grounds. In addition, a search warrant was executed to obtain photographs, computer, car keys and documents from Plaintiff's apartment. Of particular interest to the Court is the fact that the warrants were issued on the date of the hearing before this court.

Plaintiff appeared in bond court on December 2, 2009. At that time a mutual order enjoining Faltas, Steele and Mason from contact was issued. Faltas cannot return to her apartment without a police escort to retrieve her belongings pending the resolution of the criminal matter. Steele and Mason are prohibited from entering the apartment except in case of emergency such as fire or flood.

While the activities complained of by the Plaintiff do not appear to warrant the issuance of an injunction, when combined with the additional actions of the Defendant of instituting criminal proceedings against Plaintiff, this court has no doubt that such conduct is done solely for the purpose of harassing the Plaintiff. The landlord-tenant relationship has only further complicated the situation. It is also evident that Plaintiff has exceeded reasonable bounds of privacy in an effort to document the alleged wrongful conduct she claims to endure.

Based upon the evidence presented, Plaintiff will suffer irreparable harm in the form of continued criminal prosecution and undue mental stress and anguish if the injunction is not granted. There is a real question to be determined before this court relating to the conduct of the parties in the causes of action brought by Plaintiff. Plaintiff is not required to prove an absolute legal right when seeking a preliminary injunction, but the Plaintiff must present a reasonable

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of original filed
Shirley W. H. H. H.
2009 SEPT 15
HIGHLAND COUNTY
SOUTH CAROLINA

and
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question as to the existence of such a right. *AJG Holdings, LLC v. Dunn, supra*. Additionally, there is no adequate remedy at law to redress the immediacy of this conduct except an injunction. S.C. Rules of Civil Procedure Rule 65(c) requires the giving of security by the applicant in such sum as the court deems proper. In this case, security in the amount of \$100 must be deposited with the Clerk of Court before the injunction is effective. Proof of payment of the security shall be filed with the Clerk and in the public file of this case. The parties may view the proof of payment at the office of the Clerk of Court.

ORDER

Based upon the foregoing, **IT IS ORDERED**, that Plaintiff is entitled to a preliminary injunction preventing Defendants Larry Mason and Dinah Steele from engaging in any conduct that may be construed as harassing, threatening, or intimidating by a court of law or equity. This injunction remains in effect until final orders are issued in this litigation or any other litigation, civil or criminal, between these parties, or until further order of the court.

IT IS FURTHER ORDERED that Larry Mason and Dinah Steele shall not have any direct or indirect contact with Plaintiff Maria Faltas except through their counsel of record during the course of this litigation. This prohibition extends to any other litigation, criminal or civil, involving these three parties. Larry Mason and Dinah Steele shall not cause or encourage any tenant to have any contact, directly or indirectly, with Plaintiff during the pending of this litigation or any other litigation between the Defendants and Plaintiff.

IT IS FURTHER ORDERED that Larry Mason and Dinah Steele shall not enter the premises at 304 Byron Road, Apt. 3 in Columbia, except for emergencies such as fire or flood.

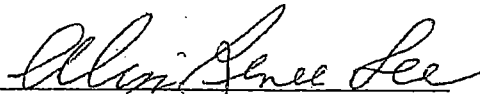
IT IS FURTHER ORDERED that Plaintiff Maria Faltas shall not have any contact, directly or indirectly, with the Defendants Larry Mason and Dinah Steele during the pendency of this litigation or any other litigation, civil or criminal, between the parties. Any communication must be directed through the Defendants' counsel of record in this litigation.

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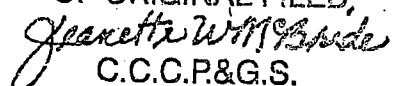
17 SEP 2010

IT IS FURTHER ORDERED that Plaintiff provide proof of payment of the security to counsel of the Defendants and counsel of Defendants shall immediately inform the Defendants without further proof by the Plaintiff.

AND IT IS SO ORDERED.


ALISON RENEE LEE
Presiding Judge

December 22, 2009
Columbia, South Carolina

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CERTIFIED TRUE COPY
OF ORIGINAL FILED

C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Marie Assa'ad Faltas, MD, MPH,

Plaintiff,
vs.

Dinah Steele, Steele Enterprises and/or AAA)
Investments, a business; Larry Roe; Sharon
B. Koon; Eugene W. (Buddy) Koon, Jr.;
Eugene W. (Trip) Koon III; Evers-Koon and
or EKG of South Carolina, a business;
Jane Doe; and other unknown-named
persons and entities who injured Plaintiff.

Defendants,

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Docket No.: 2009-CP-40-2219

ORDER

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

2010 JAN -4 PM 4:46

RICHLAND COUNTY
FILED

This matter comes before the Court by way of a motion filed by Plaintiff for partial reconsideration and/or clarification of this Court's Order entered on December 22, 2009. Plaintiff asks that this Court reconsider its denial of the injunction concerning the sewer lines. However, after careful consideration of the record in this case and the submissions of counsel, this Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or facts not appropriately considered. Furthermore, Plaintiff's motion for reconsideration fails to set forth any material fact or principle of law, which she claims the Court failed to consider.

Plaintiff also asks that this Court clarify two portions of the December 22, 2009 order. Specifically, Plaintiff requests that the Court clarify a statement on page 4 of the order that "none of the activities by the Defendants are illegal" and that this Court made no finding as to Plaintiff's culpability for taking photographs of her neighbors. The Court's statement that "none of the activities by the Defendants are illegal," should only be interpreted to include the activities addressed within the context of the Court's discussion concerning the preliminary injunction. Lastly, in reference to Plaintiff's culpability for taking photographs of her neighbors, the Court finds no statements within the December 22, 2009 order where it makes any finding concerning Plaintiff's culpability. Whether Plaintiff is culpable for taking photographs of her neighbors was not a matter before the Court in consideration of Plaintiff's motion for preliminary injunction;

therefore, the Court's order cannot be interpreted to make any findings with regard to those accusations.

Accordingly, this Court hereby **DENIES** Plaintiff's Motion pursuant to Rule 59(e) SCRPC to Alter or Amend Judgment of this Court's Order entered on December 22, 2009 in reference to the sewer lines. In the alternative, the Court has clarified statements within the order as requested by Plaintiff. Pursuant to Rule 59(f), the Court is of the opinion that oral argument is not necessary.

AND IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Alison Renee Lee", is written over a horizontal line.

ALISON RENEE LEE

Presiding Judge

December 31, 2009
Columbia, South Carolina

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF RICHLAND

CASE NO: 2009CP4002219

IN THE COURT OF COMMON PLEAS

Marie Assaad Faltas

vs.

Dinah Steele

Plaintiff

Defendant

CHECK ONE:

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other:
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

JEANETTE W. MCBRIDE
C.C. & C.S.
2010 FEB -4 PM 2:16
RICHLAND COUNTY
FILED

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

☒ See attached order;☐ Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this _____ day of _____, 2010.

PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 2010, and a copy mailed first class this 5th day of February, 2010, to attorneys of record or to parties (when appearing pro se) as follows:Marie Assaad Faltas
Marie Assaad FaltasJohn Andrew Delaney
Robert A McKenzie
Alice Price Adams
John Martin Grantland
Gary H Johnson II

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McBride
Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Marie Assa'ad Faltas, MD, MPH,

Docket No.: 2009-CP-40-2219

Plaintiff,

v.

ORDER

Dinah Steele, Steele Enterprises and/or AAA)
Investments, a business; Larry Roe; Sharon)
B. Koon; Eugene W. (Buddy) Koon, Jr.;)
Eugene W. (Trip) Koon III; Evers-Koon and)
or EKG of South Carolina, a business;)
Jane Doe; and other unknown-named)
persons and entities who injured Plaintiff.)

Defendants.)

RICHLAND COUNTY
FILED
2010 FEB -4 PM 12:22
JEANETTE W. McBRIDE
C.C.P. & G.S.

This matter comes before the Court by way of a motion filed by Defendants Larry Mason and Dinah Steele under Rule 59(e) of the S.C. Rules of Civil Procedure for reconsideration of this Court's December 22, 2009 order. The Court, as fact finder, made appropriate findings of fact and conclusions of law after judging the credibility and demeanor of all witnesses. As fact finder, the Court is free to determine the weight to give to the evidence and to accept or reject the testimony of the witness in whole or in part. *Temple v. Tec-Fab, Inc.*, 381 S.C. 597, 675 S.E.2d 414 (2009). After careful consideration of the record in this case and the submissions of the parties, this Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or facts not appropriately considered.

Accordingly, this Court hereby DENIES Applicant's Motion pursuant to Rule 59(e) SCRPC to Alter or Amend Judgment of this Court's Order filed December 22, 2009. Pursuant to Rule 59(f), the Court is of the opinion that oral argument is not necessary.


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AND IT IS SO ORDERED.



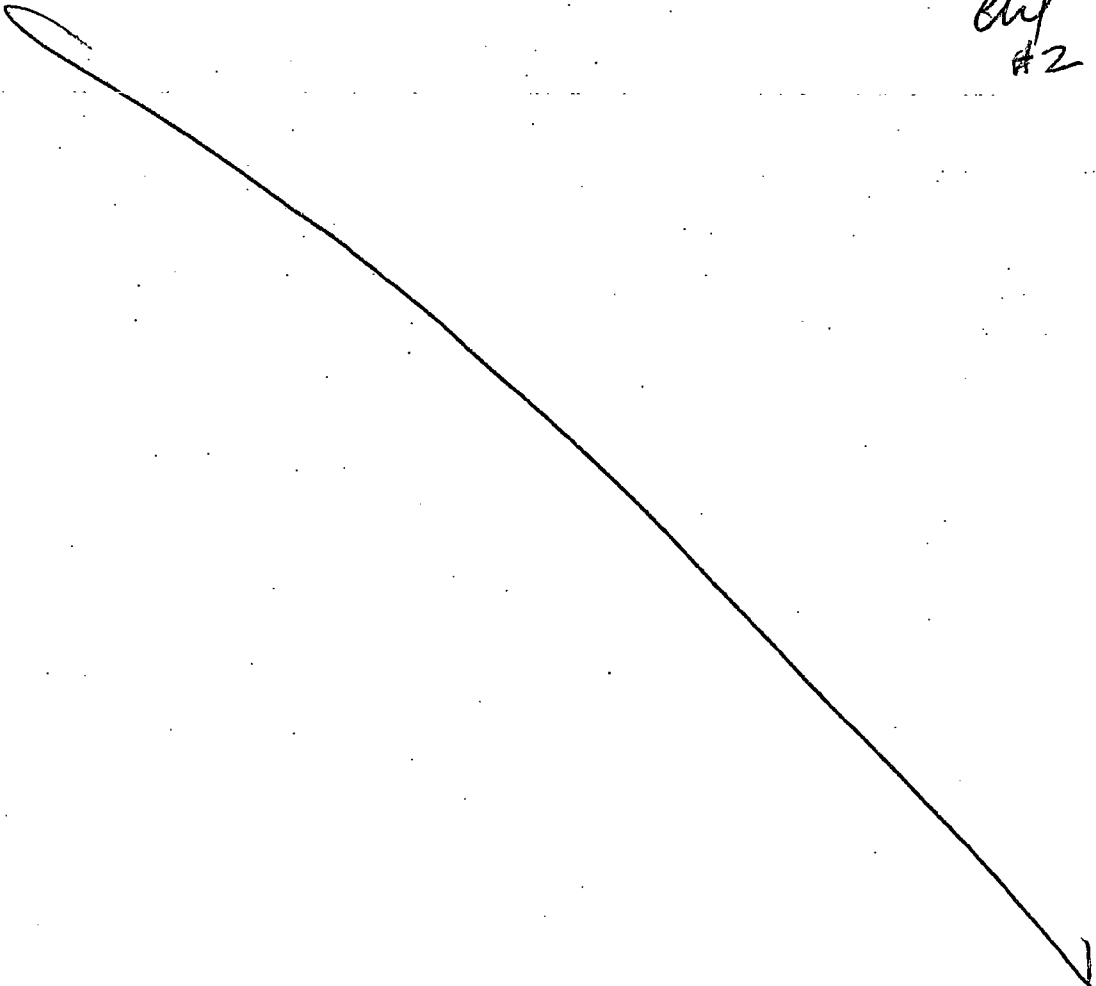
ALISON RENEE LEE

Presiding Judge

February 3, 2010

Columbia, South Carolina

encl
#2



The South Carolina Court of Appeals

Marie Assa'ad Faltas, MD, MPH, Respondent,

v.

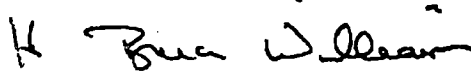
Dinah Steele, Steele Enterprises and/or AAA
Investments, a business; Larry Roe; Sharon B. Koon;
Eugene W. (Buddy) Koon, Jr.; Eugene W. (Trip) Koon
III; Evers-Koon and or EKG of South Carolina, a
business; Jane Doe; and other unknown-named persons
and entities who injured Plaintiff, Defendants,

Of whom Dinah Steele and Larry Mason are the
Appellants.

Appellate Case No. 2010-153027

ORDER

Counsel for Respondent Marie Assa'ad Faltas has filed a motion asking (1) to be relieved as counsel and (2) that this case be held in abeyance for Respondent to obtain new counsel. After careful consideration, the motion to be relieved is granted and this matter is held in abeyance for twenty days. Unless new counsel serves and files a petition for rehearing, remittitur will be sent in twenty days from the date of this order.



FOR THE COURT

Columbia, South Carolina

cc:

John Andrew Delaney
Clary Edward Rawl, Jr.
Orin Gail Briggs
Marie Assa'ad Faltas

FILED

July 19, 2012

[page 1] STATE OF SOUTH CAROLINA
County of Richland

GENERAL SESSIONS
2010-GS-40-11980
2010-GS-40-11987

STATE OF SOUTH CAROLINA,
vs.
MARIE ASSA'AD-FALTAS, DEFENDANT,

TRANSCRIPT OF RECORD

August 2, 2010
Columbia, South Carolina

BEFORE:
APPEARANCES:

THE HONORABLE G. THOMAS COOPER, JR., JUDGE.
HEATHER WEISS, ASSISTANT SOLICITOR, Attorney for the State
MARK SAWYER, ASSISTANT PUBLIC DEFENDER, Standby counsel for Dr. Faltas
MARIE FALTAS, APPEARING PRO SE

KAREN AMBROZIAK
Official Court Reporter

[page 2] C O N T E N T S
INDEX OF EXHIBITS

(There were no exhibits introduced,
INDEX OF WITNESSES:
(There were no witnesses called.)

[page 3, lines 1-3] **THE COURT:** All right. This is the State's motion for an evaluation for competency and criminal responsibility of Dr. Marie Assa'ad-Faltas. [¶] Solicitor, what's the purpose of your motion?

[5-19] **MS. WEISS:** Thank you, Your Honor. May it please the Court. [¶] Before I begin, I think at this time it would be appropriate to remove the criminal responsibility part from the motion. I think competency would be the sole purpose of this motion. [¶] I've done some further research since I submitted the initial motion, and I was thinking that they like to do both evaluations at the same time, but after further looking into this, I think it would be appropriate to remove criminal responsibility and only seek the competency eval. at this time. [¶] Perhaps that would be an appropriate motion at a later time, but at this time, Your Honor, I'd like to remove the criminal responsibility part of the motion.

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

[21 to page 5, line 1] **MS. WEISS:** The purpose of this motion is the State has two pending charges against Dr. Marie Assa'ad-Faltas both for harassment first degree. [¶] We went through one trial, a one-week long trial, ended in a hung jury, which gave some further insight as far as, my opinion on behalf of the State, into what could be some possible competency concerns, possibly into general competency, but after reading *Indiana v. Edwards*, I feel there could be some concern as to the competency of the defendant to represent herself. [¶] She has chosen to represent herself through this entire process which started last December with standby counsel, Mr. Sawyer, but I believe that there are some competency concerns as to her general competency, as well as her ability to represent herself in trial. [¶] In reading *State v. Burgess*, it laid out reasons that somebody would possibly have -- there would be competency concerns which gave me some insight into that, Your Honor. *State v. Burgess* indicated that evidence of his or her irrational behavior, demeanor in trial, or any prior medical opinion on his or her competency to stand trial, any one of those could raise a concern such that a competency evaluation would be ordered. [¶] Your Honor, as far as our office is concerned, this is somewhat unprecedented because we generally do not have *pro se* defendants, and this is generally a defense motion. [¶] So I've been doing research trying to figure out the best way to present this. [¶] As far as -- my motion lays out most of the reasons that we have for asking Your Honor to order a competency eval. The irrational behavior was laid out.

[2] **THE COURT:** This is -- whoa, whoa, whoa.

[3] **MS. WEISS:** I'm sorry?

[4-5] **THE COURT:** You stated that the State has already tried the defendant.

[6] **MS. WEISS:** Yes, Your Honor.

[7-8] **THE COURT:** It was a mistrial that ended that proceeding.

[9] **MS. WEISS:** Yes, Your Honor.

[10-11] **THE COURT:** Now, before we go forward, does the State intend to try Dr. Faltas a second time?

[12-14] **MS. WEISS:** Your Honor, the State does not intend to dismiss the charges. We do -- we are prepared to go forward on the harassment charges, Your Honor.

[15] **THE COURT:** And when will that trial take place?

[16-20] **MS. WEISS:** Your Honor, I'm not sure. At this time, the Court -- *the trial date is set for August 23rd. Obviously, if the evaluation is ordered, the 23rd would not be a possible date. There are also some issues as far as --*

[21] **THE COURT:** Well, who -- who ordered it on the 23rd?

[22-23] **MS. WEISS:** Your Honor, it is not an order. It was statused, and it was set during a status conference.

[24] **THE COURT:** So this court has not set a trial date?

[25 to page 6, line 4] **MS. WEISS:** No, Your Honor. You have not set a trial date. It was set during a status conference, and so there are questions as to whether or not -- as to what judge would be able to hear it, as well as other concerns. So at this point --

[5-6] **THE COURT:** Well, just -- I want to get to the bottom of this.

[7] **MS. WEISS:** Yes, Your Honor.

[8-10] **THE COURT:** Does the State, in your own way, intend to try Dr. Faltas a second time on these harassment charges?

[11-12] **MS. WEISS:** Yes, Your Honor. The State does intend --

[13] **THE COURT:** Yes?

[14-18] **MS. WEISS:** We do intend to try her. I know there is some concern within my office as to whether it be tried in this court or possibly remand it to a different court, but the State does not intend on dismissing the charges. So they would be tried again by the State, Your Honor.

[19 to page 7, line 1] **THE COURT:** All right. Well, that's the first prong of the statute. If not -- I mean, there has to be an imminent trial before I can order it, any competency evaluation, and that's what I'm seeking on the record to find out, if the State intends to proceed with this or some other resolution on the matter. [¶] You're telling me the State of South Carolina intends to proceed with a trial on these charges?

[2-10] **MS. WEISS:** Yes, Your Honor. We have sought to resolve the charges through other means. The defense has not been interested in those means, so the only option would be to proceed at trial or to dismiss. [¶] I am not -- it is my understanding from myself that the State does not intend to dismiss these charges. I have not been given any instructions to the contrary. So as far as I know, Your Honor, the State intends to go forward.

[11-13] **THE COURT:** All right. [¶] (Pause). [¶] All right. You may proceed.

[14 to page 9, line 11] **MS. WEISS:** [14] Thank you, Your Honor. [15-18] Your Honor, in the motion, the State has laid out the primary bases for the request of the evaluation beginning with the irrational behavior that began almost immediately upon the defendant's arrest December 2nd, 2009. [19-22] Prior to Your Honor's order which limited the defendant's access to the courthouse, she was appearing in court, yelling out in court, asking to be heard in different judge's courtrooms. [23 to page 8, line 2] She was ordered by the initial bond court judge to go to -- she was ordered to stay away from her -- from the residence where this incident -- where the incident took place. She was allowed to have a police escort to get her things. [3-6] That became -- that led to an arrest for improper use of the telephone through dispatch because the defendant attempted to get escorts on almost a daily basis to her apartment to get more things. [7-10] She had a hearing in front of Judge James where he kept the bond restrictions in place, gave her two three-hour time periods to gather her remaining items that she needed until trial. That became an issue, as well. [11-15] There was a reconsideration of that where the judge did keep that in the order. The defendant has been -- has continued to defy that order of the court leading to the most recent arrest for trespass where she was back on the property. [16-24] Your Honor, there have been numerous motions. The clerk's file is very thick, as well as my file, Your Honor, where the defendant filed motions laying out not only issues related to this case but laying out attacks on the prosecution, the judiciary, and the City of Columbia, laying out and -- concerns about my family personally, including my father, and -- somehow including my father in the conspiracy that she believes is leading to her prosecution. [25 to page 9, line 5] She has had engagements with different people in the office including one attorney in the office where she was convinced that the State was out to get her, and Your Honor, I believe that's all laid out in the motion, as well as the supplemental attachments that were provided to Your Honor with the motion. [6-8] As far as -- I'm going to jump to the prior medical opinion. Obviously, there's been no prior medical opinion as to her competency to stand trial. [9-11] Your Honor, there was some concern with Judge Newman. He decided he wanted to go forward. He did not know Dr. Faltas, did not know her prior to going into trial.

[12-13] **THE COURT:** What are you talking about, a prior medical opinion?

[14] **MS. WEISS:** Yes, Your Honor.

[15] **THE COURT:** What are you referring to?

[16-19] **MS. WEISS:** I am referring to the evaluation as to whether she was a danger to herself or others requiring commitment that was ordered by Judge Burns initially at the bond setting.

[20] **THE COURT:** Judge who?

[21] **MS. WEISS:** I'm sorry, Your Honor?

[22] **THE COURT:** Judge who?

[23-24] **MS. WEISS:** Judge Burns. She is a City Municipal Judge at her bond setting.

[25] **THE COURT:** There was -- there was an evaluation?

[page 10, lines 1-2] **MS. WEISS:** It was an evaluation, not a competency evaluation, Your Honor, but --

[3] **THE COURT:** I understand that.

[4-6] **MS. WEISS:** But it was an evaluation. That was attached to the initial motion from Columbia Area Mental Health.

[7-9] **THE COURT:** Well, I'm looking for it. [¶] (Pause). [¶] Emergency Services Narrative?

[10] **MS. WEISS:** Yes, Your Honor.

[11] **THE COURT:** Is that what you're referring to?

[12] **MS. WEISS:** Yes, Your Honor.

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

[14 to page 13, line 1] **MS. WEISS:** [14-17] In that, there are numerous concerns that were laid out by the doctor. Obviously, she is not a forensic evaluator as would be provided by the Department of Mental Health. [18-22] However, she did lay out -- the doctor in this did lay out several concerns. There are numerous medical concerns or medical problems that the defendant explained to the doctor, including the fact that she is on Synthroid. [23 to page 11, line 2] In my research -- and, obviously, I'm an attorney and not a doctor, but in my research, there is some concern that thyroid issues can lead to some mental issues, as well, as thyroid controls hormones which can lead to mental difficulties. [3-6] There are doctors who expressed concerns that they found people that presented with what seemed to be almost severe mental issues turns out to have been an out-of-control thyroid issue. [7-13] So with the defendant being on Synthroid for her thyroid, I believe from her surgery that she had in North Carolina, that could also present concern that could be looked into further by a forensic psychiatrist, an M.D. at the Department of Mental Health, as well as this doctor laid out several different concerns including a possible delusional disorder. [14-20] And then further in her evaluation, she lays out the possibility of adjustment disorder with anxiety and depression. She presents with some issues involving a bipolar disorder, type two; said she did not meet all criteria at that point; mixed personality disorder issues, as well as different physical issues that she laid out in her final report. [21 to page 12, line 1] Your Honor, each of these raised concerns that I think should be address by a forensic psychiatrist at the Department of Mental Health as to whether or not they would raise concerns as to whether or not she is competent, also whether or not she could represent herself in a trial. [2-5] Finally, Your Honor, her demeanor in trial. At the time of this motion, we had been through the trial, but we had not gotten a report, the court reporter's transcript from the trial. [6-9] At the time, I had a transcript from -- that the defendant actually provided from the preliminary hearing where there were certain concerns, and that transcript was also provided to Your Honor. [10-13] Clearly, she did not understand the proceeding at that time. She was admonished numerous times by the judge in open court stating -- remaining on top of the probable cause. [14-18] She took exception to the judge's ruling, commented on triple and quadruple hearsay, where hearsay is admissible at a preliminary hearing. So those were issues where she was yelling. She was also yelling in court and acting rather irrational in that courtroom. [19-23] Then, Your Honor, when we went through the week-long trial, we had just received the transcript, and Your Honor, I have a couple of examples from that transcript I would like to refer to Your Honor as far as her demeanor in trial. [24 to page 13, line 1] I have a copy of these excerpts for the defense, Your Honor. I know she has a full transcript, as well, if I may.

[2] **DR. FALTAS:** I object to the ones highlighted.

[3-4] **MS. WEISS:** Mark this as Court's Exhibit -- or State's Exhibit 1, I guess.

[5] **DR. FALTAS:** Judge.

[6] **THE COURT:** I understand.

[7-8] **DR. FALTAS:** I object to her giving you a different version.

[9-10] **THE COURT:** All right, let me have -- give her the highlighted one and give me the un-highlighted one.

[11] **DR. FALTAS:** Thank you.

[12] **THE COURT:** I can read.

[13-14] (WHEREUPON, State's Exhibit No. 1 was marked for identification only.)

[15-16] **MS. WEISS:** Your Honor, at this time, I hand up State's Exhibit 1.

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

[18] **MS. WEISS:** Your Honor, on page...

[19-20] **DR. FALTAS:** May I, for the record know how many pages I am supposed to read in State's Exhibit 1, please?

[21-23] **MS. WEISS:** It's the ones that were given to you. I'll refer to them if you don't have them up there in front of you --

[24] **DR. FALTAS:** If you could.

[25] **MS. WEISS:** Your Honor, if I may?

[page 14, line 1] **THE COURT:** Go ahead.

[2-3] **MS. WEISS:** Thank you. [¶] At the bottom of page 232, and as I stated --

[4] **THE COURT:** 232.

[5-25] **MS. WEISS:** 232. And this is 232 and 233 in this excerpt, Your Honor, at the bottom -- on the cross-examination of Teresa Ingram who is a witness in the trial, there were discussion by the defendant of her possible

sentence, which is obviously an improper discussion in front of the jury in a trial. [¶] She stated that -- to the defendant -- to the witness, "You're aware this jury has no power to do that? They can only find me guilty or not guilty, and if they find me guilty, I go to prison." [¶] At that point, Your Honor, I objected, and she continued talking over the objection. The Court had to stop her, sustained it, told the jury that they were not concerned with the punishment. [¶] And then she continued: "As you sit here, do you realize these are criminal proceedings? And do you realize the way for me not to go back to the property is for me to go to prison?" [¶] I objected again. Again, it was sustained. She continued to talk against the judge's instruction to talk about the sentence in that case.

[page 15, line 1] **THE COURT:** I'll read it.

[2] **MS. WEISS:** Okay. On page 244 --

[3-4] **THE COURT:** I don't need you to go through the whole thing.

[5-6] **MS. WEISS:** If I can just tell you the purpose of the pages.

[7] **THE COURT:** I'll be glad to read it.

[8-12] **MS. WEISS:** Okay. So, Your Honor, each of these are examples where the State feels that the defendant was either acting in an irrational behavior, unable to control herself talking over the judge or unable to stay on topic --

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

[14-15] **MS. WEISS:** -- due to what possibly may be competency concerns.

[16] **THE COURT:** All right. Thank you.

[17-24] **MS. WEISS:** Your Honor, based on those three prongs, based on what has been presented to Your Honor, the State asks that Your Honor consider ordering the defendant to undergo a competency evaluation by a forensic psychiatrist at the Department of Mental Health. So before the State proceeds through another trial, that we're clear as to whether or not the defendant is competent to proceed to trial --

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

[page 16, lines 1-6] **MS. WEISS:** -- and assist herself in her own defense, as well as whether or not, according to *Indiana v. Edwards*, if there are mental concerns, whether or not those concerns would inhibit her ability to represent herself and be able to conduct a fair trial on her own behalf.

[7-8] **THE COURT:** All right. The cases that you cited -- I've got *Burgess*. What else did you say?

[9] **MS. WEISS:** Uhm...

[10] **THE COURT:** Do you want to hand them up?

[11-13] **MS. WEISS:** Your Honor, they were attached to the initial motion. *Indiana v. Edwards*, 128 Supreme Court 2379, and *State v. Burgess* which is...

[14-15] **THE COURT:** I've got. I've got it. I'm familiar with *Burgess*.

[16-17] **MS. WEISS:** That's the purpose for the State's motion, Your Honor.

[18-19] **THE COURT:** All right. [¶] Dr. Faltas?

[20 to page 17, line 5] **DR. FALTAS:** Good morning, Judge. [¶] First, I tried to get permission to tape, audio record the proceeding, because I asked the court reporter in case -- if she is able to do a real-time transcript, and she said she is not. [¶] And if she were, they always falsely pretend that I yell or that I interrupt or that I do horrible things, which they are frankly lying about it. [¶] So -- and I also tried to hand up a motion for a transcript, a one-day expedite or earlier transcript, of today's proceeding. I don't know if it got to you.

[6] **THE COURT:** I do have it.

[7-8] **DR. FALTAS:** So may I ask as a threshold matter if that would be granted, please.

[9-10] **THE COURT:** I plan to take this matter under advisement.

[11] **DR. FALTAS:** Okay. All right.

[12-13] **THE COURT:** I don't know that I need a one-day transcript.

[14-15] **DR. FALTAS:** All right. So -- so may I ask then if I may audiotape the proceedings?

[16] **THE COURT:** Ma'am?

[17-19] **DR. FALTAS:** May I -- I set up my tape recorder just to save time. It's not running. May I ask permission to audiotape the proceedings?

[20 to page 18, line 16] **THE COURT:** You -- you can ask permission, but the rules do not provide for that. If you've read the rules for recording courtroom proceedings, they may only be authorized in certain circumstances. [¶] I'm referring to Rule 605, section B and C. Section B reads, "Except -- except as provided by C through F" -- and I'll go through F -- "broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions is prohibited." That's the rule. [¶] We have a court reporter. We have court recordings, official recordings, but they are not permitted except in limited circumstances, one of which is with the media and one of which is for ceremonial proceedings, which this is not, and the other is for educational purpose, which this is not. [¶] So if you have a tape recorder that you wish -- that you plan to introduce evidence by playing something to the court, that's one thing, but making recordings of the court proceedings here today is prohibited by the rules. It's not a discretionary thing.

[17 to page 21, line 13] **DR. FALTAS:** [17-21] In that case, if it pleases the court then, may I ask that the court order that the backup court reporter's audiotape be available and also the backup court reporter's audiotape from the trial be

available because you heard her. [22-25] She falsely pretended that I yelled or interrupted, and all kinds of false things were in the transcript, at least twice, and she had selected, as the court reporter, to delete other parts of the transcript, at least twice. [page 19, lines 1-6] I asked Judge Newman. He said he is not offended by me at all. Then in another passage, which is transcribed -- and I recall at least two more where he used those exact words that he found me exceedingly pleasant and gracious, and that is in page -- on page 362 of the transcript. [7-10] But before we get that far, Judge, I have a standing motion for your recusal, and may I say that I object to matters here. The first objective matter is that this is not the first time I was falsely accused. [11-15] In the first time, I was falsely accused and convicted of label swapping, and the very municipal judge who had erroneously convicted me after I showed him that it was this fabricated evidence, he set aside my conviction, vacated it, and ordered a new trial. [16-18] The City of Columbia appealed. You were reversed and reinstated an erroneous -- erroneous conviction, and I appealed to the Court of Appeals. [19-21] I argued my own case orally before three Court of Appeals judges, one of whom is now the State Supreme Court Justice, and I had the 3-0 decision reversing you, Judge. [22 to page 20, line 2] This is another case where it is very clear that I am being framed again. Now, may I ask two questions, very lovingly. Because I kept reminding myself also this: That the one time I can lose is if they make me lose my soul, if they make me stop loving my enemy, if they make me stop forgiving. [3-7] And I am not saying this in a mean-spirited way, but I am saying it in the same way that when Jesus Christ was slapped when he was going to the cross, he asked the person who slapped him, "Did I say something wrong? Otherwise, why did you slap me?" [8-11] I am saying this: In the same way that St. Paul who had dual citizenship like the rest of my family -- the rest of my family have and Egyptian and U.S. citizenship, St. Paul had Israeli and Roman citizenship. [12-14] When 40 lashes minus one were whipped on him -- and this was not supposed to be done to a Roman citizen -- he took his case all the way *pro se* to Caesar. [15-20] I'm saying this in the proud Egyptian tradition because the first *pro se* advocate in history was an Egyptian farmer, on a papyrus, who has an issue with how his land and his produce was taxed, and he wrote beautiful poetry about corruption. And he took it all the way to Pharaoh. [21-23] I am a descendant of this proud tradition, and I will not let liars try to tell lies about me and try to portray me as mentally ill because I'm speaking the truth. [24 to page 21, line 4] So I'm asking you this with question, Judge: If once before I was innocent and you reinstated my conviction, and the courts above you overruled you -- so you were wrong -- what confidence can I have that this time when I know very well that I'm being framed again, you will not be as unfair to me again as you were the first time? [5-7] I'm asking you this question, and you know, please, please give me an answer that you would give your daughter or your younger sister if she were in that situation. [8-13] So in other words, I'm saying there has -- there has to be a recusal. The United States Supreme Court in *Caperton vs. Massey* said that the standard is not a showing of actual bias. That would violate due process because sometimes the judge doesn't even know why he is ruling the way he is. [14-15] **THE COURT REPORTER:** I'm sorry. "He's ruling" -- your voice trailed off. I didn't hear the end.

[16 to page 23, line 16] **DR. FALTAS:** [16-24] The judge does not even know why he is ruling the way he is. The -- the -- the standard should be a constitutionally intolerable risk of bias. I submit lovingly and in a Christian way there is an intolerably unconstitutional risk of bias for two reasons: Number one, you have a history of reinstating a conviction of which I was innocent; number two, I have a history of getting you reversed, so there is a presumption of innocence -- vindictiveness. [25 to page 22, line 5] Number three, your actions in this case -- and I have reduced the subpoenas to one subpoena, one subpoena, to be served on Barney Geise. He is not here. I don't know whether he was not even served which is my constitutional right to have compulsory process. You have denied me that. [6-8] In that subpoena, I requested just to confirm my statistical observation that all motions filed in General Sessions are heard within three or four days. [9-13] If they are filed by Wednesday, they are heard the Monday after there is court, and if they are heard -- filed after that, they are heard, the -- something, something like that. I have had motions that sat for more than eight months now. [14-18] Yes, you do have an executive order that says you can schedule things, but that assumes you should exercise it fairly, not arbitrarily, not capriciously, and when my motions sit unscheduled for 30 times the motions of other people, I think there is a clear showing of bias. [19-21] Not only that, at one time before you even assumed your -- and I -- I need to put this in the record because you know that I need to make my record. [22-25] You know that there is something I can get to be ruled unless I say it to you and unless you rule on it, and if you rule against me, I have to file for reconsideration. That's -- that's how the case law is. [page 23, lines 1-4] I had the hearing scheduled before Judge Childs when Judge Childs was -- was the Chief Administrative Judge. You took it away from her, and then you rescheduled it before you. [5-8] I don't know what all of this is about, but it easily meets the constitutional -- constitutionally intolerable risk of bias. So I'm asking that you please recuse yourself as a threshold matter. [9-13] As a second threshold matter, I'm asking what happened to the one subpoena that -- as you told me to always assume, Mr. Sawyer, that I give Mr. Sawyer, and he said that he gave it to you, and he said that you were going to review it. Why do I not get compulsory process? [14-16] And the most important thing -- and I told you that before, several months ago. I told you, and I referred to the Ottawa County -- County versus Mc---

[17-18] **THE COURT REPORTER:** I'm sorry, can you repeat the case, please.

[19 to page 27, line 8] **DR. FALTAS:** [19-20] Okay. That's what I'm trying to do, spell it for you. [21-22] P-O-T-T-A--- T-A-W-A-T-A-M-I-E, *Pottawattamie County vs. McGhee*, M-c-G-H-E-E. [23-25] There was -- there is an appeal from the Eighth Circuit United States Court of Appeals wherein a solicitor had framed an innocent defendant for murder. [page 24, lines 1-4] The framing of innocent people is not something that the crazy Dr. Faltas dreams up. It is something that has been happening in our lifetime many times. Very recently, the Mangum and the Duke Lacrosse players. [5-7] The Solicitor, John Meadors, tried Mallory twice on murder, and then admitted it was the wrong person but "the system worked." [8-12] No, the system did not work. The system is not supposed to just convict the guilty. It's supposed to prevent the innocent from being falsely arrested, put under horrendous bond conditions. The system should punish those prosecutors. [13-17] She stood here and told you that she plans to retry the case. She knows that she doesn't, and do you know why? That woman, my false accuser -- first of all, you had an order that both charges will be tried, and that was an order that was even -- both reached (phonetic). [18-19] She turned around and said, "No, we try only the case that was brought by Teresa Ingram." [20-24] Who is Teresa Ingram? She is a woman who perjured herself not only in my trial but in another civil case that she brought against another person, and this isn't a matter of my opinion versus hers or my word against hers. She is a former neighbor of mine. [25 to page 25, line 9] This man, Larry Mason, who shot was wife dead -- and I have the death certificate: Gunshot wound to the head, and he got away with it. This man, Larry Mason, who was indicted by the United States Army for 109 counts of falsification of U.S. Army records. This man, Larry Mason, who got an affidavit from a man called Alden Wheeler pretending that Alden Wheeler was innocently driving by and saw a for rent sign, and I supposedly told him, "I am the landlady, and you are no -- no -- no apartments for rent. He should go away." [10-14] This man, Larry Mason, had Alden Wheeler at his control. He -- Alden Wheeler was his neighbor. Alden Wheeler was his client. Who is Alden Wheeler? Alden Wheeler is a man who had at least seven lawsuits in this court, all involving fraud one way or another. [15-18] So this Teresa Ingram, my false accuser, in this other lawsuit which is -- which is -- doesn't have anything to do with me, she admitted that she used the wrong name. [19 to page 26, line 1] She admitted that she lied about even being married. She pre--- she admitted that she had been fired at the same time period that she came to my trial and pretended that she was employed, and I was blocking her from -- from -- from going to work. This man, Larry Mason, kept her rent free until she testified against me, and once the trial was done and the jury refused to convict, he evicted her. [2-4] I sent the private investigator, and she talked with Teresa Ingram, and she talked to Teresa Ingram's mother. And both said they will not come back. [5-8] So Ms. Weiss knows very well that she cannot retry the case. She knows very well that what I've been doing when you were all pretending that I'm coming and harassing everybody, I was re-searching the court records. [9-12] She knows very well that the man whom I'm supposed to have harassed by photographing him is a convicted drug dealer and convicted burglar, and his conditions were that he doesn't come to this area. [13-16] So he was hired by this criminal, Larry Mason, to come and threaten, and I am the one who gets arrested for having taken the picture of a drug dealer, a convicted burglar, who wasn't even supposed to be there. [17-22] Then they claim that I used to go and shout to my neighbors, "You're a prostitute. Your brother is a pimp." That's what the false testimony was. This man, Larry Mason, who is sitting there smiling as if I were crazy, signed an affidavit which was filed with the magistrate's court. [23 to page 27, line 1] I have it from one tenant in that apartment complaining about another tenant that she and her sister are prostitutes who used to knock loud on his door and ask for money with which to buy drugs. [2-5] The prosecution knows all of this. The State knows that I've discovered all of this, and what do they do? They come and lie to you, and all they want is to pretend that I'm crazy. [6-8] I know something else from the prosecution from public records, and that was in the courtroom. I was asking about Heather Weiss's dual payment.

[9] **THE COURT REPORTER:** I'm sorry, what payment?

[10] **DR. FALTAS:** Heather Weiss's dual payment.

[11] **THE COURT REPORTER:** Dual payment?

[12] **DR. FALTAS:** D-U-A-L space payment.

[13] **THE COURT REPORTER:** Thank you.

[14 to page 29, line 15] **DR. FALTAS:** [14-17] There was a poor young man called Horace Taylor. He was 11 when Heather Weiss started getting dual payments by telling that, that picture, with the City. (phonetic) [18-24] He was 11. His mother had applied to get a house from Habitat for Humanity, and I had once gone to a Habitat for Humanity meeting to know what and how to help, to suggest to them they should start building solar houses. That was the building, and they have very, very stringent conditions who even qualifies for a house from Habitat for Humanity. [25 to page 28, line 2] So this poor Horace Taylor and his poor mother, Bridgett Taylor, they applied and got a house through Habitat for Humanity. [3-6] When Heather started working for the City, he was 11. When he was 16, after Heather had been with the Solicitor's Office for five years getting dual payment supposedly to go with the City, someone shot him. [7-11] She said to the newspaper initially he was a victim of mine, and apparently someone didn't

like him or didn't like his mother or something. So they went and talked to the mayor, and the mayor called Heather Weiss on her day off. [12-14] So what does she do? She frames him, and she takes Habitat for Humanity down to threaten his mother with homelessness. [15-18] No sensible person would say that even if this young man were starting on a life of crime, that putting him away from his mother's home is the best way to divert him from his mother -- from Habitat. [19-22] But no, it's not about that. It's about Heather getting dual payment. What did Heather do recently? She met with Bob Coble about the mayor, Steve Benjamin's collision, that severely damaged Deborah Rubens. [23 to page 29, line 5] There was plenty, plenty of evidence to charge Steve Benjamin with speeding, with failure to maintain a proper lookout, with negligence that causes bodily harm, but in the 218-page report that the supposedly corrupt -- that the corrupt police department supposedly did, all they do is stay with him in the morning, drank some coffee, talked to Heather Weiss and to Bob Cooper, and I am supposed to be crazy for exposing this corruption? [6-9] The very City of Columbia, they kept us all waiting, had an election would be for District 2, and why was there a District 2 special election? Because one of the council people was cheating on his taxes. [10-11] I am supposed to be crazy for saying there is corruption? [12-15] So if -- before I -- I put the threshold question of -- of -- on your recusal, but I want to ask what happened to the one subpoena which is to come that I sent over to Mark Sawyer, as the Court's pleasure was?

[16-17] **THE COURT:** First off, Dr. Faltas, I will not recuse myself.

[18] **DR. FALTAS:** Exception.

[19-24] **THE COURT:** Secondly, with regard to the subpoena, I reviewed the subpoena. It was totally overbroad, and in my opinion irrelevant with regard to subject matter of today's hearing. [¶] If you -- if you care to read -- I don't have it in front of me.

[25 to page 30, line 1] **DR. FALTAS:** Do you want me to read it into the record? I'll be glad to. I can do that.

[2-3] **THE COURT:** Not me. Just read -- read -- let me -- let me have a copy, Mr. Sawyer.

[4] **DR. FALTAS:** I'll be a glad to explain.

[5-6] **THE COURT:** Give me a copy, please, Bailiff. Do you have another one?

[7] **MR. SAWYER:** I've got one downstairs.

[8] **THE COURT:** That's all right.

[9-11] **DR. FALTAS:** I would be glad to explain each one because, Judge, as you said, the threshold issue is whether they should try me again.

[12-23] **THE COURT:** All right. Let me just step back. [¶] I read the first paragraph. It says -- the first paragraph seeks all records of all payments ever made to Heather Weiss, John Meadors, David Farrell, and the executive secretary of the Fifth Judicial Circuit Solicitor's -- Fifth Judicial Circuit Solicitor from the Office of the Fifth Judicial Circuit Solicitor whether those payments were in salaries, bonuses, contingency fees, reimbursement for expenses or hourly fees or services, and the source of funding for each and all such payments. [¶] Now --

[24] **DR. FALTAS:** May I explain why that's relevant?

[25] **THE COURT:** Let me -- let me finish.

[page 31, line 1] **DR. FALTAS:** Yes.

[2-6] **THE COURT:** The second one says all employment contracts, job descriptions, performance evaluations, and disciplinary actions at the Office of the Fifth Judicial Circuit Solicitor relative to Heather Weiss, John Meadors, David Farrell, and the executive secretary of the --

[7] **DR. FALTAS:** I --

[8-11] **THE COURT:** This is -- ma'am, let me finish. [¶] This is nothing more than a fishing expedition. It is irrelevant, and I declined to have this subpoena served or enforced.

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

[13] **THE COURT:** And I will not --

[14] **DR. FALTAS:** May I explain the relevance to you?

[15] **THE COURT:** Well, you --

[16] **DR. FALTAS:** Okay.

[17] **THE COURT:** You have a time limit.

[18 to page 51, line 1] **DR. FALTAS:** [19-20] Well, very quick. David Farrell is a private defense lawyer who is contracted by the Solicitor's Office to do forfeiture cases for them. [21-23] My sister, when I was arrested, innocently called from Ohio, called the Solicitor's Office to ask about a good defense lawyer whom they recommend. [24 to page 32, line 5] Whom do they give her? They give her the one person who has a conflict of interest. He takes her money. He doesn't disclose the conflict of interest to her or to me, and he doesn't do anything. And then they want to portray me as paranoid. This is relevant. Heather's payments are relevant because she is conspiring with the City in order to interfere. [6-8] His executive secretary is relevant, so Barney's executive secretary is relevant because I believe she is overpaid. She has constantly abused me. [9-13] John Meadors is very relevant because I had in the exercise of my

first amendment right which used to be in this country something that people get arrested, imprisoned, excised and told to -- accused of insanity for. [14-16] I have been on very many websites saying that John Meadors should not be elected; that the other competitors should be elected when he was running for Fifth Solicitor. [17-19] He was pretending to have resigned, and then he gets rehired. That may be a way of getting around the telling -- or getting improper payments through the public. [20-23] I have a right to show that the prosecution is not acting in good faith. She is supposed to be a minister of justice, for heaven's sake. She is supposed to be the one looking for exculpatory evidence just as much as I am. [24 to page 33, line 3] She knew that Teresa Ingram had been fired since June of 2009, and from 2009 -- from 2009 at least until she testified in this case which has nothing to do with me, and her deposition was taken. She testified that she had been unemployed. [4-6] Now, this is not my word against Teresa Ingram's. This is Teresa's Ingram's word against Teresa Ingram's word, and she continued to be unemployed. [7-11] And three times, Heather Weiss put Teresa Ingram before a judge, twice not under oath, once before Judge Burns and once before Judge James, to pretend -- and that's also in the transcript -- that she is still -- still employed with the Mentor Network. [12-15] She had been fired. She is still fired. She is -- she is not even living there. She doesn't want to see this man who instead of being a mentor to a young woman is a point of perjury. [16-18] She knows that this Teresa Ingram has two felony convictions for credit card fraud, for stealing somebody's credit card, going out of the store, coming back. [19-21] She knows that she lied about her marital status under oath, and how does she know this? She knows it from her. She knows that she lied about her veteran status. [22-25] She knows all of that, and yet when I filed a motion, summarizing my research in a very elegant and very almost witty -- and I take pride in my writing, and no one will try to make me feel inferior. [page 34, lines 1-3] I am a talented writer, and I make no apologies for it. My teachers from school told me that one of the things that made them enjoy the day is reading my writing. [4-5] Judge Anderson, Joe Anderson, told me that he is amazed at how bright I am, and that's all transcribed. [6-10] Magistrate Joseph McCoy told me that at one time, he had gotten up from a case where the 11th amendment was an issue -- and I think Mr. Briggs was there and he remembers -- he told me that my briefing of the issue was better than the lawyers. [11-15] Judge Joe Anderson told me that I am better than half the lawyers who practice before him. I will not be made to feel inferior just because Heather Weiss is not used to anybody standing up to her lies, but she has met the Pyramids and no one can move the Pyramids. [16-18] Now, when we get to the ruling, there is absolutely no precedence and no right for the State to request mental competency, absolutely none. [19-22] All of the cases that she has -- has cited were ones where the defense had requested mental competency, and it was denied. The Court of Appeals says yes, it should have been done, but there is absolutely no precedent for that. [23-25] And then *Indiana vs. Edwards*, that was a case of severe pre-existing mental illness, severe, severe. Here, there is no mental illness whatsoever. [page 35, lines 1-4] I was evaluated three times. The first time by the jail psychologist, and Heather Weiss had called him and told him seven lies about me, and this -- again, is not my word against hers but things of public record. [5-8] She told him that I was stripped of my -- of my medical license. She told him that I'm an illegal alien. She told him that my mother is dead, and I'm living in a delusion that she is alive. [9-13] She told him that I follow my landlady all over town taking thousands of pictures of her. They had already ransacked both my apartment and car, and not one picture of my landlady was in there except when she came to my apartment and tried to go inside. [14-18] She knew she was telling lies, and initially, she told them that I live in a delusion, the tumbling back. (phonetic) I have an international priority patent, and even the patent, not only did I invent it, I did the patent application pro se. [19-23] After Heather told them those seven lies, she told them that I filed 145 lawsuits against my landlady. Do you know where that 145 number comes from? It's the number of indictments for falsification of Army records that was returned against Larry Mason. [24 to page 36, line 3] After all those lies, initially the evaluators said rule out -- rule out delusional disorder, and after that interviewed me, after they checked the public record, they found out that that's not correct. They ruled out delusional disorder. [4-10] Judge, in *Faretta vs. California*, they point out that the only court that forced somebody to have a lawyer was the Star Chamber. In fact, Justice Potter Stewart ruled that it is not inconceivable that in *Faretta*, a *pro se* defendant can be more effective than a lawyer, and the constitutional rights are not governed by the law of averages. [11-14] I'm a scientist. I'm a medical doctor, and I also hold a Masters of Public Health from the other and better Carolina that taught me. My Master's is in Epidemiology and Biostatistics, so I believe in statistics. [15-23] A law professor in another and better state, the University of Georgia, her name is Erica Hashimoto, she did a statistical study, and it showed that number one: *Pro se* defendants have a slight, not much but slightly higher literacy rate than represented defendants, and that those who request -- request counsel to be relieved, it's not that they have mental illness. It's just that they -- that they have no confidence in the quality of the lawyer. [24 to page 37, line 4] I believe in statistics. I don't believe in the role of major depressive medication, whatever limited medications, they are more harm. We've seen Vioxx. We've -- we've seen rate, the recent diabetic -- we've seen even the antidepressants, the Zoloft. They may increase the rate of suicide. [5-9] So it's not just a knee-jerk thing: Get a lawyer, take medication. I believe in statistics, and if it shows that it could be more harmful than useful -- or if medication can be more harmful than useful -- the first rule

of medicine is do not harm. [10-13] I have tried to be the mistress of my own destiny. I have sacrificed to make my own choices. She doesn't get to come here and tell more lies about me just to hide the fact that she knows that her witnesses are lying. [14-16] And you, Judge, you don't get to unschedule my motions where I requested an evidentiary hearing showing that the case against me is built on knowing perjury. [17-22] That motion of mine was filed almost immediately after the trial, and you know why I was here often after the first trial? It's because even though you ordered -- and it's both on page that both cases be tried. She had sent me a notice saying it will be tried starting February 22nd starting with the case involving Teresa Ingram. [23 to page 38, line 2] To me, it meant that she put the next day, tried the other case in my absence and played semantics and said oh, I searched that, so I was worried. Why was I worried? Not because I'm paranoid, but because I had firsthand seen her knowing, knowingly put perjured testimony. [3-6] She knew that Teresa Ingram was not employed. She knew that Teresa Ingram was not divorced. She knew that Teresa Ingram was not a veteran. She knew that Teresa Ingram was not even... [7] (Pause). [8-13] She knew all of those things, and she, as -- as somebody was supposed to be an officer of the court, took five days of the court's time to put perjured testimony knowingly. And you, Judge, you're supposed not to be only the judge of my rights. You're supposed to be a mentor, too. [14-18] Why? Why? Why are people telling all those lies about me? Why? You might as well tell the gentlemen -- he has a gun, and this one has a gun. They don't have anything more than a high school education. They resent me being a foreign doctor. [19 to page 39, line 2] You can't just tell them to shoot me. Would that -- would that suit your conscience? No, it wouldn't. And why is that? Because this man knew that the building he bought to launder money through a woman he calls his wife, to whom they are not married -- he's not married -- the sewer lines were illegally run across the land that I ended up buying, and they have been stealing from the City of Columbia the free sewer service until I bought the land and discovered that. [2-6] When I discovered it, I would have told them to work something out, but instead they tried to have me arrested the first time under false -- false charges that I stole a sign which was investigated and found nothing. [7-12] Then they were writing to senators and congressmen falsely pretending that I'm the idiot here. Then they were writing to the Social Security office that my mother is dead, and that I'm taking her Social Security checks fraudulently. That's in the transcript. It's not my imagination. [13-15] The very woman from the police department who is supposed to be out arresting prostitutes and drug dealers and burglars, no, no, no. She doesn't do that. [16-19] She calls the federal agency and tells them lies, and even after the federal agency investigated and found out that thank God my mother is still alive, and I have power of attorney for her. [20-25] When they came and ransacked my apartment, she took my mother's credit cards which wasn't even in the search warrant. Why? To make me suffer so I can give this criminal who is sitting there smiling the land that I bought and on which I plan, God willing, to still build my dream house. [page 40, lines 1-5] Do you think things will -- crime will end if you get rid of me? No. If he is rewarded for all the lies and the perjury, he will do more, and do you know how we know that? We know it because there are in this very court three lawsuits against the wife that he shot dead. [6-9] She had borrowed money, had not paid it, and after she died -- before -- before she died, she was sued, and after she died because he manipulated the system. There was no executor. It got dismissed. [10-13] This man who made this supposed minister of justice call an evaluator and tell her that I have 105 -- 145 lawsuits against my landlady, this man was involved in this court alone in at least 20 lawsuits. [14-16] The last one of them was where he took \$20,000 from a credit card that was not paid. So are we going to be rewarding mafia? [17-22] The first thing he said to me, he called me after he found out that I bought the land. And I had bought it innocently not knowing at all that there is this issue of essentially holding the bottle neck of the buildings. He said, "I know all judges, and I can call -- I have their home telephone numbers, and I can call them 24/7." [23 to page 41, line 3] Is this what you want to reward? Somebody who -- who shakes people down? In fact, her supervisor, John Ross, told me, "Why don't you pay him to move his sewer lines? That would solve the problem." So essentially, they admitted that they brought those charges to shake my family and me down. [4-7] I have no history of mental illness whatsoever. There are three evaluators who had already evaluated me, and under her lies, she claims that my behavior in court was -- was inappropriate. [8-11] Her own witness that Judge Newman had to send and get -- get -- warn Rodney Ingram, and he had the conviction where he had used someone's credit card -- not credit card, driver's license. [12-14] Judge Newman had admonished him several times that he would be in contempt of court. I invite you. I invite, I dare her to give you a copy of Rodney Ingram's testimony. [15-20] He's -- it's one thing to -- what she handed you highlighted trying to trick you into reading her work. She had closed with my false accuser with this question from page 232, "And Teresa, what is the one thing you hope would help? What is the one thing you're looking for out of this?" [21 to page 42, line 1] And that perjured answer: "That they do not let her come back to the property, and for her to leave me alone because other than this court appearance that's going on now, I still have to go to court with her for maybe two or three other things. I just want her to leave me alone, period." [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? [23 to page 44, line 4] Why is everybody sitting smug and thinking they are better and that I should respect them when they are complacent in my being punished with exile from my apartment which is no different from imposing a condition that violates the eighth amendment. If they said that I do not eat or do not drink or do not wear clothes, my not returning to my apartment is the same. [5-8] The president of the United States a year ago said the police, the Boston police, acted stupidly when they arrested a man trying to go into his own house. They didn't know that he was going to his own house. [9-13] Here, this woman was supposed to be a minister of justice, is bragging that she had me arrested twice, once because I called the police, asked them to give me an escort to get a coat from my house in December when it was going to be freezing. [14-16] This is not only violative of the Eighth Amendment prohibition against excessive bail and cruel and unusual punishment for something for which I was not convicted. [17-18] The presumption of innocence has totally gone out of the window. This is savage. It is barbaric. [19-22] This is something that the State of South Carolina should be expelled from all civilized states from all -- it's against the United Nations' Convention on Human Rights that someone can be exiled from her apartment. [23 to page 45, line 1] And one of the motions for which you, Judge, called me erratic is that I filed a motion advising the court that that woman, Teresa Ingram, has been evicted. She is no longer there. [2-7] My other false accuser is my landlady. She doesn't even live in Columbia. She has never lived in Columbia. She lives in Elgin. So what? I am supposed to not be able to go to my own apartment for which I still pay rent? What? Are they afraid that I will harass Teresa Ingram's shadow, Teresa Ingram's memory? [8-10] She has been evicted since the middle of march. Put this criminal on the stand. Put Larry Mason on the stand and ask him if he hadn't evicted Teresa Ingram. [11-15] Let me go to my car and get you the affidavit where he signed, he served on another tenant, saying that she is a prostitute, and she is harassing the other tenants. And I am the one who gets arrested under false pretense that I called the neighbors prostitutes? [16-18] Judge, this is total unfairness, total unfairness. There is no precedent for the State bringing this. This is a ploy for them to keep me indefinitely without trial. [19-21] I have filed a motion for a speedy trial. Did you schedule it? No. Why? Because you're unfair to me. I have filed a motion requiring a forensic hearing. [22-24] I -- you see, when the -- when the case was mistried, all the rulings that Judge Newman made, whether right or wrong, they became a nullity at law. [25 to page 46, line 4] I filed a very scholarly motion for that. Did you schedule it? No. What's the one motion you scheduled? You scheduled a motion pretending that I'm mentally ill. Is that fair? Do I have to have confidence that you're going to be fair to me? [5-12] I am proud of myself. The day the U.S. Supreme Court came down with -- with United States vs. Stevens, a case that essentially says in so many words what I had been arguing, and Chief Justice Roberts said that the United States' position is startling and disturbing. Because do you know what the position was? It was that unless something can be proven to be useful, then it's not protected by the First Amendment. [13-18] The day they came out with it, this is how bright and how intellectually able, not how mentally incompetent, I am. I was able to read the entire opinion, analyze it, and the same day, the same day, filed a supplement showing how it fits into my argument that the statute under which I was arrested is unconstitutional. [19-25] It is unconstitutional because it says that blah, blah, blah is -- is criminal unless it's for a legitimate purpose, and Chief Justice Roberts writing for the U.S. Supreme Court, eight-to-one decision, eight to one, wrote a lot of what we say to each other is uselessness, no artistic or scientific value, and it is still protected by the First Amendment. [page 47, lines 1-5] This is part of my argument against the constitutionality of the statute. Did you schedule a hearing on my challenge on the constitutionality of this harassment statute? No, you didn't. Why? Because you are being unfair to me. [6-10] And why? Because I cannot vote. Because this criminal, Larry Mason, in a court hearing which was recorded

and which they stole from my apartment when they ransacked it said, "I guarantee you will not become a U.S. citizen," and Heather Weiss heard it. She heard it. [11-13] They are trying to put all those false charges against me so I do not get my U.S. citizenship so I cannot vote, and we know how it goes. [14-18] We have seen it recently where Judge Seager was taken off the bench because someone was disgruntled with -- we have seen it before. A year-and-a-half ago when Judge Goode made a sensible decision and compassionate decision, and the child's mother raised hell. [19-21] We have seen it before that in the case of *Patel vs. Patel* where they blatantly wrote to the legislators that -- that somebody wanted a hearing. [22-14] This is a corrupt system. I cannot get a fair trial in it because I cannot afford it, and because the system is set up for political influence. [25 to page 48, line 1] The State Supreme Court in the Seagar position said, "Oh, judicial merit selection is political selection." [2-4] This is what I'm living in, and I will not be told that I'm mentally incompetent for realizing it. I am brave and proud, and I will expose it. [5-7] This motion should be denied. Your duty as a judge is to hold an immediate hearing on the transcript proven record of the prosecution putting on false evidence. [8-11] You claim that I harassed Meadors by following him throughout the courthouse. First, you conducted *ex parte* communications. You called him in interviews. Whatever you call them, they were *ex parte*. [12-14] I was believing, thinking maybe he didn't know that his witnesses, the State's witnesses, were perjuring themselves. I was trying to explain it to him. [15-19] Just the same way, naively, I did not know that I thought that the Columbia Police Department did not know who that Corey Curry is, and if I took a picture of him, that it would help them identify him. It turns out that they knew who he was. [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 who 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 as a result of enlarged peris-- 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.

[4] **DR. FALTAS:** Thank you.

[5] **THE COURT:** Anything further from the State?

[6-18] **MS. WEISS:** Your Honor, I'm not going to try to refute the -- what was just stated. [¶] Just, basically, that the issue is that Dr. Faltas believes that because that she says it's true and there's a conspiracy, there's a grand conspiracy which she has laid out in many of her motions that clearly keep her from being able to stay on top of the harassment -- the two harassment charges that are -- the two misdemeanor harassment charges in this court. [¶] It is based on similar comments to what she has just relayed, as well as her motions and everything else presented that we ask Your Honor to grant the motion. [¶] I do have a proposed order if Your Honor would like.

[19] **THE COURT:** I don't need a proposed order.

[20] **MS. WEISS:** Thank you, Your Honor.

[21] **THE COURT:** Thank you very much. I'll let you know.

[22-24] **DR. FALTAS:** Thank you, Your Honor. [¶] What about getting the transcript, please? Because I intend to appeal if it's adverse to me.

[25] **THE COURT:** You plan to appeal?

[page 52, line 1] **DR. FALTAS:** If it's adverse to me.

[2-3] **THE COURT:** We'll talk about -- we'll see about that when it occurs, if it occurs.

[4] **DR. FALTAS:** Thank you, Judge.

[5] **THE COURT:** Thank you.

[6] **MS. WEISS:** Thank you, Your Honor.

[7]

(Whereupon, the proceedings were concluded.)

[page 53, line 1]

CERTIFICATE OF REPORTER:

[3] STATE OF SOUTH CAROLINA

[4] COUNTY OF RICHLAND

[7-14] I, Karen Ambroziak, Official Court Reporter for the 5th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 2nd day of August, 2010.

[17] August 3, 2015

[18-20] [S/] [21] Karen Ambroziak, RPR [22] Circuit Court Reporter

STATE OF SOUTH CAROLINA
County of Richland

GENERAL SESSIONS
2010-GS-40-11980
2010-GS-40-11987

STATE OF SOUTH CAROLINA

vs
MARIE ASSA'AD-FALTAS,
DEFENDANT,

TRANSCRIPT OF RECORD
August 30, 2010
Columbia, South Carolina

BEFORE: THE HONORABLE G. THOMAS COOPER, JR., JUDGE.

APPEARANCES: HEATHER WEISS, ASSISTANT SOLICITOR Attorney for the State
FIELDING PRINGLE, ASSISTANT PUBLIC DEFENDER
DOUGLAS STRICKLER, PUBLIC DEFENDER
MARK SAWYER, ASSISTANT PUBLIC DEFENDER
CLARK NEWTON, ASSISTANT PUBLIC DEFENDER,
Standby Attorneys for the Defendant
MARIE ASSA'AD-FALTAS, APPEARING *PRO SE*

KAREN AMBROZIAK
Official Court Reporter

[p a g e 2] C O N T E N T S
CERTIFICATE OF REPORTER

30

COURT'S EXHIBITS

NO	DESCRIPTION	ID	EV
1	order	3	

[page 3, lines 1-2] (WHEREUPON, Court's Exhibit No. 1 was marked for identification only.)

[3] **THE COURT:** Ms. Pringle, it's your motion.

[4] **MS. PRINGLE:** Yes, Your Honor.

[5] **THE COURT:** You may proceed.

[6 to page 4, line 2] **MS. PRINGLE:** [6] Thank you, Your Honor. [7-12] This is my motion that's filed on behalf of my office. Just for the record, Your Honor, this is – was filed as a motion for day certain in the case of State of South Carolina vs. Marie Assa'ad-Faltas on charges stemming from warrants number K613792 and K613793, two counts of harassment second degree. [13-16] Present in the courtroom with me today are Mark Sawyer, Clark Newton, and Doug Strickler of my office. The defendant, Marie Assa'ad-Faltas, is also in the courtroom as is Heather Weiss with the State, Your Honor. [17-21] Your Honor, if I may — and I'll try to be brief, but I do have quite a few things to say. I'd like to provide the Court some history of what's taken place here and explain to the court how I have modified this motion to some extent. [22 to page 4, line 2] Since the time that I filed this motion, which was on August 12th this year and the court's hearing today, it's my understanding from the State that these two charges were remanded back to city court last week. I don't know the exact date, but Ms. Weiss can provide that for us here today but it is —

[3-6] **THE COURT:** [3-4] Well, before we proceed, let me — why don't we just get that on the record. [5-6] Ms. Weiss, what's the status of this case at this point?

[7-8] **MS. WEISS:** Your Honor, both warrants have been remanded back down to City Court as of last Thursday.

[9-11] **THE COURT:** All right. So in your opinion, this court has no further jurisdiction with regard to these two charges?

[12] **MS. WEISS:** Yes, Your Honor; that's correct.

[13-14] **THE COURT:** All right. I just wanted that on the record.

[15-16] **MS. PRINGLE:** And if I may inquire what the chance what the charges were remanded as, in what form.

[17-18] **MS. WEISS:** They were remanded as harassment second degree, Your Honor.

[19-20] **THE COURT:** Does Magistrate's Court have jurisdiction?

[21] **MS. WEISS:** Yes, Your Honor.

[22] **THE COURT:** All right. Go ahead.

[23 to page 5, line 2] **MS. PRINGLE:** Your Honor, if I may proceed, Mr. Strickler is going to respond to the issue of jurisdiction. I do — it is our position that you would have jurisdiction to make determinations regarding these two charges regardless of the status of the remand.

[3] **THE COURT:** Concurrent?

[4 to page 10, line 8] **MS. PRINGLE:** [4-7] Yes, Your Honor, general jurisdiction. I have also modified what I intend to do today, and I gave Ms. Weiss notice of this on Friday in light of what took place with the remand of the charges. [8-11] **What I'm asking you to do today specifically, Your Honor, is to dismiss these charges. We object to the remand, and we move for this Court to dismiss the charges or order the State to dismiss these charges outright.** [12-15] I will say that my motion is being made on behalf of my office, but given the nature of that request, I have consulted Dr. Faltas to see if she would consent to me taking that approach. [16-19] I don't want to do anything that's disadvantageous to her or would harm her in any way. She does consent to that. She is okay with — expressed consent for me to convey that with the Court. [20-23] She also filed last week her own, independent of our motion, objection to the remand. So I think that we're all clear and on the same page as to that. That's the first thing I'd like to take up. [24 to page 5, line 3] The second thing would be issues related to our role as standby counsel. By way of history in this, Your Honor, in this case, Your Honor, you appointed us as standby counsel on January — I believe 10th of 2010, 11th excuse me, January 11th, 2010. [4-8] Dr. Faltas was arrested on these two charges on December 2nd, 2009. We were relieved, and she was granted her request to proceed *pro se* by Judge James on 12/17, and then she filed a motion for standby counsel. And you appointed us as standby counsel on January 11th, 2010. [9-15] Subsequent to that, she has been charged with two additional sets of charges in City Court, and I bring that up because it is somewhat connected to what's been going on up here with the standby issue as our — it seems that your standby order has flowed down from City Court, and they appointed Mr. Newton as standby counsel in City Court, as well. [16-19] But specifically, Your Honor, she was charged with improper use of the telephone and abuse of dispatch on 12/12/09. Those are City Court charges and have been at all times. [20-22] She was also charged on July 8th, 2010 with simple assault and trespass. *[verbatim]* Those are also City Court charges, and we are appointed down there, as well. [23 to page 7, line 3] She has some older charges preceding all of this, as I understand it — I don't know the date -- of front yard parking and disorderly conduct that are also City Court charges, and all of which we have apparently been appointed as standby counsel down there, as well. [3-9] Just so the Court understands how things have been assigned and proceeded in our office, Mr. Newton has been assigned and appointed to the charges in City Court. Mr. Sawyer has been handling the charges in General Sessions court. Although I have become somewhat-- or quite extensively involved recently with the General Sessions charges. [10-20] I think it's important to understand, I really have two issues. One, I don't think these charges should still be pending. I think that they were remanded with the intent of avoiding, perhaps, this motion and hearing. Though I don't have any communication from Ms. Weiss as to why they were remanded or anyone from the State's office as to why they were remanded. I don't know, but it seems quite coincidental that we filed this motion, and then they were quickly remanded. This case, Your Honor, goes back to a civil suit that was filed by Dr. Faltas in March of 2009. [21-23] There are — have been extreme difficulties, personal and business difficulties, between Dr. Faltas and the litigants in the civil suit filed in March 2009. [24 to page 8, line 5] A hearing was scheduled to be heard in front of Judge Alison Lee on December 1st on 2009 on Dr. Faltas' motion for a preliminary injunction against the defendants who are now the alleged victims in this case the day after Dr. Faltas was arrested for harassment second degree by those same defendants, alleged victims of the harassment charges. [6-10] Your Honor, I — I would really like to speak to the -- to the merit of what I perceive to be from

looking at all of this, the lack of merit of these charges, but I don't think I can do so more articulately than Judge Lee did in her order dated December 22, 2009. [11-13] She issued an order for a preliminary injunction granting Dr. Faltas' motion. I don't know if you had an opportunity to read this. It's been provided to you. [14-17] I have marked it for the purposes of this hearing as Court's Exhibit No. 1. I would just ask, invite the Court, to review that again in making a determination about what should take place with these charges. [18-23] I truly cannot speak to it even close to as articulately as Judge Lee did. She very clearly perceived what was going on between these parties and what led to these charges, and I think she had a lot of skepticism herself about why these charges were brought the day after the hearing on that motion. [24 to page 9, line 4] And when — when you read that order, and you really put together a timeline of what took place here, I think it is undisputable that these charges lack merit, and I don't think they're going to successfully prosecute her at any point in time. She was tried in February, and the jury hung. After a week-long trial, the jury hung. [5-10] Dr. Faltas proceeded as a *pro se* litigant, and with all respect to her, Your Honor, I think any *pro se* litigant facing any charges, but particularly these kinds of charges, are going to have an uphill battle when they are proceeding *pro se* with charges of this nature. Nonetheless, she proceeded *pro se*, and she hung the jury. [11-14] Since that time at the end of February, she has asked for the case to proceed back to trial. She has asked them to call the case to trial. They have avoided it and not called the case to trial. [15-19] They have given every indication that they don't intend to call the case to trial by their most recent action being the most — the lesser action in remanding these to City Court so that they don't have to deal with it. [20-23] **I think, Your Honor, that in sum, what that means is these charges are meritless, and our involvement becomes completely unnecessary if these charges are dismissed with respect to what those charges carry.** [24 to page 10, line 3] I am going to ask you, Your Honor, today — and this is really the crux of this hearing and the crux of this motion — where the rubber meets the road for us is that we need — our office needs to be relieved as standby counsel. [4-8] Dr. Faltas does not wish for our office to be relieved as standby counsel. I think that she has a need for someone to assist her.

[7] **THE COURT:** You say she —

[8-9] **MS. PRINGLE:** She does not. She has filed motions in the past indicating a desire to have us relieved.

[10] **THE COURT:** Well, you —

[11] **MS. PRINGLE:** Several motions, in fact.

[12 to page 11, line 25] **THE COURT:** [12-14] Yeah. Let me just — let me — let me just — I've — I've gone back and reviewed those motions. Let me just put them on the record. [15-17] On April 2nd, she moved — this is the final motion — to disqualify and replace Mark Sawyer and the Public Defender's Office as her standby counsel. [18-22] On April 22nd, some two or three weeks later, she says — she makes a motion to reflect that she is appearing *pro se*; and that Mark Sawyer's involvement at all as her standby counsel and must appear at all — must respect Dr. Faltas' rights of self-representation. [23 to page 11, line 3] She goes on further in that motion to say she has the right to represent herself without interference by standby counsel. She goes on to say Dr. Faltas — I want to make it clear to everyone — clear to everyone, must understand, Mr. Sawyer does not and cannot make legal decisions for her. [4-10] She goes on to say in that same motion — she says Dr. Faltas is not *pro se* but as represented by — hereby asserts that she is not represented by nor will accept representation from anyone in the Richland County Public Defender's Office, and if need be, to eliminate any doubt, she will glad fire — excuse me, fire Mark Sawyer as her standby counsel for future events. [11-18] June 24th, she says — Dr. Faltas' motion objecting to standby counsel's choice of a hearing judge. She says that she does not — she does — she now does wish for Mark Sanford — I'm sorry, that was a Freudian slip, Sawyer to be relieved as her standby counsel without that affecting any other relationship she has presently or can in the future have with the Richland County Public Defender's Office. [19-21] She strongly objects to Mr. Sawyer's representation on her motion, and at one point in time — I forget which of these motions. [22 to page 12, line 1] It was the first motion on April 2nd, didn't go far enough, but she says for the new attack to succeed, Mark Sawyer had to be forced on Dr. Faltas since he cannot defend her as well as she did herself, and she calls him Traitor, Traitor Sawyer. [2-8] Now, Ms. Pringle, Dr. Faltas has a way of seeing things for the moment. I mean, what — I have — I haven't ignored these, but I have certainly not acted in the past to — because I thought it was in her best interest that Mark Sawyer stay as her standby counsel.

[7-11] Here, here, it's just blatant rejection of your office and Mark Sawyer as her counsel. So you know, is it convenient for her to want counsel now? She says she doesn't want counsel when things aren't going good. I mean, it's either you are or you're not. [12-14] You know, I get frustrated seeing these things and then hear you come in and say she now wants counsel, but I need to put that on the record. [15] Go ahead.

[16-23] **MS. PRINGLE:** [16-18] Yes, sir, Your Honor, and that has been a recurring theme and a recurring issue and a recurring problem. [19-23] All I can speak to today — I think I -- and I think I need to be careful, as this is not an *ex parte* hearing, unless we were to convert it to an *ex parte* hearing to possibly be a bit more specific — it is my understanding at present that she is okay with us remaining involved.

[24] **THE COURT:** At present I think is the key word.

[25] **MS. PRINGLE:** At present. Our —

[page 13 lines 1-2] **THE COURT:** Next week it may be something completely different so go ahead.

[3-7] **MS. PRINGLE:** And I don't know what may come. I think that is — that is partly why — I believe that taking my office out of this completely would be very much in our interest, but also quite possibly in her interest. However —

[8-9] **THE COURT:** [8] I tend to agree with you on that issue. [9] Go ahead.

[10 to page 15, line 22] **MS. PRINGLE:** [10-13] I do think that there has to be some resolution to the issue of communication between her and the Court and the prosecuting parties involved in the case. [14-17] What — the only role that we've been providing is a buffer and a ghost ring, and while that sounds like it might be fairly limited, it's not. It is something that is extraordinarily consuming. [18-24] And many of the issues that she has are quite legitimate. The concerns she has are quite legitimate, but it's not — it's not a question of scope but of quantity, and there is -- there are -- there have been hours and hours and hours of Mr. Strickler, myself, Mr. Sawyer, Mr. Newton, and it's become just simply untenable for our office, Your Honor. [25 to page 14, line 3] I know that you're aware of our situation. And I know I don't need to go into too much detail about this, but for the record and also for Dr. Faltas, I'd like to — to point out that Mr. Newton has 319 active cases. [4] Mr. Sawyer has 156 active cases. [5-10] Our office, as a whole, in the last two years — and you observed this yourself, Your Honor — has been cut funding 25 percent. It's a quarter of our overall budget. We have lost almost ten attorneys. We will have lost ten attorneys very soon which brings our attorney staffing down by a third. [11-14] And while I want to help Dr. Faltas, and I've -- I've expressed that to her — and I want to be of assistance to her -- I would like for us to be able to, we simply don't have the resources to go on with this indefinitely. [15-19] We don't have the manpower to do it, and I think that it is a quite difficult position for us to be in as an office. We basically make that more complicated by getting so many people involved, but it's been something that really has been necessary. [20-23] So what I'd ask you to consider doing today, Your Honor, is to appoint private counsel outside of our office who is one individual who can assist her to the extent necessary or as she so desires, if she desires. [24 to page 15, line 1] One of the tricky things in this is figuring out what we ought to do and what we ought not to do. It's very -- it is just tricky territory. [2-8] We are not her lawyer, and so I've tried to be very careful to — to both offer her assistance but not offer her too much assistance and restrict what we do and monitor what my attorneys are doing, and it's -- it's become quite difficult for us to manage, Your Honor. [7-13] **Therefore, what I'm asking you to do today is to consider dismissing these charges. I ask you to read this injunction, order for a preliminary injunction again, consider where we are procedurally, where we've been over the last many months and where it appears the State intends to go or not intend to go and consider dismissing these charges.** [14-20] I also ask you to consider appointing private counsel to do -- assume our role, and if you're not inclined to do that, Your Honor — or if I may offer you a third alternative, it may be of assistance, if you're not going to definitely dismiss the charges, to define very, very specifically what our role is so that we can have some guidance that we can assist her in the courtroom. [21-22] I would think that that will not be of much use to us, however, if we are still to be the go between.

[23 to page 16, line 5] **THE COURT:** Well, I am inclined to grant your motion to relieve the Public Defender's Office. Now, the appointment of 608 counsel is problematic because I have no concept one way or the other if she will accept any other representation other than herself, even as standby counsel. I think the first thing to do is to remove your office from responsibility, and we'll see where it goes.

[6-9] **MS. PRINGLE:** Yes. I would be happy, at this time, if you'd like for me to ask her if she would accept appointment of outside counsel. I think that she needs it, and I'd be happy to ask her that right now --

[10] **THE COURT:** Well --

[11] **MS. PRINGLE:** -- if you'll give me an opportunity to.

[12-17] **THE COURT:** -- some of these motions have said -- I'll just make this a part of the record also -- that she does not believe that any standby counsel has any more knowledge of the law or procedure in this State than she does. So you certainly are entitled to ask her if she wishes --

[18] **MS. PRINGLE:** I'll --

[19] **THE COURT:** -- standby counsel.

[20-25] **MS. PRINGLE:** I'll be happy to ask her that. I think again, Your Honor, that I -- I really am compelled to point out that if she is left without any counsel, she won't be able -- it will be very difficult for her to proceed because no one will communicate with her. So that, I think, is part of the problem.

[page 17, lines 1-5] **THE COURT:** Well, it's not difficult for her to proceed. She is a veteran litigant, and she will continue in that vein, I'm certain, whether she has counsel or not. But go ahead if you wish to discuss it with her on the record.

[6] (Pause.)

[7] **THE COURT:** Yes, ma'am.

[8-18] **MS. PRINGLE:** [8-12] I think, Your Honor, for the record, I have just consulted with her very briefly. She does wish to have some assistance of appointment of private counsel if you're so inclined to appoint. She does not wish -- she wants very much to represent herself. [13-18] She maintains that very clearly, and she wanted me to be emphatic about that and point that out. But she would like to have someone appointed to assist her and help her. Her biggest issue, as she just reiterated to me that I've been bringing up, is communication with opposing counsel as her -- is the role.

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

[20] **MS. PRINGLE:** And --

[21 to page 18, line 2] **THE COURT:** [21] I'll be glad to. [22-25] Now, back to what I consider the thorny issue, that is the jurisdiction of this court with regard to your motion that the case is to be set for a day certain or in the alternative dismissed. [page 18, lines 1-2] What do you say? Mr. Strickler, can you address that point?

[3] **MS. PRINGLE:** Yes, Your Honor.

[4 to page 19, line 18] **MR. STRICKLER:** [4-5] Well, first of all, you know, Your Honor, I would echo what Ms. Pringle mentioned. [6-8] At the time of our initial involvement in the case, I had the opportunity to review the order of Judge Lee just -- that she has referenced and which Your Honor has. [9-12] I, at that point in time back in December or early January of this year, arrived at the same conclusion as Ms. Pringle did regarding my opinion as far as the merits in this particular case. [13-16] I think I probably expressed that to a number of people over the -- over time. I, too, have come to the same conclusion, and I just learned about this over the weekend. [17-23] I was out last week so regarding the remand as Ms. Pringle uses the expression in discussing other circumstances, but you know, I have, I would submit, clients who are serving life sentencing right now with weaker circumstantial evidence than that which exists for the Solicitor's remand being an attempt to circumvent what would happen with the case if we handled it here. [24 to page 19, line 8] Yeah, Ms. Pringle outlined the timeline involved, the extensive period of time. You know, I would just add the decision of the part of the State to seek a competency evaluation at the 11th hour, statements at that point in time when the case would be called for trial in August, if the competency evaluation weren't done, and what, now the remand again at the 11th hour that we would have to face Ms. Pringle's motion. [7-9] Your Honor, this Court, specifically as to the two charges that the State indicates agreement, is a court of general jurisdiction. [10-16] Your Honor, as the administrative judge, has the additional duty to supervise the general administration of justice in this -- in this county, in this circuit. It's -- you're far more aware of the parameters of your powers of administrative judge as set forth in the orders issued by the Chief Justice than I am, but I think your powers as administrative judge are very broad. [17-18] You certainly have a supervisory, I would submit, obligation in this matter.

[19-21] **THE COURT:** Well, I guess the bottom line is if it has been it remanded, I'm just — is there a document that remands, Ms. Weiss, or is it verbal?

[22-24] **MS. WEISS:** No, Your Honor. It's a piece of paper we fill out to remand it to Municipal Court. It's also in the clerk's office.

[25] **THE COURT:** It's on file in the clerk's office?

[page 20, lines 1-3] **MS. WEISS:** Yes, Your Honor. I would assume the office does. As far as I know, it should be on file — should be on file at the latest, Friday.

[4-9] **THE COURT:** Now, how do you — Mr. Strickler, how do you propose that this Court reverse that decision? That is — I tend to agree with you, this court has general jurisdiction, probably has the jurisdiction to dismiss this case, but have we lost jurisdiction as a result of the remand?

[10] **MR. STRICKLER:** We -- Your Honor --

[11] **THE COURT:** It reminds me of the appellant procedure.

[12] **MR. STRICKLER:** Yes.

[13-15] **THE COURT:** Once it's taken from this court, it's gone, and I think that's probably going to be the State's position.

[16] **MR. STRICKLER:** Well, then --

[17-19] **THE COURT:** It's still a pros -- it's still a prosecution by the State even if it's in the Magistrate's Court.

[20 to page 21, line 10] **MR. STRICKLER:** [20-24] If they chose to avail themselves of the opportunity to go down a prosecuting remedy by the State, the prosecutor's office is still the same. It's still in the name of the State. It's not — it would not in the name of the City of Columbia at this point. [25 to page 21, line 5] I guess all I can do is fall back on, again, what Your Honor has just referenced which is the fact that this -- this is a court of general jurisdiction, and it flies in the face of -- of everything I know about to say that one of the parties or the attorneys for the party by their action could deprive the court of jurisdiction. [6-10] Now, I can't do it. The State certainly is vested with the other -- with the power to call cases. I understand that, but I don't think they can -- can deprive this court of its right and its obligation to supervise the administration of justice in this county.

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

[12-17] **MR. STRICKLER:** This would be an example of general -- in concurrent jurisdiction. You have jurisdiction concurrently with that which is in -- which is with the City Court at this point in time. There is no such vesture as general and concurrent jurisdiction between this court and an appellate court. However --

[18] **THE COURT:** That was probably a bad example.

[19-23] **MR. STRICKLER:** [19-20] Well, I'm trying to give a couple of the examples that I see, Judge. [21-23] The -- I don't think you've been deprived of your general jurisdiction simply because it's concurrent with that of the City of Columbia.

[24-25] **THE COURT:** All right. Can you supply me with some authority? Not today.

[page 22, line 1] **MR. STRICKLER:** I can certainly try.

[2-8] **THE COURT:** [2] In the near future? [3-8] How about it, Ms. Weiss? What's the State's position with regard to the jurisdiction of this Court to A, reverse the remand, and B, dismiss the case in its entirety from this -- from this court?

[7] **MS. WEISS:** From this court, Your Honor?

[8-15] **THE COURT:** [8-9] Well, let me take it -- maybe I wasn't clear. [10-15] What is your position as the State Solicitor as to the power of this court to recall, or however you want to phrase it, this case from the City Court to which it has been remanded; and thereafter, dismiss the case for lack of prosecution if the retrial is not held by a certain day?

[16 to page 24, line 10] **MS. WEISS:** [16-19] Your Honor, it is my understanding that it is still the State's position to -- the State's prerogative to call the case, to schedule the cases and to call the cases as we see fit. [20-22] It was the decision of the State to remand this case to City Court based on the interest of justice due to several factors, none of which was this hearing. [23 to page 23, line 2] This hearing is requested by the Public

Defender's Office, but it was remanded to the City Court. The City Court has several trials scheduled against Dr. Faltas: One scheduled to start, I believe today or tomorrow, that they're prepared to try. [3-8] So this was sent back to them to consolidate with everything else that they're already trying. I don't believe that this court can call the case back up to General Sessions, as the case has been remanded. [7-10] It is now a harassment second in the City Court, Municipal Court, jurisdiction. However, as far as the motion to dismiss, I honestly can say, I am not totally up to speed. [11-16] I don't disagree with Mr. Strickler or Ms. Pringle as far as general jurisdiction, and I don't have authority to argue that at this point. I would be doing so somewhat uninformed. However, I do believe this is a court of general jurisdiction. However, I don't believe the motion to dismiss is proper. [17-19] We have tried — we have tried the case. There is no lack of prosecution. The State has tried the case. The State has gone forward. [20-23] There have been several impediments to prosecuting this case. I think we have overcome, you know, different barriers that have stood in the way, and you know, I even stated with this case, we intended to try this case. [24 to page 24, line 5] It's either going to be tried in General Sessions court or Municipal Court. It was actually set at that time, so this is not something that is totally brand new. This is a decision made on behalf of the State, on behalf of the Solicitor's Office's and the State, to remand the case in the interest of justice. I think it was the right decision. I don't think a motion to dismiss is proper. [6-10] I think the case is going to be tried. The facts are still relevant. The facts still make up the harassment charge. The victims are still out there, still exist, and I don't think it would be proper to dismiss even if this court had jurisdiction.

112
[11-16] **THE COURT:** [11-13] I understand that. It's muddy. It's a muddy issue, the issue of jurisdiction following your remand. I'll take that under advisement. [14-16] Ms. Pringle, can you assist the Court in preparing an order dismissing your office and ordering a 608 appointment?

[17-19] **MS. PRINGLE:** [17] I will, Your Honor. [18] And Dr. Faltas has asked me to express her desire to you to address the Court.

[20 to page 25, line 2] **THE COURT:** [20-22] Well, I have another matter pending at ten o'clock. I know -- I mean this in all -- with all due respect. [23 to page 25, line 2] Dr. Faltas has a tendency to offer protracted opinions to the Court. I expressed that in one of my prior orders. I don't have a lot of time. I'll give her five minutes if that's what she wishes, but I cannot -- I have other people waiting.

112
[3 to page 26, line 14] **DR. FALTAS:** [3-8] Thank you, Your Honor. And may I say, first of all, I thank Your Honor for the very principled order that you recently did even though it criticized me very strongly. [7-9] I think that was the principled thing to do because a constitutional right is just that. It's not a beauty contest or a charm contest. It's a constitutional right. [10-13] Now, very quickly, the indictment is first degree. If the Solicitor cannot prosecute as first degree, then it needs to be dismissed. There is case law after case law that says they cannot change the indictment in the middle. [14-17] If they've remanded it to second degree, that's dismissal of first degree. If the City of Columbia wants to bring second degree charges, that's -- that's another point. [18-21] I also like -- in supplement to the Honorable Judge Lee's order, the Honorable Judge Childs after that granted my motion, which was then pending, to add the City of Columbia as a defendant. [22 to page 26, line 1] The City of Columbia is now a defendant in that same lawsuit, and the motion to amend the complaint and add defendants was then pending, and the Honorable Judge Childs has ordered -- has retro and I'm talking the civil suit. [2-7] So now what they are trying to do is to get me tried in a municipal court that is a defendant in a civil litigation that I brought, and I have issue about the -- the municipal judges, everything, because they don't -- they serve at the pleasure of City Council which is a defendant in my civil lawsuit. [8-14] So the other thing, Your Honor -- another constitutional right which is -- a constitutional right is for everybody, not for the pleasant, not for those who can speak briefly, not for the beautiful, or for peaches and cream. There is substantive due process right, and unfortunately, the case of Potta (unintelligible) County vs. --

[15] **COURT REPORTER:** I'm sorry. What -- what case?

[16 to page 28, line 21] **DR. FALTAS:** [16-17] Pottawattamie County. I'll spell it. P-O-T-T-A-W-T-A-M-I-E [sic]

County vs. McGhee. [18-20] That was the -- but the Eighth Circuit U.S. Court of Appeals had decided that there is a substantive due process right to not be tried on false evidence. [21-25] So it isn't that -- that the State can prosecute. Not only was -- was there lies after lies which -- humbly, my effective cross-examination brought out during the trial, after the trial I uncovered this much evidence, not my word against theirs, but the public records. [page 27, lines 1-3] There's testimony in other -- in fact, one -- the one truthful thing somebody said is that the document that they used against me, it wasn't his signature. [4-8] I went as far as getting a deed from the Sumter County Register of Deeds, and it is, indeed, not his signature. So this is how far they have gone in presenting false evidence. They have presented forged signatures. [9-13] There is nothing. And in fact, that other alleged victim, her name is Teresa Ingram, she was a tenant at Dinah Steele and Larry Mason who are sitting here, and they were keeping her rent free until she testifies against me. [14-19] That's bribing a witness, and after she failed to get a conviction against me, they evicted her. She no longer even lives in Richland County, and the private investigator talked to her, and she said she doesn't even want them to know where she lives. Let alone, come and testify against me, so the prosecution knows this. [20-24] The prosecution also presented false evidence that the woman was employed, and I blocked her into -- from going to work, and I think I alluded to that last time; that the prosecution has evidence that that woman, that alleged victim, was unemployed during the time period. [25 to page 28, line 5] In fact, this incompetent lawyer right here -- who is my landlady? Who has been stealing sewer from the City of Columbia and wants me killed so she can use my land to keep the sewer lines illegally on it? She testified, "Oh my gosh, you prevented them from going to work. They need to go to work early." [6-7] In fact, she knew that that woman had been fired all the period that they claim I was -- I was preventing her from going to work that she was unemployed. [9-12] These are objective things because that woman testified in the deposition and in another lawsuit. What? What? So it's -- it's -- I -- I have filed, and I -- I admit it was piecemeal, as soon as I discovered it. [13-17] So it doesn't come as a coherence tool, but -- but if you please, this may be false economy to not let me speak now because this is going to occupy everybody, the appellate courts, the State, the federal courts, all of it. [18-21] They knowingly presented false evidence, and now Your Honor is the -- as Mr. Strickler said, you are the guardian of justice. The court is a temple of truth. Verdict means tell the truth.

[22-23] **THE COURT:** All right. That's your five minutes. Thank you very much.

[24-25] **DR. FALTAS:** Thank you, Your Honor. One other thing.

[page 29, line 1] **THE COURT:** No, ma'am.

[2] **DR. FALTAS:** Okay.

[3-4] **THE COURT:** That's five minutes. All right. Anything further?

[5] **MS. WEISS:** No, Your Honor.

[6] **MS. PRINGLE:** Nothing further, Your Honor.

[7] **MR. NEWTON:** Thank you, Your Honor.

[8] **THE COURT:** Thank you very much.

[10] (Whereupon, the proceedings were concluded.)

[page 30, line 1] **CERTIFICATE OF REPORTER:**

[3-4] STATE OF SOUTH CAROLINA, COUNTY OF RICHLAND

[7-14] I, Karen Ambroziak, Official Court Reporter for the 5th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina on the 30th day of August, 2010.

[17] August 9th, 2015

[19-22] Karen Ambroziak, RPR Circuit Court Reporter

