

NOV 03 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

**SUPPLEMENT TO 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.**

*"All honest prosecutors are alike. Dishonest prosecutors are dishonest each in his/her own way."*  
Paraphrase of Leo Tolstoy's opening of *Anna Karenina*

Branding the 6 January 2010 Columbia Municipal Court ("CMC") event before then-Columbia-at-will-employee DeAndrea Gist Benjamin **"Pinocchio-told-me-so probable cause"** abates neither Dr. Faltas' suffering nor Prosecutor Weiss' evil deeds under mantle, and with the sword, of South Carolina.

Now emerges proof that then-Columbia-Police-Department (CPD) "Investigator" Blanton, a then-closeted lesbian, used her "state police powers" to punish Dr. Assa'ad-Faltas' known scientific opposition to the fallacy that 10% of humans are born homosexual. *Faltas v. State Newspaper*, 928 F. Supp. 637 (U.S.D.C. SC 1996).<sup>1</sup>

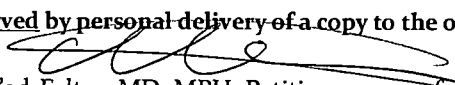
Attached complete, extracted, highlighted: (1) "case summary" Blanton prepared on 17 November 2009, and concealed from Dr. Faltas until Weiss produced it in discovery *after* the 6 January 2010 CMC hearing and after Dr. Faltas complained to then-General-Sessions-Chief-Administrative Judge Cooper in an 11 January 2010 hearing; and (2) transcripts of: (a) the 6 January 2010 CMC hearing where Blanton was the only witness; (b) Blanton's 23-24 February 2010 *in camera* testimony in Dr. Assa'ad-Faltas' 22-26 February 2010 GS jury trial; (c) Blanton's 25 February 2010 testimony to the jury in same trial; and (d) 20 October 2010 GS hearing before Judge Cooper, all when viewed in light of the previously attached: (1) ORDERS of SC Circuit Judge Lee in 2009-CP-40-02219, and (2) transcripts of the 2 and 30 August 2010 hearings before Judge Cooper, **PROVE that false criminal charges were KNOWINGLY brought and maintained against Dr. Faltas to thwart her CIVIL demands to have Steele's and Mason's sewer lines rerouted away from the land which Dr. Faltas and her mother had unsuspectingly bought to build a residence on it!**

The attachments hereto prove that, in October 2009, Mason "told" Blanton that: (1) Dr. Faltas had had **Mason's trees cut down under false pretext that Dr. Faltas, not Steele, was the landlady,** (2) Dr. Faltas' mother "does not exist," and (3) Dr. Faltas was "an illegal alien." **By 17 November 2009, Blanton knew conclusively that: (3) all three accusations by Mason were false; (2) Mason and Steele are defendants in 2009-CP-40-02219; (3) Ingram-Jackson, Jones, and Crouch are defendants in 2009CV401031609 (magistrates' court); and (4) the latter three are *crimen falsi* convicts; YET, the totality of Blanton's "probable cause" is that known liars and biased defendants Steele, Mason, Ingram, Crouch, and Jones "told" Blanton that Dr. Faltas harassed them!**<sup>2</sup>

Dr. Assa'ad-Faltas lets the objective facts and records speak for themselves and reminds this Court that it is powerless to contain the glorification of lies and the indifference to the human suffering they cause within the legal profession: ***this evil spills everywhere*** and its trajectory would culminate in lawyers finding themselves treated, *e.g.*, by oncologists whose only skill is to falsely brand cancer as "frivolous."

WHEREFORE, this Court should allow Dr. Assa'ad-Faltas to be heard in plenary rehearing because the evil that was done to her should not be allowed to spread but she is well-qualified to expose and stop it.

Submitted on 3 November 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 this motion  
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1. There, U.S. District Judge Anderson described Dr. Faltas as "laudable," not "frivolous," a description introduced only after now-U.S. Circuit Judge Shedd took over Judge Anderson's cases because the latter's now-ex-wife took employment at USC, a defendant in Dr. Faltas' civil federal cases.

2 False Accuser Teresa Felicia Ingram-Jackson's testimony shall, God willing and this Court permitting, be submitted with annotations and cross references soon.

[page 1] **CASE SUMMARY**

**PREPARED BY:** Investigator A. Blanton

**Date:** November 17, 2009

**Subject Of Investigation:** Dr. Marie Assaad-Faltas

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

On October 7, 2009 Larry Mason and Dinah Steele Mason - W/M, W/F -1403 Haigs Creek Drive, Elgin, SC - 600/5953 or 33 111000, responded to Columbia Police Dept to speak with Inv. Blanton in reference to the continued harassment of their tenants on Byron Rd as well as themselves. Mr. and Mrs. Mason brought with them numerous documents from other tenants, witnesses, and court documentation as well as tenant lease agreement from September 2008 when Faltas signed a lease for 304 Byron Rd. Apt 3.

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

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

**September 2008**

Ms. Faltas moved into 304 Byron Rd Apt 3 in September of 2008 and immediately began causing problems for the owners by parking and leaving two moving vans in front of the building blocking the parking spaces for other tenants. Mr. Mason [page 2] states that he had to verbally threaten to have the moving vans towed before Ms. Faltas would move them. A few days later Mr. Mason again had to verbally threaten to have Ms. Faltas' two personal vehicles towed due to her parking them across 4 spaces rather than parking them the correct way and only using her 2 allotted spaces.

**November 2008**

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

**Jan./Feb.2009**

Around Jan./Feb. 2009 Mr. Mason states Faltas questioned him about renewal of her lease (expiring

02/28 /2009). Mr. Mason told her if she would leave other tenants alone she could stay on a month to month basis. Mr. Mason states "that's when the harassment got worse". **As the apt adjacent to Ms. Faltas became available she inquired about renting it for her mother around Feb. 2009. According to Mr. Mason, Faltas wanted to rent the apartment "very cheap" and was declined by him and his wife. Mr. Mason further states that Faltas then started "fussing" about maintenance being done, saying "it looked like crap."**

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

### **March 2009**

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

On March 1, 2009 Mr. Mason reports that he served Ms. Faltas with a notice for "disturbing tenants". Mr. Mason also served Ms. Faltas with similar notices on the following dates for "harassment of tenants": March 12, April 17, Sept. 24, Oct. 6, 13, 14, [page 3] 17 and then two more notices on the 21st of Oct. Also on March 1, 2009 Faltas was served with an eviction notice by Mr. Mason.

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

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

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

That restraining order was denied by Judge Womble on April 14, 2009.

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

#### **April 2009**

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

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

[page 4] Mr. and Mrs. Mason report that on numerous incidents Faltas was observed sitting in her vehicle in the parking lot and "harassed" potential tenants and guests of existing tenants, calling police ... etc.

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

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

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

#### **August 2009**

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

#### **September 2009**

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

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

[page 5] On Sept 8, 2009 Mrs. Mason states that Faltas again came to her job on Trenholm Rd. and sat in parking lot. Then on Sept. 11, 2009 Mrs. Mason states she was assaulted by Ms. Faltas in the parking lot at the apartments and witnessed by Charlene Crouch, a tenant. A report was taken for Mrs. Mason and a courtesy summons signed (case # 09-26586). Ms. Crouch submitted a written statement to Inv. Blanton in reference to observing this event.

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

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

### October 2009

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

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

that he told Ms. Faltas to stop several times then after she [page 6] would not he squirted her with the hose. Mr. Jones submitted a written statement to Inv. Blanton about this event although his guest refused due to being afraid of a lawsuit and/or harassment from Faltas. Ms. Faltas also made a counter report (case # 09-30001) on the same day but only after the report was taken from Mr. Jones then Faltas signed a courtesy summons against Jones.

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

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

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

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

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

### **November 2009**

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

[page 7] On Nov. 9, 2009 Ms. Faltas called the city (Tim Rushman) stating that trees needed to be removed from her property. The city came out and removed what was on City of Columbia property which caused an altercation between Mr. Mason and Ms. Faltas due to Ms. Faltas informing the city that it was her property. Inv. Blanton spoke with Tim Rushman who assured this investigator that the trees were on city property and only those were removed. On the same day Ms. Faltas showed up at

the Social Security Office stating her mother was in a nursing home in Ohio and there was no way she could come in. Ms. Faltas was very "argumentative" with the workers and caused a disturbance at the Federal building. Ms. Faltas has in the past attempted to use her mothers name for dispatch purposes as well as told officers the behavior of her neighbors was disturbing her "ill" mother at her apartment. Ms. Faltas receives a social security check each month in her mothers name and is allegedly the power of attorney for her mother. **It has come to this investigators attention that her mother may not be residing at 304 Byron Rd. Apt 3. The Social Security Office in Columbia, SC is currently investigating this matter.**

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

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

[page 1, line 1] State of South Carolina ) Municipal Court  
 [2] City of Columbia ) No.: K-613792 and K-613793  
 [4] City of Columbia, )  
 [5] vs. ) Preliminary Hearing  
 [6] Marie Assa'ad-Faltas, M.D., M.P.H., ) Before Municipal Judge Benjamin  
 [7-8] Defendant. ) January 6, 2010

[11-19] Hearing Transcript on Probable Cause Hearing of Marie Assa'ad-Faltas, M.D., M.P.H., reported by Jeffrey M. Thomas, Registered Professional Reporter and Notary Public in and for the State of South Carolina; said hearing taken pursuant to agreement and in accordance with the South Carolina Rules of Civil Procedure, at Municipal Court, Columbia, South Carolina, on January 6, 2010, at the hour of 1:00 p.m.

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[page 3, lines 1-2] Dr. Faltas: Good afternoon, Your Honor.

[3] Judge Benjamin: Good afternoon.

[4-12] Dr. Faltas: [4-8] I was directed to file downstairs a motion because I was given a non-playable copy of the bond hearing. I had requested it a few weeks ago, **and I was given it at the last minute yesterday and could not be played.** [9-12] **There were two bond relevant dates. One December 2nd and that is unplayable. The other is December 4th, and that plays barely audibly.** I headed down and filed the motion, so may I --

[13-15] Judge Benjamin: You may hand it to her. And, Dr. Faltas, this is a preliminary hearing.

[16] Dr. Faltas: Yes, Your Honor.

[17-22] Judge Benjamin: And what we are or what I am charged with doing today is **determining if there is probable cause to proceed for the Solicitor's Office in your case in General Sessions Court. That is the only thing that I will be the determining today.**

[23] Dr. Faltas: Yes, Your Honor.

[24 - page 4, line 4] Judge Benjamin: Are you going -- are you represented -- I saw and -- we called the roll earlier while you were downstairs, **that they had David Farrell as your attorney, but it's my understanding that he has been relieved by you as your attorney?**

[5-11] Dr. Faltas: He was relieved by order of the Honorable Judge Childs. And he was relieved from further -- from further responsibility. He had filed at the start discovery on Ms. Weiss and she had not produced it. He served it on December 3rd. She has not produced discovery, but before that, Your Honor --

[12-14] Judge Benjamin: Okay. Hold on one second. Let me ask you another question. Are you proceeding today *pro se*?

[5] Dr. Faltas: Yes.

[16-17] Judge Benjamin: Do you wish to have an attorney?

[18-20] Dr. Faltas: I wish to have a stand-by attorney, but I do not wish to have an attorney speaking for me.

[21-23] Judge Benjamin: Well, I'm not sure what a standby attorney is, but do you wish to have an attorney represent you today?

[24 - page 5, line 3] Dr. Faltas: No, I do not wish to have an attorney speak for me. I do wish to have an attorney stand by to protect my interests in case I am medically and physically unable to protect my own interests.

[4-9] Judge Benjamin: All right. For purposes of today, this is a probable cause hearing, I do have your motion for a continuance. I'm not sure what the bond hearing -- what does the bond hearing have to do with the probable cause of your arrest?

[10-12] Dr. Faltas: **First of all, Your Honor, I want to challenge the Constitutionality of the statute. And I was just --**

[13-19] Judge Benjamin: Okay. Hold on one second. All right. At this stage you can't -- **that is not proper before this court.** You will have -- the only thing I'm deciding today is if there is probable cause -- was there probable cause for the police to arrest you. **You understand what probable cause is, Dr. Faltas?**

[20 - page 6, line 4] Dr. Faltas: [20-24] Please earlier, Your Honor, I believe there was no probable cause, but I was just served *because I also filed a petition for a writ of habeas corpus to challenge the Constitutionality of the statute.* [25 - page 6, line 4] **And I was served just a few minutes ago with Ms. Weiss' motion to dismiss. And in it she says that I can challenge the Constitutionality of the statute in the preliminary hearing.** So she is conceding that I may, Your Honor.

[5-8] Judge Benjamin: But I don't -- that is not an issue before me today. **That issue will be taken up in General Sessions Court at the time of your trial!**

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

[10-17] Judge Benjamin: Let me finish. **At the time of your trial.** This is strictly a probable cause hearing. And it has nothing -- and **I'm not deciding your innocence, your guilt, the Constitutionality of the statute.** All I'm deciding today is if there was probable cause for the officer or officers to arrest you. **That is the only thing that I am to consider today.**

[18-20] Dr. Faltas: **Respectfully, Your Honor, please let me make my argument and -- on the record so that I cannot be later be told that I did not make them at the first --**

[22 - page 7, line 6] Judge Benjamin: [22 - page 7, line 2] I understand. I am letting you make your argument, **but I'm not hearing the Constitutionality as to this today.** This is a probable cause hearing. **So that is -- my first ruling is as to your first motion as to the Constitutionality.** [3-6] As to the continuance, my question is what is on the bond hearing tape that has anything -- that has anything to do with the probable cause of your arrest?

[7] Dr. Faltas: Two things.

[8] Judge Benjamin: Yes, ma'am.

[9 - page 8, line 13] **Dr. Faltas:** [9-16] The fact that this arrest has double jeopardy in that the alleged victim has filed a courtesy summons for alleged simple assault. I requested a jury trial, and that has not been drawn. So then that very same allegation is again included in the arrest warrant and in the bond hearing. In fact, that is the only allegation that forms the basis of anything. [17-21] **So I think this is double jeopardy because there is already a charge pending for simple assault. It cannot be again be made the basis of a harassment charge especially that it has not been tried. And I am presumed innocent. So this is double jeopardy. And the bond hearing has to do with that.** [24 - page 9, line 4] **The other thing is that in the bond hearing the alleged victim testified what they considered harassment!** And it is totally -- which the statute says doesn't apply to service of process and doesn't apply to speech or conduct protected by the First Amendment. [5-7] So all they testified to other than the alleged assault which is out because of double jeopardy is already the basis of something else. [8-13] **The second is that the conduct that they testified to is my having criticized their maintenance of or lack thereof of the apartment which I rent from them. And that is -- has been the subject of an order by the Honorable Judge Lee. May I present it to Your Honor, please?**

[14 - page 9, line 13] **Judge Benjamin:** [14,19] All right. You can present it. **As to the first issue, once again that is an issue of double jeopardy. That is not an issue that is before me today.** The only issue that is before me today is did the police have probable cause to arrest you. [20-25] So that is not relevant -- that is not going to be relevant here today in terms of probable cause. **I'm not hearing any issues of double jeopardy. That is going to be heard when your case is up for trial!** This is just a preliminary hearing. [page 9, lines 1-6] As to -- hold on. As to what the victim said, what happens in a preliminary hearing is the police officer, I don't know who it is, who is the -- Officer Blanton is on the stand to testify as to what they have as the police that warranted them issuing a warrant against you. [7-13] That is the only thing that I am to consider today. **I'm not considering double jeopardy.** She will present any statements that the victims have given her, but what I'm considering is did Officer Blanton or any other officer have probable cause to arrest you. That is all that I am doing today.

[14-21] **Dr. Faltas:** May I also then, Your Honor -- also, I'm sorry, we've been through this one before in another matter. **And you seem to have already predetermined that you will bind me over and you've told me this is for the General Sessions for the trial.** And, I'm sorry, may I make a motion for Your Honor's recusal because you seem to have already made up your mind?

[22 - page 10, line 14] **Judge Benjamin:** [22 - page 10, line 1] Ma'am -- no, ma'am. I have not made up my mind. I'm just trying to get to that point where we have -- if we are going to have a probable cause hearing, we need to have a probable cause hearing. [2-8] **The issues of double jeopardy and the Constitutionality, all of those issues are to be taken up in General Sessions Court if we get past today!** If we can't get past -- if we get past today and I bind it over, but I can't make a decision until I hear from the officer if they had probable cause to bind the case over. [9-14] That is the only decision that I'm making today, but I can't make that decision until I hear from the officer. **I can't make a decision regarding double jeopardy. I can't make a decision regarding the Constitutionality of your case. I can't make a decision regarding any of that!**

[15-20] **Dr. Faltas:** Well, Your Honor, may I also state that this -- **that I am suing the City or trying to sue the City of Columbia for unjust taking my -- unjustly taking my property without compensation.** Your Honor. **Your Honor is an employee of the City of Columbia.**

[21 - page 11, line 8] **Judge Benjamin:** [21 - page 11, line 1] And I don't know anything about that. And I don't -- so I understand what you are trying to say, but other than you just telling me about a suit against the City, I have no knowledge of that whatsoever. So whatever I know about it is based on what you told. [2-8] **I had no idea that you were suing!** No one has discussed that with me. **And if that is the case, all of the City of Columbia judges would have a conflict because we are employees of the City!** I know nothing about that. **I don't know if the other judges do!** but I know nothing about taking of any property or anything like that.

[2-10] **Dr. Faltas:** Well, I mean, this is obviously a conflict by the City. **And it's obvious there hasn't been a neutral magistrate issuing the warrant.** These are all City employees serving at the pleasure of the City Council. **And I'm making my record because I'm required to make it.**

[15-16] **Judge Benjamin:** Yes, ma'am. Make your record.

[17-20] **Dr. Faltas:** Thank you. **Because this have been concerted and has been lies and people who are totally not neutral magistrates as required by the Constitution. And this has been going on.**

[21 - page 12, line 5] **Judge Benjamin:** [21-25] Dr. Faltas, that is why I did not issue the warrant -- sign a warrant against you. Didn't know anything about it until I walked in here today and saw your name on the docket when it was called on the roll. [page 12, lines 1-5] I don't -- that is the purpose of a probable cause hearing is to make sure that you were not falsely arrested by the police and that there was probable cause. That is the whole purpose of the probable cause hearing. Now, we can --

[6-8] **Dr. Faltas:** May I -- if Your Honor is open to finding that I was falsely arrested then there is no problem.

[9-10] **Judge Benjamin:** Yes, I'm open to that on every case that is here today. There are 11 cases on the docket -- 11 cases on the docket. My job is to find out if there was probable cause for your arrest and for these other 10 -- 9 or 10 people on the docket.

[15] **Dr. Faltas:** What is Your Honor --

[16-22] **Judge Benjamin:** [16-20] That is my only decision that I have to make here today. I'm not deciding your innocence, your guilt. The only thing I'm deciding is if there was probable cause. If there was probable cause I will bind the case over. [21-22] If there is not probable cause I will dismiss the case.

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

[24 - page 13, line 1] **Judge Benjamin:** That is what -- that is the standard for me and any other judge that sits here in this hearing.

[3-8] **Dr. Faltas:** **Is Your Honor aware that you sit at the pleasure of the City Council and the City of Columbia?**

[5-9] **Judge Benjamin:** I am very aware that I serve at the pleasure of the City Council. **I am unaware of any -- any lawsuit or anything that you have against the City of Columbia. I know nothing about them!**

**10-12] Dr. Faltas:** All right. **Is Your Honor also aware that the City Council can terminate your services as a municipal judge at any time?**

**113-17] Judge Benjamin:** I am not sure how that is relevant today, but I'm sure that they can. But we will -- I have no -- **I have not spoken with anyone on City Council about you, Dr. Faltas. And that has nothing to do with the hearing here today.**

**118-19] Dr. Faltas:** I'm just trying to put on the record that --

**120-23] Judge Benjamin:** **So your position is that I and any other judge here would have a conflict hearing your case because we are appointed by City Council?**

**124-26] Dr. Faltas:** **Yes. And that you serve at the pleasure of the City Council.**

**124-26] Judge Benjamin:** Okay. **I'm not going to recuse myself because that would mean me and any other judge that is a municipal judge for the City of Columbia.**

**125-6] Dr. Faltas:** **It can be kicked up to General Sessions Court.**

**127 - page 15, line 4] Judge Benjamin:** [7-14] Well, ma'am, this is a probable cause hearing. We hear probable cause hearings. If we find that it be bound over, it will go to General Sessions. **And at that time it will be heard then. They will decide again at the time of your trial, if it makes it that far, that if there is no probable cause I'm sure one of the judges on the Circuit Court will dismiss the case.** [15-19] **If they are -- if you are found -- if a directed verdict needs to be issued on something, one of those judges will decide that. This is just a preliminary hearing. And we will proceed with the preliminary hearing.** [20-25] **Do you understand that you are to -- she is going to ask -- the Solicitor is going to ask questions of the officer. You will then ask questions of the officer regarding the probable cause of your arrest. That is all we are concerned with today is the probable cause.** [page 15, lines 1-4] **I'm not finding you guilty or innocent today. That decision is not before me today. The only decision that I am deciding is the probable cause.**

**15-8] Dr. Faltas:** May I ask that -- **first exception to all your -- your refusal to recuse. You are refusing to remove the case, to continue the case?**

**19-15] Judge Benjamin:** For this reason I have. I don't see a reason, and you've not given me any reason, as to why the bond hearing and double jeopardy, that has nothing to do with this hearing today. **The double jeopardy argument has nothing to do with the probable cause hearing today. That is my ruling.**

**116-19] Dr. Faltas:** **You need to find probable cause separate, separate from a charge that is already pending because one cannot be tried on the same charge twice.**

**120-22] Judge Benjamin:** That is an issue that will be taken up in Circuit Court, ma'am. That is not an issue before me today.

**123 - page 16, line 3] Dr. Faltas:** Okay. Okay. All right. Exception. I'm taking exception. And it should have been an issue for you today. **The other thing, I request you to please look up the statute and have the language before you because the warrant doesn't at all track.**

**14-5] Judge Benjamin:** **And I will look at the statute.**

**16-7] Dr. Faltas:** **Would you be so kind as to do that before the officer gets on the stand?**

**18-12] Judge Benjamin:** **No. I'm going to do it when the officer gets on the stand.** You can have a seat. I'm going to ask the Public Defender to move. You can have a seat in her chair. And we will go ahead and call Officer Blanton to the stand.

**113-14] Dr. Faltas:** Thank you, Judge, but I'm taking exception to all --

**115-16] Judge Benjamin:** I understand. I understand.

**117] Dr. Faltas:** Thank you.

**118-19] Judge Benjamin:** All right. And you can just have a seat right there.

**120-23] WHEREUPON: OFFICER BLANTON, being duly sworn and cautioned to speak the truth, the whole truth and nothing but the truth, testifies as follows:**

**123-25] EXAMINATION BY Ms. Weiss:**

**124-25] Q.** **May it please the Court, Investigator Blanton, will you please tell us about continued harassment and associated charges against Marie Assa'ad-Faltas?**

**15] A.** Can I do to victim by victim?

**16] Q.** Sure.

**17] A.** Okay.

**18-9] Dr. Faltas:** **Objection, Your Honor. I would like her to refer to them as alleged victim.**

**110-12] Judge Benjamin:** I understand that there are alleged. Please continue on.

**112-17] The Witness:** Thank you, Your Honor. First we will do victim Teresa Ingram. **Between February 1st of 2009 and November the 11th of 2009,** while Ms. Ingram has been living at 300 Byron Road, Apartment 4, which is within the city limits of Columbia, and Ms. Faltas was at the --

**118-19] Dr. Faltas:** Objection. I'm Dr. Faltas.

**120] Judge Benjamin:** Excuse me?

**121-22] Dr. Faltas:** I said, objection. I'm Dr. Faltas.

**123-25] Judge Benjamin:** Okay. She can say Ms. Faltas. The objection will be overruled. Please continue.

**124-25] The Witness:** While Ms. Faltas was residing at 304 Byron Road, Apartment 3, **also within the city limits of Columbia,** Ms. Teresa Ingram filed a report with the City of Columbia in 2009 based on Ms. Faltas following her.

**16-7] Dr. Faltas:** **Objection, Your Honor. May I have the specific date?**

**18-9] Judge Benjamin:** **Specific date, please?**

**110-12] The Witness:** I'm trying to find the case number. Sorry. December 24, 2009. I can give you the case number if you would like.

**113-14] Dr. Faltas:** **I would like a copy of that.**

**115-19] Judge Benjamin:** **She will provide it in discovery. They understand -- she understands that anything she testifies to today and anything that is discoverable needs to be turned over to Dr. Faltas.**

**120] Dr. Faltas:** **What is the case number?**

**121-22] The Witness:** It would be a 2009 case number. 27895.

**123-24] Dr. Faltas:** I'm sorry. I'm sorry. Can you say it again, please?

**125] The Witness:** You ready now?

**125] Dr. Faltas:** Yes.

[2-3] **The Witness:** 2009 case number, 27895.

[4-5] **Dr. Faltas:** 27895. And who was the police officer?

[6-8] **Ms. Weiss:** Your Honor, if I may present the probable cause? She can ask questions --

[9-10] **Dr. Faltas:** Well, objection. That is total hearsay.

[11-16] **Judge Benjamin:** [11-13] You will have an opportunity to present -- ask your questions after she asks her questions. **That is how it works.** [14-16] She's going to ask her questions, present her case for probable cause. And then you can question the officer. All right? Yes, ma'am.

[17-18] **The Witness:** From that time of me receiving that report, which would have been --

[19-22] **By Ms. Weiss: Q.** Okay. I'm sorry. If you can go ahead -- I started to say is the report of the Defendant following her?

[23] **A.** Correct.

[24-25] **Q.** And I didn't know if there was anything more to it?

[page 20, lines 1-10] **A.** [1-5] December [sic] 24, 2009, Ms. Ingram filed a report with the City of Columbia with that Case Number 27895. After she stated that Ms. Faltas used her own vehicle and followed Ms. Ingram and a male friend as they left the apartment on Byron Road. [6-10] And then followed them to an unknown location somewhere. While they were at a red light Ms. Ingram states that Ms. Faltas rolled the window down and said, **"I'm going to get you."** **That is when I began the --**

[11] **Dr. Faltas:** Objection to hearsay.

[12-13] **Judge Benjamin:** Overruled. Continue, please.

[14-19] **The Witness:** **That would be when I first started getting the report. Ms. Ingram came in shortly after that and signed a sworn statement** to me in reference to the numerous incidents that had been happening between herself and Ms. Faltas. Ms. Ingram --

[20-21] **Dr. Faltas:** What was the date of that statement?

[22 - page 21, line 2] **Judge Benjamin:** Dr. Faltas, you will ask your questions after the Solicitor asks questions. I will give you an opportunity to ask the officer any questions regarding dates or anything, but not until after. Please stop interrupting.

[3-4] **Dr. Faltas:** I'm sorry. Well, I'm not sorry. I take exception.

[5-8] **Judge Benjamin:** Please -- please follow courtroom decorum. And she's going to ask her questions and then you will have an opportunity. Thank you.

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

[10] **Judge Benjamin:** Please continue.

[11-25] **The Witness:** [11-18] Ms. Ingram, in her written sworn statement, stated that on numerous occasions since Ms. Faltas had moved into the apartment complex up until the time of the statement, which was sometime late September, early October of 2009, I do have the exact date, but that is when she would have come in and gave me a statement. [19-22] She stated that Ms. Faltas had blocked her vehicle in the parking lot in a parking space numerous times to take her photo even after she would -- Ms. Ingram asked Ms. Faltas not to do so. [23-25] **Ms. Ingram also stated that on March 25th, 2009, her brother came to visit her at her apartment, again Byron Road.**

[page 22, lines 1-2] **Dr. Faltas:** Objection. That is triple hearsay, Your Honor.

[3] **Judge Benjamin:** I'm sorry?

[4-5] **Dr. Faltas:** Objection. That is triple hearsay.

[6-10] **Judge Benjamin:** She can at the probable cause hearing testify as to what her investigation and what led up to your arrest. She can testify to that today. I'm going to overrule the objection.

[11] **Dr. Faltas:** Exception.

[12] **Judge Benjamin:** All right. Yes, ma'am.

[14 - page 25, line 2] **The Witness:** [14-21] Okay. **Ms. Ingram in her sworn statement said that March 25th, 2009, her brother had come to visit her at her residence on Byron Road, again within the City.** But before she could even let him into her apartment Ms. Faltas had approached him in the parking lot and portrayed herself as the landlord asking him questions about who he was, who he was there to see, asking questions about his sister, **and telling him that he had to leave otherwise she would have the police remove him.** [25 - page 23, line 2] Numerous other times between March 25th and the report that was done on September 24th, 2009, where Ms. Ingram states that Ms. Faltas --

[3-4] **Dr. Faltas:** Objection again for hearsay.

[5] **Judge Benjamin:** Overruled.

[6] **Dr. Faltas:** Exception.

[7-20] **The Witness:** [7-12] Ms. Ingram continued that Ms. Faltas had blocked her vehicle in a parking space while at the incident location **not allowing her to leave when she was either going to work, going to visit family, or just trying to leave the apartment in general.** [13-17] **That Ms. Faltas had used her own vehicle to block in Ms. Ingram's vehicle and then take numerous photos of her and always causing some sort of altercation which at this time was always a verbal altercation.** [18-20] **September 23rd, 2009, Ms. Ingram states specifically that Ms. Faltas had used her vehicle to block her in the parking lot.**

[21-22] **Dr. Faltas:** Is that an incident report?

[23 - page 24, line 2] **Judge Benjamin:** Ma'am, we are not -- you are not going to continue to interrupt. I will give you an opportunity to ask questions, Dr. Faltas. Do not interrupt again. That is my order. Yes, ma'am.

[3-20] **The Witness:** [3-10] **September 23rd, 2009, Ms. Ingram states specifically this day she remembered it specifically because it was the day before the day that Ms. Faltas followed her and her male counterpart. On the 23rd of September she used her vehicle to block her in a parking spot and keep her from leaving, where she took numerous photos as usual.** [11-17] **The next day, which would be September 24th, 2009, Ms. Ingram filed a report with the City of Columbia after Ms. Faltas had used her own vehicle to follow Ms. Ingram and her male friend from the apartment which is the time where Ms. Ingram states Ms. Faltas yelled at her at the red light that, "I'm going to get you."** [18-20] **The male counterpart declined to speak with us because he was afraid of further harassment of Ms. Ingram and/or himself.**

[23-30] **Dr. Faltas:** Your Honor, objection. She cannot testify about the state of mind of someone to whom she did not even speak.

[24-25] **Judge Benjamin:** All right. Your objection is noted. It will be overruled.

[page 25, lines 1-2] **Dr. Faltas:** Exception. Total exception.

[3] **Judge Benjamin:** All right. Continue on.

[5-10] **The Witness:** Again, I spoke to the male counterpart on the phone **who requested that I not use his name and declined to give a written statement in reference to it** because he was afraid that Ms. Ingram would get further harassment from Ms. Faltas.

[11-12] **Dr. Faltas:** Once again, objection to --

[13-15] **Judge Benjamin:** So noted. It's overruled, but it's noted for the record. Your objection as to hearsay is noted for the record.

[16-19] **Dr. Faltas:** And it's not just hearsay. It's the mental state of somebody that she -- *she does not even know to whom she spoke over the phone.*

[20] **Judge Benjamin:** Okay. I understand.

[21-22] **Dr. Faltas:** Let alone that that was the male counterpart. *It could have been anybody.*

[23-24] **Judge Benjamin:** Okay. Overruled. Please continue.

[25 - page 26, line 17] **The Witness:** [25 - page 26, line 4] Ms. Ingram on October 1<sup>st</sup> [sic], 2009, Ms. Ingram again called the police, City of Columbia, and filed a report in reference to a simple assault where some rocks were thrown at her by Ms. Faltas. [5-13] *Ms. Ingram states that she was struck with the rocks intentionally while she was in the parking lot as well as Dr. Faltas was blocking her vehicle in as she and a few other friends that she had had over that day, as those people were getting in their vehicle to leave, Ms. Faltas blocked their vehicles in in the parking spots. And then had thrown rocks at Ms. Ingram, and intentionally striking her in the legs.* [14-17] *Again, the same situation. I talked to two of those four individuals who also declined to speak and give a written statement because they were afraid of further harassment.*

[18-21] **Dr. Faltas:** Objection, again, Your Honor. Hearsay and also *testifying about the state of mind of someone who doesn't wish to testify.* That is quadruple hearsay.

[22-23] **Judge Benjamin:** Okay. Overruled. So noted for the record.

[24] **Dr. Faltas:** Exception.

[25 to page 27, lines 1-2] **By Ms. Weiss:** [page 27, lines 1-2] *Q. Did these witness corroborate the information or did they --*

[3] **A.** They did. About the vehicle blocking --

[4-6] **Dr. Faltas:** Objection to the Solicitor calling them witnesses. *If they refuse to give a statement, then they are not witnesses.*

[7] **Judge Benjamin:** Overruled.

[8] **Dr. Faltas:** Exception.

[9] **Judge Benjamin:** Please continue.

[10-16] **The Witness:** [10-15] *Ms. Ingram states there were numerous other incidents where Ms. Faltas had blocked their vehicle in the parking lot, taken photos, preventing her from exiting the property as well as doing the same type of action against Ms. Ingram's family and friends who would come visit her.* [16] *They were all afraid to come over.* [Ms. Ingram --

[17-21] **Dr. Faltas:** Objection. Objection again to her testimony about the state of mind of people who are not even identified by name, *let alone being a witness.*

[21-22] **Judge Benjamin:** Okay. So noted. Overruled.

[23] **Dr. Faltas:** Exception.

[24 - page 28, line 21] **The Witness:** Ms. Ingram further gave an account of another incident in which she called it a warm sunny day when she and a guest were on her balcony when Ms. Faltas came onto her balcony and started taking photos in what Ms. Ingram said was no reason. And she couldn't figure out why Ms. Faltas was taking photos and flipping her middle finger up at Ms. Ingram as well as her guest and calling them bitches.

[8-9] **Dr. Faltas:** Calling them what? I didn't hear.

[10-11] **The Witness:** Bitches. In Ms. Ingram's words --

[12-13] **Dr. Faltas:** Objection. It's all hearsay.

[14-15] **Judge Benjamin:** I understand. So noted. Overruled.

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

[17 - page 29, line 5] **The Witness:** [17-23] *Ms. Ingram states that while they were on the balcony she had requested or she had told or asked Ms. Faltas not to take photos and to go back inside at which time is when the flipping of the middle finger occurred as well as profanity being used toward Ms. Ingram and her female guest.* [24 - page 29, line 5] *Ms. Ingram states there was no provocation for this behavior. They were just sitting outside enjoying the sun. Ms. Ingram gives another account which Ms. Faltas had blocked her family member in from leaving the property as they had come to pick up a vehicle that belonged to them that had been left.*

[16-7] **Dr. Faltas:** I'm sorry. I just can't hear.

[18-9] **Judge Benjamin:** Can you speak up some, please?

[10-12] **The Witness:** Okay. *Ms. Ingram gave a separate account where Ms. Faltas had blocked her family members in.*

[13-14] **Dr. Faltas:** Objection. Triple hearsay. Triple hearsay.

[15-25] **Judge Benjamin:** [15-20] I will note your objection as to hearsay for the record. It will be overruled. As I explained, this is a probable cause hearing. And she can testify as to the information that she has received that led up to your arrest. I am going to overrule that. [21] And your objection will be continuing. [22-25] And you do not have to continue to state it for the record. There is a continuing objection to all hearsay, whether first, second, or third person hearsay. There will be a continuing objection.

[page 30, line 11] **Dr. Faltas:** Exception.

[2-3] **Judge Benjamin:** All right. Yes, ma'am.

[4-12] **The Witness:** *In Ms. Ingram's account where Ms. Faltas had blocked in the family members, I believe it was her father and another family member had come to take away a vehicle that belonged to them, but it was in the parking lot at 304 Byron Road. Which the owners had no problem with it being there overnight knowing that Ms. Ingram's family would come pick it up the next day. It had broken down.*

[13-14] **Dr. Faltas:** Objection. Hearsay, Your Honor.

[15-17] **Judge Benjamin:** *I have already noted your objection to all hearsay for the record. You don't have to continue to make it. It's overruled.*

[18-20] **Dr. Faltas:** *When she's testifying about the owners having no problem with the car staying there overnight. This is total hearsay.*

[21-23] **Judge Benjamin:** I understand. And I understand your objection. As I previously stated, it will be overruled. Yes, ma'am!

[24 - page 31, line 2] **The Witness:** Again, using that same account, **Ms. Ingram states that Ms. Faltas had used her vehicle again between pulling up alongside the truck --**

[3] **Dr. Faltas:** I'm sorry. Pulling up?

[4-21] **The Witness:** [4-12] Pulling her vehicle up alongside of the truck that was being used to take away the vehicle that belonged to Ms. Ingram's family member. And taking photos of them even though they had told her to stop taking pictures of us and had asked her not to, which caused a verbal altercation between Ms. Ingram, Ms. Faltas, and the other individuals, the male counterparts who were there that were Ms. Ingram's family. [13-18] **Ms. Ingram also in her sworn statement that Ms. Faltas had said on several occasions that she will bury Ingram or Ms. Ingram, and points to the ground, as well as threatened to beat her ass, all in Ms. Ingram's own words. [18-21] Ms. Ingram also states that Ms. Faltas has told her that she felt sorry for her soul because she spent money on clothes. She called her a prostitute.**

[22-23] **Dr. Faltas:** She's what? I can't hear you.

[24 - page 32, line 14] **The Witness:** [24 - page 32, line 2] **Because Ms. Ingram spent money on clothes and called Ms. Ingram a prostitute because her fingernails were done and she had fake hair** [3-9] Ms. Ingram states there are numerous times, too many to count and list, where Ms. Faltas has blocked her vehicle in a parking spot as well as some of her family and her guests keeping them from leaving. Some of the guests she has -- Ms. Faltas has personally threatened to call the police if they didn't leave the property. [10-14] Ms. Ingram states that at numerous times Ms. Faltas has used profanity towards her and company continuously photographing them. **And she cannot have company at her apartment based on these things because her family and friends are afraid.**

[15-16] **Dr. Faltas:** Objection, Your Honor. Triple hearsay.

[17-19] **Judge Benjamin:** So noted. As I stated before, your objection as to hearsay is already noted for the record.

[20-21] **Dr. Faltas:** Objection. This is not just hearsay. This is triple and quadruple hearsay.

[22-23] **Judge Benjamin:** I understand. It will be overruled.

[24-25] **Dr. Faltas:** **And about the state of mind of people who are declining to be witnesses.**

[page 33, lines 1-2] **Judge Benjamin:** I understand your objection. It's overruled.

[3] **Dr. Faltas:** And exception.

[4] **Judge Benjamin:** Yes.

[5-7] **By Ms. Weiss:** [6-7] **Q. All right. Did anyone provide any information as to how this had made her feel?**

[8] **A.** Yeah. I have that in her sworn statement.

[9-10] **Dr. Faltas:** **Objection to the question, Judge. It calls for the state of mind about someone who is not here testifying.**

[12-14] **Judge Benjamin:** All right. Well, that person can't testify. It is the police officer.

[15-16] **Dr. Faltas:** **Well, actually the person can testify.**

[17-24] **Judge Benjamin:** [17-21] The police officer investigating it, Ms. Faltas. And she, at a probable cause hearing, can testify as to her investigation, her conversations with alleged witnesses, potential witnesses. She can testify. [22-24] We are just trying to determine if there was probable cause for her to arrest you. So it will be overruled. Please continue.

[25] **Dr. Faltas:** Exception.

[page 34, lines 1-4] **The Witness:** Your Honor, if I may read from Ms. Ingram's handwritten statement that was sworn by a notary in our office dated November 3rd, 2009, approximately 3:40 --

[5] **Dr. Faltas:** November what?

[6-23] **The Witness:** [6-11] November the 3rd, 2009, approximately 3:40 p.m. After Ms. Ingram submitted her own statement, I did a question and answer with her. And I asked Ms. Ingram specifically, "Are you in fear for your safety and/or the safety of your guests?" She reapplied with, "Yes." [12-16] Next question I followed up with, "Explain why you are in fear." Ms. Ingram stated, "Because of all of the incidents, the rock throwing, the calling of the police, the threats of all of my company, and I don't know her mental state of mind." [17-23] The next question, follow-up question, "Has Marie Faltas threatened to do any type of bodily harm to you and/or your company?" Ms. Ingram answered, "Yes. She has said on more than once occasion that she will beat my ass, and points to the ground and says that she will bury me." That would be it.

[24 - page 35, line 1] [24] **By Ms. Weiss:** **Q. And did she talk about when she blocked her out of her car, she was off on her way to go to work or about how that that affected -- did it affect her ability to get to work on time on any actual repercussions?**

[5-6] **A.** She verbally -- we discussed that. **It wasn't in writing,** but she --

[7-8] **Dr. Faltas:** I'm sorry. I can't hear you.

[9-11] **The Witness:** Yes. **Verbally Ms. Ingram stated** that she had been late for several appointments.

[12-13] **Dr. Faltas:** Objection. Objection. **It's not in the sworn statement.**

[14-15] **Judge Benjamin:** Overruled. Please continue.

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

[17-22] **The Witness:** **Ms. Ingram verbally stated yes, that she had been late for several appointments and work as well as her -- a family member that had come to visit her had also been late for work due to the same sort of behavior, which I actually have that individual's statement as well.**

[23-24] **Ms. Weiss:** Beg the Court's indulgence one minute.

25 to [page 36, lines 1-2] [25] **By Ms. Weiss:** [page 36, lines 1-2] **Q. I think you may have said this, but 304 Byron Road is in the City of Columbia?**

[3] **A.** Yes, ma'am.

[4] **Q.** And in Richland County?

[5] **A.** Correct.

[6-7] **Q.** Okay. And you want to move on to the second victim?

[8] **Dr. Faltas:** Alleged victim.

[9-13] **Judge Benjamin:** Dr. Faltas, please stop speaking out of turn. We will proceed with the second warrant. I believe it's 8693792. I will give you an opportunity to speak, but please stop speaking out of turn.

[14-16] **Dr. Faltas:** Thank you, Your Honor, but there is something in the Constitution called the presumption of innocence.

[17-18] **Judge Benjamin:** I understand. And you are presumed innocent today, ma'am.

[19] **Dr. Faltas:** That is --

[20-22] **Judge Benjamin:** I understand that they are alleged. I understand that the allegations against you are alleged by them. Yes, ma'am.

[23 - page 37, line 2] **The Witness:** The next victim was a Dinah Steele-Mason. She was married so her last name -- she kept Steele and then added the Mason to it after she married. Again, **between February 1st, 2009, and --**

[3-4] **Dr. Faltas:** Objection to the name, Judge.

[5] **Judge Benjamin:** Overruled.

[6-7] **The Witness:** **Between February 1st, 2009, and November the 11th, 2009 --**

[8-9] **Dr. Faltas:** I'm sorry? I can't hear.

[10-11] **Judge Benjamin:** Can you speak up, Officer Blanton.

[12] **The Witness:** Sure.

[13-14] **Judge Benjamin:** Do you have a microphone in front of you?

[15-16] **The Witness:** Yes. It's sitting right in front of me.

[17-18] **Judge Benjamin:** Okay. Speak into the microphone, please. Thank you.

[19 - page 38, line 8] **The Witness:** [19-22] Okay. **Between February 1st, 2009, and November the 11th, 2009, Ms. Mason -- Ms. Dinah Steele-**

**Mason states that there were numerous times where she encountered Ms. Faltas.** [23-24] From the time that she had moved in she had -- let me back up. [25 - page 38, line 8] **Ms. Dinah Steele-Mason is the property owner of 300 and 304 Byron Road. She owns both apartment buildings that are on the property.** Ms. Mason states that since Ms. Faltas moved in I believe she said September of 2008, possibly October -- around October of 2008 that she and her husband Larry Mason had had numerous issues with Ms. Faltas in reference to **other tenants that live in 300 and 304 Byron Road calling and complaining.**

[9-10] **Dr. Faltas:** Objection. Triple hearsay.

[11-12] **Judge Benjamin:** Overruled. Please continue.

[13-23] **The Witness:** [13-18] Calling and complaining to them that Ms. Faltas had been -- the term they used was harassing, harassing them, but in essence what was happening was she had been stopping them in the parking lot, asking them what they paid for rent, why they paid that much. [19-23] Had asked them why they parked their vehicles in a certain spot, why they smoked cigarettes, why they smoked cigarettes where they smoked them. Why they were carrying beer into their apartment. Doing the same thing to their guests.

[24-25] **Dr. Faltas:** I'm sorry. You said paying rent, carrying beer, and what else? Smoking?

[page 39, lines 1-2] **The Witness:** Smoking tobacco, correct.

[3-4] **Dr. Faltas:** And then where they smoked was --

[5-6] **The Witness:** Why and where they were smoking tobacco.

[7] **Dr. Faltas:** Who they were with?

[8-9] **Judge Benjamin:** You can ask her questions --

[10-11] **Dr. Faltas:** I'm not hearing. That is all. I'm not hearing.

[12] **Judge Benjamin:** Please speak up.

[13-16] **The Witness:** As well as asking who their visitors were and why they were there. Ms. Mason came in and signed a sworn statement in which this information is coming from.

[17] **Dr. Faltas:** What date was that?

[18-21] **Judge Benjamin:** You can ask questions after she finishes testifying. When she finishes you will have an opportunity to ask questions. Please continue.

[22 - page 40, line 16] **The Witness:** [22-25] Ms. Mason states that starting around January or February of 2009 that Ms. Mason had begun to attempt to show the apartment directly next door to Ms. Faltas which was vacant. [page 40, lines 1-9] **Ms. Mason states that at least on one occasion that she knew of Ms. Faltas met her in the parking lot before she could get the potential tenant in to visit the apartment to attempt to rent it out, that Ms. Faltas had began yelling at Ms. Mason, yelling and screaming were her exact words, for no apparent reason.** Questioning Ms. Mason as to why she wouldn't rent her the apartment for what Ms. Mason calls Ms. Faltas's mother to live in. [10-16] Which Ms. Mason states that that was no apparent reason for Ms. Faltas to be yelling and screaming at her in the parking lot. Ms. Mason states that on more than one occasion Ms. Faltas approached a potential renter and presented herself as the landlord, telling the potential --

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

[17] **Judge Benjamin:** Overruled.

[18 - page 41, line 12] **The Witness:** [18-23] Telling the potential tenant that there were no vacant apartments and that they had to leave the premises. **Aldon Wheeler was one of these individuals who potentially was going to rent the vacant apartment. I have a signed sworn statement from Mr. Wheeler.** [24 - page 41, line 9] **He states that he went to the location to view the vacant apartment, but Ms. Faltas met him in the parking lot before Ms. Mason got there. And that he -- on the encounter he thought that Ms. Faltas had presented herself as the landlord and stated there were no apartments available and that he had to leave before the police were called.** [6-12] Also in Ms. Mason's sworn statement she states that in early March 2009 Ms. Faltas was served notice to leave the other tenants alone and to stop harassing them, **again harassing was Ms. Mason's term.** Similar notices were served on Ms. Faltas by Mr. and Mrs. Mason on March the 12th, April the 17th, September the 24th, October --

[13-14] **Dr. Faltas:** You are going too fast. I need to write those dates.

[15] **Judge Benjamin:** Please continue.

[16 - page 42, line 2] **The Witness:** [16-21] The notices were served on Ms. Faltas by Ms. Mason and her husband on March the 12th, April the 17th, September the 24th, October the 6th, October the 13th, October the 14th, and two more notices on October the 21st. All of these were 2009. [22 - page 42, line 2] Ms. Mason also states that Ms. Faltas was served an eviction letter on March 1st of 2009. Ms. Mason further states that on March 26th, 2009, **she states that Ms. Faltas followed her from the apartments on Byron Road to Ms. Mason's job, which is off of Trenholm Road.** [3-7] Ms. Mason states that Ms. **Faltas just sat in her car, were her exact words, in the parking lot at the location, and had no apparent business to conduct because she stayed in her vehicle. She didn't get out.**

[8-9] **Dr. Faltas:** You say I did not get out?

<sup>[10-23]</sup> **The Witness:** <sup>[10-14]</sup> Correct. **And just stayed in the vehicle.** Ms. Mason states she was in fear of her safety and that of her co-workers so she called her husband, Larry Mason, to come to the location. <sup>[115-23]</sup> **When Mr. Mason pulled into the parking lot Ms. Faltas quickly exited.** Ms. Faltas was also noticed sitting in a parking lot at a Shell gas station which is in front of the home address of Mr. and Mrs. Mason which is in Elgin. It's not in Richland County. **It's in a different county. On April the 3rd, 2009, Ms. Faltas was issued another eviction notice based off the same harassing behavior.**

<sup>[24]</sup> **Dr. Faltas:** Did you say April?

<sup>[25 - page 23, line 12]</sup> **The Witness:** <sup>[25 - page 43, line 5]</sup> **Yes. April the 3rd, 2009. Ms. Mason further states that on April the 20th, 2009, Ms. Faltas was again observed sitting inside of a vehicle in the parking lot at Ms. Mason's work place, just sitting in the car, not having any apparent business there.** <sup>[6-12]</sup> **She wasn't inside any of the businesses that are surrounding Ms. Mason's job. She was just sitting in her vehicle.** More complaints continued to come in from the Masons in reference to Ms. Faltas constantly asking --

<sup>[11-12]</sup> **Dr. Faltas:** Objection. Triple hearsay.

<sup>[13]</sup> **Judge Benjamin:** Overruled.

<sup>[14]</sup> **Dr. Faltas:** Exception.

<sup>[15-17]</sup> <sup>[15]</sup> **BY Ms. Weiss:** <sup>[16-17]</sup> **Q. How about any actual contact between Ms. Steele-Mason and Ms. Faltas?**

<sup>[18 - page 44, line 11]</sup> **A.** <sup>[18-23]</sup> All right. On September 5th, 2009, Ms. Mason states that she and her husband Larry were at the location to do some maintenance on the apartment due to Ms. Faltas calling the City, making complaints to Inspections about the property. They were there on September 5th, 2009. <sup>[24 - page 44, line 7]</sup> Ms. Mason states that Ms. Faltas came out of her apartment again yelling at her and her husband calling them thieves, swindlers, liars, calling Ms. Mason a whore as they were in the parking lot and in the yard, the front and the back side of both buildings trying to do the maintenance for the routine upkeep on the buildings and the property itself which Ms. Mason states this occurred quite often. <sup>[8-11]</sup> They would be over there attempting to cut the grass and various maintenance things. September the 8th, 2009, Ms. Mason states that Ms. Faltas again came to her job place off of Trenholm Road --

<sup>[12-31]</sup> **Dr. Faltas:** I'm sorry. When was that? I didn't hear you.

<sup>[14-23]</sup> **The Witness:** <sup>[14-19]</sup> September the 8th, 2009. Ms. Mason again states that Ms. Faltas came to her job place off of Trenholm Road and just sat in the parking lot. In Ms. Mason own words, just sat in the parking lot, again having no apparent business. <sup>[20-23]</sup> On September the 11th, 2009, Ms. Mason had a report made via the City of Columbia, Case Number 0926586 due to Ms. Faltas assaulting her by pushing her in the chest as she was attempting to --

<sup>[23 - page 44, line 11]</sup> **Dr. Faltas:** **Objection. Just I need to put it here on the record again. This is subject to a separate charge, and this is double jeopardy.**

<sup>[2-3]</sup> **Judge Benjamin:** Overruled. And it will be noted for the record. Please continue.

<sup>[4-10]</sup> **The Witness:** <sup>[4-7]</sup> Ms. Mason had that report made in reference to Ms. Faltas pushing the piece of paper in her chest which was also witnessed by another tenant at the apartment complex. <sup>[8-10]</sup> **On October 6th, 2009, Ms. Mason states that Ms. Faltas again blocked her vehicle in the parking lot.**

<sup>[11]</sup> **Dr. Faltas:** I'm sorry. What date?

<sup>[12-24]</sup> **The Witness:** <sup>[12-19]</sup> Which she had done numerous times. **October the 6th, 2009, Ms. Mason states that Ms. Faltas would use her vehicle to block her in from coming and going as she would be coming to either check on a tenant, come to get rent money, come to do routine maintenance, various things that an owner/landlord would come to the apartments to do.** <sup>[20-24]</sup> **That Ms. Faltas used her vehicle to block in Ms. Mason's vehicle, and then took pictures of Ms. Mason.** Ms. Mason states that on numerous occasions she and her husband told Ms. Faltas not to take pictures of them and/or other tenants.

<sup>[25]</sup> **Dr. Faltas:** Triple hearsay, Judge.

<sup>[page 46, lines 1-2]</sup> **Judge Benjamin:** So noted. Overruled.

<sup>[3-6]</sup> **The Witness:** I have a certified letter, copies of them, that were sent to Ms. Faltas at 304 Byron Road, Apartment Number 3, from Ms. Dinah Steele-Mason and Larry Mason.

<sup>[7]</sup> **Dr. Faltas:** Objection.

<sup>[8-9]</sup> **Judge Benjamin:** What is the objection?

<sup>[10-13]</sup> **Dr. Faltas:** Well, is she testifying to the truth of the content of the letter or that letters were sent? Either way it's hearsay. She didn't send them or she didn't see them being sent.

<sup>[14-16]</sup> **Judge Benjamin:** All right. Overruled. Please continue. She will provide those documents to you on discovery.

<sup>[17]</sup> **Dr. Faltas:** Exception.

<sup>[18]</sup> **Judge Benjamin:** Yes, ma'am.

<sup>[19-22]</sup> **Dr. Faltas:** And once again, when you keep on saying she's doing it in discovery, you've already made up your mind that there is probable cause. And once again --

<sup>[23 - page 47, line 2]</sup> **Judge Benjamin:** I have not made up my mind. I'm waiting to hear her. I've not heard from you. She will continue with her testimony. And if there is discovery needed, she will provide it to you on discovery. Let's continue on.

<sup>[3-6]</sup> **The Witness:** Again, the notices were sent to Ms. Faltas at 304 Byron Road, Apartment Number 3. Numerous letters, this one dated March 12th, 2009, where --

<sup>[7]</sup> **Dr. Faltas:** I'm sorry?

<sup>[8-19]</sup> **The Witness:** <sup>[8-17]</sup> I'm sorry. All of the notices say basically the same thing. Not verbatim, but basically saying leave other tenants alone. Stop using your vehicle to block them in. You've been repeatedly asked not to place posters. You've been repeatedly asked not to harass other tenants. You've been repeatedly asked not to take photos of other tenants and/or block tenants in as they attempt to leave work -- leave for work or depart from their apartment. <sup>[18-19]</sup> All of the notices say similar things in context.

<sup>[20-23]</sup> <sup>[20]</sup> **BY Ms. Weiss:** <sup>[21-23]</sup> **Q. And did Ms. Steele-Mason say that she had personally asked her not to continue to block her in or take pictures of --**

<sup>[24-25]</sup> **Dr. Faltas:** Objection. Calls for hearsay.

<sup>[page 48, lines 1-2]</sup> **Judge Benjamin:** Overruled. Please continue.

[3-4] **The Witness:** Ms. Mason states that she and her husband had done that repeatedly.

[5-6] **BY Ms. Weiss:** *Q. Speaking for herself as well?*

[7] **A.** Correct.

[8-10] **Q.** Okay. And did she also state that had she been blocked in, Ms. Steele-Mason, and she also had taken pictures of her?

[11] **A.** Correct.

[12-13] **Q.** Trenholm Road, is that in the City of Columbia?

[14] **A.** I don't believe so.

[15] **Q.** Okay.

[16-17] **A.** You are talking about the workplace of Ms. Steele-Mason?

[18] **Q.** Yes.

[19-20] **A.** I don't believe so. But originally it started from 300 and/or 304 Byron Road property.

[21] **Dr. Faltas:** Objection.

[22-23] **BY Ms. Weiss:** *Q. And those are in the City of Columbia?*

[24] **A.** Correct.

[25 - page 49, line 2] **Q.** Now, one time she stated that she had followed her from that address. The other time she followed her or just appeared in the parking lot?

[3] **A.** Ms. Steele-Mason said --

[4] **Dr. Faltas:** Objection. Leading.

[5-6] **Judge Benjamin:** This is a probable cause hearing. Overruled. Please continue.

[7-14] **The Witness:** Ms. Steele-Mason states in her sworn statement that on one occasion she knows and she witnessed, observed, however you want to say it, she observed Ms. Faltas following her from the Byron Road apartment to her job right off of Trenholm Road. The other two times she wasn't sure she followed her, but she knows she was sitting in the parking lot.

[15-17] **Ms. Weiss:** *Q. Okay. And did Ms. Steele-Mason give you information about how this personally made her feel?*

[18] **Dr. Faltas:** Objection.

[19-20] **Judge Benjamin:** Overruled. Please continue.

[21-24] **The Witness:** She's extremely frustrated and upset that her tenants as well as her and her husband have had to deal with this. It seems like an ongoing issue.

[25 to page 50, line 1] **BY Ms. Weiss:** *Q. Is she in fear of Ms. Faltas?*

[2-10] **A.** In her signed sworn statement she stated that she was in fear the day -- specifically the day that she was followed by Ms. Faltas to her workplace because she did not know what was going to happen because obviously she followed her. So on that date, yes, she was in fear of her own safety. And that Ms. Faltas had shown up at a gas station that is directly across from Mr. and Mrs. Mason's home.

**Q. And what time of day was that?**

**A. I don't have that day specifically or time frame.**

**Q. Have the police been called out to 300 or 304 Byron Road by the Defendant specifically to address Ms. Steele-Mason?**

**A.** Yes.

**Q. Under what circumstances?**

**A.** Numerous ones.

**Dr. Faltas:** Objection to her laughter, Judge. That is demeaning of me, and she has no knowledge.

**Judge Benjamin:** I didn't hear her laugh. I'm sorry.

**Dr. Faltas:** I saw it.

**Judge Benjamin:** All right. Overruled. Please continue.

**Dr. Faltas:** Exception.

**The Witness:** Via all of the records that I requested from our dispatch, there are dozens where Ms. Faltas has called dispatch requesting officers for various reasons for --

**BY Ms. Weiss:** *Q. Particular to Ms. Steele-Mason?*

**A.** It's varied. So I'm not exactly sure.

**Q. Okay.**

**Dr. Faltas:** So you did not read them?

**Judge Benjamin:** Ma'am --

**Dr. Faltas:** She said --

**Judge Benjamin:** Ma'am, we do not speak out of turn. I will give you an opportunity to ask questions. You are not to ask questions right now. Ms. Weiss, if they are not related to these cases, let's move on.

**Ms. Weiss:** Okay. No, that is fine. No further questions at this time.

**Judge Benjamin:** All right. Officer Blanton, please answer any questions that Dr. Faltas may have, and please speak up.

**Dr. Faltas:** Your Honor, at this time before -- I would like to ask you to find no probable cause at all because in the Solicitor's case, she admitted that they are landlord and landlady. And I have a First Amendment right to question the management of the property. She admitted that the only thing that I asked the other tenant was how much they were paying, which I have the perfect First Amendment right to investigate whether I was being charged -- even if this was true, which I'm not conceding, it's under First Amendment rights because I am entitled to investigate whether I was being overcharged based on my national original. She asked why they were -- if I was asking them why they were drinking beer and why they were smoking under my balcony. I have a perfect right to object to someone damaging my lungs. This is all First Amendment speech. There is absolutely -- even if all of what she just testified to was true, first of all it's hearsay, triple hearsay, but even if all of it had been true, which it's not, it completely falls under First Amendment protected speech.

**And the statute says, Number One, it doesn't apply to First Amendment protected speech or conduct. Number Two, it doesn't apply to people in the process of serving paper which I've given Your Honor the order by Judge Lee. There is a lawsuit. That lawsuit was served on Dinah Steele on March 26th.**

[7-9] **Judge Benjamin:** All right. Anything else? Anything from Ms. Weiss in response to her motion?

[10-12] **Ms. Weiss:** Would you like my response at this time or after she's completed -- it's the same one, I guess.

[13-14] **Judge Benjamin:** I'm assuming this is the conclusion. She's asked for the motion to be --

**Dr. Faltas:** No, No. I am going to ask questions, but I want to say that at this point -- at this point she did not -- she did not make any probable cause even before I ask questions.

[19-22] **Judge Benjamin:** Okay. Well, the question -- your questions are in response to her testimony. You normally ask questions, then we make the motions.

[23-24] **Dr. Faltas:** So you want me to reserve the motion to the end? I'm saying that --

[25 -- page 54, line 21] **Judge Benjamin:** You can reserve it to the end, yes, ma'am. Go ahead and ask your questions.

**Dr. Faltas:** But I was not wanting to do it now because I'm saying that even without my asking questions there is no probable cause, but of course I reserve the right to ask questions if you deny my motion. But I want you to make the ruling on the motion now. And I'll reserve the right to ask questions and to make it again.

[10-15] **Judge Benjamin:** I'm not going to allow you to make it twice. I'm only going to rule on it once. The procedure is normally to ask the questions of the officer and then make your motion. I didn't think that you had any questions because you went straight to the motion.

[16-17] **Dr. Faltas:** Then I'll ask the questions.

[18] **Judge Benjamin:** All right.

[19] **Dr. Faltas:** But I do reserve.

[20-21] **Judge Benjamin:** Yes. I'll rule on the motion at the end if you are asking questions.

[22] **Dr. Faltas:** Thank you very much.

[23 -- page 55, line 6] **Judge Benjamin:** Yes, ma'am. But you do understand that your questions are to -- limited to probable cause for your arrest and her testimony today. This is not -- you can't -- the reason I keep saying about discovery is that we don't -- this isn't a process where we go through all of the questions on discovery. The only issue before me is probable cause. You are going to ask your questions regarding probable cause.

**Dr. Faltas:** Under the confrontation clause I'm entitled to ask her questions to impeach her reputation and credibility.

[10-14] **Judge Benjamin:** All right. Well, that is not -- at this point in time you are going to ask her questions. And the only issue before me at this time is probable cause. Go ahead and ask your questions. Go ahead and ask your questions.

**Dr. Faltas:** Well, I'll ask them, and if you don't allow them then --

[17-18] **Judge Benjamin:** We'll deal with them at that time, yes, ma'am.

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

[20-22] **CROSS EXAMINATION BY Dr. Faltas**

[22] **Q.** Investigator Blanton, how old are you?

[23] **Ms. Weiss:** Objection, Your Honor.

[24] **Judge Benjamin:** Dr. Faltas?

**Dr. Faltas:** It goes to reliability and credibility.

[25] **Judge Benjamin:** I'm going to let her answer it.

[4-5] **The Witness:** At this very moment I am 28.

[6-10] **BY Dr. Faltas:** **Q.** How long have you been with the Police Department? I assume you are a member of the Columbia -- are you a member of the Columbia Police Department?

[11-13] **A.** Yes, ma'am, I am. And I have worked here six years and going on seven in the next couple of months.

[14] **Q.** What is your rank?

[15] **A.** Right now Investigator.

[16-17] **Q.** What does that mean? I mean, are you officer, corporal, major, what? What --

[18-19] **A.** I just answered your question. Investigator.

[20] **Q.** What is that equivalent to in rank?

[21-23] **Judge Benjamin:** That is her rank? She is an Investigator is what she answered. Please ask the next question.

[24-25] **BY Dr. Faltas:** **Q.** What is your education?

[26] **A.** I have an Associates Degree.

[27] **Q.** What does that mean?

[28-31] **A.** I have a two-year degree which I finished two years after I graduated high school.

[32] **Q.** And when was that?

[33] **A.** Which one?

[34] **Q.** Both.

[35-36] **A.** I graduated high school in 1999, and I graduated college in 2001.

[37] **Q.** Which college?

[38] **A.** Spartanburg --

[39] **Judge Benjamin:** Dr. Faltas, the issue is probable cause.

[40-41] **BY Dr. Faltas:** **Q.** Did you study the law?

[42-43] **Judge Benjamin:** Ma'am, the issue is probable cause. All right? She's -- I think it's established she is an Investigator for the Columbia Police Department. She investigated this case. You need to ask her questions specific to your case.

[44-45] **BY Dr. Faltas:** **Q.** Have you ever been disciplined?

[46] **A.** By my mom, sure.

**Q.** Have you ever been disciplined at work?

[47] **A.** Of course.

**Q.** Why?

**Ms. Weiss:** Objection, Your Honor. I think she -- this is not a trial. It's a probable cause hearing.

**Judge Benjamin:** I am not deciding her credibility. I'm deciding did she have enough information and evidence to issue -- to seek an arrest warrant against you.

10-11 **Dr. Faltas:** What if she has taken a bribe? Am I not entitled to ask about that?

11-12 **Judge Benjamin:** No, ma'am. You are not --

13-15 **Dr. Faltas:** I'm not entitled to ask if someone took a bribe and then went and took out a warrant against me?

16-19 **Judge Benjamin:** Dr. Faltas, not today. This is not -- that is not an issue today. Please ask questions regarding probable cause to your arrest.

20-21 **Dr. Faltas:** Objection. Well, I would like to put that question on the record, please.

23-24 **Judge Benjamin:** You can put the question on there.

25-27 **Dr. Faltas:** And I would like her answer proffered for the record.

28 **Judge Benjamin:** No, ma'am.

31 **Dr. Faltas:** Well, exception.

4-5 **Judge Benjamin:** All right. Continue.

6-7 **BY Dr. Faltas:** Q. You did admit that you were disciplined on the job?

9 **Ms. Weiss:** Objection, Your Honor.

10-16 **Judge Benjamin:** I told you that that question is not to be answered. Please continue on. If you have questions regarding your arrest and probable cause, I'm asking that you ask those questions. If you do not have questions regarding probable cause for your arrest, then I will address your motion.

17-18 **Dr. Faltas:** I have a lot of questions, Your Honor.

19-20 **Judge Benjamin:** Regarding probable cause.

21-22 **Dr. Faltas:** I'm going systematically about it.

23-24 **Judge Benjamin:** Regarding probable cause.

25 - page 60, line 11 **Dr. Faltas:** Yes, ma'am. I am going systematically about it.

2-3 **Judge Benjamin:** Questions regarding probable cause, Dr. Faltas.

4-5 **Dr. Faltas:** Yes, ma'am. She testified about some other things, too.

6-9 **Judge Benjamin:** She didn't testify about her discipline or anything like that. Questions regarding probable cause of your arrest. That is the only issue before us today.

10-12 **BY Dr. Faltas:** Q. Isn't it true that you have not witnessed any of the incidents that you testified to?

13-14 **A:** I witnessed Ms. Ingram and Ms. Steel in reference to their statements.

15-17 **Q:** You did not witness any of my alleged -- to them. You did not witness any of my alleged following them. You did not witness any of my alleged speaking badly to them. You did not witness any of that, isn't that true?

20 **A:** Not personally. No, I did not witness it.

23-24 **Q:** Did you know that I have filed a lawsuit against Dinah Steele and Larry Mason in March 2009?

24 **A:** At the time I received these reports, no.

125 - page 61, line 11 **Q:** Were you subpoenaed to testify in that particular case?

12-31 **A:** Seeing that I didn't know about it, no. I still have not been subpoenaed.

14-51 **Q:** Did you receive a subpoena on the day before or in November 2009?

16-71 **A:** A subpoena that was properly served to me, no.

18-101 **Q:** Did you -- were you aware of a subpoena in a case called Marie Assa'ad Faltas versus Dinah Steele, et al, in November of 2009?

111-171 **A:** Sorry. I have copies of everything that I've received. I received a subpoena on 12/1/2009 that was handwritten by Ms. Faltas claiming her as a Plaintiff and Dinah Steele as a Defendant. I received it in an inner office mail in -- and it was in my mailbox via my job. That was December the 1st.

175-54 **Q:** Did you call one Gary Johnson who's a member of the City of Columbia Legal Department about that subpoena?

21-221 **A:** I called Bob Cooper who directed me to Mr. Johnson.

123 **Q:** Why did you call Bob Cooper?

124 - page 62, line 21 **A:** Because I received that handwritten subpoena. And I've been here long enough to know that that is not exactly how they are suppose to be delivered. It was in my mailbox rather than delivered personally.

14-51 **Q:** So that was the first you knew that there was a lawsuit?

16-71 **A:** That was the first document that I received from you.

181 **Q:** When was the first time --

9-101 **Judge Benjamin:** Let her answer the question, please.

111-131 **The Witness:** That was the first time that I received a subpoena.

133-137 **BY Dr. Faltas:** Q. When was the first time you knew there was a lawsuit by me against Dinah Steele and Larry Mason?

117-211 **A:** It would have been when they came in to submit statements to me to C.P.D. headquarters which would have been October, maybe. I can give you an exact date. Yeah. It would have been in October which would have been the 14th of October of 2009.

22-231 **Q:** Did you ask whether there was -- whether they have a motive to do this?

124 - page 63, line 21 **A:** Because that was a civil issue, it had nothing to do with me seeing that I worked for the City of Columbia and do not handle civil motions that involve anything.

7-9 **Q:** But you did not question whether they may have had a motive to make false criminal charges against me to gain advantage in the civil litigation?

71 **A:** No.

**10-9 Q. Were you aware that the Honorable Circuit Judge Allison Renee Lee issued an order --**

**110 Ms. Weiss: Objection, Your Honor.**

**111-12 Judge Benjamin:** What is the objection?

**113-17 Ms. Weiss:** My objection is that the order that she's talking about was done after the arrest. It does not go to probable cause. The questions should be related to probable cause prior to the arrest.

**118-120 Dr. Faltas: A. And, Your Honor, and I would like that order read into the record. I read all of it into the record.**

**121-25 Judge Benjamin:** I just handed it back to you. And I'm not -- do you have it? I don't have it. If you are not going to ask questions regarding probable cause I'm going to take up the issue of your motion.

**126-64, line 11 Dr. Faltas:** I am asking questions.

**127-14 Judge Benjamin:** These questions regarding another lawsuit and other orders not regarding the probable cause of your arrest for purposes of harassment, these two warrants that I have before me today. Questions regarding probable cause, was there probable cause to arrest Dr. Marie Faltas for two counts of harassment? That is the only issue that I am concerned with today. I'm not concerned with the civil order. I'm not concerned with who sued who. I am concerned about was there probable cause for your arrest. That is what your questions are limited to. Please ask your next question.

**115-17 BY Dr. Faltas: 116-17 Q. You claim there was an incident report on September 24th, 2009, Number 27895?**

**118 A.** Correct.

**119-21 Q. What did that report say? Was that for information purposes only or did it state an offense?**

**122-23 A.** No, it states a harassment, stalking fence.

**124 Q. Was there any courtesy summons?**

**125 - page 65, line 1 A.** Stalking and harassment are not anything that you would sign a courtesy summons for. Those are warrants. Those aren't courtesy summons.

**131 Q. Really? Who said that?**

**141 A.** My boss.

**151 Q. Who is your boss?**

**161 A.** Sergeant Drab.

**17-81 Judge Benjamin:** Regarding probable cause, ma'am.

**19-20 BY Dr. Faltas: 110-111 Q. Did you ever see Ms. Ingram's alleged brother?**

**112 A. No, I have not seen him in person.**

**120 Q. Have you ever seen a picture of him?**

**134 A. I have.**

**115 Q. What does he look like?**

**116-18 Ms. Weiss:** Objection, Your Honor. That does not go to probable cause. The victims are Dinah Steel-Mason and Teresa Ingram.

**119-24 Dr. Faltas:** Well, Judge, in the arrest warrant it says that her family had emotional discomfort. And I am trying to establish that if that is really her brother, he's such a hulk of a guy that he couldn't have possibly been intimidated by me.

**125 - page 66, line 31 Judge Benjamin:** All right. Well, how he looked is not relevant as to probable cause. She's already said that she's not seen him. Please continue on. Next question.

**126-69 BY Dr. Faltas: 127 Q. Did you get any form statement from any of Ms. Ingram's relatives?**

**138 A. I have one. This would actually be the statement from the brother.**

**149 Q. And it's sworn?**

**150 A.** No, it's not.

**160-163 Dr. Faltas:** All right. Then, Judge, I move that everything related to the brother be struck if it's not sworn.

**164-166 Judge Benjamin:** For purposes of the probable cause hearing I'm going to overrule your motion or objection or whatever at this time.

**117-19 BY Dr. Faltas: 118-19 Q. And then on September 23rd you say there was an incident report?**

**120 A.** For which victim; Ms. Mason or Ms. Ingram?

**121-22 Q. For the alleged victim Ingram. I'm going by your order.**

**123 A.** I said there was report taken on the 23rd.

**124-25 Judge Benjamin:** Next question, please.

**126-69 BY Dr. Faltas: 127 Q. So there was no report taken on the 23rd against me by anyone? I'm just trying to establish this**

**138 A. There was not a written report taken from Ms. Ingram on the 23rd of December [sic] of 2009, but in her sworn statement is where she gives the information about the vehicle blocking.**

**130 Q. Was there any police report done about the alleged vehicle blocking?**

**111-13 A. Not on that specific date. There are a couple of times that dispatch was called, officers would come out, but no report was taken.**

**114 Q. What dates was --**

**115-16 A.** They range from February of 2009 to November.

**117 Q. No, ma'am. Give me the exact date.**

**118-19 A.** Okay. That is going to take a little time.

**120-21 Q. That is fine. Take a little while. Give me that date, please.**

**122-23 Judge Benjamin:** Ma'am, you can get those on discovery if this case is bound over.

**123 - page 68, line 21 Dr. Faltas:** No, ma'am, I'm saying that this is fabrication. There aren't any reports before September. There aren't even calls before September.

**13-61 Judge Benjamin:** All right. Okay. Answer the question. You do not have to give the exact date. You can give a range of dates if there are that many.

**13-71 Dr. Faltas:** I'll ask it this way. **BY Dr. Faltas:** Q, Are there any calls in February 2009?

**1101 A:** Again, I will have to --

**111-112 Q:** That is fine. Just are there any calls in February 2009 from Teresa Ingram?

**113 A:** Again, it's going to take a minute.

**114 Judge Benjamin:** Ma'am --

**115 Dr. Faltas:** Just take a minute.

**116 Ms. Weiss:** There is a call --

**117-118 Dr. Faltas:** Objection to Ms. Weiss testifying. Are we getting the Solicitor to testify now?

**120-21 Judge Benjamin:** Dr. Faltas, please let me hear from her and then I'll here from you.

**122-23 Dr. Faltas:** As long as she doesn't testify.

**124 - page 69, line 21 Ms. Weiss:** Your Honor, I just think if we start going down this path, they are the same thing I asked. There are a lot of reports here, so I don't know, from numerous people.

**13-8 Judge Benjamin:** Well, she's not asking her for the dates. She's just asking her was there a report -- if there was at least one report in February. And I'm assuming she's going to look to see if there is one report in February and then she is going to ask if there was one in March.

**191 Dr. Faltas:** Absolutely.

**1101 Judge Benjamin:** At least one.

**111 The Witness:** From Teresa Ingram?

**112 Dr. Faltas:** Yes.

**113-114 Judge Benjamin:** You can do both victims if she's looking through it.

**115-118 The Witness:** There is a couple from April. That is how far back I am right now. There is March the 14th, March the 13th, February the 11th.

**119-20 Judge Benjamin:** So your answer is, yes, is that correct?

**121 Dr. Faltas:** February the 11th?

**122-23 The Witness:** March 12th, February 15th.

**124-25 Dr. Faltas:** I'm sorry. Did you say February the 11th.

**11page 70, line 11 The Witness:** I did.

**121 Judge Benjamin:** She did.

**191 Ms. Weiss:** From Ms. Ingram?

**14-51 The Witness:** These are abandoned vehicle calls and 911.

**16-71 Dr. Faltas:** Abandoned vehicles? What does this have to do with me?

**181 Judge Benjamin:** Hold on one second.

**191 Dr. Faltas:** This is --

**110-1121 Judge Benjamin:** Dr. Faltas, one second, please. Please look through and see if there are any --

**113-141 Dr. Faltas:** Abandoned vehicles? I mean, really now --

**115-171 Judge Benjamin:** Dr. Faltas. Any -- the question is regarding Teresa Ingram and Diana Steele.

**118-191 The Witness:** Dinah Steele? Your Honor, there are tons of 911 calls. February 11 --

**120-211 Dr. Faltas:** Objection to her saying tons.

**1221 Judge Benjamin:** Please continue.

**1231 Dr. Faltas:** Objection.

**124-251 Judge Benjamin:** Overruled. Please have a seat, Dr. Faltas.

**11page 71, line 1-31 Dr. Faltas:** Please let me do Ingram first and then Steele because that is how I wrote it. Okay? Please, please.

**14-61 Judge Benjamin:** She's going through her notes. We are going to do Ingram and Steele together. Yes, ma'am.

**17-81 The Witness:** Teresa Ingram on February the 15th, 2009.

**19-101 Dr. Faltas:** All right. Read that in full.

**111-1121 Judge Benjamin:** What is your question?

**113-1151 Dr. Faltas:** It wasn't about me. It was about her boyfriend or one of her clients beating her.

**116-171 Judge Benjamin:** All right. Dr. Faltas --

**1181 Dr. Faltas:** I'm --

**119-211 Judge Benjamin:** Have a seat. I'm only concerned with calls regarding Dr. Faltas from Dinah Steele and Ms. Ingram.

**122-241 Dr. Faltas:** In fact, Your Honor, I have reason to believe that there is a medical condition which --

**1251 Ms. Weiss:** Objection, Your Honor.

**11page 72, line 11 Dr. Faltas:** That calls --

**12-31 Judge Benjamin:** That is not relevant today.

**141 Dr. Faltas:** It is relevant if --

**15-71 Judge Benjamin:** I say what is relevant. It is not relevant today for purposes of probable cause.

**13-71 Dr. Faltas:** May I state the relevance?

**110-111 Judge Benjamin:** No, ma'am. Have a seat, please.

**112-1131 Dr. Faltas:** So I want the incident report from Teresa Ingram read into the record.

**114-151 Judge Benjamin:** No, ma'am. Answer the --

**116-201 Ms. Weiss:** Your Honor, I have copies of all of these. I'll be handing them over along with audio to the Defendant in this case. She will have them by the end of the week. They've been made.

[21-24] **Judge Benjamin:** All right. So you will have a copy of all of this. Whether or not this is bound over or not, you will get a copy of it.

[25] **Dr. Faltas:** Your Honor, one --

[page 73, lines 1-2] **Judge Benjamin:** Please continue with your next question.

[3-18] **Dr. Faltas:** [3-6] Your Honor, I want to offer on the record the February 15th call from Teresa Ingram because this is precisely what I've been trying to say. [7-10] **A man beat her in the parking lot. And she called the police. And she had us all afraid that this man will come back and beat her again or beat the rest of us again.** [11-13] **I had not seen that man. And it was reasonable for me to be suspicious about men prowling around our property trying to get into Teresa Ingram's apartment. It could have been that particular man returning. And that is the reasonableness. And they have suppressed that February 15th call because it was from her about the man friend of hers having beaten her.**

[19-21] **Judge Benjamin:** Okay. So your question was was there a call from Ms. Ingram regarding you?

[22-24] **Dr. Faltas:** **And I'm asking now was that a call from her about someone having beaten her which wasn't me? And that is very important.**

[25 - page 74, line 1] **Judge Benjamin:** Do you know an answer to that?

[2-3] **The Witness:** Your Honor, as she has been ranting and raving on, February 15th --

[4-6] **Dr. Faltas:** Objection to her saying ranting and raving. I am asserting my Constitutional rights.

[7-8] **Judge Benjamin:** Have a seat, please, Dr. Faltas.

[9-10] **Dr. Faltas:** I move that you admonish her.

[11] **Judge Benjamin:** Please have a seat.

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

[13] **Judge Benjamin:** Please continue on.

[14-17] **The Witness:** **Your Honor, the February 15th, 2009, call was made by Teresa Ingram to dispatch in reference to a male person leaving notes on her door.**

[18-19] **Dr. Faltas:** Thank God. Thank God. Thank God.

[20-22] **Judge Benjamin:** Dr. Faltas. Dr. Faltas. Yes, ma'am. Please continue. Any other questions, Dr. Faltas?

[23-24] **Dr. Faltas:** Absolutely. I need all of this read.

[25 - page 75, line 2] **Judge Benjamin:** No, you are not going to get all of this read. Your next question. If not, you need to make your motion.

[3-7] **BY Dr. Faltas:** [3-7] **Q. Does this -- does this call mention me in any way, shape, or form?**

[6] **A. That is one of numerous, and no.**

[7-9] **Q. So there is no call in February, 2009, from Teresa Ingram mentioning me in any way, shape, or form?**

[10-13] **A. There is not a call to dispatch in February of 2009 that I have in front of me mentioning Ms. Faltas from Teresa Ingram to dispatch.**

[14-18] **Q. Has there been any call to any kind of law enforcement -- law enforcement personnel in February 2009 from Teresa Ingram concerning me? Any law enforcement personnel; the Police Department, the Sheriff, the F.B.I., SLED, anybody?**

[19-20] **A. I can't answer everybody that Ms. Ingram talked to in February 2009.**

[21-22] **Q. Did she claim that she filed any kind of report against me in February 2009?**

[23] **A. Never said that she did.**

[24-27] **Q. All right. Then March 2009, is there any calls from Ms. Ingram about me that you know of?**

[page 76, lines 1-3] **Judge Benjamin:** [1-3] I want to ask once again how does this relate to probable cause for her reason for arresting you? **She has already testified as to why -- what probable cause she had or that she thought that she had for arresting you.** [6-8] We are not going to go through March, April, May, June, July, August. You can get that information on discovery if we get that far.

[4-10] **Dr. Faltas:** Judge, the affidavit said February to November I did that. She has no business --

[12-17] **Judge Benjamin:** believe she testified that these people told her that you have harassed them from February up until November. I believe that was her testimony earlier. We are not going through each incident report month-by-month. **You can get that documentation on discovery!**

[18-19] **Dr. Faltas:** Judge, there are not incident reports.

[20-21] **Judge Benjamin:** Or calls. You can get that on discovery.

[22-23] **Dr. Faltas:** The arrest warrant was --

[24 - page 77, line 1] **Judge Benjamin:** All right. Your next question, please. If not, I'm ready to hear your motion.

[2-4] **Dr. Faltas:** Judge, I am asking the questions. I have the right to go through everything.

[5-6] **Judge Benjamin:** Next question, please.

[7] **Dr. Faltas:** Yes, ma'am.

[8-11] **BY Dr. Faltas:** [8-11] **Q. You testified about an incident where you claim that I followed a male counterpart of Teresa Ingram?**

[12-14] **A. No. The testimony was that Ms. Ingram and a male counterpart were together. And you followed them according to Ms. Ingram's sworn statement.**

[15] **Q. Is Ms. Ingram married to that man?**

[16-17] **Judge Benjamin:** Next question. That is not relevant. Next question.

[18] **Dr. Faltas:** Judge, it is relevant.

[19-22] **Judge Benjamin:** It is not relevant. I determine what is relevant and what is not relevant, and it's not. It is not relevant. Next question.

[23-24] **Dr. Faltas:** Let me put the basis on the record.

[25 - page 78, line 1] **Judge Benjamin:** Dr. Faltas, I'm getting ready to take up your motion in a second.

[2] **Dr. Faltas:** No, ma'am. I --

[3-4] **Judge Benjamin:** If you don't ask the next question related to probable cause.

[5-7] **BY Dr. Faltas:** [5-7] **Q. Did Ms. Ingram or that male counterpart, were they damaged in any way by my alleged following them?**

[8] **A. Physically damaged, no.**

10-11 Q. *Did you check whether Ms. Ingram or that male counterpart had a criminal record?*

112-13 A. I'm not sure how Ms. Ingram having or not having a criminal record is relevant, but --

114-15 Ms. Weiss: Your Honor, I do object to the relevance.

116-17 Judge Benjamin: I'm not sure how it's relevant.

118-19 Dr. Faltas: *she's supposed to check credibility of people especially if I have a lawsuit against me.*

121-22 Judge Benjamin: All right. Objection sustained. Next question, please.

123-124 BY Dr. Faltas: *Q. And then you claim that there was a simple assault by rocks being thrown to Ms. Ingram's legs. Was there a police report?*

125 A. Yes.

126-27 Q. *Okay. And what did the police report state?*

128-29 Judge Benjamin: You will be provided that upon discovery. Next question.

130-31 BY Dr. Faltas: *Q. Was there any bruises on Ms. Ingram's legs that anyone claims to have observed?*

132-33 A. The report doesn't indicate that yes or no, either way.

134-35 Q. *So what does the report indicate?*

136-37 Judge Benjamin: Next question. You will be provided the report, the complete file.

138-39 Dr. Faltas: I'm sorry. Exception, Judge.

140-41 BY Dr. Faltas: *Q. Did you personally see any bruises on Ms. Ingram's legs or anywhere on her body that were alleged to be caused by me?*

142-143 A. That report was taken October the 21st of 2009. And I would have seen -- I saw Ms. Ingram on November the 3rd. So that was several days - weeks or so later from October 21, 2009, to 11/3 was the next time that I saw Ms. Ingram. So from October 21st to November 3rd. If she had any bruises, I'm sure they would have been gone by then!

144-45 Q. *No, you can't be sure of that. Do you have any -- do you have any training as to how long bruises last?*

146-47 Judge Benjamin: Just answer the question yes or no if you saw any bruises on --

148 The Witness: No.

149-50 BY Dr. Faltas: *Q. Did anyone see any bruises?*

151-52 A. I didn't. That is only thing I can testify to!

153-54 Q. *You have been testifying hearsay all the time.*

155 Ms. Weiss: Objection, Your Honor!

156-57 Judge Benjamin: Dr. Faltas, ask the next question.

158-59 BY Dr. Faltas: *Q. Did anyone tell you that they saw bruises on Ms. Ingram?*

160-61 A. I spoke to Ms. Ingram and got her sworn statement. And she, I don't believe, said that there were bruises, but I don't think that I asked that specifically either.

162 Q. *Really?*

163-64 A. Really.

165-66 Q. *How could rocks hit somebody in the leg without leaving bruises?*

167-68 Ms. Weiss: Objection, Your Honor. That is not part of probable cause nor is that a part of the investigative --

169-70 Judge Benjamin: Sustained. Next question.

171-72 Dr. Faltas: *The next thing they are going to say is that I climbed over the moon and broke the moon in two. And you are going to say it's probable cause.*

173-74 Judge Benjamin: That is not regarding probable cause.

175-76 Dr. Faltas: I understand that, but --

177-78 Judge Benjamin: Dr. Faltas. Dr. Faltas, next question regarding probable cause. Excuse me one second.

179-80 (Discussion of the record)

181 Judge Benjamin: Next question.

182-83 Dr. Faltas: Yes, ma'am. I am getting to my next question.

184 Judge Benjamin: Yes, ma'am.

185-86 Dr. Faltas: *But I think that you should see that all of this is facially incredible and physically impossible.*

187 Judge Benjamin: All right.

188-89 BY Dr. Faltas: *Q. Investigator Blanton, did you ever go to the location?*

190 A. Yes!

191 Q. *How many times?*

192-93 A. I'm guessing off the top of my head, maybe a half a dozen.

194 Q. *Why, don't you take notes of when you go?*

195 Judge Benjamin: Ask a question.

196-97 BY Dr. Faltas: *Q. Do you take notes of when you go?*

198 Judge Benjamin: Dr. Faltas --

199 Dr. Faltas: I'm asking a question.

200-201 Judge Benjamin: Dr. Faltas, please stop badgering the question. You are to ask a question. She answered it. That is it. Don't ask her -- you ask your next question regarding probable cause. *If she didn't take notes, she didn't take notes.*

202 Dr. Faltas: I'm asking her --

203-204 Judge Benjamin: You can ask her, did you take notes? Stop screaming at the witness.

205-206 Dr. Faltas: *All right. Fine. Fine. Judge, I'm not screaming, I am indignant!*

207 Judge Benjamin: Yes, you are.

208-209 Dr. Faltas: *I am indignant. They invaded my privacy. They stole my property and --*

210 Judge Benjamin: Dr. Faltas --

211 Dr. Faltas: I'm indignant --

212 Judge Benjamin: Dr. Faltas, have a seat, please.

10-12] **BY Dr. Faltas:** *Q. Did you take notes of the times you visited the location?*

13] **A. No!**

14-15] **Q. Did you take photographs of the times you visited the location?**

16] **A. Not each time!**

17-18] **Q. Did you take any photographs at any time you visited the location?**

19] **A. Yes!**

20-21] **Q. At any time did you find my car blocking somebody?**

22-24] **A. The one time that photos were taken I don't believe your car was there, but I'm not a hundred percent sure.**

25-26] **Q. And then you claim that -- so you've never seen me blocking somebody?**

27-28] **Ms. Weiss:** Objection, Your Honor. There was testimony at the beginning of Dr. Faltas' questions that Investigator Blanton stated she had never observed any of these. So I think this is --

29-30] **Judge Benjamin:** I think she has given her answer. Please ask your next question.

31-32] **BY Dr. Faltas:** *Q. Are there two wide exits, yes or no?*

33] **A. There are two exits.**

34] **Q. Two wide exits?**

35] **A. There are two exits.**

36] **Q. Did you measure them?**

37] **A. No!**

38-39] **Judge Benjamin:** Dr. Faltas, regarding probable cause. Next question, please.

40-41] **BY Dr. Faltas:** *Q. And then you claim that I was blocking them and they couldn't go to work. How was that resolved each time, do you know?*

42] **A. You mean how did that happen?**

43-44] **Q. No, how was that resolved? I mean, did I block them for a minute, long enough to take a photograph, or an hour, what?**

45-46] **A. According to Ms. Ingram, who is a victim, and Ms. Steele-Mason, who is a victim, it was long enough to take photos.**

47] **Q. How long does it take to take a photo?**

48] **Judge Benjamin:** Next question, please, ma'am.

49-50] **BY Dr. Faltas:** *Q. Have you ever taken a photo?*

51-52] **Judge Benjamin:** Dr. Faltas, that has nothing to do with the probable cause hearing. Please ask your next question.

53-54] **Dr. Faltas:** *even if it were true, it would be de minimis because a photo can be taken in one second.*

55-56] **Judge Benjamin:** Okay. This is about probable cause. Next question, ma'am.

57-58] **BY Dr. Faltas:** *Q. So you put me in jail and took my property because someone was delayed for a fraction of a second? Is that what you are telling this court is probable cause which you didn't even witness?*

59] **A. The question -- is that a question.**

60] **Dr. Faltas:** Yes, it is a question.

61] **Judge Benjamin:** Dr. Faltas --

62-63] **Dr. Faltas:** *She said long enough to take a photo.*

64-65] **Judge Benjamin:** Dr. Faltas, calm down. Can you answer that question?

66] **Dr. Faltas:** Yes. Sit down, Ms. Weiss.

67] **Judge Benjamin:** Don't tell Ms. Weiss to sit down, Dr. Faltas. Yes, ma'am.

68-69] **Ms. Weiss:** Your Honor, I believe at this juncture it would be the Court's place to decide whether or not there was probable cause. I don't know if Investigator Blanton -- obviously she thought there was probable cause!

70-71] **Judge Benjamin:** I will decide probable cause. She can testify as to what she did because she thought there was probable cause to arrest Dr. Faltas. **Is there anything else that you have to it add?**

72-73] **Dr. Faltas:** Yes, ma'am. And I'm going through it --

74-75] **Judge Benjamin:** Dr. Faltas, I'm not talking to you.

76] **Dr. Faltas:** I'm sorry.

77] **Judge Benjamin:** Officer -- Investigator Blanton, I'm sorry, is there anything else that you have to add regarding your reasons, probable cause, for the arrest of Dr. Marie Faltas?

78-80] **The Witness:** 11-7] In Ms. Teresa Ingram's statement and Ms. Dinah Steele-Mason's statement, sworn statement, they both say these incidents occurred numerous times. Each time they asked and there ended up being a verbal altercation between themselves and Ms. Faltas as well as Ms. Ingram's family and friends who have attempted to visit her. 18-9] I also have sworn statements from other tenants who live in the complex who state very similar things.

81-82] **Dr. Faltas:** Judge, I'm sorry. First of all, I object. **Of course, you are the judge! You are going to do whatever you want, but I need to make my record. After she had finished testifying, you are allowing her to add more testimony!** You are not allowing me --

83-84] **Judge Benjamin:** You asked her about probable cause. I'm asking her in response to your questions because your question was about was this enough to arrest me for probable cause. I'm asking her to answer your question, was what was the probable cause to arrest Dr. Faltas.

85-86] **Dr. Faltas:** Well, I mean, Judge she could have said it on direct.

87-88] **Judge Benjamin:** She's already said it on direct. You asked the question again. So I'm asking her. Ms. Weiss had an objection to the form of your question. So I'm asking her to answer your question what was the probable cause to arrest you on these charges.

89-90] **BY Dr. Faltas:** *Q. Are you aware that I also filed incident reports on Ms. Ingram and at least one male friend of hers?*

91-92] **A. Hang on one second and I'll answer that. I have a report where you filed a report November the 6th of 2009 in reference to Ms. Ingram and a guy -- and a male, but that was November the 6th.**

93-94] **Judge Benjamin:** All right. Next question.

95-96] **The Witness:** *Is that what you are talking about?*

**17-18) [17] BY Dr. Faltas:** *(13) Q. Did you eventually search my apartment?*

**19) A.** We did!

**20) Q.** And did you take tapes and photographs?

**21) A.** Did we take our own photographs?

**22-23) Q.** No. Did you -- did you take tapes and photographs that belonged to me?

**24-25) A.** Tapes? We took things that were mentioned in our search warrant!

**page 89, line 1) Q.** Did that include tapes and photographs?

**2) A.** It did!

**3-5) Q.** Did those photographs include several pictures of Teresa Ingram and a man named Corey Curley flipping fingers at me?

**6) A.** There were hundreds of photos!

**7) Q.** Did they include -- all right. Fine.

**8-11) Judge Benjamin:** Dr. Faltas, this is a probable cause hearing. I'm not deciding your innocence or your guilt today. Do you have any other questions regarding probable cause?

**12) Dr. Faltas:** Yes, ma'am.

**13-19) Judge Benjamin:** Your questions are not regarding the probable cause of your arrest. I'm not -- I don't know if other people were arrested. The only thing I'm concerned about today is if there was probable cause to arrest Marie Faltas. That is the only thing that I am concerned about today.

**20) Dr. Faltas:** Well, Judge --

**21-22) Judge Benjamin:** Any questions regarding that? If you do not --

**23) Dr. Faltas:** I'm going --

**24-25) Judge Benjamin:** I will take up your motion at this time.

**page 90, lines 1-2) Dr. Faltas:** Judge, I am telling you I am going through the questions.

**3-4) Judge Benjamin:** Your questions are not related to probable cause.

**5) Dr. Faltas:** Yes, they are.

**6-7) Judge Benjamin:** No, they are not. All right. I am going to take up the motion.

**8-9) Dr. Faltas:** Judge, I haven't finished.

**10-17) Judge Benjamin:** The motion to dismiss regarding Dr. Faltas. I've asked you did you have any questions regarding probable cause on numerous occasions. You continue to ask questions that continue to have nothing to do with probable cause. You stated your motion earlier that there was not -- I'll let you restate your motion at this time. Thank you, ma'am.

**18-19) Dr. Faltas:** Well, could I restate my -- first of all, I take total exception to your not letting me question.

**21-23) Judge Benjamin:** All right. You can state your motion that you stated earlier for the record.

**24 - page 91, line 5) Dr. Faltas:** All right. First of all, Judge, the officer did not witness any of those things. Second, the statute says several things which the warrant does not track. The statute has to -- I'm sorry. May I take a break before I make my motion? I need to catch my breath. *Ask Your Honor to read the statute into the record!*

**16-11) Judge Benjamin:** I have already read the statute. I'm not reading it into the record. It is Section 16-3-1700. So you don't -- I know what the statute says. And you've stated your motion earlier. I'm asking is there anything in addition to what you stated earlier?

**12) Dr. Faltas:** Yes, ma'am.

**13-14) Judge Benjamin:** Anything in addition to what you stated earlier?

**15-17) Dr. Faltas:** Absolutely, but I need to catch my breath for two minutes. I'm totally out of breath. Could I, please?

**18-20) Judge Benjamin:** Yes, ma'am. All right. Officer Blanton, can you step down and we will call the next witness.

**21-22) Dr. Faltas:** I haven't made my motion yet.

**23-25) Judge Benjamin:** But you said that you needed to take a break. Are you ready to continue with your motion?

**page 92, lines 1-3) Dr. Faltas:** After two minutes. You are going to take the next case and then let me argue my motion?

**4) Judge Benjamin:** Yes.

**5) Dr. Faltas:** That is fine.

**(Recess 2:23 to 2:40)**

**7-8) Judge Benjamin:** You've already stated your motion.

**9) Dr. Faltas:** No, I haven't.

**10-13) Judge Benjamin:** At the beginning you stated your motion. Anything in addition -- listen to what I'm saying. Anything in addition to the motion you stated in the beginning?

**14) Dr. Faltas:** Yes, ma'am.

**15-17) Judge Benjamin:** Yes, ma'am. Regarding the testimony. You can stay down there, Officer Blanton. Investigator Blanton. I'm sorry.

**18 - page 94, line 2) Dr. Faltas:** *[18-24] Judge, the statute defines harassment in the first degree as unreasonable substantial intrusion into the private life -- the private life of a person. And that actually caused that person and was intended to cause that person and would have caused a reasonable person undue mental stress. [25 - page 93, line 8] In addition, the statute makes exception for conduct protected by the First Amendment and for process serving. All right. First thing that's not even in the warrant they say in the life, not the private life. All she testified to, which was the third time hearsay, even if true, which it's not, is that people were in the parking lot doing things that on the face of them looked suspicious like hooking somebody's car. [9-15] First of all, it's not private. When we are out on the street anybody can look at us, anybody can photograph us. This court has video surveillance. Many, many neighborhoods have video surveillance. Many homeowners either have Neighborhood Watch or have actual cameras that photograph the outside. [16-22] So anyone outside the confines of their home is not in their private life. That includes Teresa Ingram. As to Dinah Steele, she's a landlady and she operates a hair salon which is a commercial establishment. So on both of those it's not her private life. [17] It's her public commercial life where she is required to provide equal accommodation. [23 - page 94, line 2] Then it has to be substantial. Even if Ms. Blanton's testimony was true, which it's not, she said it's long enough to take a photograph. We all know that it takes a fraction of a second! So that doesn't meet substantial. [24-27] When the third -- and it's not either/or. It has to be all of these in conjunction! It has to be unreasonable. Blanton's own testimony is that Ingram had previous incidents with male people causing disturbance. [8-12] So it's reasonable for neighbors to ask about people who have not seen before coming wanting to get into Ingram's apartment or something like that because Ingram had reported trouble with men before. [13-21] Then it has to cause undue mental stress and would cause a reasonable*

person undue mental stress. Would any person be upset about being sued especially when they are sued and their lawsuit doesn't go well with them. But, Number One, suing somebody is protected by the First Amendment because the people have the right to petition the Government for grievances. And the lawsuit is petitioning the judicial branch of Government --

**[22-23] Judge Benjamin:** I'm not concerned about your lawsuit.

**[24-25] Dr. Faltas:** Ma'am, you should be concerned about the First Amendment in the statute.

**[Page 95, lines 1-2] Judge Benjamin:** That is not how the statute read.

**[3-4] Dr. Faltas:** Well, doesn't it have a First Amendment --

**[5-6] Judge Benjamin:** Dr. Faltas, please stop screaming at me.

**[7-8] Dr. Faltas:** Well, there is an exception about the --

**[9-11] Judge Benjamin:** Dr. Faltas, I've read the statute and I've read the exception several times.

**[12-14] Dr. Faltas:** Does it or does it not have an exception for conduct protected by the First Amendment?

**[15-19] Judge Benjamin:** Exactly, but I'm not sure that the conduct that she has testified to is protected by -- blocking. She's testified to blocking cars, yelling and screaming, cursing. That is not protected by the First Amendment.

**[20-21] Dr. Faltas:** Actually, Judge, yelling and screaming is protected by the First Amendment.

**[22-24] Judge Benjamin:** Okay, Well, that is a -- you can take that Constitutional issue up at a later time. Based on the testimony --

**[25] Dr. Faltas:** Let me finish.

**[Page 96, lines 1-2] Judge Benjamin:** No, I've heard your motion.

**[3-4] Dr. Faltas:** I want you to bind this over as to the second degree.

**[5-13] Judge Benjamin:** I've heard enough. I've heard the testimony. I've allowed you to ask questions. This is your second time making a motion. Based on the testimony, I'm going to bound both charges over to General Sessions Court under the harassment first offense on both of them. Thank you very much. Thank you Dr. Faltas. Thank you Investigator Blanton. And we have one more case, so you all can leave.

**[14-16] Ms. Weiss:** Your Honor, can I clarify one thing? It's harassment first degree. I think you said first offense.

**[17-18] Judge Benjamin:** I'm sorry. First degree on both charges.

**[19] Ms. Weiss:** Thank you, Your Honor.

**[20] Dr. Faltas:** It is the first offense.

**[21-23] Judge Benjamin:** It's the first -- it may be a first offense, but it's first degree. All right. Thank you.

**[24] Further Deponent sayeth not.**

**[25-27, 29, 30, 31] (Whereupon, the taking of the hearing was concluded at 3:45 p.m.)**

**[28-29, 30, 31] Certificate of Reporter**

**[3-16]** [3-6] I, Jeffrey M. Thomas, RPR and Notary Public in and for the State of South Carolina, do hereby certify that I reported the Probable Cause Hearing of Marie Assa'ad-Faltas on the 6th day of January, 2010; that the witness was first duly sworn by me, and that the foregoing 97 pages constitute a true and correct transcription of the said Probable Cause Hearing. [8-9] I further certify that I am neither attorney nor counsel for, nor related to or employed by, any of the parties connected with this action, nor am I financially interested in said cause. [11-12] I further certify that the original of said transcript shall be hereafter sealed and delivered to Marie Assa'ad-Faltas, M.D., M.P.H. [14] In witness whereof I set my hand and seal this 11th day of January, 2010.

**[17] Jeffrey M. Thomas, RPR and Notary Public for the State of South Carolina**

**[18] My Commission expires 12/14/17**

The State of South Carolina  
County of Richland  
The State of South Carolina : PARTIAL TRANSCRIPT OF RECORD  
vs. :  
Dr. Marie Assa'ad Faltas :  
Court of General Sessions  
2010-GS-40-11980 and 2010-GS-40-11987  
February 23-24, 2010  
Columbia, South Carolina  
BEFORE: The Honorable Clifton Newman, Judge, and jury.

APPEARANCES: Heather Weiss, Esquire :  
Alexander Campbell, Esquire : Attorneys for the State  
Dr. Marie Assa'ad-Faltas, *pro se* defendant.  
Also present: Mark Sawyer, Esquire Daphne D. Helms, Circuit Court Reporter

*[page 56, lines 3-11 Ms. Weiss: Teresa, I'm going to ask you to look at what's marked as exhibits -- State's exhibits --*

**15-3) Dr. Faltas: Objection, Your Honor. At this point I'd like the suppression hearing.**

**17-11) The Court:** All right. All right. Ladies and gentlemen, this will be it for you all for today. Thank you very much. We'll see you all at 10:00 tomorrow morning. Please do not discuss the case. 10:00 tomorrow morning we'll need you in the jury room. Have a good evening.

**17-2-3) (Whereupon, the jury was excused from open court for the day at 5:26 p.m.)**

**14-4-15) The Court:** And you may step down, ma'am. Are you ready to proceed with the suppression hearing?

**116 to page 57, line 2) Ms. Weiss:** *[16-22]* Your Honor, I can proceed with my investigating officer as far as the suppression hearing. If Your Honor desires to hear from Angela Ladson who is the ministerial recorder, she is gone for the day, but I can have her here in the morning for the second part if you would like to further flesh out for the means of the suppression hearing, but I can go forward with this.

**123 to page 57, line 2) I know we had talked about Dr. Faltas going back to her apartment this evening;** I don't know how long it will take. If we want to just put everything off 'til the morning, I could be prepared to do a full presentation at 9:30 or 10, whenever Your Honor wishes.

**13) The Court:** Do you have a search warrant in this case?

**14) Ms. Weiss:** I do, Your Honor.

**15-6) The Court:** And do you have witnesses here who were affiants to the search warrant?

**18-7) Ms. Weiss:** I have the affiant to the search warrant, yes, Your Honor.

**19) The Court:** If you'll call her as your witness.

**110-11) Ms. Weiss:** Thank you, Your Honor. At this time the State calls Investigator Amanda Blanton.

**12) Dr. Faltas:** Sorry. May I -- may I --

**113-14) The Court:** Just a moment before you swear the witness. Yes, ma'am.

**115-23) Dr. Faltas:** May it please the court? Your Honor, the preliminary hearing in which Amanda Blanton testified under oath was taken down by a private court reporter and it -- there is the transcript that is sealed. I tried to file it with the clerk's office. They said, no, they cannot file anything that is sealed and, of course, I'm not asking Your Honor to give me legal advice but some direction as to the procedure. May I at this time give Your Honor the sealed transcript so that --

**124) The Court:** You can do that. Yes, you can.

**125) Dr. Faltas:** Yes. Thank you.

**1 page 58, line 1) The Court:** We'll proceed with swearing the witness.

**17-3) Amanda Blanton, after being duly sworn, testified as follows in camera:**

**14-3) The Clerk:** Have a seat in the witness stand, please, and give the court reporter your name.

**16) Dr. Faltas:** May I approach?

**17) The Court:** Hand it up.

**18) (Dr. Faltas hands the sealed transcript to the Court.)**

**19-10) Dr. Faltas:** And, Your Honor, may I -- may I have Ms. Blanton's disciplinary record?

**111-12) The Court:** Here you go. If you'll hand this to Dr. Faltas.

**113-14) Dr. Faltas:** May I -- may I -- may I give it as exhibit number 1?

**115-16) The Court:** You will get your opportunity. Now I'm recognizing Ms. Weiss. Proceed, Ms. Weiss.

**117) Ms. Weiss:** Thank you, Your Honor.

**118) The Court:** Proceed, Ms. Weiss.

**119-2) Direct Examination By Ms. Weiss**

**121-23) Q.** Investigator Blanton, were you involved in the obtaining of a search warrant for the residence of Dr. Marie Assa'ad- Faltas at 304 Byron Road?

**124) A.** Yes.

**125) Q.** How many search warrants did you obtain for that search?

**1 page 59, line 1) A.** For that day we obtained two search warrants.

**12) Q.** And what were they for?

**16-4) A.** One was for Dr. Faltas's vehicle as well as another for her residence.

**15-9) Ms. Weiss:** Your Honor, at this time may I ask if Your Honor will ask the defendant if there is a specific issue in the search warrant that she is objecting to or if it is the search warrant as a whole?

**110) The Court:** She's filed a motion to suppress claiming that the search was illegal and based on a general warrant.

**114-3) Dr. Faltas:** Yes, Your Honor. In addition, I have filed a long supplement that says the specific direct misrepresentations and omissions for the issuing ministerial recorder which, if it had been truthfully told, there would have never been a warrant, either arrest or search.

**116) The Court:** All right.

**177-217 Ms. Weiss:** Your Honor, it is my understanding that she is objecting to the affidavit as well as the description of property to be searched for? Is that the Court's understanding, Your Honor? Your Honor, just as a matter of procedure, may the victim be excused at this time for the evening?

**178 The Court:** Yes.

**179 Ms. Weiss:** Thank you.

**125 to page 60, line 201 The Court:** The -- on page 4 and 5 of a document filed -- captioned "Defendant's Summary Of Facts And Offers Of Proof In Further Support" of her motions, **one, to quash the indictment and, two, for an immediate Franks hearing** on the last paragraph of that page, the last one or two sentences contends **that the search warrants also violated constitutional prohibitions against general warrants as unanimously explained by the U.S. Supreme Court in *Sanford versus Texas*.** There the warrant authorized the seizure of all books in Sanford's home under the pretext of looking for Communist writings -- what was seized including books of John Paul the -- is that the 23rd? And Justice Black. Here under false pretenses of seeking evidence of harassment of any person by Marie Assa'ad-Faltas from her apartment and her car were taking all tapes including Chopin music, devotions, and recordings of her baby sister's first words and her late father's last recorded words. Nothing seized were illegal or irrelevant or relevant. **That's my understanding as to what is being contested as the basis for the search warrant and in addition to any supplement that Dr. Faltas says that she's made to that.**

**21-221 Ms. Weiss:** Okay. Still, my understanding I guess would be the description of property to be seized in the affidavit.

**123 to page 61, line 31 The Court:** Yes, and **the Court construes the motion for an examination of whether the warrant was based on probable cause** and an adequate description of the property to be seized whether a proper return was made to the search warrant and all other constitutional issues regarding the search warrant.

**124 Ms. Weiss:** Thank you, Your Honor.

**151 Dr. Faltas:** May it please the court, Your Honor?

**161 The Court:** Yes.

**17-121 Dr. Faltas:** First, I would like to reiterate that I was not given Ms. Blanton's disciplinary record. Second, it's -- and, of course, it's totally in Your Honor's discretion how you manage the court, but it's after 5:30 and if I am to go and do more work as far as taking things out, I hope Your Honor has compassion on my physical condition.

**113-141 Court Reporter:** I'm sorry. You need to speak up. I apologize.

**115-201 Dr. Faltas:** The two issues are that I wasn't given Ms. Blanton's disciplinary record which Your Honor instructed the prosecution to provide to me before a witness takes the stand, and the second thing is that it being 5:30 and my need to go and essentially work for two more hours, given my physical condition, and I am just praying the Court to ---

**211 The Court:** All right. You may proceed!

**122 to page 62, line 11 Ms. Weiss:** Okay. Your Honor, I will proceed, but I would ask Your Honor if we could reconvene in the morning. If we could go through all the supplements, I think it may make for more continuity of testimony because we have a lot to cover.

**211 The Court:** We'll be in recess 'til 9:30!

**131 Ms. Weiss:** Thank you, Your Honor.

**14-61 Dr. Faltas:** The issue of the -- of the disciplinary record? I still don't -- I'm sorry. Am I not allowed to ask about it again?

**17-241 The Court:** Will you have those disciplinary records by 9:30 tomorrow morning, Ms. Weiss?

**19 Ms. Weiss:** Yes, sir, Your Honor.

**1801 The Court:** All right.

**111-131 Dr. Faltas:** Your Honor, may I leave the transcript either with Your Honor? I hope I can leave it with Your Honor.

**1141 The Court:** All right.

**115-161 Dr. Faltas:** I'll give it to Your Honor, if Your Honor would like to review it.

**1471 The Court:** All right.

**1181 Dr. Faltas:** Thank you, Your Honor.

**119-201 The Court:** I'm not going to review it, but I'll keep it!

**1211 Dr. Faltas:** Thank you.

**227-241 The Court:** Or it can be kept by the court reporter. All right. And, Ms. Weiss, you have to call the police about these two hours?

**1231 Ms. Weiss:** Yes, Your Honor.

**1 page 63, line 11 The Court:** All right. All right. 9:30 it is.

**121 Ms. Weiss:** Thank you, Your Honor.

**8-41 Dr. Faltas:** Once again, I thank Your Honor for everything, and I hope I haven't offended Your Honor ---

**31 The Court:** Not at all!

**61 Dr. Faltas:** If I did, it's not intentional.

**71 The Court:** Not a problem.

**820 (Whereupon, the trial concluded for the day at 5:40 p.m. and resumed the following day, February 24, 2010 as follows.)**

**102-111 The Court:** I understand a motion to quash the search warrant has been filed by J. Andrew Delaney, Esquire.

**12-131 Mr. Delaney:** Yes, sir, Your Honor. That should be a motion to quash the subpoena.

**114-127 The Court:** Quash the subpoena, correct. All right. I'm not able to address that issue at this time. We're in the midst of other things, but I'll be happy to give you a call and set up a time we can talk about it.

**118-191 Mr. Delaney:** Your Honor, do I need to stay around the courthouse then?

<sup>108-201</sup> **The Court:** You can leave and we'll give you a call and set a time when we can -- the issue can be addressed.

<sup>121</sup> **Mr. Delaney:** Thank you, Your Honor.

<sup>129</sup> **The Court:** Okay. Thanks. Ready to proceed?

<sup>131</sup> **Ms. Weiss:** The State's ready, Your Honor.

<sup>122</sup> to page 64, line 5] **Dr. Faltas:** Your Honor, I'm not ready because she did not give me, as Your Honor ordered yesterday, Amanda Blanton's disciplinary record. She did not give it to me and, Your Honor, I am -- it may see childish, but it is -- and I need to put this on the record, if it pleases the court.

<sup>161</sup> **The Court:** Everything that you state is on the record.

<sup>17-101</sup> **Dr. Faltas:** Yeah, I'm saying I'm not trying to argue with the Court, but everything the Court tells Ms. Weiss to do she doesn't do, and I have to complain twice or thrice before she--

<sup>111</sup> **The Court:** Proceed, ma'am.

<sup>112</sup> **Dr. Faltas:** Thank you, Your Honor. So --

<sup>113-114</sup> **The Court:** All this movement and chatter and -- proceed.

<sup>115</sup> to page 65, line 13] **Dr. Faltas:** [15-20] I apologize. I have no control over any of this. I have gotten all of this done to me, and so, for example, she didn't give me the record -- the disciplinary record of Amanda Blanton or of any people who are going to testify, even though Your Honor has specifically ordered her to do so by 9:30. [22-25] Yesterday she made arrangements for me to go to my apartment. They were not honored in the way that she had in writing instructed they would be. This is sandbagging me all the time, all the time, and that's in addition to many other things. [26-31] I also wanted to say something to also put it on the record. Your Honor, the U.S. Supreme Court said that a statute may be given a limiting construction by the Court by way of jury instructions. So I wanted to add to my objection, even though made in the presence of the jury yesterday, that it was -- it may be grounds for a mistrial that the prosecutor gave her version of the law without opportunity for the Court to put at least a limiting or a narrowing construction on the statute, especially that Your Honor had taken under advisement my argument that it is unconstitutional. So there was no opportunity for a limiting construction. So I'm just making at the earliest possible opportunity a motion for a mistrial.

<sup>114-115</sup> **The Court:** All right. The motion is noted. The motion is denied.

<sup>116</sup> **Dr. Faltas:** Thank you.

<sup>121</sup> **The Court:** Anything further, Ms. Weiss?

<sup>118-121</sup> **Ms. Weiss:** No, Your Honor. The disciplinary records were brought to me at 9:30. I just got the copies and handed them over. I'm sorry I was handing over things this morning. I just forgot to hand that over, but I just got it as well and it's been handed over at this point.

<sup>123-241</sup> **The Court:** All right. Are you ready to proceed with your witness's search warrant?

<sup>125</sup> **Ms. Weiss:** Yes, Your Honor.

[page 66, line 1] **The Court:** All right. We'll proceed.

<sup>127</sup> **Ms. Weiss:** The State calls Investigator Amanda Blanton.

<sup>131</sup> **The Clerk:** Do you want her re-sworn?

<sup>14-51</sup> **The Court:** No. She is still under oath. You're still under oath.

<sup>16-71</sup> **Amanda Blanton, having been previously sworn and remaining under oath, testified as follows in camera:**

<sup>18-111</sup> **Ms. Weiss:** Investigator Blanton, do you have the original - thank you - original search warrants? If I may mark each of these documents as Court's exhibits for identification.

[12-13] (Court's exhibits 1 through 4 were marked for identification only.)

<sup>114-161</sup> **Ms. Weiss:** Investigator Blanton, will you please identify Court's exhibits 3 and 4 and identify them each individually by number?

<sup>117-181</sup> **Dr. Faltas:** Your Honor, I'm just asking the question: At what point do I get to see them?

<sup>129</sup> **The Court:** If you'll show them to Ms. -- Dr. Faltas.

<sup>120-211</sup> **Dr. Faltas:** Thank you, Your Honor. (Dr. Faltas looks at the exhibits.)

[22-23] **Direct Examination** **By Ms. Weiss**

<sup>124-251</sup> **Q.** Investigator Blanton, will you please identify Court's exhibits 3 and 4 each by their number?

[page 67, lines 1-3] **A.** Number 3 is the original search warrant, search warrant S-09-311. It's a search warrant for 304 Byron Road, apartment 3, Columbia, South Carolina, 29209.

<sup>14-51</sup> **Q.** Okay. And is this the original search warrant in the same form that you signed it?

<sup>161</sup> **A.** Yes.

<sup>17-21</sup> **Ms. Weiss:** Your Honor, at this time I would move to admit Court's exhibit 3 for Court's -- as a Court's exhibit only.

<sup>140</sup> **The Court:** They're admitted as Court's exhibits.

<sup>111-151</sup> **The Witness:** Number 4 is another original search warrant, search warrant S-09-312. It's a search warrant for a 1994 Toyota Camry, gray in color, South Carolina tag A-Z-E 5-9-2 which the V.I.N. is also listed. Do you want me to read that out?

<sup>116-181</sup> **By Ms. Weiss: Q.** That's not necessary. That vehicle is -- can you identify what that vehicle is?

<sup>1191</sup> **A.** Correct. It's a registered to Dr. Marie Assa'ad-Faltas.

<sup>120-211</sup> **Q.** Okay. Now, is that also in the form in which you originally signed it?

<sup>121</sup> **A.** Yes.

<sup>123-241</sup> **Q.** Included with both of those -- Your Honor, at this time I move Court's exhibit 4 in as well.

125) **The Court:** All the exhibits are in as Court's exhibits.

126-128 Ms. Weiss: Thank you, Your Honor.

12-4) **By Ms. Weiss:** Q. Investigator Blanton, do those search warrants also include the returns?

128) **A.** Yes.

16-7) **Q.** And are they in the same form in which they were returned to the ministerial recorder?

128) **A.** Yes.

19-10) **Q.** Thank you. Investigator Blanton, how long have you been with the City of Columbia Police Department?

111) **A.** Seven years.

112-13) **Q.** And during that time have you been trained to write your own search warrants?

114) **A.** Yes.

115) **Q.** And did you write these search warrants?

116) **A.** I did.

117-18) **Q.** Were you the lead investigator on the case involving Marie Faltas?

119) **A.** Yes.

120-22) **Q.** During that investigation, did you have the opportunity to talk to witnesses and victims and -- later to be determined victims in this case?

123) **A.** Yes.

124-25) **Q.** And approximately how many different witnesses did you talk to prior to seeking --

1 page 69, line 1) **Dr. Faltas:** Objection.

125) **The Court:** I haven't heard a question.

126) **Dr. Faltas:** Sorry. I was ---

126-4) **The Court:** I have to hear a question before I can entertain an objection to a question. I cannot entertain an objection in the midst of a question being asked.

127) **Dr. Faltas:** I apologize.

18-10) **Ms. Weiss:** Approximately how many witnesses did you speak to prior to seeking the search warrants and arrest warrants in this case?

111) **Dr. Faltas:** Objection.

122) **The Court:** The objection is overruled.

113) **Dr. Faltas:** May I state the basis, Your Honor?

122) **The Court:** No, it's not necessary.

115-16) **By Ms. Weiss:** Q. Please answer that.

121) **A.** Five.

118) **Q.** Five. And who were those witnesses?

120-20) **A.** Teresa Ingram, Larry and Dinah Mason, Charlene Crouch, Mitch Jones. That's five.

121-22) **Q.** Okay. And did you also receive written statements from other witnesses that were given to you?

123) **A.** I did.

124 to page 70, line 1) **Q.** Okay. In an accumulation of those statements from each of those witnesses, what did you determine to be the issues you were investigating in this case?

124-1) **A.** That there was a harassment issue, that it was in violation of that statute.

125-1) **Q.** And what were the specific allegations you were investigating concerning the harassment?

126-1) **A.** The constant photo-taking of the victims as well as the witnesses ---

126) **Dr. Faltas:** Constant what? I can't hear.

129-10) **The Witness:** Constant photo-taking of the victim as well as the witnesses ---

111) **Dr. Faltas:** Your Honor, may I sit there so I ---

123) **The Court:** Yeah, you can sit there ---

113) **Dr. Faltas:** Thank you.

124) **The Court:** --- if you would like to.

115) **Dr. Faltas:** Thank you, Your Honor.

124) **The Witness:** And the victims.

117) **Dr. Faltas:** Here?

118) **The Court:** Yes.

119) **Dr. Faltas:** Thank you, Your Honor.

120-21) **By Ms. Weiss:** Q. Please continue.

122-23) **A.** The photo-taking, the blocking of the vehicles in by way of Dr. Faltas's -- the green Camry that was mentioned, listed in the search warrant, profanity that was used as well as other little small things like that.

124-21, lines 1-3) **Q.** Okay. Did you become aware -- did you have the opportunity to investigate where Marie Assa'ad-Faltas was residing at the time?

124) **A.** Yes.

125) **Q.** And what was that?

124) **A.** At 304 Byron Road, apartment 3.

17-8) **Q.** And were you aware if any of this activity originated in that apartment?

124) **A.** Yes.

110-12) **Q.** Did you also become aware of whether or not after the activity took place the defendant then returned to that apartment?

113) **A.** Correct.

114-15) **Q.** Did any of this activity occur in the vehicle that you've described?

116-19) **A.** Right. The blocking in and the -- some of the photos were alleged to be taken from the vehicle while her car was blocking in the victim as well as other family members and friends and other witnesses.

120-22] Q. Okay. And each of these five witnesses that you talked to, did some of them reside at 304 or close to 304 Byron Road?

123] A. 300 and 304.

124] Q. Okay. And what are those two addresses?

125 to page 74, line 11] A. It's 300 Byron Road and 304 Byron Road. It's a multiplex right beside each other.

12] Q. And is that in the City of Columbia?

13] A. Yes.

14] Q. Is that in Richland County?

15] A. Yes.

16] Q. And do you know who owns those two quadruplexes?

17] A. From my understanding, Ms. Dinah Steele-Mason.

18] Q. Okay. And was she later developed to be a victim ---

19] A. Yes.

110] Q. --- on your cases?

111] A. Yes.

112] Q. And does she reside at those addresses?

113] A. No.

114] Q. Okay. Does she reside in the City of Columbia?

115] A. No.

116-17] Q. Did any of the allegations involve the following of Dinah Steele-Mason?

118] A. Yes.

119] Q. And in what vehicle was Dinah Steele-Mason followed?

120] A. Which vehicle was Ms. Mason ---

121] Q. Was she followed by.

122] A. It was identified as Dr. Faltas's green Toyota Camry.

123-24] Q. Did you receive any information about items that may be found in the green Camry?

125] A. Yes.

[page 73, line 11] Q. And what information would that be?

12-4] A. That there may be documents as well as some photos due to the fact that some of the photos were taken from inside of the vehicle.

15-7] Q. Okay. And did you have --- can you please tell the Court any reason you had to believe that there may be photos in apartment 3 at 304 Byron Road?

8-14] A. Seeing that that was where Dr. Faltas resided, the cameras that were used to take the photos, obviously herself, she was in that apartment since that's where she lived. Everything we thought would be there as far as photos, all documents, everything, videotapes, audiotapes, what we thought of should be either in her vehicle or in the apartment which she resided.

115-16] Q. Did you have any information that she had a place of work that she went to on a regular basis?

117] A. No, not that I was aware of.

118-20] Q. So did you have any information that Dr. Faltas had any place that was her own other than apartment 3 at 304 Byron Road or her vehicle?

20] A. Other than a vacant piece of land, no.

122-23] Q. Okay. And was there another vehicle also that was somehow tied to Dr. Faltas?

124] A. Yes, but it's not registered to her.

125 to page 74, line 11] Q. Okay. And was there any indication that she drove it on a regular basis?

12] A. Not that I was ever told.

13-4] Q. Okay. What information, if any, did you have about audio recordings?

5-9] A. Ms. Ingram, as well as Mr. And Mrs. Mason, stated that at numerous court appearances as well as other times that they had been recorded or Dr. Faltas had stated that she had recorded them. One tape was used in a separate court appearance.

110-12] Q. Okay. And did any of the witnesses indicate their knowledge as to whether there may possibly be video recordings?

113] A. They did.

114] Q. And what was that?

115-19] A. Just that they thought that there might be due to the fact that they weren't sure if the camera was a digital camera, if it would allow some sort of video on it. They knew there was a camera. They just weren't exactly sure what kind.

120-21] Q. And, Investigator Blanton, do you have any sort of post high school degree?

122] A. Yes.

123] Q. And what is that?

124] A. And I have an Associates Degree in Criminal Justice.

125 to page 75, line 11] Q. Okay. And do you have any training -- direct law enforcement training?

12] A. Yes.

13] Q. And what is that?

14-7] A. I graduated from the Criminal Justice Academy. Then I went through numerous classes as far as how to write search warrants, how to execute search warrants, how to do undercover operations.

18-91 Q. And you stated you've been in law enforcement for how many years now?

1101 A. Since 2003 I've worked with the City.

1111 Q. Okay.

1121 A. So seven years.

1131 Q. And since 2003 what different positions have you held?

114-201 A. I was a street officer for two years. Then I was elected to go to the C.R.T. which is Community Response Team. We deal directly with community concerns, complaints. If they complain about a possible drug house down the street, we do surveillance. We do what we call tear-offs for vehicles and people walking or leaving that residence. Community concerns such as speeding on a specific area ...

1211 Q. And after C.R.T., were you promoted?

1221 A. Yes.

1231 Q. And promoted to what?

1241 A. Special Victims Unit investigator.

1251 Q. And when was that?

1page 76, lines 1-21 A. I was promoted a few weeks before the promotional ceremony which happened in June.

1311 Q. Okay.

141 Dr. Faltas: June which year?

151 The Witness: Last year. I'm sorry.

16-71 By Ms. Weiss: Q. June 2009.

181 A. Yes.

19-101 Q. Okay. And prior to being promoted to investigator, have you received any special recognitions or awards?

1111 A. Yes, I received Police Officer Of The Year.

1121 Q. And what year was that?

1131 A. The plaque says 2008, but I got it in January of 2009.

114-151 Q. Okay. And in your training and experience, in what forms can photos be found on?

116-221 A. Oh, wow. You have a 35 millimeter camera or just a standard camera that would require film to be developed. You have the digital camera with a memory card or without, and they can be put on disks. They can be put on little - I call them thumb drives. I think they're actually called zip drives. They can be downloaded to computers, iPods, notebooks, all sorts of electronic media like that.

123-251 Q. Other than cameras, are there any other things that can be used or are there any other devices that have cameras in them that could be used for taking photos?

1page 77, line 11 A. Cell phones, iPods, obviously video cameras.

12-31 Q. And as far as audio recordings, are you aware of what forms those can be found in?

14-71 A. Again, cell phones, any sort of audio recording devices that you could put a cassette in. Some now you can put C.D.'s in and they record. Obviously a video camera has a microphone in it.

18-91 Q. And the recordings themselves, what forms can those be found in?

1101 A. The audio or video?

1111 Q. Audio.

112-131 A. Disks, cassettes, V.H.S., again those little zip drives. Cellular phones have microphones in them. Audio recorders.

114-151 Q. And in your training and experience, what forms have you found to be able to show that a pattern of events ...

1161 A. I'm sorry? I don't understand.

117-191 Q. Other than multiple pictures or multiple audios, are there any other forms that perhaps defendants may provide a pattern of events, a pattern or diary of their events?

120-221 A. That's just what it would be would be a diary, whether it's a handwritten journal or a log or a daily dissertation of what was going on, what was happening.

123-241 Q. And in your training and experience, could each of the things you have just mentioned be used to prove harassment?

1251 A. Yes.

1page 78, line 11 Q. Could it be evidence of the crime of harassment?

121 A. Yes.

131 Q. And/or stalking?

141 A. Yes.

15-71 Q. And did you have reason to believe, prior to seeking the search warrants, that this information may be found in Dr. Faltas's apartment?

181 A. Yes.

19-111 Q. Okay. And based on your investigation, did you specifically have reason to believe that these items may be found in the apartment?

1121 A. Yes.

1131 Q. Or the car?

1141 A. Yes.

115-161 Q. Okay. Now, moving to December 1st of 2009, is that the date that is on these search warrants?

1171 A. Yes.

1181 Q. You said you typed the search warrants?

1191 A. Correct.

1201 Q. Is that correct?

1211 A. Uh-huh.

122-231 Q. Okay. What is your procedure? Once you type the search warrant, what do you do with it?

124-130 page 79, line 21 A. It's either taken over to our warrant division or faxed over or printed out because our printers are connected, seeing that we're in the building adjacent to them, and then from there we go in, speak with a warrant clerk ...

133-41 Q. When you say a warrant clerk, is that also known as a ministerial recorder?

135 A. Yes, Sorry.

136-71 Q. Okay. And you speak with the ministerial recorder. Now, the ministerial recorder in this case is Angela Ladson?

138 A. Yes, ma'am.

139-101 Q. And do you have any relationship with her other than law enforcement officer and ministerial recorder?

141 A. No.

142 Q. Do you have any social relationship with her?

143 A. No.

144 Q. Any personal relationship with her?

145 A. No.

146 Q. Have you ever shared a business?

147 A. No.

148 Q. Ever shared a residence?

149 A. No.

120-211 Q. Nothing. Have you ever had any conversation with her outside of a professional conversation?

122 A. Not that I can recall, no.

123 Q. Have you seen her on any regular basis outside of work?

124 A. No.

125 to page 80, line 11 Q. So -- but you have met her before as far as being a ministerial recorder.

126 A. Right.

13-51 Q. And over the years that you've been seeking warrants and search warrants, she is someone you know just on that professional basis.

16 A. Correct.

17-101 Q. So once you send this over there and print it out -- this warrant in particular, do you know if you printed this out or if you sent this over to their office to be printed out?

111 A. More than likely I ---

112 Q. No, just do you remember one way or the other --

113 A. No.

114-161 Q. --for sure? Okay. So on December 1st, do you recall going over to the ministerial recorder's office with -- to deal with these search warrants?

117 A. Yes.

118-191 Q. Okay. And when you went over there, did Angela Ladson physically take these search warrants and read them?

120 A. Yes.

121-231 Q. All right. In addition to the search warrants, the arrest warrants that are marked as Court's exhibits 1 and 2, those are the arrest warrants ...

124-251 A. I don't have arrest warrants. I have two search warrants.

126-61, lines 1-21 Q. Okay. Court's exhibits already been admitted as 1 and 2, are these your arrest warrants?

131 A. Yes.

141 Q. What is the date that the arrest warrants were signed?

151 A. 12/1/2009.

16-71 Q. Okay. Is that the same day that the search warrant was signed?

181 A. Yes.

19-101 Q. Was it at the same time that the search warrant was signed?

111 A. Yes.

112-131 Q. And who was ministerial recorder that signed the search warrants?

141 A. Ms. Angie or Ms. Angela Ladson.

115-161 Q. Okay. And are you the affiant on both of these search warrants -- I mean arrest warrants?

117 A. Yes.

118-201 Q. So when you went to talk to Angela Ladson about the search warrants, did you also at the same time talk to her about the arrest warrants?

121 A. Yes.

122-231 Q. And when you went down there, do you remember in what order you discussed each of these warrants?

241 A. No.

125 to page 82, line 21 Q. But did Angela Ladson have the opportunity and hold in her hands and have the opportunity to read both of the arrest warrants?

131 A. Yes.

14-191 Q. And for the record, as it applies to this case, if I may read the arrest warrant into the record? It says, "Between February 2009 and November 2009 in the City of Columbia, County of Richland, victim, Teresa Ingram, has been harassed by defendant. Defendant has shown a pattern of intentional and unreasonable intrusion into the life of Teresa Ingram by way of

but not limited to, the following acts: Following victim from her residence, assaulting victim, and blocking victim in the parking lot by use of defendant's vehicle. Defendant's continued behavior of this type is causing undue mental stress to victim, Teresa Ingram, and intruding on her day-to-day routine as well as the emotional discomfort of family and friends not wanting to visit Ms. Ingram. The defendant in this case is Marie Assa'ad-Faltas." Is that the arrest warrant -- one of the two arrest warrants that was signed by Angela Ladson?

<sup>120</sup> A. Yes.

<sup>121-122</sup> Q. So, in addition to the search warrant, Ms. Ladson also had this arrest warrant.

<sup>123</sup> A. Right.

<sup>124-251</sup> Q. Prior to Angela Ladson signing the arrest warrants, were you placed under oath?

<sup>12-31</sup> Q. And were you asked to swear to the veracity of these arrest warrants?

<sup>14</sup> A. Yes.

<sup>15-61</sup> Q. And did you swear to the best of your knowledge under oath that the information on these arrest warrants were true?

<sup>7</sup> A. Yes.

<sup>18-171</sup> Q. Was true. As far as the search warrants -- and I'm taking them both together, Your Honor, because they basically describe the same material and we've covered why each of the two places was mentioned. So because they're the same verbiage, I'm just taking them both together. <sup>191</sup> The affidavit as far as why -- the reason for belief that the property sought was on the subject's premises states that, "Between February 2009 to November 2009, Columbia Police Department has received numerous reports and complaints from the residents ---

<sup>119</sup> Court Reporter: I'm sorry. Can you slow down?

<sup>120</sup> Ms. Weiss: I'm sorry.

<sup>120 to page 84, line 51</sup> By Ms. Weiss: Q. "Has received numerous reports and complaints from the residents and landlords of 300 to 304 Byron Road in reference to Marie Assa'ad-Faltas's harassing behavior, disrupting the day-to-day lives of other people. It is this writer's belief that a search of the apartment may reveal evidence that may further the investigation." The second search warrant states basically the same, but the last sentence states that a search of the vehicle may reveal evidence that may further the investigation. Are those your affidavits?

<sup>161</sup> A. Yes.

<sup>17-91</sup> Q. And when you stated harassing behavior, was that use of the legal term of harassing behavior for the arrest warrants: Harassment?

<sup>1101</sup> A. Correct.

<sup>111-121</sup> Q. So did you mean by that to encompass the elements of the harassment statute?

<sup>1131</sup> A. Right.

<sup>114-151</sup> Q. In addition to that, did Angela Ladson ask you to provide further information --

<sup>1161</sup> A. Yes.

<sup>1171</sup> Q. -- about this case?

<sup>1181</sup> A. Yes.

<sup>119-201</sup> Q. And what information, in addition to this, did you provide to Angela Ladson?

<sup>123-241</sup> A. Things that are listed in the arrest warrants as far as -- I elaborated on the following of the victim as well as the simple assault as well as the numerous photos, the blocking in of the vehicles, the unwanted contact.

<sup>125 to page 85, line 21</sup> Q. And at some point during your conversation with Angela Ladson, were you put under oath as it pertained to the search warrants?

<sup>131</sup> A. Yes.

<sup>14-61</sup> Q. And were you asked to swear that the information both in the search warrants and the information that you have stated you added was true?

<sup>171</sup> A. Yes.

<sup>181</sup> Q. And did you so swear?

<sup>191</sup> A. Yes.

<sup>1101</sup> Q. And, in fact, was all that information true?

<sup>1111</sup> A. To my knowledge, yes.

<sup>112-151</sup> Q. In addition to this information and the information you've stated you received during the investigation, did you have an opportunity to actually view some pictures purportedly taken by the defendant?

<sup>1163</sup> A. Yes.

<sup>1171</sup> Q. And where did those photos come from?

<sup>1181</sup> A. Andrew Delaney's office.

<sup>1191</sup> Q. And in what way were they sent to you?

<sup>1231</sup> A. I don't remember.

<sup>1241</sup> Q. Okay.

<sup>1251</sup> A. I know they're black-and-white copies.

<sup>123-251</sup> Q. Okay. And did any of those -- excuse me, Your Honor. If I could ask the defendant to stop making noises. It's very disruptive?

<sup>126-27-70</sup> Dr. Faltas: Did I make noise, Your Honor?

**134 The Court:** I heard someone saying, "Ah," or something similar. That might have been you. I don't know who it might have been.

**135 Dr. Faltas:** Yes, Your Honor. My -- my breath was taken away because I have been trying to say all along --

**137 The Court:** Okay. Just hold your point.

**138 Dr. Faltas:** I'm not --

**139 The Court:** Hold your point just a moment, Dr. Faltas. Investigator Blanton, would you step down for a moment and would you take a seat over here? Dr. Faltas -- would you bring the jury in, please? And I'll hear from you in a moment, Dr. Faltas.

**140 (Whereupon, the jury was brought into open court at 10:24 a.m.)**

**141 The Court:** Welcome back. Good morning, ladies and gentlemen. Thank you for coming at the time I requested that you come. You'll discover during the process of a trial there are instances when matters must be taken up outside of the presence of the jury, so we'll have situations where you'll be waiting in the jury room for us to discuss matters outside of your presence. That's what we are now doing. I do not know how long this will take, but rather than have you wait in the jury room, I'm going to excuse you to leave and to come back at noon, at 12 noon, and we'll see you then. **142** Some of you -- one of you sent a note requesting or asking whether jurors can take notes while court is in session. You can take notes if you like. The notes will have to -- or your notebooks will be given by the -- given to you by the bailiffs when you come in. They will be collected from you when you leave the courtroom. They'll be given to you at the time of jury deliberations. **143** There are two schools of thoughts on - perhaps more than two - but the main two schools of thoughts are that when jurors focus on taking notes they're often mis-focusing on the witnesses and using what people typically use in assessing and evaluating the credibility of witnesses, that is, observations and all, as opposed to focusing on what you might have written, the written word. **144** Other -- but, on the other hand, many people are able to focus better when they are able to make notes while they are observing. So whatever your preference, it's certainly fine with me. If you would like to take notes, you can. The one thing -- and a word of caution regarding note-taking is that it is not to be a substitute -- fact that you might make a note on something is not to be a substitute for your obligation to deliberate with other jurors on any and all matters relating to this case. **145** So with that, we're going to let you go. And I hesitate when I say -- did I say 12:00? Yeah. I'm hesitating on that **146** time because I really don't know what time we'll need you back. I think I'm going to change that time, however. Let's say... All right. 1:45. 1:45. I hope you all have something -- I usually -- I have court in Kingstree quite often. We have a lot to do in Kingstree when court breaks down, so hopefully you can find something to do in Columbia. We'll see you at 1:45.

**147 (Whereupon, the jury was excused from open court at 10:29 a.m.)**

**148 The Court:** Yes. Yes, Dr. Faltas, you were saying something?

**149 Dr. Faltas:** Your Honor, I have been trying to say for quite awhile that this whole thing was driven by an attempt for Larry Mason and Dinah Steele to gain unfair advantage in the civil litigation, and everyone was telling me that either I'm crazy, paranoid, or casting unfounded aspersions on the lawyer. In fact -- in fact, Your Honor, one document had the stamp of McAngus, Coudelock, and Courie, the law firm of J. Andrew Delaney who was here, who was subpoenaed and filed a motion to quash the subpoena, and he pretended that it wasn't --

**150 The Court:** Now, Dr. Faltas, is all this in response to the -- Ms. Weiss's request that you not make noises?

**151 Dr. Faltas:** Your Honor, I respectfully say that I did not make noise. That revelation caused me physical heart palpitation, and I had to be taking my breaths so that I don't go into physical damage from the palpitations.

**152 The Court:** All right. Well, I'll accept that as being the reason for the noises, and we will proceed with this witness. If you'll come back on the stand, Investigator Blanton.

**153 Dr. Faltas:** Thank you, Your Honor.

**154 Ms. Weiss:** Your Honor, if I may, the jury is not coming back 'til 1:45. May the victim be excused until that 1:45?

**155 The Court:** Yes.

**156 Ms. Weiss:** Okay. Thank you, Your Honor.

**157 The Court:** Any and everyone who wants to be excused can be excused -- who can be excused can be excused 'til 1:45.

**158 Ms. Weiss:** Thank you, Your Honor.

**159 By Ms. Weiss: Q.** So, Investigator Blanton, you received photos that purportedly came from Dr. Faltas?

**160 A.** Correct.

**161 Q.** And did those photos corroborate information you had received from the witnesses?

**162 A.** Yes.

**163 Q.** And were they photos that described circumstances that had been described by the witnesses?

**164 A.** Yes.

**165 Q.** And was there anything else that you received that corroborated or was there anything else that helped corroborate the information that you had gotten from the witnesses?

**166 A.** Just those photos.

**167 Q.** The photos. And did the statements of the witnesses each corroborate each other?

**168 A.** Yes.

**169 Q.** Did you have any information that led you to believe that any of these witnesses was lying to you?

**170 A.** No.

**171 Q.** Did you have any personal knowledge or have you come upon any personal knowledge that any of the information involving the harassment of Teresa Ingram or Dinah Steele, any of the allegations provided to you were lies?

**172 A.** No, not that I am aware of.

[16-18] **Dr. Faltas:** I'm sorry. I couldn't hear. Even sitting this close I couldn't hear. Can you lean towards the microphone.

[19-20] **The Court:** If you'll move forward. Dr. Faltas, you should address your comments to the court, not to the witnesses.

[22 to page 91, line 4] **Dr. Faltas:** I apologize, Your Honor, and I'm sorry. I do confess of -- not anger, not anything, **but I am very disillusioned with this person based on what she just revealed and I hope the honor will keep -- Your Honor will keep an open mind when I cross-examine her what else will be revealed, but I confess I am not -- I am indignant at her** and it was so wrong of me to address her as opposed to Your Honor. I apologize for that.

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

[25] **Ms. Weiss:** Thank you, Your Honor.

[27-28] **The Court:** If you'll come forward to the mic or pull the mic towards you. I'm having difficulty hearing as well.

[29] **The Witness:** Is that better?

[30] **Ms. Weiss:** Pull it towards you.

[11-12] **The Witness:** If I'm any closer, it's going to be in my mouth.

[31] **Ms. Weiss:** Okay.

[14-16] **Dr. Faltas:** Okay. Your Honor, may I ask that she repeat her last answer or that it be read back? Because I didn't hear it.

[17] **The Court:** Restate last question, please.

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

[19-22] **By Ms. Weiss: Q. Did you receive any information that the allegations made against Dr. Faltas involving Dinah Steele or Teresa Ingram and the harassment of each of those victims was false?**

[23] **A. No, not that I'm aware of.**

[24-25] **Q. In fact, in your investigation were you able to get incident reports relating to these incidents?**

[26-27] **A. Yes, some of them.**

[28-31] **Q. Some of them. And the incident reports you were able to gather, did those corroborate as well the information that was given to you in the statement?**

[32] **A. Yes.**

[33] **Q. Were you also able to get 9-1-1 recordings?**

[34] **A. Yes.**

[35-37] **Q. Were you able to get those incidents reports from 9-1-1 for tapes that had been erased?**

[38] **A. Yes, I got the paper documents, the transcripts.**

[39] **Dr. Faltas:** Objection.

[40] **The Court:** Overruled.

[41] **Ms. Weiss:** Thank you.

[42-47] **By Ms. Weiss: Q. And were those -- were those reports and those tapes -- were they able to corroborate the information that you had -- for your investigation?**

[48] **A. Yes.**

[49-52] **Q. So, in addition to your affidavit, the search -- the arrest warrants and the oral testimony, was there anything in that that you swore to that you now know to be untrue or false?**

[53] **A. Not that I'm aware of.**

[54] **Q. Did you actually execute the search warrants personally?**

[55] **A. I was on the scene when they were being done.**

[page 93, lines 1-2] **Q. Okay. Who executed the search warrants -- the search warrants physically?**

[3] **A. My other team members, other investigators.**

[4] **Q. Okay. And did you supervise that search?**

[5] **A. Yes.**

[6-8] **Q. And did you actually see the returns that were made as a response to the search -- to each of the searches of the car and the apartment?**

[9] **A. Yes.**

[10-11] **Q. And did you file those returns with the ministerial recorder?**

[12] **A. Right.**

[13-15] **Q. Okay. And did you check each of the returns and the items that were gathered to see that those items matched what was sought in the search warrant?**

[16] **A. Yes.**

[17-20] **Q. Were you able to on December 2nd, 2009, when the search warrants were actually executed, able to listen to each of the tapes, view each of the disks, look at the computers, or go through all of the pictures?**

[21] **A. Oh, Lord, not that day, no.**

[22] **Q. Okay. Approximately how long did the search take?**

[23-24] **A. I can't even round it off. We were there all day though.**

[25 to page 94, line 2] **Q. Okay. And after being there all day, you left with approximately 26 items from the home or 26 items to list from the home that had several items within them?**

[3] **A. Yes.**

[4-5] **Q. Okay. And approximately -- I guess approximately one large item from the vehicle.**

[6] **A. Correct.**

[7-8] **Q. And what was the reason that it took the majority of the day for you to find these items?**

[9-10] **A. Because there was a lot of stuff in her apartment and we wanted to go through what we could to make sure that we weren't taking things that were not included in the warrant.**

1121 Q. Okay. And did you personally supervise that fact?

1121 A. Yes.

114-171 Q. Okay. And just in addition to that, did you -- how soon after the search did you begin going through each of these items to try to determine whether or not it was relevant to the case that you were investigating?

1161 A. The next couple of days.

119-211 Q. And within the next week, couple of weeks and months, did you attempt to return items as you discovered they were not relevant?

1231 A. Yes.

123-241 Q. Beg the Court's indulgence. Finally, Investigator Blanton, did Angela Ladson swear you in?

1251 A. Yes.

119-95, lines 1-21 Q. And did she ask you if everything that you had said, including the additional information, was true?

131 A. Yes.

14-51 Q. And did she acknowledge to you that she believed there was probable cause?

161 A. Yes.

71 Q. And how did she acknowledge that?

81 A. Because she signed the warrants.

191 Q. And did she sign each of the search warrants?

1101 A. Yes.

1111 Q. And did she sign each of the arrest warrants?

1121 A. Yes.

1131 Q. And were those search warrants executed the next day?

1141 A. Yes.

1151 Q. And was the return made promptly?

1161 A. Yes.

1171 Q. When was the return made?

1181 A. That day, December 2nd, 2009. Yes on both of them.

119-201 Ms. Weiss: Thank you, Your Honor. No further questions at this time.

1231 The Court: Cross-examination.

122-241 Dr. Faltas: Thank you, Your Honor. What's best for the -- with the Court's permission, what's best for the court reporter? Is from here okay?

121 Court Reporter: (Nodded head up and down.)

119-26, line 11 Dr. Faltas: Thank you.

120

**Cross-Examination By Dr. Faltas**

14-51 Q. Did you write a case summary about this on November -- on or about November 17th?

16-71 A. I did write a case summary. I can't tell you exactly what date it is without looking at it.

18-101 Dr. Faltas: All right. Your Honor, may I beg the Court's indulgence -- indulgence for a second? I could pick it up, please?

111 The Court: Yes.

112 Dr. Faltas: Thank you.

113 The Court: We'll be at ease for a few minutes.

114 Dr. Faltas: Thank you, Your Honor.

115

**(Whereupon, a short break was taken.)**

116-181 Ms. Weiss: Your Honor, I'm not sure if the break was for Dr. Faltas to find the case summary. The investigator has got a copy of her case summary in the case jacket.

1191 The Court: All right.

120-211 Dr. Faltas: Thank you, Your Honor very much, and I do appreciate Ms. Weiss helping us this way.

1231 The Court: Proceed, Dr. Faltas.

1241 Dr. Faltas: Pardon?

1241 The Court: Proceed.

1251 Dr. Faltas: Yes. Yes. I'm sorry.

119-97, lines 1-31 By Dr. Faltas: Q. On the last page of the case summary -- first of all, what is the date of that case summary?

141 A. November 17th, 2009.

151 Q. Why did you write it?

16-71 A. To prepare myself as well as to let my supervisor know. He asked me to prepare a case summary.

181 Q. Who is your supervisor?

191 A. Sergeant G. Drafts.

1101 Q. Did he read it?

1111 A. He said he did.

1121 Q. Pardon?

1131 A. He said he did.

114-151 Q. Okay. And did you show it to somebody else or did you or he show it to somebody else?

116-171 A. I e-mailed a copy to Assistant Solicitor Heather Weiss. I also had it in hand for a briefing with the Chief

1181 Q. Chief Carter?

1191 A. Yes, ma'am.

1201 Q. Chief Carter saw it.

121-221 A. He did not see it. I had it in my hand when we went into a briefing. He did not see it.

23-24] Q. You went into a general briefing or a briefing about this case?

25] A. It was a briefing about this case.

[page 98, line 11] Q. I'm sorry, Your Honor. And when did it take place?

27-29] A. I couldn't tell you what day it was, I'm sorry. I don't know what day it was. It was before the search warrants and the arrest warrants were even signed.

51] Q. Who was present in that briefing?

57-59] A. Myself, my sergeant, Sergeant Drafts, and the Chief. I don't recall -- Captain Dodson was also in there.

88-91] Q. Was Heather Weiss in the meeting by phone or by e-mail or by video conference or anything?

101] A. No, ma'am, she was not there. She was not present.

111-12] Q. When was the first time you had any contact with Heather Weiss about this case?

131] A. As we have to do with ---

151] Ms. Weiss: Objection, Your Honor.

151] The Witness: I'm sorry.

161] Ms. Weiss: Relevance to the search warrant.

171] The Court: The objection is sustained.

18-19] Dr. Faltas: I'm only asking the question, Your Honor. May I offer the answer for the record for appellate purposes?

20] The Court: No.

23] Dr. Faltas: No? I cannot offer that.

22] The Court: No.

23-25] Dr. Faltas: Okay. Was there any attorney from the City of Columbia advised of this case before the search warrant or the arrest warrants were issued?

[page 99, line 1] Ms. Weiss: Objection.

2] The Court: Overruled. Yes or no?

3] The Witness: Yes.

4-5] By Dr. Faltas: Q. Who and when?

6-12] A. I can't tell you the exact date. I don't know. I know it was done before I signed the search warrant as well as the arrest warrant, but Bob Cooper was aware that we were going after seeking warrants. He does not -- did not know anything about the case nor does he now. I have not discussed any details whatsoever with Mr. Cooper. He was just advised that we were seeking warrants.

13-14] Q. Okay. Was Gary Johnson also advised that you were seeking warrants?

15-16] A. Yes, because he was dealing with another matter and I had to contact him about the other matter.

117-18] Q. To your knowledge as we sit here today, is Gary Johnson still with the City of Columbia attorney's office?

19] A. I don't believe so.

20-21] Q. Is it usual for a misdemeanor case to be briefed to the Chief of Police or was this handled differently?

22] A. It was handled a bit differently.

23] Q. How so?

[24 to page 100, line 7] A. Just due to me doing up the case summary for it. Typically our unit, our entire team, as well as my sergeant brief before we seek warrants for just about every charge because the subject matter in the cases that our team deals with -- because we are Special Victims investigators, typically we all discuss it before any warrants are sought -- are sought after. This happened to be one. Because of the pending lawsuits and previous lawsuits, it was handled a bit differently.

8] Q. Did you show that case summary to Angela Ladson ---

9] A. No.

10] Q. --- at any point?

11] A. No, ma'am.

12-13] Q. Did you speak from that case summary when you were talking to Angela Ladson at any point?

14-15] A. I don't recall giving Ms. Ladson any dates specifically, and that's what's written in the case summary.

16] Q. So you gave her no dates whatsoever.

17-18] A. I don't recall giving her specific dates other than what was listed in my affidavit in order to obtain a warrant.

[119-201] Q. Okay. You claim that you gave her further oral supplement?

[121] A. Correct.

[122] Q. There were no dates in the oral supplement.

[123] A. I said I don't recall.

[124-251] Q. Okay. This summary would indicate the knowledge that you had at least up to that date; correct?

[page 101, line 1] A. Yes.

[2-31] Q. Okay. And do you have a record of when you received the pictures from Andrew Delaney?

[3] A. No, I don't think so.

[5-71] Q. Is anything in the summary -- does anything in the summary reference your having received pictures from Andrew Delaney?

[8-91] A. I can read the entire seven-page case summary, if you'll give me a few minutes.

[101] Q. Sure.

[111] A. Because I'm not a hundred percent sure.

[12-171] Dr. Faltas: Thank you, Your Honor, while she does that, may I ask if the solicitor as a matter of courtesy can have an extra copy -- it's actually attached to several -- to at least one submission to the Court, so it's of record in the case, but I just physically maybe didn't -- wasn't able to carry everything upstairs.

[18-191] Ms. Weiss: I'll go make a copy, Your Honor, if you would like.

[201] The Court: All right.

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

[22-231] The Court: In the interim, you can proceed with your questions.

[24 to page 102, line 1] Dr. Faltas: Yes. Thank you, Your Honor. She said that she's going to read this, and I'll be asking her from memory as to --

[41] The Court: Just proceed.

[51] Dr. Faltas: Yes. Yes, Your Honor.

[61] The Court: We're not taking a break to get a copy.

[71] Dr. Faltas: No, no. I understand.

[81] The Court: Next question.

[91] Dr. Faltas: She asked to look at her summary first.

[10-9] (Pause in proceedings while the witness reads the summary)

[10-121] By Dr. Faltas: Q. So there is nothing in there about your having received documents from J. Andrew Delaney?

[131] A. Not at the time the summary was written.

[14-151] Q. And you had received other documents from J. Andrew Delaney before the summary was written. Isn't that correct?

[161] A. No.

[171] Q. Didn't you testify that you received pictures from him?

[181] A. I did.

[191] Q. And when did you receive those?

[201] A. I've already told you I don't know.

[21-231] Q. So your answer just now that the pictures were not received before the summary is not correct. The correct answer should have been that you don't know. Right?

[24-251] A. If I had received the photos before the case summary was done, then I would have put it in the case summary.

[page 103, lines 1-2] Q. That's not entirely true, is it, because you are trying to, number one, conceal that your --

[31] Ms. Weiss: Objection, Your Honor.

[41] Dr. Faltas: I apologize.

[5-61] The Court: The objection is sustained. The question is argumentative.

[71] Dr. Faltas: Your Honor is absolutely correct.

[8-91] The Court: I know that I'm correct and I don't need any acknowledgement of my ruling, just the next question, please.

[101] Dr. Faltas: Thank you. I meant to say I apologize.

[11-121] The Court: I don't need any apologies either. Just proceed.

[131] Dr. Faltas: Thank you.

[14-151] By Dr. Faltas: Q. Looking back at the last page...

[161] A. Okay.

[17-181] Q. Does it not reference my going to the Social Security office?

[191] A. It does.

[201] Q. How did you even know about it?

[21-221] A. Because I'm the one who called the Social Security office.

<sup>[23]</sup> Ms. Weiss: Your Honor, may we continue?

<sup>[24]</sup> The Court: Is there a response to the last question?

<sup>[25]</sup> Ms. Weiss: Yes, there was, Your Honor.

<sup>[page 104, line 1]</sup> The Court: Next question.

<sup>[2-3]</sup> By Dr. Faltas: Q. Why?

<sup>[4-6]</sup> A: Because the question of whether or not the person receiving Social Security benefits at your address actually resided at your address.

<sup>[7]</sup> Q: Who was -- who raised that question?

<sup>[9]</sup> A: One or two of my witnesses.

<sup>[9]</sup> Q: How does this have anything to do with harassment?

<sup>[10]</sup> A: It was part of my investigation.

<sup>[11]</sup> Q: And how did you get my mother's Social Security number?

<sup>[12-13]</sup> A: I'm privileged to several websites that allow me peoples' personal information as an investigator

<sup>[14]</sup> Q: So you invaded my mother's ---

<sup>[15]</sup> Ms. Weiss: Objection, Your Honor

<sup>[16-17]</sup> The Court: I haven't heard a question. What's your question before I can entertain an objection?

<sup>[18-19]</sup> Dr. Faltas: Thank you, Your Honor. So you invaded my mother's Social Security records.

<sup>[20]</sup> Ms. Weiss: Objection, Your Honor.

<sup>[21]</sup> The Witness: No, ma'am.

<sup>[22]</sup> Dr. Faltas: Pardon?

<sup>[23]</sup> The Court: The objection is overruled.

<sup>[24-25]</sup> Dr. Faltas: You invaded my mother's Social Security informa ---

<sup>[1-2]</sup> The Court: Just a moment. The objection is overruled. What is the response to the question?

<sup>[3]</sup> The Witness: No, not her Social Security records.

<sup>[4-5]</sup> By Dr. Faltas: Q. What did you invade about?

<sup>[6]</sup> A: I'm sorry? What?

<sup>[7]</sup> Q: How did you go about finding her Social Security number?

<sup>[8-9]</sup> A: There is a website called Accurint, A-C-C-U-R-I-N-T. It's a law-enforcement-related website that allows a secured access, allows secured access to law enforcement officers to allow us to find addresses, current addresses where mail would be received from. It also gives Social Security numbers.

<sup>[14]</sup> Q: Did you find that my mother has any criminal record?

<sup>[15]</sup> A: No.

<sup>[16]</sup> Q: Were you looking for any criminal record for my mother?

<sup>[17]</sup> A: No.

<sup>[18-19]</sup> Q: Using the Social Security number, you could have found that my mother was, in fact ---

<sup>[20]</sup> Ms. Weiss: Objection, Your Honor.

<sup>[21]</sup> The Court: The basis for the objection?

<sup>[22]</sup> Ms. Weiss: Relevance to the search warrant, Your Honor.

<sup>[23]</sup> The Court: The objection is sustained.

<sup>[24]</sup> Ms. Weiss: Thank you.

<sup>[25 to page 106, line 2]</sup> By Dr. Faltas: Q. Did you have information that my mother at that time was, thank God, still alive?

<sup>[3]</sup> A: Before I contacted the Social Security office?

<sup>[4]</sup> Q: Yes, ma'am.

<sup>[5]</sup> A: No.

<sup>[6-8]</sup> Q: Using her Social Security number, could you have not called the Social Security Administration and found out that she was still alive?

<sup>[9]</sup> Ms. Weiss: Objection, Your Honor.

<sup>[10]</sup> The Court: Objection is sustained.

<sup>[11]</sup> Ms. Weiss: Thank you.

<sup>[12-13]</sup> Dr. Faltas: Do you have access to something that would show the address under the Social Security number?

<sup>[14]</sup> Ms. Weiss: Objection, Your Honor.

<sup>[15-16]</sup> The Court: The objection is sustained as to this entire line of questions.

<sup>[17]</sup> Ms. Weiss: Thank you.

<sup>156-161</sup> **The Court:** That is not relevant to the search warrant issue.

<sup>120 to page 107, line 4</sup> **Dr. Faltas:** Your Honor, I am trying to -- **may I state on the record for appellate purposes, if need be, that I am trying to prove that this was a general search warrant way beyond the scope of anything** and totally related to a request to interfere with my civil lawsuit as evidenced by someone contacting the Social Security office about my mother and causing a rumor that my mother is dead and I'm taking -- **fraudulently taking her Social Security checks which is exactly what I told the jury yesterday?** **And here it is: Admisstion under oath.**

<sup>163-171</sup> **The Court:** The objection is sustained. You've stated your basis on the record. Your next question for the witness, please.

<sup>18-91</sup> **Dr. Faltas:** Whom did you contact in the Social Security office?

<sup>1101</sup> **Ms. Weiss:** Objection, Your Honor.

<sup>111-121</sup> **The Court:** Sustained. Objection sustained as to any further questions concerning the Social Security matter.

<sup>113-161</sup> **Dr. Faltas:** Thank you. I'm going to ask one question for the record, if I may. May I? *Did you have any knowledge by law that someone has to reside at a certain place to get Social Security retirement checks?*

<sup>1171</sup> **Ms. Weiss:** Objection, Your Honor.

<sup>1181</sup> **The Court:** Overruled.

<sup>1191</sup> **Dr. Faltas:** Thank you, Your Honor.

<sup>1201</sup> **The Court:** Yes or no.

<sup>1211</sup> **The Witness:** No.

<sup>122-241</sup> **By Dr. Faltas: Q.** *By the time you executed the search warrant, you knew that my mother was alive.*

<sup>125-173, 173, 174</sup> **A.** *I knew that she had been in a medical facility in another state back during the Summer of 2009. That's what I knew.*

<sup>13-61</sup> **Q.** *And, in fact, in answer to Ms. Weiss's questions, you said that you supervised to make sure that you didn't take things that weren't in the scope of the search warrant. Isn't that correct? That was your answer?*

<sup>171</sup> **A.** To the best of my ability, yes.

<sup>18-91</sup> **Q.** *But, in fact, you took many things that were outside the scope of the search warrant.*

<sup>110</sup> **Ms. Weiss:** Objection, Your Honor.

<sup>111-131</sup> **By Dr. Faltas: Q.** *Did you take things that were definitely not in the scope of the search warrant?*

<sup>1141</sup> **A.** Not that I'm aware of.

<sup>115-161</sup> **Q.** *Did you not take my mother's bank card from my shirt pocket?*

<sup>1171</sup> **A.** *We did because it did not have your name on it.*

<sup>118-191</sup> **Q.** *Hadn't you received follow-up that I had shown the Social Security office power of attorney for my mother?*

<sup>1201</sup> **A.** That would be hearsay.

<sup>1211</sup> **Dr. Faltas:** Your Honor, may I ask that she answer?

<sup>1221</sup> **The Court:** What's the answer to the question?

<sup>1231</sup> **The Witness:** Can you ask it again?

<sup>124 to page 109, line 2</sup> **By Dr. Faltas: Q.** *Did you receive information before you executed the search warrant from the Social Security office that I had shown them my power of attorney for my mother?*

<sup>13-51</sup> **A.** *Via telephone, the investigator from the Social Security office advised me that you showed him a document that appeared to be a power of attorney.*

<sup>16-81</sup> **Q.** *Did you have any reason to believe that -- did you -- did he in any way share the document with you? Did he fax it to you or e-mail it to you or anything?*

<sup>191</sup> **A.** No, ma'am.

<sup>110-111</sup> **Q.** *Did he give you any reason to believe that the document was false in any way?*

<sup>1121</sup> **A.** I don't think he and I discussed that.

<sup>113-151</sup> **Q.** *And, again, that was before the date of the search warrant and before the time you took my mother's credit cards.*

<sup>1161</sup> **A.** *That was before the search warrant, correct.*

<sup>117-201</sup> **Q.** *So you knew at that time that my mother was alive and that I had power of attorney for her, and yet you took her bank cards from my shirt pocket which was hanging in the closet. Right?*

<sup>1211</sup> **A.** Again, I had not seen ---

[22] Q. Yes or no. Yes or no.

[23] A. Ask the question again.

[24-25] Dr. Faltas: May I ask that the question be read to her again, please?

[page 110, line 1] **The Court:** Restate the question, please.

[21] Dr. Faltas: I apologize.

[3-9] **By Dr. Faltas: Q. All right. On the date of the search warrant you knew that my mother was alive and that I had shown a federal official a power of attorney that I have for her. You knew those two facts, and yet you took her bank card from my shirt pocket, and that was not covered in the search warrant. Yes or no? And that is a compound question.**

[10-11] **A. No, I did not know if your mother was alive or not because I had not physically seen her.**

[12-13] **Q. Okay. Did you know that I had shown power of attorney for her to a federal official?**

[14-15] **A. I was advised by the official that you had a document that looked like a power of attorney.**

[16-17] **Q. Were you advised by that same federal official that her Social Security retirement benefits will not be discontinued?**

[18] **A. Yes.**

[19-20] **Q. And had you, when you had called, asked them to threaten to discontinue her Social Security retirement benefits?**

[21] **A. No.**

[22] **Q. Did you get a copy of the letter they wrote to her?**

[23] **A. No.**

[24] **Q. Did you get a copy of the letter they wrote to me?**

[25] **A. No.**

[page 111, line 1] **Q. You just called and left it at that?**

[2] **A. I called and made an inquiry.**

[3] **Q. And then what happened?**

[4-5] **A. They did their inquiry. I don't know what their procedure is.**

[6] **Q. And then they called you back or you called them?**

[7-9] **A. The investigator at the Social Security Administration office and I went back and forth via telephone numerous times.**

[10] **Q. Numerous times.**

[11] **A. That means more than two, so, yes.**

[12] **Q. Did you take notes of any of those?**

[13] **A. If they're not listed in the summary, then no.**

[14] **Q. Why would you not take notes of your calls?**

[15-17] **A. If it wasn't pertinent information, then I didn't feel like I needed to write it down. I remember speaking with the man.**

[18] **Q. So you did take this summary to Chief Carter.**

[19] **A. I had it in hand.**

[20-22] **Q. Okay. And yet by that time you did not see fit to add. You only put in there information calculated to make me look bad.**

[23-24] **A. I wrote a summary of my findings, if that's what you were asking.**

[25 to page 112, line 1] **Q. All right. On December 17th, 2009, on page 7, the last sentence of the first paragraph, could you please read it?**

[2-3] **A. It doesn't say December 17th. I'm not sure where that date came from.**

[4] **Q. From page 1.**

[5] **A. That says November 17th.**

[6] **Q. I'm sorry. I apologize.**

[7] **A. The very last line of the ...**

[8-10] **The Court:** Just a moment. Do you want her to read something just to -- for what purpose? Do you have a question?

[11] **Dr. Faltas:** Yes, Your Honor.

[12] **The Court:** Is the document in evidence?

[13] **Dr. Faltas:** Yes, Your Honor.

[14] **The Court:** You may ask questions based on the document.

[15-20] **By Dr. Faltas: Q. The Social Security office in Columbia, South Carolina, is currently investigating this matter. Isn't that a lie on November 17th, 2009, because by that time they had finished their investigation and found that I had done nothing improper? Isn't that -- wasn't that a lie?**

[21-23] **A.** No. I don't remember what date it was, but at the time the summary was written apparently I didn't know the complete findings of their inquiry and investigation.

[24] **Q.** *Even though you had numerous calls back and forth:*

[25-27] **A.** Which could not be a complete investigation until the very end of the investigation

[28-31] **Q.** *Okay. Do you have anything to dispute that the investigation ended on November 14th?*

[32] **A.** I'm not sure

[33] **Q.** All right.

[34] **A.** I'm not sure what date it would have ended.

[35-37] **Q.** *All right. On the first page of that summary, the paragraph before September 2008 --*

[38] **A.** Okay.

[39-41] **Q.** *--you claim Ms. Crouch was hesitant about giving any further information in regard to Faltas victimizing her by way of following her by vehicle and declined to file report for such. You pretended that Charlene Crouch was afraid of me; right?*

[42] **A.** That was what I was told.

[43-45] **Q.** *In fact, you knew that the reason Charlene Crouch would not testify is that she has a very bad criminal record?*

[46-48] **A.** I was not aware because I did not pull her rap sheet before this was written.

[49] **Q.** You had pulled her driving record though.

[50] **A.** Okay.

[51] **Q.** Did you pull her driving record on November 14th?

[52] **A.** I pulled it, but I can't tell you what --

[53 to page 114, line 1] **Q.** *On November 4th, 2009. I'm sorry. November 4th, 2009. Charlene Crouch's driving record, did you pull it on November 4th, 2009?*

[54] **A.** I don't know what date I pulled it.

[55-57] **Q.** *Well, all right. Let me show you. And I apologize. I said November 4th, but it's November 11th. May I approach the witness, Your Honor?*

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

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

(Dr. Faltas hands a document to the witness.)

[60] **A.** *Correct. D.M.V. says 11/11/2009.*

[61] **Q.** *Was that the record that you pulled?*

[62] **A.** Right.

[63-66] **Q.** *And even though it's obvious but for the record that you would have pulled it before having written this case summary and at least three weeks before having written -- having obtained the arrest warrant and the search warrants; right?*

[67] **A.** I don't understand the question.

[68-70] **Q.** *I'm stating the obvious and hoping that you would agree with me. November 11th, 2009, is three weeks before you got the arrest warrant and the search warrant. Yes?*

[71] **A.** Is that a question?

[72] **Q.** Yes.

[73-74] **A.** I'm not looking at a calendar, so I can't tell you exactly if that was three weeks or not.

[75 to page 115, line 6] **Q.** *I'm sure the court can take judicial notice that November 11th is three weeks before December 2nd. But in any event, so does this woman, Charlene Crouch, whom you portray as a victim of me, have a very bad driving record including convictions for driving under the influence and suspension of license and speeding and negligent driving but specifically at least two convictions of driving under the influence?*

[76-81] **A.** I'm sorry? If I can look at it again, I can say yes or no.

[82] **Ms. Weiss:** Objection, Your Honor.

[83] **The Court:** Basis for the objection?

[84] **Ms. Weiss:** Relevance to the search warrant.

[85] **The Court:** Objection sustained.

[86] **Ms. Weiss:** Thank you.

[87-241] **Dr. Faltas:** May I for the record, Your Honor, state the basis of the -- of the question? Generally, Your Honor, the affiant is required to give the issuing magistrate basis for doubting the informant's veracity, and I am trying to establish that Blanton, Amanda Blanton, had a whole lot of basis to doubt what she calls her witness. In fact, Ms. Weiss went into asking her, "Did you have any reason to doubt the veracity?" And she said, "No." And I'm trying to show that she had plenty of reason, compelling reason, to doubt the veracity, and she still not only suppressed that but lied about it, gave different reasons for them not testifying.

**[25] The Court:** Okay. Next question.

**[page 116, lines 1-2] Dr. Faltas:** Thank you. Did you see in this record that Charlene Crouch has two -- at least two --

**[3] Ms. Weiss:** Objection.

**[4-5] The Court:** I'm overruling the objection and reversing my previous ruling.

**[6-7] Dr. Faltas:** Thank you, Your Honor. Thank you very much.

**[8-12] The Court:** And for all parties concerned, when I rule I don't need a "Thank you" or "Appreciate it, Your Honor" or "I apologize, Your Honor." Those extraneous comments are unwarranted and inappropriate. Let's just proceed to the next question.

**[13-16] By Dr. Faltas: Q.** So a careful investigator would have pulled the criminal record of someone who has two driving-under-the-influence convictions; right?

**[17] A.** If she was my suspect.

**[18-22] Q.** But if she is a witness whose reliability -- on whose reliability you're supposed to depend, you don't do that, do you? Just because you were -- okay. I'm going to ask the question pointblank. You were trying to frame me, were you not?

**[23] A.** No.

**[24-25] Q.** After seeing that record, did the thought cross your mind that Charlene Crouch may not be a truthful person?

**[page 117, line 11] A.** No.

**[2] Q.** Did you even try to pull her other criminal record?

**[3] A.** I had no reason to.

**[4-5] Q.** Okay. Because of what? Anyone who says something bad about Marie Assa'ad-Faltas must be truthful?

**[6] A.** No.

**[7] Q.** Then what?

**[8] A.** Because I have a signed sworn statement from Ms. Crouch.

**[9] Q.** And people do not tell lies under oath?

**[10] A.** I didn't say that.

**[11-12] Q.** So just because she signed and swore a statement doesn't mean -- means you don't investigate it.

**[13-14] A.** She corroborated stories that I had heard from other victims.

**[15-16] Q.** Did the thought cross your mind that she was paid or somehow influenced to tell the same story?

**[17-18] A.** I had no knowledge that that was taking place, if that took place.

**[19-20] Q.** Even though you had been prompted to start this whole thing by the lawyer for the defendants in a civil case.

**[21-22] A.** I had no knowledge of a civil case when I received the original report stating Teresa Ingram being a victim.

**[23-24] Q.** So when did you -- you just received things from J. Andrew Delaney and didn't -- didn't know who he was?

**[25] on page 113, line 21] A.** After I received a phone call that there were photos that were taken to Mr. Delaney by you, I called Mr. Delaney and asked if I could get copies of those photos.

**[3] Q.** And who told you that I had taken photos to Mr. Delaney?

**[4] A.** Mr. Mason.

**[5] Q.** Did he tell you who Mr. Delaney is?

**[6] A.** He said that was his attorney.

**[7] Q.** His attorney for what?

**[8] A.** I did not know and I didn't ask.

**[9-11] Q.** At any point did you know that J. Andrew Delaney was Mason's attorney in the civil lawsuit where Mason is a defendant?

**[12] A.** I didn't know the specifics of that, no.

**[13-15] Q.** All right. On page 7 of that 17 November, 2009, summary, the middle paragraph, does it acknowledge that I have had a green card since September 2005?

**[16] A.** Correct. That was the information I received.

**[17] Q.** Received from where?

**[18-19] A.** The D.R.O. which the Deportation and Removal Office down in Charleston.

**[20] Q.** And you had contacted them about me as well?

**[21] A.** I did.

[22-25] Q. Okay. And did you have, before you signed the arrest and search warrants, documents later written by your informant, Larry Mason, to the effect that I'm an illegal alien?

[26-30] A. That question was brought up early in the investigation before the warrants were signed.

[3-6] Q. You had letters from him to many people asserting that I am an illegal alien, even though you obtained information directly from the federal offices concerned that I have had a green card in good standing since 2005. Yes or no.

[7-8] A. That information was received way before I found out from the D.R.O. that you had a green card.

[9-14] Q. That did not make you question the veracity of Mason that he was writing to all kinds of people that I have been an illegal alien and that I had lied to them before renting the apartment by pretending that I'm a well-documented alien, whereas I was an illegal alien? That didn't tell you that he was telling lies about me?

[16-19] A. No. That was under his portion of what investigation he did. Previously, before I ever contacted the Masons, that was the information given to me, and I investigated it through the D.R.O.

[19-20] Q. But you did not investigate whether he was telling lies to people to decide whether that was a truthful person.

[21-22] A. Okay, I contacted the D.R.O. to prove whether or not that was true.

[23 to page 120, line 1] Q. And then you didn't go back and say, "Well, this Larry Mason has been writing about Dr. Assa'ad-Faltas to other people things that aren't true. Maybe he's telling me things that aren't true."

[2-3] A. The information that Mr. Mason had was the original deportation order which, if you Google your name, it pops up.

[4] Q. In fact, there was no actual deportation order.

[5-7] A. I was told by D.R.O. that there was a deportation order issued on January 7th, 2002. During the appeals process, you received a green card on September 13th, 2005.

[8] Q. So --

[9] A. That was told to me by the D.R.O. people.

[10] Q. So -- so that order was reversed.

[11] A. During an appeal you received a green card.

[12] Q. Which means what?

[13] A. I don't know. I don't work for their agency.

[14-15] Q. And then in -- do you recall testifying under oath in the preliminary hearing?

[16] A. I did.

[17-21] Q. Okay. And do you recall saying that a person by the name of Alden Wheeler signed the statement, a sworn statement that you received, claiming that he was trying to rent an apartment from Dinah Steele and that I pretended to be the owner and stopped him from renting it?

[22-23] A. I'm not looking at the document from it, but I did receive a document that was done by Mr. Wheeler.

[24-25] Q. Did you notice that it was notarized by Larry Mason himself?

[26-27] A. I did see that.

[28-31] Q. Did you also know that Alden Wheeler was an employee of Larry Mason's detective agency?

[32-33] A. No, I wasn't even aware that Mr. Mason had a detective agency.

[6-9] Q. Does it make sense to you that someone would know to go back and give somebody a sworn statement that I pretended to be the owner and not tell them, "Well, since you're the owner, go ahead and rent apartment to me"?

[10] A. I'm sorry. I don't understand that question.

[11] Q. Okay.

[12-13] Dr. Faltas: Your Honor, may I approach the witness with the --

[14] The Court: Yes.

[15] Dr. Faltas: -- transcript?

[16-17] By Dr. Faltas: Q. On page 40, lines 18 to 23, please.

[18] A. Which line? I'm sorry.

[19-20] Q. 18 to 23. Do you recall -- first of all, do you recall you being the witness?

[21-22] A. If it was a preliminary hearing, then, yes, I was the witness.

**123] Q. Yes. And could you please read lines 18 to 23?**

**124 to page 122, line 3] A.** The witness: "Telling the potential tenant that there were no vacant apartments and that they had to leave the premises. **Alden Wheeler was one of these individuals who potentially was going to rent the vacant apartment.** I have a signed sworn statement from Mr. Wheeler."

**14-7] Q.** Thank you. Did you -- I'm sorry. I think I asked this question, and if I did ask, then please forgive me for asking it again. You did notice that it was notarized by Larry Mason himself?

**9] A. I did see that.**

**19-14] Q.** Yes. And so didn't it seem strange to you that if he knew to go back to Larry Mason and complain that someone told him that -- that there were no vacant apartments and that I, Marie Faltas, am the owner, not Larry Mason, then he would know to tell to Larry Mason, "I know you're the owner. Rent the apartment to me"?

**16-14] A. I don't know what their conversation was about. I wasn't there for their conversation.**

**117-18] Q.** Okay. Did Larry Mason and Dinah Steele tell you that they are married?

**19] A.** Yes.

**120] Q.** Did you check any marriage license for them?

**21-22] A.** No. Ms. Mason does have an issued card, an identification card, that has her married name.

**123] Q.** What card is that?

**124] A.** It's a military I.D.

**125] Q.** Did you pull her driver's license?

**[page 123, line 1] A.** I did.

**19] Q. Did she ever change her name on the driver's license?**

**8] A. On the D.M.V. records, no.**

**14-5] Q. Did she ever -- did she ever show you any change of name on anything?**

**6] A. I didn't ask for it.**

**11] Q. Okay.**

**18] A.** Other than the military I.D. but that's all.

**19] Q.** She just showed you a military I.D.

**10-10] A. I asked specifically if she had one with her husband's last name. She said, "Yes." She produced the military I.D.**

**112] Q.** Which she could have gotten by fraud.

**113] A.** That's your opinion.

**114-15] Q.** Hasn't, in fact, Larry Mason been tried for 145 counts of embezzlement from the military?

**116] A.** I have no earthly idea.

**117] Q.** You have no earthly idea.

**118] A.** No.

**119-20] Q.** Okay. You said you were trained to be an investigator. Can you give us a brief description of your training, please?

**21-22] A.** Do you want to start from college or just the trainings I've received since being on at the police department?

**123] Q.** Whichever way you want.

**124-25] A.** Okay. In college I studied criminal justice. I have a Criminal Justice degree.

**[page 124, lines 1-2] Q.** Did you graduate with any distinction, with honors or anything, or just average?

**13] A.** As you would say it, I guess just average.

**14] Q.** Okay. And then?

**15-15] A.** Through the Columbia Police Department, through the Criminal Justice Academy as well as numerous other trainings that I've been to, I've gone to a narcotics undercover techniques class which I have also helped teach after I was trained in the class. **I've been through the basic detective classes at the South Carolina Criminal Justice Academy.** I've had several years' experience doing undercover -- **I guess undercover surveillance of possible narcotics, possible prostitution.** I've been in charge of numerous operations undercover. That would be signed documented numerous search warrants to those things.

**116] Q.** So there is prostitution in Columbia, South Carolina?

**117] A.** Yes.

**118] Q.** A lot?

**119] A. I wouldn't say a lot.**

<sup>120</sup> Q. Does it take several forms?

<sup>121</sup> Ms. Weiss: Objection, Your Honor.

<sup>122</sup> The Court: Sustained.

<sup>123</sup> Ms. Weiss: Thank you.

<sup>124</sup> to page 125, line 1] By Dr. Faltas: Q. You said you were the lead investigator. Who else was the investigator on this?

<sup>126</sup> A. No. With our agency, if you're the lead investigator, you are the investigator in charge, and then as I stated before, before we attempt to get search warrants, arrest warrants, whatnot, we have a round-table meeting is what our team calls it, and they were all involved.

<sup>171</sup> Q. Who were in the round team?

<sup>18-111</sup> A. Everybody on my team which would include Sergeant Drafts, Investigators Charlie, Merrill, Montgomery, Brown, Coleman, Sloan, Narewski, and Bailey. That would be everyone in my team as well as me.

<sup>112-131</sup> Q. Okay. When was the first time you contacted Ms. Weiss about this case?

<sup>114-201</sup> A. It's our procedure any time we are going to seek warrants for general sessions charges, which is what harassment and stalking are are general sessions -- it's our protocol to call -- to contact the assistant solicitor's office to run our probable cause by then to make sure that it's enough for the warrants. **So I couldn't specify a date, I'm sorry.**

<sup>121-221</sup> Q. You had previous contacts with Ms. Weiss about other cases?

<sup>123</sup> A. Yeah. In the past about other cases, yes, ma'am.

<sup>124</sup> Q. Uh-huh. Have you ever prosecuted harassment cases?

<sup>125</sup> to page 126, line 1] A. I have never been the investigator in charge of those cases.

<sup>121</sup> Q. So you have never investigated harassment cases before.

<sup>123-1</sup> A. I've investigated some similar things but not specifically harassment.

<sup>15-71</sup> Q. And in answer to Ms. Weiss's question, you said you spoke to approximately five witnesses, but it was only five people to whom you spoke face to face. Right?

<sup>18-91</sup> A. Face to face would be Mr. And Mrs. Mason, Ms. Crouch, Mr. Jones, and Ms. Ingram. Face to face those five.

<sup>10-121</sup> Dr. Faltas: Would the court, if it pleases, instruct her to refer to Dinah Steele as Dinah Steele as opposed to Ms. Mason? Because I am challenging that.

<sup>131</sup> The Court: Request denied.

<sup>141</sup> Dr. Faltas: Thank you. I'm sorry.

<sup>115-161</sup> By Dr. Faltas: Q. Did you pull the driving record of Mitch Jones?

<sup>174-181</sup> A. I'm sure I did because before I see someone face to face I like to know what they look like to make sure that they're not attempting to defraud.

<sup>1201</sup> Q. Why was that not produced to me?

<sup>1201</sup> A. I then I must not have it for some reason.

<sup>122-231</sup> Q. Did you also have a claimed written statement from one Rodney Ingram?

<sup>124-251</sup> A. I do have a written statement or a typed statement from Mr. Ingram.

[page 127, line 1] Q. Did you ever see Ingram -- a Rodney Ingram face to face?

<sup>21</sup> A. No, ma'am.

<sup>131</sup> Q. Did you ever pull his driving record?

<sup>141</sup> A. I don't believe I did, but I'm not sure.

<sup>151</sup> Q. Did that statement make sense?

<sup>161</sup> A. I understood what it was trying to say.

<sup>171</sup> Q. But wasn't it self-contradictory?

<sup>181</sup> A. I don't know. If you have a copy, I could read it.

<sup>19-101</sup> Q. Constant photo-taking. You claim that that -- that that was an element of harassment. Right?

<sup>1111</sup> A. I'm sorry? What?

<sup>112-131</sup> Q. In answer to Ms. Weiss's questions, you claimed that constant photo-taking was an element of harassment.

<sup>1141</sup> A. Constant photo-taking?

<sup>1151</sup> Q. Uh-huh.

<sup>1161</sup> A. Is that right?

<sup>1171</sup> Q. Yes.

<sup>118-191</sup> A. The victims thought that that would be something that was violating them, so we took that into consideration.

<sup>120-211</sup> Q. Did you sit here and hear Ingram testify that the police told her that I have ---

<sup>122</sup> Ms. Weiss: Objection, Your Honor.

<sup>1231</sup> Dr. Faltas: You were here yesterday ---

<sup>124b</sup> **The Court:** The objection is sustained.

<sup>[25 to page 128, line 2]</sup> **By Dr. Faltas: Q. Did you have any allegation that any picture was taken other than in a public place?**

<sup>18-51</sup> **A. Not that I recall, I'm sorry. I was trying to think. Not that I recall. The photos were mainly taken in the parking lot at the apartments.**

<sup>[6]</sup> **Q. Did you see me block someone in?**

<sup>[7]</sup> **A. I did not physically witness that, no.**

<sup>18-91</sup> **Q. Did you -- you said that you are experienced in covert surveilling.**

<sup>110</sup> **A. Yes, ma'am.**

<sup>[11]</sup> **Q. Did you all surveil me covertly?**

<sup>112</sup> **A. No.**

<sup>[13-14]</sup> **Q. And you also said that the third element was the profanity.**

<sup>115</sup> **A. That was an allegation; yes, ma'am.**

<sup>[16-17]</sup> **Q. Okay. What -- were you told any profane words that I used -- I am supposed to have used?**

<sup>118</sup> **A. The B. Word.**

<sup>[19-20]</sup> **Q. Okay. How often is the B. Word spoken to your experience as someone living in society?**

<sup>121-22</sup> **A. That all depends on how you were brought up, how you were raised.**

<sup>[23-24]</sup> **Q. Uh-huh. So would you say that maybe at least 80 percent of people in society have used the B. Word?**

<sup>125</sup> **A. I don't want to speculate.**

<sup>[page 129, line 1]</sup> **Ms. Weiss:** Objection, Your Honor.

<sup>[3]</sup> **The Court:** The objection is overruled.

<sup>[3-4]</sup> **The Witness:** I don't want to speculate and say that the number would be 80 percent.

<sup>[5-6]</sup> **By Dr. Faltas: Q. Pardon?**

<sup>[7-8]</sup> **A. I don't want to speculate and say that that would be an accurate number.**

<sup>[9-10]</sup> **Q. Have you heard the B. Word spoken by someone other than myself?**

<sup>111</sup> **A. Yes.**

<sup>112</sup> **Q. Often?**

<sup>113</sup> **A. Not on a daily basis.**

<sup>[14-15]</sup> **Q. By how many people in your lifetime have you heard it spoken?**

<sup>116</sup> **Ms. Weiss:** Objection, Your Honor.

<sup>[2]</sup> **The Court:** Objection is sustained.

<sup>[18-20]</sup> **Dr. Faltas: Have you ever arrested somebody or gotten a warrant on somebody or known somebody to get a warrant for somebody for having used the B. Word at anyone?**

<sup>111</sup> **Ms. Weiss:** Objection.

<sup>[22]</sup> **The Court:** The objection sustained.

<sup>[23 to page 130, line 1]</sup> **By Dr. Faltas: Q. You claim that my crime originated in the apartment and that I returned in the apartment after blocking people in. Is that correct?**

<sup>121</sup> **A. Right.**

<sup>[3]</sup> **Q. But you haven't seen any of it.**

<sup>[4]</sup> **A. I have not physically seen it.**

<sup>[5-6]</sup> **Q. You had gone to the location and found that there are two wide exits. Yes or no?**

<sup>121</sup> **A. There are two exits.**

<sup>181</sup> **Q. Is each exit enough to let two cars out side by side?**

<sup>[9-10]</sup> **A. Again, I wouldn't want to speculate without knowing the exact measurements.**

<sup>[11]</sup> **Q. And you have never seen fit to take measurements.**

<sup>122</sup> **A. No.**

<sup>113</sup> **Q. And you claim that Steele developed to be a victim?**

<sup>114</sup> **A. I'm sorry. What?**

<sup>115-116</sup> **Q. In answer to Ms. Weiss's questions, you claim that Steele developed to be a victim.**

[17] A. Who is Steele?

[18] Q. Dinah Steele.

[19] A. Oh, okay. Yes, she has claimed a victim.

[20] Q. And did she say that I followed her how many times?

[21] A. A few.

[22] Q. She said that.

[23] A. I believe it's in my case summary.

[24] Q. Where in the case summary is it?

[25] A. (The witness looks at a document.)

[page 131, line 1] Q. Page 3.

[2-31] A. Okay. The first woman that we have a date for would be March 26, 2009.

[4-51] Q. Okay. Do you know that that was the date Dinah Steele was served with the summons and complaint in the civil case?

[6] A. No.

[7-101] Q. You did not know that. Did you even ask? Did you even ask whether someone either served her with a complaint or did anything that would show that there is a legitimate purpose for someone to be there?

[11-121] A. No, I would have no reason to ask her a question like that.

[13-171] Q. Okay. The next -- on that same page, the third sentence, it says, "The next day on the 27th of March, Mr. Mason reports that he observed Ms. Faltas in her vehicle at the Shell gas station across from his home address in Elgin, South Carolina."

[18] A. That's what it says.

[19-201] Q. Did you even check if there is a Shell station across from his home in Elgin, South Carolina?

[21] A. There is a gas station there.

[22] Q. How did you know that?

[23] A. Because I know other people that live on his street.

[24] Q. Did you swear those people?

[25] A. They have nothing to do with this case. I just happen to know people that live there.

[2] Q. Who are they?

[3] A. None of your business.

[4] Ms. Weiss: Objection, Your Honor.

[5] Dr. Faltas: No, ma'am. No, ma'am.

[6] The Court: The objection is sustained.

[7-81] Dr. Faltas: Your Honor, may I -- may I for the record --

[9] The Court: No.

[10] Dr. Faltas: --say -- okay. Sorry.

[11] The Court: The objection is sustained. Next question.

[12-13] By Dr. Faltas: Q. Do you have friends in common with Larry Mason?

[14] A. No, not that I'm aware of anyway.

[15-16] Q. Do those people who live on the same street as he know him?

[17-19] A. I have never asked them. They're not in law enforcement. The relevance of this case is obviously not discussed with them.

[20-22] Q. Is there in your whole summary any other incident of alleged following of Steele? Following. I'm talking about following.

[23-24] A. Okay. And I'm -- give me a second and let me read through it. Okay?

[25] Q. Sure.

[page 133, lines 1-2] A. (The witness reads a document.) Page 4, April 20th, 2009. It's the third paragraph down. April 20th, 2009.

[1] Q. Okay.

[4-7] A. This would be where Ms. Mason stated that Dr. Faltas was sitting in front of her place of employment, the parking lot specifically, just sitting in the vehicle. It doesn't state that it was -- that she was followed.

[8-9] Q. So there was only one allegation of following, only one date, one alleged incident of following.

[10-12] **A.** There are actually more in Ms. Mason's statement, but I don't think we could pinpoint a date. That's why they were not documented in my summary.

[13-14] **Q.** And there is only one allegation of following by Ingram. Right?

[15] **A.** That I'm aware of, yes.

[16-18] **Q.** And yet you said repeatedly both in your search warrant, your arrest warrant, and to the grand jury -- you said repeatedly -- you swore that I did it repeatedly!

[19] **A.** No, ma'am. That's not correct.

[20-21] **Q.** In the indictment you said repeatedly following the victim. Yes or no?

[22] **A.** I have not seen the indictment.

[23] **Q.** What did you go and tell the grand jury?

[24] **A.** Facts of the case.

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

[page 134, line 1] **The Court:** The objection is sustained.

[2-5] **By Dr. Faltas:** **Q.** And you said that you received information that during numerous court appearances I stated that I have photographs and have tapes.

[6] **A.** During court appearances, correct.

[7-8] **Q.** Yes. So wouldn't that tell you that the tapes and the photographs were not illegal?

[9] **A.** No, that doesn't tell me that.

[10-11] **Q.** What kind of photograph is illegal, according to your training?

[12] **A.** I'm not sure that photographs are illegal.

[13-15] **Q.** Okay. So photographs are not illegal, but you went -- you wanted to get a search to take from my apartment and my car all photographs.

[16-17] **A.** Because they were evidence that corroborated the stories of the victims and other witnesses.

[18-19] **Q.** Did I ever deny that I took pictures of people doing things wrong to me?

[20] **A.** I don't think you've ever denied taking photos.

[21-23] **Q.** Did some of the pictures that you received from J. Andrew Delaney's office show people flipping the finger at me?

[24] **A.** I'm not sure if that picture was included in the few that Mr. Delaney gave me. I'm not sure. Obviously I would have to look through them.

[2-3] **Q.** Well, since I don't know what Delaney gave you, where did you keep them?

[4] **A.** In my case jacket, in my file folder.

[5] **Q.** Did you bring it with you?

[6] **A.** Yes.

[7] **Q.** Could you look, please?

[8] **Ms. Weiss:** Objection, Your Honor.

[9] **The Court:** What's the basis for the objection?

[10-14] **Ms. Weiss:** Relevance to the search warrant. The investigator has already testified the relevance that the pictures have to her probable cause for the search warrant. At this point any testimony is cumulative and is not relevant to the actual probable cause for the search warrant.

[15] **The Court:** The objection is sustained.

[16] **Dr. Faltas:** May I respond?

[17] **The Court:** No. I've ruled already.

[18-19] **Dr. Faltas:** May I ask for reconsideration to please preserve the issue?

[20-21] **The Court:** That's not necessary. It's preserved already.

[22-24] **By Dr. Faltas:** **Q.** Did any of the pictures Andrew Delaney sent you show somebody drinking beer with a little child close by?

[25] **A.** There's one photo that has a child, but I'm not sure if there is alcohol being drunk. The ones that they're black-and-white printed cop -- they're copies and they're in black and white, so I'm not sure if there was a beer or not.

[4-5] Q. When -- was there a letter accompanying those pictures that was given to Chief Carter?

[6] A. Not that I'm aware of.

[7-8] Q. Okay. So Chief Carter never knew that I met with Lieutenant Burke and showed him some of the ---

[9] Ms. Weiss: Objection, Your Honor.

[10] Dr. Faltas: In the meeting -- I'll rephrase.

[11] The Court: Just a moment.

[12] Dr. Faltas: I'll rephrase.

[13] The Court: Just a moment. Yes?

[14-18] Ms. Weiss: Your Honor, Dr. Faltas has gone into meetings she had with the command staff of the City of Columbia, and I am objecting to the relevance as it pertains to the search warrant, probable cause, affidavit, and the items sought.

[19 to page 137, line 6] The Court: All right. This officer did not issue a search warrant. The question of validity of the search warrant is not based on what's in this officer's head. It's based on the information provided to the issuing officer. I sustain the objection, and I'm not going to allow this to turn into a full trial on the case. This is solely whether or not probable cause existed for the issuance of the arrest warrant, not everything in this officer's file or everything in this officer's head or everything in this officer's investigation. The question is what was given to -- what was placed in the search warrant and whether looking at the four corners of the search warrant the issuing officer had probable cause to issue it. I sustain the objection.

[7-11] By Dr. Faltas: Q. Would a reasonable officer think that pictures that were submitted to a court would not be illegal pictures, that someone in her right mind would not go to a court of law and say, "Here, these pictures ---"

[12] Ms. Weiss: Objection, Your Honor.

[13] The Court: The objection is sustained.

[14-16] By Dr. Faltas: Q. You were told that I gave the magistrate one tape, right, of people insulting me? Right?

[17-19] A. I don't know if you gave it to the judge or not. I was just told that there was a cassette -- an audiotape that was produced.

[20] Q. Did you ask?

[21] A. I don't believe so, but I'm not sure.

[22] Q. Did you even know which magistrate?

[23] A. No.

[24-25] Q. You didn't ask. You said you kept handwritten journal or you thought I might keep a handwritten journal?

[page 133, lines 1-2] A. In my experience, that has been a possibility of a journal or log.

[3] Q. By me? You have experience with me keeping journals?

[4] A. No, ma'am, not with you. With people in general.

[5] Q. And what would that journal say?

[6] A. Different things for different defendants.

[7-8] Q. Okay. And you've never told that people should not be compelled to be witnesses against themselves?

[9] A. I'm sorry. I don't understand.

[10-13] Q. So even if I had written in a journal I'm going to harass somebody someday, wouldn't that be compelling for your taking the journal? Wouldn't it have been compelling me to testify against myself?

[14] A. Again, I don't understand what you're asking.

[15-17] Q. Let's say people write journals, and you said you have no experience with harassment. You said this was your first harassment case.

[18] A. This is my first investigation into a harassment case.

[19-22] Q. So you had no experience before that somebody who harasses somebody keeps a journal and saying, "I am going to go out today and harass somebody," or comes back and writes in a journal "how I harassed somebody today."

[23 to page 139, line 7] A. When I was in college I took a class or actually a couple of classes that pertained to criminal minds, criminology, and discovering specific acts that would happen, and that would be -- it would go along with that.

[2-4] Q. But you had no probable cause to believe, number one, I am a criminal. Number two, I actually kept a diary that said, "I am going to harass somebody today."

[5] Ms. Weiss: Objection, Your Honor.

[6-8] Dr. Faltas: And came back -- Your Honor, it has to be articulable probable cause that a particularized item exists. Did you have any ---

[9] Ms. Weiss: Objection, Your Honor.

[10] The Court: Let me hear the question.

[11] Ms. Weiss: Your Honor, may I state my objection?

<sup>112</sup> **The Court:** I haven't heard the question.

<sup>113</sup> **Dr. Faltas:** Oh, my question was ---

<sup>114-16</sup> **The Court:** I heard a part of a question, then a part of an argument, then another objection, and I haven't heard a question.

<sup>117</sup> **Dr. Faltas:** Okay. May I give the question?

<sup>118-119</sup> **The Court:** And don't answer the question once it's asked until I rule. Go ahead.

<sup>120</sup> **The Witness:** Yes, sir.

<sup>121-25</sup> **Dr. Faltas:** *Did you have probable cause to believe that I, Marie Assa'ad-Faltas, kept a journal somewhere in my apartment or my car that said on a certain date I plan to harass somebody or that on a certain date I harassed somebody?*

<sup>126</sup> **The Court:** Basis for the objection?

<sup>12-3</sup> **Ms. Weiss:** Thank you, Your Honor. That is actually a different question. My objection ---

<sup>14-3</sup> **The Court:** Well, there was no question. You objected as the question was being asked, but go ahead.

<sup>16-10</sup> **Ms. Weiss:** Your Honor, there was a compound question that was asked before that was continuing; that was my objection. I think at this point it would just be to do one question at a time, but I think when she rephrased it. It was just one question. Withdrawn.

<sup>11</sup> **The Court:** Response?

<sup>12-15</sup> **The Witness:** It's my experience and basic knowledge that a journal does not necessarily have to be your day-to-day writings of what you do but could possibly be a photo journal.

<sup>116-21</sup> **By Dr. Faltas:** *Q. Is possibly being different from probable in your mind and in your training -- because possible may mean anything, but was there a reasonable probability that I kept a journal? Did you have -- sorry. Did you have a particularized reasonable probability that I kept a journal?*

<sup>22-23</sup> **A.** *I was under the impression there could possibly be a photo journal. So, yes.*

<sup>24-25</sup> **Q.** *How did you get that impression? And you said possibly. What about probably?*

<sup>141, lines 1-4</sup> **A.** Okay. Probably there would be a photo journal because of the numerous photos that were alleged to be taken of the victims and witnesses. That was my probable cause or part of it.

<sup>5</sup> **Q.** *Okay. But you requested search for all diaries!*

<sup>6</sup> **A.** Correct.

<sup>7-9</sup> **Q.** *All diaries without any basis for thinking that I kept a diary. I. Not everyone in the world. I, particularized to me. I.*

<sup>10</sup> **A.** Is that a question?

<sup>11-12</sup> **Q.** *Yes. What is your probable cause, if any, for thinking that I kept a diary ---*

<sup>13</sup> **A.** Because ---

<sup>14</sup> **Q.** *-- of harassment? I, not ---*

<sup>15</sup> **Ms. Weiss:** Objection.

<sup>116-171</sup> **Dr. Faltas:** *---anybody else. I. Did anyone tell you that they saw me keep a diary of harassment?*

<sup>118</sup> **The Court:** And the basis for the objection?

<sup>119-24</sup> **Ms. Weiss:** Objection. That the question has been asked and answered. The investigator has answered her probable cause for believing that someone accused of harassment may keep diaries, journals, et cetera. That is the basis required in the search warrant, and that question has been asked and answered numerous times.

<sup>128</sup> **The Court:** The objection is sustained.

<sup>142, line 1</sup> **Ms. Weiss:** Thank you, Your Honor.

<sup>2-4</sup> **By Dr. Faltas:** *Q. Going to the computer, did any of the witnesses allege that they have a computer?*

<sup>5</sup> **A.** *I didn't ask any witness if they had a computer.*

<sup>6-7</sup> **Q.** *Did any of them allege that they were receiving harassing e-mails from me?*

<sup>8</sup> **A.** No.

<sup>9-10</sup> **Q.** *Did any of them allege that they were receiving harassing letters from me that were written on the computers?*

<sup>11-13</sup> **A.** I recall something about a letter, but I can't remember if that was specifically -- if that would be specific. **So, no.**

<sup>14-16</sup> **Q.** *In fact, didn't Teresa Ingram show you a letter I had written to her after she blocked me and I asked her to please not do that again?*

<sup>17</sup> **A.** No.

<sup>18</sup> **Q.** No?

<sup>19</sup> **A.** No.

[20-22] Q. That's in the discovery file, too, but I'll -- I'll move very quickly. Did any of the alleged victims claim to you that I was taking pictures with cell phone?

[23-25] A. I'm not sure that I asked specifically if it was a cell phone, but because cell phones can take photos, that's why it was included in the warrant.

[page 143, lines 1-2] Q. Did any -- when were you first aware that Teresa Ingram had a boyfriend who had threatened to kill her?

[9-11] The Court: All right. That's not relevant to this issue.

[5-8] By Dr. Faltas: Q. At the time you had the search warrants and arrest warrants against me, were you aware that Teresa Ingram had had issues with other people totally unrelated to me?

[9] A. Issues meaning?

[10] Q. Meaning reporting harassment by other people?

[11] Ms. Weiss: Objection.

[12] The Court: Objection is sustained.

[13] Dr. Faltas: Is harassment --

[14-15] The Court: We'll be at ease for about two or three minutes.

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

[17] (Whereupon, a short break was taken.)

[18-19] The Court: How many more questions do you have of this witness?

[20-21] Dr. Faltas: I pray the court's indulgence just for 10 minutes.

[22] The Court: Okay.

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

[24 to page 144, line 2] By Dr. Faltas: Q. Very quickly. And I showed this to Ms. Weiss. You wrote those, and these are -- these have your signature; right?

[31] A. Yes, they have my signature.

[4-7] Q. Okay. And one of them says when she came to see you she told you that the alleged rock had struck her in the left leg, but the police report you noted said that -- had struck her feet.

[8-9] A. Correct. The officer did not correctly write the report.

[10-11] Q. The officer did not correctly write the report. Well, you were not there; right?

[12] A. I spoke with the officer.

[13-14] Q. Uh-huh. And the officer told you that she told him that it struck her left leg, but he told you --

[15-17] A. What he said was that the lower extremities between the legs and -- between the bottom of the knee and the feet. He said but he just put in there that.

[18-19] Q. And when you spoke to him, did he say that he saw any bruises?

[20] A. No, he didn't say he saw anything.

[21] Q. Okay. Then on the other one --

[22] A. Uh-huh.

[23-25] Q. ---you claim that part of the harassment is that I allegedly told Ingram that she looks like Marilyn Monroe or Janis Joplin?

[page 145, line 1] A. That was according to her statement. Correct.

[2] Q. And you stated that I said that to insult Ingram?

[3] A. Again, that was her statement, yes.

[4] Q. Okay. Is that reasonable to you?

[5-9] A. I wouldn't be insulted if you called me either one of them, but that's me. Everybody has their own opinion.

[17-9] Q. Okay. But you were claiming -- you got me arrested for thinking or for allegedly saying that someone looks like one of the most beautiful women in the world.

[10] A. That's not even an issue as to that --

[11] Q. It's not --

[12] A. She took it as an insult though.

[13-14] Q. She took it as an insult; right? And that's enough for me to be arrested.

[15] Ms. Weiss: Objection.

[16] The Court: The basis for the objection?

[17] Ms. Weiss: Relevance to the search warrant.

[18] The Court: All right. The objection is sustained.

[119-21] **By Dr. Faltas:** Q. In -- do you recall seeing that letter? And may I approach you and take back the other two?

[22] **A.** I'm sorry. What letter?

[23-24] **Q.** (Dr. Faltas hands documents to the witness, and the witness reads the documents.)

[25] **A.** I have read this before.

[page 146, line 1] **Q.** When?

[26] **A.** I can't tell you what date.

[27] **Q.** Okay.

[28] **A.** But I did your case for thoroughly three months, so I'm not sure.

[6-7] **Q.** Would that letter not indicate to you that she came to my car and I am writing to her to please not do it again?

[8-9] **A.** I'm looking for something that says anything about going to the car.

[10-15] **Q.** The last sentence before the signature, does it not say, "But please do not come uninvited near my car again, as when you did it yesterday it made me very uncomfortable and blocked access to my home"? And then, "Thank you for your attention and God bless," signed Marie Assa'ad-Faltas, M.D., M.P.H.?

[16] **A.** It does say that.

[17] **Q.** Okay. And you didn't ask her if she had come to my car.

[18] **A.** I don't think so.

[19] **Q.** And you claim to have investigated this thoroughly.

[20] **A.** I feel like I did. My boss feels like I did.

[21-25] **Q.** So she's the one coming to my car blocking me and I am writing to her politely to not do it again, and you claim to have investigated it thoroughly and you don't contact me. Are these two sets in Ingram's handwriting and sworn before you?

[page 147, line 1] **A.** (No response.)

[2-3] **Dr. Faltas:** Your Honor, may I enter this letter as a Court's exhibit?

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

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

[6] (Court's exhibit 5 was marked for identification only.)

[7-8] **The Witness:** Dr. Faltas, I think your question was: Are these two statements in Teresa Ingram's handwriting?

[9-10] **By Dr. Faltas:** Q. Yes, ma'am.

[11-15] **A.** Okay. On this set of statements -- there are two separate ones. Page 1 through 4 is in Teresa's handwriting. Page 5 and 6 are in mine and Teresa's where I questioned and she answered in her own handwriting. The second statement, yes, page 1 through 5 is in her handwriting.

[16-19] **Q.** And in one of them she records an incident where she was -- she, not I, was having a loud verbal argument with another neighbor which I overheard through my window. Isn't that correct?

[20] **A.** It is.

[21-22] **Q.** And does it not say that I later told her that if she loved God she should go apologize to that neighbor?

[23-24] **A.** You're saying that should be in this statement that it says that?

[25 to page 148, line 2] **Q.** I'm saying it is, but if you don't recall, even though you investigated me thoroughly for three months, then I'm wondering about thoroughly.

[3] **Ms. Weiss:** Objection, Your Honor.

[4] **The Court:** Sustained. Question?

[5-7] **By Dr. Faltas:** Q. Is there a statement to that effect in Ingram's sworn handwriting?

[8-10] **A.** Give me just a second to read over it. Do you recall exactly which statement it's in of the two that were six pages long apiece?

[11] **Q.** There is ...

[12-15] **A.** So it must be in this one. Okay. Okay. Page 3 and 4 starts where Ms. Ingram is -- in her statement is talking about the verbal altercation between her and someone across the street.

[16-17] **Q.** Could you read it, please? Could you read it for the court, please?

[18] **A.** From the beginning?

[19] **Ms. Weiss:** Objection.

[20] **Dr. Faltas:** That part. Just that part.

[21] **The Court:** Objection sustained.

[22-23] **By Dr. Faltas:** Q. I was charged with misdemeanors; right?

[24 page 149, line 7] **A.** I don't know if they're misdemeanors or not. Actually I think they carry more than one year, so technically they're seen a little differently.

[2] **Q.** What was I indicted for?

[3] **A.** Harassment first, two counts.

[4] **Q.** What was it classed at?

[5] **A.** Again, I haven't seen the indictments.

[6] **Ms. Weiss:** Objection, Your Honor.

[7-8] **Dr. Faltas:** Did you know that officers cannot arrest for misdemeanors except if committed in their presence?

[9-10] **The Court:** The objection is sustained as to both questions. Next question?

[11] **Dr. Faltas:** That's ---

[12-14] **The Court:** As to the first one and to the second question, the objections are sustained. Not relevant to the issue of the search warrant.

[15-16] **Dr. Faltas:** I'm sorry. Did you sustain the objection as to whether she knows that officers are not to ---

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

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

[19-23] **By Dr. Faltas:** *Q. Did you ever attempt to speak to me and find out what my purpose for doing any -- if I did any of the alleged things or if -- if I had a legitimate purpose for them, if I did them?*

[24] **A. No.**

[25] **Q. Why didn't you?**

[page 150, line 1] **Ms. Weiss:** Objection.

[26] **The Court:** Repeat the question, please.

[3] **Dr. Faltas:** I asked why didn't she --

[4] **The Court:** Why didn't she what?

[5-13] **Dr. Faltas:** She admitted that she neither spoke to me to find out if I did the alleged things or even if I did them whether I had a legitimate purpose for doing them because that is the definition - is without legitimate purpose - and I mean, I didn't say that in the question, but I'm explaining why I asked this question, that she should have asked me if I had a legitimate purpose without pretending - before pretending that she had probable cause because the definition is without legitimate purpose.

[14] **The Court:** Ms. Weiss?

[15-20] **Ms. Weiss:** Your Honor, this does not go to the relevance of the search warrant whether or not the defendant feels that she has probable cause certainly or has a legitimate purpose. It's certainly an issue for the jury, but the investigator's probable cause for the search warrant is separate and distinct and has been answered.

[21] **The Court:** The objection is sustained.

[22-25] **By Dr. Faltas:** *Q. And you said you do not recall what you told Angela Ladson before she signed the search warrants and the arrest warrants; right?*

[page 151, line 1-2] **A.** I told her basic facts that I had -- that I had an understanding of

[3-4] **Q.** You never told her that you had any doubt about the veracity of any of your alleged informants.

[5] **A. No.**

[6-8] **Q.** Despite the driving record, despite the criminal records, despite everything, you never told her that you had any doubt about the veracity.

[9-10] **A.** I didn't pull Ms. Charlene Crouch's rap sheet, her - the rap sheet, so I can't say anything about that.

[11] **Q.** Had you pulled Ingram's rap sheet?

[12] **A. No.**

[13-14] **Q.** Okay. Do you think it would have made a difference that she had two felony convictions?

[15] **A. Not really.**

[16-17] **Dr. Faltas:** I hope I haven't exceeded the 10 minutes the court gave me.

[18] **The Court:** All right. Any redirect by the State?

[19] **Ms. Weiss:** Just briefly, Your Honor.

[20-21] **Redirect Examination By Ms. Weiss**

[22-24] **Q.** Investigator Blanton, when you were on the street did you have the opportunity to do initial investigations into any harassment cases or stalking cases?

[25] **A. Yes.**

[page 152, lines 1-2] Q. And your training and experience did involve harassment and stalking cases?

[3] A. Yes.

[4-7] Q. And was there anything in your investigation that led you to challenge -- to be concerned about the credibility or veracity of the witnesses that you interviewed prior to seeking the search warrant?

[8] A. No.

[9-10] Ms. Weiss: Thank you, Your Honor. No further questions.

[11-12] The Court: Any further questions by the defense as it relates to the three questions asked by the State?

[13-15] Dr. Faltas: One question. Recross Examination By Dr. Faltas:

[16-18] Q. I'm totally confused. You said my case was your first harassment investigation, but then when Ms. Weiss asked you, you said, no, you've had others. So which is it?

[19-24] A. You asked what was I the lead investigator on? [This was my first harassment case that I was the lead investigator on. As a police officer, when we respond to a 9-1-1 call or any complaint by citizens, we take an initial investigation, i.e. a police report, and document what's being stated. That would be an initial investigation.

[25 to page 153, line 2] Q. So what you have had experience with is just writing down what somebody told you and give it to someone else, if it goes that far.

[3-5] A. As -- that, as well as the training and discussions that we had in the -- in my undercover class and the basic detective school, all of those trainings.

[6-7] Q. But -- so to be clear, that's -- but this is the first investigation that you did as a harassment.

[8-9] A. This is the first harassment case that I have been the lead investigator on.

[10] Q. And you had a lot of incentives to make it stick, right?

[11-12] A. No, not that I know of other than the duties to do my job.

[13-14] Q. Uh-huh. And you viewed your job as never asking me whether I --

[15] Ms. Weiss: Objection.

[16] Dr. Faltas: All right. Yes.

[17-18] The Court: Step down, ma'am. Any other witness -- witnesses on this issue by the State?

[19-20] Ms. Weiss: No, Your Honor. I do have one issue about a witness though, if this would be the appropriate time.

[21] The Court: One witness about what? \* \* \* \* \*

[page 780] I, the undersigned Daphne D. Helms, official court reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings requested by Attorney Heather Weiss and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 22nd through 26th of February, 2010. [9] I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 25, 2010

[S/] Daphne D. Helms, Court Reporter

The State of South Carolina  
County of Richland  
Court of General Sessions  
2010-GS-40-11980 and 2010-GS-40-11987  
The State of South Carolina : PARTIAL TRANSCRIPT OF RECORD  
vs. :  
Dr. Marie Assa'ad Faltas : February 25, 2010  
Columbia, South Carolina

BEFORE: The Honorable Clifton Newman, Judge, and jury.

APPEARANCES: Heather Weiss, Esquire :  
Alexander Campbell, Esquire: Attorneys for the State  
Dr. Marie Assa'ad-Faltas, pro se defendant.  
Also present: Mark Sawyer, Esquire Daphne D. Helms, Circuit Court Reporter

~~The Court: All right. Ladies and gentlemen, we will break until 1:00. If you'll leave the exhibits in the courtroom and we'll be at ease for just a moment.  
(Whereupon, the jury was excused from open court to go to lunch 12:06 p.m.)~~

~~The Court: All right.~~

~~Ms. Weiss: Your Honor, is there any reason the victim needs to stay? I told her she could break for lunch.~~

~~The Court: No, she can go. Any other matters we need to discuss outside the presence of the jury?~~

~~Dr. Faltas: Your Honor -- I'm sorry.~~

~~The Court: Yes, ma'am.~~

~~Dr. Faltas: I need for the State to tell us if it is going to call Corey Curry or should I go ahead and subpoena him?~~

~~The Court: Do you intend to call Corey Curry?~~

~~Ms. Weiss: Your Honor, that is a possibility. I can't tell you absolutely right this minute because we're trying to get -- we're trying to get in touch with him to coordinate times, so I'm just...~~

~~The Court: He's coming here today?~~

~~Ms. Weiss: He might be. We're trying to -- we're trying to reach him.~~

~~The Court: Because if you don't call him, she wants to call him, so he needs to be available for the State or the defense.~~

~~Ms. Weiss: And -- but I know I'm -- I'm going to get my case done today, so I'm trying to get him here today.~~

~~The Court: Right. If you don't get him here -- if you can't get him here today, then he needs to be here tomorrow for the defense's case.~~

~~Ms. Weiss: Yes, Your Honor.~~

~~The Court: Because he's -- you have access to him, so we want you to be sure and have him --~~

~~Ms. Weiss: Well, that's -- that's sort of the issue right now. We had access to him a couple of days ago. Right now I'm having phone issues so... But I'll do everything in my power to try to get him here this afternoon.~~

~~The Court: Okay. If you'll keep me posted on it to see whether he's available.~~

~~Ms. Weiss: Yes, Your Honor.~~

~~Dr. Faltas: So I do not need to subpoena him and it will be the State's responsibility to get him in or ---~~

~~The Court: The State is attempting to locate him to get him here. I can't really review the issue as she reports it to me.~~

~~Dr. Faltas: All right. Thank you, Your Honor.~~

~~Ms. Weiss: She does not need to send a separate subpoena out. He's under subpoena, and we'll get him.~~

~~The Court: Okay.~~

~~Dr. Faltas: He is under subpoena?~~

~~The Court: That's what she just said.~~

~~Dr. Faltas: All right. Thank you.~~

~~Ms. Weiss: Your Honor, Dinah Steele-Mason and Larry Mason have received subpoenas from the defense telling them I think to be here this afternoon? Is there -- do they need to be here for the defendant?~~

~~Dr. Faltas: Yes, definitely.~~

~~The Court: But if they are -- if the State has -- and we may -- we may go late today, and so if witnesses are available, then they need to -- and if the State ends early, then they need to be here for the defense's case, if she chooses to call them.~~

~~Ms. Weiss: Okay. Are they -- can I ask if they're going to be one of her first witnesses? I just hate for them to come at 1:30 and ---~~

~~The Court: No. They will -- well, obviously they don't need to be here at 1:30 because we're still ---~~

~~Ms. Weiss: That's what the subpoena says.~~

~~The Court: All right. They don't need to be here before -- before the time you're to call them or the time the defense is to call them.~~

~~Ms. Weiss: Okay. Thank you, Your Honor. May I put them on a telephone standby?~~

~~The Court: Yes.~~

~~Ms. Weiss: Thank you.~~

~~Dr. Faltas: Your Honor, may I know who are the State's witnesses coming up next so I can prepare my impeachment and cross-examination exhibits in a manner that does not unnecessarily delay ---~~

~~The Court: Do you know who your witnesses are?~~

~~Ms. Weiss: My next witnesses, if I can get them here, are Corey Curry and Tiffany Lurke.~~

~~The Court: All right.~~

~~Ms. Weiss: And then possibly Deputy or Corporal El Dada, Sergeant Taurus Sanders, and Investigator Blanton. Those are the ones I can tell you for sure.~~

~~The Court: Okay. Very good. We'll be in recess 'til 1:00.~~

~~Dr. Faltas: Thank you, Your Honor.~~

~~The Court: All right.~~

~~Ms. Weiss: Your Honor, Tiffany Lurke -- the rap didn't come back yesterday, so Dr. Faltas doesn't have a copy of it. She has a 2006~~

~~AND I think we said missed on the rap record. I'm still maintaining she has no record, but I did want to say the rap she did not come back yesterday with her...~~

~~The Court: There's no record if the charges were dismissed.~~

114] **Dr. Faltas:** Could I look at it?

115] **The Court:** All right.

116] **(Whereupon, a lunch break was taken.)**

117] **Ms. Weiss:** May it please the Court, Your Honor?

118] **The Court:** Yes.

119 to page 428, line 6] **Ms. Weiss:** [19-24] I had stated before the break who I intended to call as witnesses. I believe that is now going to be shortened. I am going to call -- I am going to call Investigator Blanton, Sergeant Sanders, Corporal El Dada, and hopefully Tiffany Lurke. That will be the extent of the State's case this afternoon. [25 to page 428, line 6] We have contacted Dinah Steele-Mason and Larry Mason on behalf of Dr. Faltas to go ahead and be here by about 4:00. I have -- we have contacted Corey Curry. He has indicated that he is not interested in coming to the court. However, I told him that the judge had ordered that he be here tomorrow. He said he would come at 9:30 and, Your Honor, that's the extent of my abilities I believe in that matter

117] **The Court:** All right.

118-9] **Ms. Weiss:** I just wanted to put everything on the record.

119] **Dr. Faltas:** Your Honor?

120] **The Court:** What's the last thing you said about when he could be here or not be here?

121-15] **Ms. Weiss:** I said that he said he would be here at 9:30 in the morning. He was not happy about that and that is -- but that's the extent of my abilities to get him here --

122] **The Court:** All right.

123] **Ms. Weiss:** --at this point.

124 to page 429, line 1] **Dr. Faltas:** Your Honor, if it pleases the Court -- and I know that that may sound drastic. I'd like the Court to issue a warrant for him to come this afternoon and I -- my examination of him will be very brief since he is here this afternoon or somehow Ms. Weiss could contact him. And we could examine him out of turn, if necessary. I know he's not part of the State's case now, but sometimes the court can do that. So while we still know he's here -- because if he escapes or something, what do we do on Friday?

125-3] **The Court:** All right. Okay. Let's bring the jury. Let's deal with matters at hand.

126] **Ms. Weiss:** Thank you, Your Honor.

127-6] **The Court:** During the break, call him to see if he can come today. **If not, he must be here in the morning.**

128] **Ms. Weiss:** Your Honor, that's what I've told him.

129-10] **The Court:** Right, to come today and if he can't be here today to be here in the morning, and do you have an address for him?

130] **Ms. Weiss:** I do, Your Honor.

131-15] **The Court:** We'll have the sheriffs go get him, if necessary.

132] **Ms. Weiss:** Yes, Your Honor.

133] **Dr. Faltas:** Thank you, Your Honor.

134-9] **(Whereupon, the jury was brought into open court at 1:30 p.m.)**

135] **The Court:** All right. Next witness, please.

136-20] **Ms. Weiss:** Thank you, Your Honor. The State calls Investigator Amanda Blanton.

137] **Dr. Faltas:** And, Your Honor, may I again sit ...

138] **The Court:** Yes.

139-23] **Amanda Blanton, after being duly sworn, testified as follows:**

140 to page 430, line 1] **The Clerk:** Have a seat in the witness box, and give the court reporter your name.

141] **The Witness:** Amanda Blanton.

142-3] **Direct Examination By Ms. Weiss**

143] **Q.** Good afternoon, Investigator Blanton.

144] **A.** Good afternoon.

145] **Q.** Where are you currently employed?

146] **A.** Columbia Police Department.

147-10] **Q.** And how long have you been employed with the Columbia Police Department?

148] **A.** Seven years.

149] **Q.** Was this your first job in law enforcement?

150] **A.** Yes.

151-15] **Q.** And that would be 1993 when you first came to work there?

152] **A.** No.

153] **Q.** Oh, I'm sorry. 2003?

154] **A.** Right.

155-20] **Q.** Sorry. Prior to the Columbia Police Department -- well, I guess -- where are you from?

156] **A.** Spartanburg.

157] **Dr. Faltas:** Sorry?

158] **The Witness:** Spartanburg County.

159-25] **By Ms. Weiss: Q.** And after high school, did you attend college?

160 to page 431, line 1] **A.** I did.

161] **Q.** And where was that?

162] **A.** Spartanburg Methodist.

163] **Q.** Did you graduate from Spartanburg Methodist?

164] **A.** I did.

165] **Q.** And with what degree?

166] **A.** An Associate's in Criminal Justice.

167-9] **Q.** And after you got your Associate's -- what year was that?

168] **A.** 2001.

111] Q. Where did you work?

112-13] A. When I graduated college, I moved to Columbia and I worked at Best Buy.

114] Q. What position did you have there?

115-18] A. Originally I just started as a baseline level employee. Then I was promoted to supervisor over the home theater department, and then I started the manager program and was promoted from there.

119-20] Q. And did you leave there to go to the Columbia Police Department?

121] A. I did.

122-23] Q. What positions have you held with the Columbia Police Department?

124 to page 432, line 3] A. I got hired, finished the police academy. Started out as a street officer, a patrol officer. From there I was selected to go to the C.R.T. which is the Community Response Team, and then from there I was promoted last year to investigator.

14-5] Q. Okay. Before you were put out on patrol, you said you went to the academy. What academy is that?

16] A. The South Carolina Criminal Justice Academy.

17] Q. And how long is that program?

18] A. Nine weeks when I went through.

19-10] Q. And when you moved to C.R.T., during your time of patrol in C.R.T., did you receive any training during that time?

111] A. Yes.

112] Q. What kind of training was that?

113-17] A. Several things. Narcotics Undercover Techniques class which I completed and assist in teaching it over the past couple of years now, once I completed it. I've been through the Basic Detective school through the Criminal Justice Academy.

118] Q. And do you receive updates on training each year?

119] A. Yes.

120] Q. Okay. When were you promoted to investigator?

121-22] A. I was promoted a few weeks before everybody else, but it was around June of last year.

123] Q. June of 2009?

124] A. Right.

125] Q. And what unit were you assigned to?

[page 433, line 1] A. Special Victims.

12-3] Q. Prior to being promoted to investigator, did you receive any awards or recognitions at the Columbia Police Department?

14-5] A. I've got a few accolades. I did receive the Police Officer Of The Year for the year of 2008.

16-7] Q. So you've been with the Special Victim unit since June of 2009?

18] A. Yes, ma'am.

8] Q. What types of cases does that unit handle?

110-13] A. Well, we handle child death investigations, sexual assaults, rapes, any sort of pornography, child porn, harassment, stalking, C.D.V. or criminal domestic violence, harassment, harassing phone calls, unlawful communications.

114-15] Q. Okay. And approximately how many cases have you been assigned since June of 2009?

116-17] A. I can give you a roundabout number. I couldn't tell you exactly.

118] Q. That's fine.

119] A. About 40.

120-21] Q. Okay. And those cases cover many of the different topics that you just discussed?

122] A. Correct.

123-24] Q. And how many of those have been harassment and/or stalking cases?

125 to page 434, line 3] A. When we started trial this week, I have one - well, actually two harassment cases that I have investigated, signed warrants, and put someone in jail for. I have several other pending that warrants have not been sought yet.

14-5] Q. So approximately cases have you been working on involving harassment or stalking?

16] A. I don't know. I'd say six or seven.

17-9] Q. Okay. And prior to being an investigator when you were on patrol with C.R.T., how many cases did you preliminarily investigate involving harassment or stalking?

120] A. Several. Again, I couldn't pinpoint an exact number.

111] Q. Around about?

112-15] A. I don't know. People would call dispatch. Then we would go to their - wherever to meet them, and then I'd start a preliminary investigation. So that - maybe a dozen or so. I'm not sure.

116] Q. And what is the procedure for you to receive a case?

117-23] A. The street officer or patrol officer responds to an incident location per a victim, per the victim's request. They take the initial incident report and the initial statement from the victim, and from there it's signed off by that officer's supervisor. Then it's forwarded to investigations and then my sergeant who then assigns it to whichever one of us he feels like assigning it to.

124] Q. And how many of you are in the unit?

125] A. Let me count. I want to say there are eight of us ---

[page 435, line 1] Q. Okay.

[2] A. ~~but I'm not sure.~~

[8] Q. So about eight of you in the unit.

[11] A. Yeah.

[15-61] Q. And is that the same procedure that ended up getting you assigned to a case involving Dr. Marie Assa'ad Faltas?

[7] A. Yes.

[18-91] Q. And prior to an incident report coming to your desk, did you have any knowledge of Marie Faltas?

[10] A. No.

[111] Q. Did you know who she was?

[12] A. No.

[113] Q. Had you ever even heard the name before?

[14] A. No.

[115-161] Q. Okay. And what was the initial case that came to your desk?

[117-191] A. The initial one was -- I believe it was a -- harassment slash stalking was how it was titled, and that would put Teresa Ingram being the victim.

[120] Q. Okay. And what did you do with that case?

[121-241] A. Initially I did what I do with every other case. I called the -- contacted the victim to find out what happened, to see when they could come in and write a statement, a sworn statement.

[125] Q. Okay. And did you talk to Teresa Ingram?

[page 436, line 1] A. I did.

[2] Q. And did she come in and do a statement?

[3] A. She did.

[4-7] Q. Was she able to stay with you as long as you wanted the initial time she came in?

[8-11] A. Not the first time. She had to pick somebody up at school.

[12] Q. Okay. And do you have any idea who that was?

[13] A. I don't.

[10] Q. Okay.

[11] A. I didn't ask.

[12] Q. She was picking a child up at school?

[13] A. Yeah.

[14] Dr. Faltas: Your Honor, that's leading!

[15] The Court: Was there an objection?

[16] Dr. Faltas: Yeah: I'm sorry: Objection!

[17] The Court: Basis for the objection?

[18] Dr. Faltas: She asked her if she was picking --

[19-20] The Court: I heard the question. The basis for the objection?

[21] Dr. Faltas: Leading!

[22-23] The Court: Objection sustained. Don't lead the witness.

[24 to page 437, line 1] By Ms. Weiss: Q. Did Teresa Ingram come in a different time to give another statement?

[2-3] A. Yes, after a second report was made. I believe it was after a simple assault involving rocks.

[4] Q. And how did that report end up on your desk?

[5-8] A. My sergeant actually assigned it to someone else in my unit, and because we had already had a unit discussion involving names of victims as well as suspects, so it was then turned over to me as part of my entire case.

[9] Q. And what did you do after you got the second statement?

[10-11] A. I called Teresa again to have her come in and do another statement.

[12] Q. And --

[13] A. I'm sorry. Did I answer that?

[14] Q. Yeah, that's fine.

[15] A. Okay.

[16] Q. Did she do that?

[17] A. She did.

[18] Q. What did you do next in the investigation?

[19-23] A. I would have contacted our records department within our agency to find out how many reports -- due to the allegations against the defendant, I pulled all reports involving her name as a victim and/or suspect

[23] Q. Her name being?

[24] A. Dr. Faltas.

[25] Q. Okay. And what did you do next?

[26-28 lines 1-3] A. Contacted victims. If those were pending cases and if they hadn't been assigned to an investigator, I originally found out whether or not they were assigned, if they would fall under the parameters of our unit,

and then I asked my supervisor if that was okay if I did it that way which he agreed with the way I was thinking. And then I went from there, contacted Ms. Dinah Steele-Mason who was also a victim in another incident report because it was the same defendant, also the same allegations, contacted her, had her come in for a statement, then found out about people that lived in the apartment had similar complaints.

112-131 Q. So approximately -- were you able to interview other witnesses?

1141 A. Yes.

115-161 Q. Approximately how many witnesses were you able to interview?

1171 A. I can name five.

1181 Q. Okay. And who are those witnesses---

119-201 A. Or four. I'm sorry. Four, and then five including Ms. Ingram.

1211 Q. Five including Ms. Ingram.

1221 A. Yes, ma'am.

1231 Q. Okay. And did you get statements from --

124-251 Dr. Faltas: I'm sorry. Would you ask her who were those individuals? She didn't give the names.

126-271 By Ms. Weiss: Q. Were able to get statements from those witnesses?

1311 A. Yes.

1411 Q. Okay. Did they come in and meet with you?

1511 A. Yes.

16-91 Q. Okay. After talking to the different witnesses in this case, did -- were you able to come to a conclusion from that -- from your investigation at that point to a preliminary conclusion in the case?

1101 A. Yes.

1111 Q. And what was that?

112-201 A. Which was after reading the statute for harassment first, I went to my supervisor, explained everything I had, and then we did what we call a round-table discussion. Everybody in our unit, before we go out and get warrants or search warrants or things like that, we discuss our cases in a meeting, just all the investigators in my unit specifically to include my supervisor. Everybody's opinion was the same as mine. So after that, I would have contacted the solicitor's office to make sure there was probable cause.

211 Q. Okay. And who did you talk to about probable cause?

221 A. You.

23-241 Q. Okay. And then did you receive anything other than statements to corroborate the information that you had received about Dr. Faltas?

116-171 A. Yeah, I got other stuff.

1181 Q. What else did you get?

13-21 A. Obviously the incident reports, witnesses to include those five. I received photos from an attorney that he alleged that Dr. Faltas had dropped off at his office. Let's see. Numerous copies of notices that were sent to Dr. Faltas via certified mail.

18-91 Q. Did those photos depict some of the same statements that were given to you from the witnesses?

1101 A. Yes.

111-121 Q. And what was your opinion about how those photos related to those statements?

1211 A. I was disturbed, but it just made me feel more at ease about the -- my decision as far as the harassment went.

1151 Q. And what did you do next?

141-151 A. I believe the next thing I would have done would have been to have typed up a case summary because I had to present it to our higher-ups.

119-211 Q. And once you completed your investigation or were at a point where I guess -- did you reach a point at some point where you felt that you had sufficient probable cause?

1221 A. Yes.

1231 Q. And what did you do at that point?

141-151 A. That's when -- when I thought I would have had probable cause, I would have contacted the solicitor's office to run that by just to double-check.

12-31 Q. Okay. After you had finished with your meetings, what did you do?

13-41 A. Signed two search warrants and executed them as well as two arrest warrants and executed those.

161 Q. And what were those two search warrants for?

171 A. Dr. Faltas's residence as well as one for her vehicle.

181 Q. And where is that residence?

191 A. 304 Byron Road, apartment 3, I believe is what it is.

110-111 Q. And would that be the same general location where the incidents allegedly occurred?

121 A. Yes.

1131 Q. And is that in the city of Columbia?

1141 A. Yes.

1151 Q. Is that in Richland county?

1161 A. Yes.

1171 Q. And had you been to that apartment before?

1181 A. No.

1191 Q. Did you know where it was?

1201 A. After I Google mapped it.

1211 Dr. Faltas: I'm sorry. I didn't hear that.

1221 The Witness: Using Google maps on the internet.

123-251 By Ms. Weiss: Q. What were you searching for in that -- in those search warrants?

126-342, lines 1-101 A. Photos that had been alleged by the victims and witnesses that may have been taken, cameras, video recordings, audio recordings because again witnesses, victims alleged that there were audio recordings, maybe video recordings, a cell phone that could possibly hold video or audio recordings, any sort of computer thumb drive, zip drive, any sort of database like that. We're in a technological age, so people often use computers to hold their information. I'm trying to think of everything that was in the warrant; I'm sorry.

111-121 Q. Okay. And when you went to execute the search warrant, did you go by yourself?

1131 A. No.

1141 Q. Who went with you?

115-161 A. Just about every investigator in my unit as well as a uniformed officer.

1171 Q. And is that typical in executing a search warrant?

1181 A. It's typical to have more than two or three people, yes.

1191 Q. And why is that?

120-241 A. Well, number one, you have to have several people searching, depending on how big the location is and what you're looking for. You also want uniforms there, so that way there's no doubt in anybody's mind who you are because typically we're dressed like I am.

125 to page 443, line 1 Q. Okay. Did you take photos while you were executing the search warrant?

121 A. We --

123-41 Q. Or did someone take photos while you were executing the search warrant?

1251 A. Yes, an officer did.

126-91 Q. Okay. I'm going to ask you to look at State's exhibits 112, 111, 110, 109, 108, 107, 106, 105, 104, 103, 102, 101, and 100, and I'm going to ask that these four photos be marked as well, State's exhibits.

1291 Dr. Faltas: Objection, Your Honor.

1301 The Court: Basis for the objection?

1311 Dr. Faltas: The completeness rule.

1321 The Court: Objection is overruled.

133-341 (State's exhibits 114 through 117 were marked for identification only.)

116-181 By Ms. Weiss: Q. And also if you can look at State's exhibits 116, 117, 115, and 114.

1191 A. (The witness complies.)

120-211 Q. Do these pictures -- are these pictures that were taken during the search warrant?

1221 A. Right.

123-241 Q. Do they accurately depict items that were collected during the search warrant?

1251 A. Yes.

126-444, lines 1-31 Ms. Weiss: Okay. Your Honor, at this time I move State's exhibits 104, 100, 101, 103, 102, 112, 111, 110, 109, 108, 107, 106, 105, 117, 116, 115, and 114 into evidence.

141 Dr. Faltas: Objection.

151 The Court: Admitted over objection.

161 Ms. Weiss: Thank you, Your Honor.

17-21 (State's exhibits 100 through 112 and 114 through 117 were received in evidence.)

19-111 By Ms. Weiss: Q. If you would, could you identify 117, 114, 115, and 116 for the jury?

122-141 A. Those would be the cameras that we -- that were within the search warrant that we removed from Dr. Faltas's apartment during the search warrant.

116-161 Q. And one of those was being pulled out of a purse? Is that --

1171 A. The one coming out of the brownish or goldish purse?

1181 Q. Yes.

1191 A. Yes.

120-211 Q. Okay. Okay. And can you tell what's being photographed in exhibits 105, 102, 103, 101, and 104?

122 A. A whole bunch of pictures.

123 Q. And 110 and 111?

124 A. A bunch of cassettes.

125 Q. And in 109, 106, 107, and 108, is there one item that is in all four of these photos?

126 A. Yes, there's some sort of audio recording device in each photo.

141 Q. And these were where they were found in the residence?

151 A. Right, before we took them.

161 Q. And did you take the recording devices?

171 A. No, we didn't.

181 Q. Okay.

191 A. We made sure that there weren't anything in them as far as cassettes, audio, video, or whatever.

111 Q. And what is in State's exhibit 100?

121 A. Numerous rolls of film or boxes.

131 Q. And, finally, what is depicted in State's exhibit 112?

141 A. A window from a bedroom overlooking the parking lot in the apartment of Dr. Faltas.

116-171 Q. What types of evidence did you remove from the apartment of Dr. Faltas?

181 Dr. Faltas: Objection.

191 The Court: Objection is overruled.

220-221 The Witness: The stuff you just picked up right there is what's left. That's audio cassettes, video cassette — or there are no video cassettes left but —

123-241 By Ms. Weiss: Q. Just in general what did you remove?

25 to page 446, line 4 A. Okay. Cameras, a laptop computer, a freestanding computer I guess you would call it, numerous cassettes, numerous video cassettes, a lot of pictures, the cameras, a cellular phone that had a camera on it, negatives of photos. Without looking at the return, I'm not exactly sure but---

151 Q. But that's the general description of what was removed?

161 A. Yes, ma'am.

17-81 Ms. Weiss: Okay. If I may mark just for identification only...

91-101 (State's exhibits 118 through 122 were marked for identification only.)

111-131 By Ms. Weiss: Q. State's exhibit for identification only 118, what are these?

141 A. Cassettes.

151 Dr. Faltas: I didn't see them. You said that's 118?

161 Ms. Weiss: Yes.

117-191 By Ms. Weiss: Q. State's exhibits 119 for I.D. only, do you know what's in this bag?

20-211 A. I know what's in there. It's going to be numerous photographs.

221 Q. Okay.

231 Dr. Faltas: I didn't see them. Could I see in there?

24 to page 447, line 11 By Ms. Weiss: Q. These would be the same photographs that you were saying ...

121 A. Yes, ma'am.

131 Q. State's exhibit 120 for identification only?

141 A. It's more photos.

151 Dr. Faltas: What did she say?

161 Ms. Weiss: More photos.

17-81 By Ms. Weiss: Q. State's 121 for identification?

121 A. That's going to be more pictures.

131 Q. Finally a green crate?

141 A. Has photos, cassettes as well as disks of photos.

151 Q. Actually, still remaining if you want to look ...

161 Dr. Faltas: Your Honor?

171 The Witness: Disks of photos, yes, ma'am.

181 Dr. Faltas: Your Honor, may ...

191 Ms. Weiss: Okay.

121 Dr. Faltas: Could we approach for a second, please?

201 The Court: Okay.

211 (Whereupon, a bench conference was held.)

221 By Ms. Weiss: Q. State's exhibits for identification that were just shown to you, Investigator Blanton, is that all of the evidence that you collected?

231 A. No.

241 Q. Okay. What happened to the rest of the evidence?

251 A. After we started going through it, I determined that it wasn't needed or necessary. Even though it was under the big scope of the search, search warrant, it involved other people that are not involved in this case specifically or in the Masons' case.

76-77 Q. And some of the tapes -- were some of the tapes completely irrelevant?

77 A. Yes.

78-80 Q. Did you have any way of knowing that while collecting it?

80-82 A. No, they weren't marked or labeled, not that we could see anyway.

113-114 Q. And once you figured out they were not relevant to this case, what did you do with them?

114-115 A. After I listened to them or viewed them, whether it was audio or video, I had to take them back to our property room and sign for each individual thing so that they could be returned.

119-120 Q. Okay. And the computers, were you able to look at those yourself?

120-121 A. I was with S.L.E.D. -- two S.L.E.D. technicians because we don't do that at our department. What we do is separate search warrants for -- I did separate ones for both computers.

124-125 Q. And were you able to in that investigation determine whether those were relevant?

125 A. They were not.

131 Q. And what was done with those computers?

131-132 A. They were taken back to our agency property room by me and then signed back over.

16-81 Q. Okay. And after the search warrant and arrest warrants were done, other than reviewing the evidence, have you done anything else relevant to this case?

81 A. I'm sorry. I don't understand.

100-101 Q. Have you -- I mean, is that where your involvement in this case, other than testifying here in court today -- I mean, there's nothing else that has happened that you have investigated regarding this case.

101 A. No.

115-116 Q. Beg the court's indulgence one moment. Were you able to identify who Dr. Marie Assa'ad Faltas was?

117 A. Yes.

118 Q. And were your witnesses able to identify her?

119 A. Yes. They all knew her by name.

120-121 Q. And were you able to identify by photo who it was? Were you able to figure out exactly who they were talking about?

122 A. Oh, yes. Yes.

123-124 Q. And did you do any background information to try to identify who that person was?

125 A. Basic background info, yes, ma'am.

page 450, lines 1-2 Ms. Weiss: Okay. Thank you. No further questions. Please answer any questions Dr. Faltas may have for you.

13 The Court: Cross-examination.

13-2

Cross-Examination By Dr. Faltas:

16-17 Q. Ma'am, you arrested me and took me out of my apartment. Isn't that correct?

18 A. Yes, ma'am. I was there while it happened.

19-21 Q. While you were in my apartment in home clothes and you came and put handcuffs on my hands, isn't that correct, and put my hands behind my back and put handcuffs behind on my -- on my hands? Isn't that correct?

22-23 A. I am not the one who put handcuffs on you, but I was there while that was going on. Yes, ma'am.

115 Q. What I was in the process of doing when you did that?

116 A. I don't know what you were doing before we got there.

117 Q. The moment I was there, what was I doing?

118 A. Telling us that we couldn't arrest you and that we were going to kill your mother.

120-121 Q. Yes. And were you ever trained that police officers cannot arrest for a misdemeanor except if it is committed in their presence?

122 A. I have not been trained that way, no.

124 to page 451, line 2 Q. All right. Were you -- did you observe me at that time in the act of allegedly harassing anybody when you or your entire team -- you said just about everybody in your unit came down on me.

13-31 A. I don't understand the question because we didn't come down on anybody.

35-61 Q. You said just about everybody in your unit came to my apartment. Isn't that correct?

71 A. Yes, ma'am.

78-91 Q. And I'm saying: Did you find me in the process of doing anything illegal?

110-121 A. You must have been at your window because you were making comments and demanding to know why there were officers in front of your building.

113 Q. And it's illegal to be at one's window?

114 A. I did not say that.

115 Q. I asked a question. Yes or no, is it illegal?

116 A. No.

117-118 Q. All right. And then you took me away before doing the search. Isn't that correct?

119 A. I did not, no. A uniformed patrol officer did.

120-121 Q. You did not even serve me with the arrest warrant or the search warrant before taking me away. Isn't that correct?

**122-241 A.** Because I'm the one that signed the arrest warrants, I did not serve them. I was standing there when the officer served them to you though as well as gave you your copies.

**125 to page 452, line 11 Q.** Actually, isn't it true that the copies were left in my apartment?

**126 A.** Copies of the search warrant, yes, were left.

**131 Q.** But the search warrant wasn't given to me.

**131 A.** I didn't say the search warrant was given to you.

**15-61 Q.** Okay. So there was no search warrant given to me, and there were no arrest warrants given to me.

**17-81 A.** Yes, ma'am. The arrest warrants – the copies were given to you.

**19-101 Q.** Before the police officer entered my house, he did not give me an arrest warrant, did he, or two arrest warrants?

**111 A.** You wouldn't open the door for us.

**112-131 Q.** Didn't he say, "Either you open the door or we break the door"?

**141 A.** I don't recall what that officer said.

**151 Q.** Did you take a video?

**161 A.** We did.

**117-181 Q.** And you never produced it to me even though I asked for it.

**119-201 A.** I'm not sure. I never received a Brady motion, so I'm not sure.

**211 Q.** Does that video still exist?

**221 A.** As far as I know.

**23-241 Q.** And you know that Chief Carter has been subpoenaed to come and bring it?

**251 A.** I didn't know he was subpoenaed to bring that, no.

**page 453, lines 1-21 Q.** And you basically ransacked my apartment in my absence, didn't you?

**31 A.** Ransacked is your opinion.

**41 Q.** Did you take things and throw them all over the place?

**51 A.** No, ma'am, we did not throw any of your belongings.

**61 Q.** Did you put everything back where it was?

**71 A.** Probably not but it was attempted to.

**81 Q.** It was attempted to.

**91 A.** Your apartment was extremely messy when we got there.

**101 Q.** No, ma'am.

**101 A.** It was very hard to put that stuff back.

**1121 Q.** These pictures are after you did that---

**1131 A.** No, ma'am.

**114-151 Q.** ---and you're trying to show -- to pretend to the jury that---

**1161 Ms. Weiss:** Objection, Your Honor.

**117-181 The Court:** The objection is sustained. It's argumentative. Let's ask questions.

**119-211 By Dr. Faltas: Q.** State's exhibit 109, explain to the jury what's messy about that!

**221 A.** My house doesn't look like this, so to me that's messy.

**231 Q.** Really?

**124 to page 454, line 51 A.** Yes, ma'am. There's a furnace right here inside this closet or some sort of heating device. So I assume it's a furnace; I'm sorry if I'm wrong in that. But there are books, magazines, papers, all kinds of stuff here. These would be clothes all lining the wall here to include the window and then more clothes on this side right here which is visible and then a closet full of clothes which is typical.

**161 Q.** And isn't the apartment a real small one?

**271 A.** Again, that's a matter of opinion what's small would be.

**18-91 Q.** Do you have any idea, according to your experience, what the square footage of that apartment is?

**10-211 A.** I have no idea what the square footage of your apartment is, no, ma'am.

**1121 Q.** No idea.

**1161 A.** No, ma'am. I've never asked. I had no reason to.

**114-161 Q.** Police officers are not trained to estimate distances? If I asked you how far apart you and I are now, you would have no idea?

**1171 A.** I would take a wild guess but that's ---

**118-191 Q.** All right. Take the wild guess. Let's see how good you are.

**1201 A.** It's not going to be accurate.

**211 Q.** Well, just tell me how far apart we are.

**22-231 A.** I would guess 25 foot, 20, 25, somewhere around there.

1241 Q. What?

1251 A. I said 20 or 25 foot as a guess.

1257 Q. And you couldn't estimate the size of my apartment?

1261 A. Not square footage, no, ma'am.

1261 Q. Okay. Have you ever seen anything like this?

1265 A. I'm sorry. Can you bring it closer? I can't see that far.

1267 Q. Have you ever seen anything like this?

1268 A. I have seen a V.C.R. before as well as a television before but not --

1269 Q. No, the stand right ...

1270 A. No.

1271 Q. Okay. Were you aware that this is a stand that I had invented?

1272 A. I had no reason to question whether or not you invented something.

1273 Q. What right did you have to come in and look at my inventions?

1274 A. Again, I wasn't there looking at your inventions.

1275 Q. Okay. For its purpose, does it function well? Does it hold a T.V., a telephone, a tape recorder, a Caller I.D. unit, lots of books in a reasonable, compact, and stable manner?

1276 A. Your opinion would be reasonable and stable. I wouldn't sit on it, so, no, I wouldn't say it's stable.

1277 Q. Was it wobbly?

1278 A. I don't remember trying to move that around. It wasn't part of our warrant.

1279 Q. Okay. And these were files neatly arranged in that closet; right?

1280 A. Neatly would be your opinion.

1281 Q. And then because you -- you went inside my clothes closet and searched it as well, didn't you?

1282 A. Because the items we were seeking may possibly be there, yes, ma'am, we did go in your closet.

1283 Q. And the closet was full.

1284 A. It had a lot of stuff in it; yes, ma'am.

1285 Q. And this is an ingenious way of putting the overflow clothes, isn't it?

1286 A. Again, your opinion.

1287 Q. Had you ever been told before the search that I never used the heating or the air conditioning in my apartment?

1288 A. I wasn't aware of that. I know the window was open when we got there.

1289 Q. What?

1290 A. I know the window was open when we got there.

1291 Q. The blinds?

1292 A. I don't recall.

1293 Q. Exhibit 100, did you say these are rolls of film?

1294 A. I said those are boxes that could contain rolls of film. There's also a portion of your kitchen which would include your refrigerator door being open with telephones in it.

1295 Q. Were there books in the refrigerator?

1296 A. It was photographed before we ever searched, so I would have to look at the photos. I do remember telephones being in there and the refrigerator not being on.

1297 Q. Were you told that I never used the refrigerator either?

1298 A. I don't recall that.

1299 Q. Did you look at the expiration dates of those rolls of film, of those boxes of rolls of film?

1300 A. No.

1301 Q. Okay. Did you consider that I had bought them before and they had expired?

1302 Ms. Weiss: Objection, Your Honor.

1303 The Court: Objection is sustained.

1304 By Dr. Faltas: Q. Is it illegal to have as many boxes or rolls of film as one wants to?

1305 A. Not to my knowledge.

1306 Q. Okay. Is it illegal to use a refrigerator that's not being used to put food in it for storage?

1307 A. I'm sorry. Your question was: Is it illegal to do that?

1308 Q. Uh-huh.

1309 A. Not to my knowledge.

1310 Q. And you think you are not invading my privacy.

1311 A. My opinion, no.

1312 Q. Your opinion, no. Did you cause these items to fall in State's exhibit 106?

1313 A. No, ma'am. That would have been before we touched anything. Part of --

1314 Q. What is behind them?

16-81 A. I'm sorry. Behind what? This is a pile of stuff. I'm not exactly sure what you're asking. If you want to point it out ...

19-111 Q. Yeah. Isn't this an encyclopedia that is neatly arranged also on a shelf that you've never seen before because I invented it?

112-131 A. There are books. I couldn't tell you whether or not they're encyclopedias looking at this photo.

114 Q. But they are neatly arranged, aren't they?

123 A. They're sitting upright.

116-181 Q. And on State's exhibit 112, these are clothes on this side. Some of my underwear are neatly arranged, aren't they, even by color? Sorted by color?

119-211 A. There are clothes across the sides of the walls. Again, neatly arranged would be your opinion. ~~My house doesn't look like that~~

121 Q. Yes, ma'am, because you can't invent anything.

123 A. Again, your opinion.

124 to page 159, line 11 Q. State's exhibit 101, does this show one of the people who descended and also having pulled something and are looking at it?

121 A. Can you ask the question again?

131 Q. I think you heard it.

148 A. No, ma'am. You were holding the picture back there; I couldn't see it.

16-71 Q. Is this one of the people who descended with you on my apartment?

81 A. This is an investigator within my office, yes, ma'am.

191 Q. And what is he doing?

110-111 A. He's conducting the search within the scope of the search warrant – search warrant.

112-131 Q. I didn't ask for a legal conclusion. I asked what is he physically doing.

141 A. Holding a box full of stuff.

1151 Q. Do you know what that stuff is?

116-171 A. That stuff appears to be photos, a shoebox full of photos.

118-191 Q. Did you know how old I am before you did the search warrant?

120-211 A. Because I looked at your driver's photo, so obviously I knew when your birthday was.

122 Q. So how old am I?

123-241 A. Because I'm not looking at it right now, I couldn't tell you even what year you were born. I'm sorry.

125 Q. Did you know when I came to this country?

page 460, lines 1-31 A. It was alleged very early on in the investigation and, no, I never saw documentation of the day you came to this country, so I'm not sure.

14-51 Q. Did you testify that you knew that this is my only residence?

16-81 A. I'm not sure I testified to that, but as far as I know, this is the only place that you reside at the time. I do know that you own a piece of vacant land.

9-721 Q. So if I've lived in this country about 30 years and this is my only residence, it is possible to have a lot of clothes and a lot of pictures and a lot of tapes from my 30 years in this country?

113-151 A. I never said that this was the only place you had lived while you've been here. ~~I know that is the only residence to my knowledge, that you held at this time.~~

116-171 Q. And State's exhibit 105, does this show someone else also looking into my files and papers?

118-201 A. It does. It shows, which ~~I believe would be investigator Bailey again, the same as the other photo,~~ holding pictures that were found.

121-231 Q. Okay. And then State's exhibit 104, does it show the gloved hands of somebody who has put a box on my bed which wasn't there when you started ransacking my apartment?

124 to page 461, line 41 A. Again, ransacking would be your opinion. ~~It is another investigator because investigators and police officers would have been the only ones in the apartment. It shows them emptying a box of photos on to some thing, so that way we could make sure we were trying not to take things that were not needed because there were so many pictures.~~

15-61 Q. And State's exhibit 103, that's another – somebody else's hands in my files?

17-91 A. This would again be another officer or investigator going through photos, again relevant to why we were there to the victims.

110 Q. State's exhibit 102?

11-121 A. I'm sorry. Were you going to ask me a question about this picture?

113-141 Q. Yeah. Does it also show someone else looking at my papers?

143-144 A. Again, another investigator and/or officer holding up another shoebox full of photos.

1171 Q. State's exhibit 116.

1181 A. Were you going to ask a question about it?

1191 Q. Yes. What's in it?

120-211 A. In this photo there's a small black bag with a camera sitting on top of it.

1221 Q. Was there another camera in that bag that you took?

**123 A. I believe there was**

**124 Q. And what else is in this picture?**

**125 to page 462, line 27 A. Some of your personal effects as well as a box of floppy disks, maybe two boxes of floppy disks but I'm for sure one box because the picture cuts it off on the side.**

**131 Q. You took those, too?**

**141 A. The floppy disks? Yes, ma'am.**

**151 Q. And what else is there?**

**161 A. In this photo?**

**171 Q. Uh-huh.**

**181 A. Again, that would be it.**

**191 Q. No, that's not it.**

**100 A. I said your personal --**

**111 Ms. Weiss: Objection, Your Honor.**

**112 The Witness: -- stuff.**

**113 Dr. Faltas: There is a picture of my mother there.**

**114 The Court: Just a moment. The objection is sustained.**

**115 Dr. Faltas: Sorry.**

**116-181 By Dr. Faltas: Q. Is there a picture of a woman older than I am who looks somewhat like me?**

**119-120 A. It is a picture of an elderly female. That would be your opinion on whether or not she looks like you.**

**121 to 151, line 20 Q. Did you testify in this court outside the presence of the jury that you contacted the Social Security Administration trying to have my mother's Social Security checks cut off under on the false pretext that she is dead and that I've been fraudulently taking her Social Security checks?**

**121 Ms. Weiss: Objection, Your Honor.**

**122 The Court: Sustained.**

**124-61 By Dr. Faltas: Q. Did you testify that you contacted the Social Security Administration?**

**171 A. I did.**

**18-101 Q. Did you testify that you got my mother's Social Security number through some system that's only available to law enforcement?**

**111 Ms. Weiss: Objection, Your Honor.**

**112 The Court: It's overruled.**

**131 The Witness: Yes.**

**114-171 By Dr. Faltas: Q. Did you use that information to contact the Social Security office and suggest to them that her Social Security retirement check should be discontinued?**

**118-191 A. I never suggested anything to the Social Security office other than the allegations that I was told.**

**120 Q. Who told you what?**

**121 A. That would be hearsay.**

**122-231 Dr. Faltas: Your Honor, if that's part of her investigation, she needs to answer.**

**1241 The Court: Ms. Weiss?**

**1251 Ms. Weiss: Objection. Hearsay.**

**1page 464, line 17 The Court: Objection is sustained.**

**12-51 By Dr. Faltas: Q. Were you ever given an allegation that my mother is not alive and that I'm fraudulently taking her Social Security retirement checks?**

**16-111 A. No, ma'am. The allegation was that your mother did not reside at your residence even though that's where apparently, according to the same website where I got her Social Security number and name from as well as all of her personal information -- the same website lists your address as her address. It is a one-bedroom apartment, not two.**

**112-141 Q. People can get their Social Security check, retirement check, deposited to their bank accounts no matter where they live. Isn't that correct?**

**1151 Ms. Weiss: Objection, Your Honor.**

**1161 The Court: The objection is sustained.**

**117-191 Dr. Faltas: Did you know before or after you contacted the Social Security Administration that people can get their Social Security retirement checks deposited to their banks?**

**1201 Ms. Weiss: Objection, Your Honor.**

**1211 The Court: The objection is sustained.**

**122-241 Dr. Faltas: Did you -- had you received, before you contacted the Social Security Administration, information that my mother has a bank account in South Carolina?**

**1251 Ms. Weiss: Objection, Your Honor.**

**1page 465, line 17 The Court: Objection is sustained.**

13-41] By Dr. Faltas: Q. In the discovery that you provided, did you have copies of checks from my mother's account in South Carolina?

14] A. Yes.

16] Q. Okay. So you knew that she had an account in South Carolina, a bank account in South Carolina.

17-19] A. I know it's a Bank of America. They're all over the country, I believe.

110-121] Q. Okay. And did you know that her Social Security retirement checks were being directly deposited to that account?

122-141] A. After I contacted the Social Security office. That would have been how I found that out.

115-161] Q. Yes. So you did find out that she was getting direct deposits into a bank account that she has?

120] A. After I contacted the Social Security Administration.

118-191] Q. And you didn't ask them if there was anything improper about that.

120-211] A. I don't recall the conversation I had with that investigator.

122-231] Q. So did it turn out that anything wrong was being done as far as my mother's Social Security retirement checks?

27-107 27-108] A. Not that he could find, and that would have been their investigation, not mine, because I don't work for their agency.

121] Q. An investigation that you asked them to initiate?

121] A. I did.

14-51] Q. Okay. And that's State's exhibit 115, is this how my purse was when you found it?

16-71] A. I honestly -- I don't recall. I know the camera came out of it though.

18-91] Q. You took it and emptied it on my bed and left things all over the place. Isn't that true?

101] A. It's a search warrant.

111-121] Q. In fact, State's exhibit 117, that is the camera below the other camera.

113-141] A. That would be the camera that came out of the black bag that was underneath another camera.

115-161] Q. And, in fact, you thought it was a V.C.R. You listed it in the return as a V.C.R. Isn't that correct?

117-201] A. Because I did not write the return, I'm not sure what the investigator wrote down as far as what that item would be, and because I'm not looking at the exact number of how it was tagged into our evidence room, I couldn't tell you that.

121-231] Q. So none of the very experienced, highly-paid very powerful -- you came to this court with a gun in your side, didn't you? Could you stand up, please? You do have a gun.

121] A. I do, as well as my badge.

123] The Court: You have five more minutes for this witness.  
124-247, line 11] Dr. Faltas: Your Honor, I need a little bit more time.

125] The Court: How much more time?

126] Dr. Faltas: I need about 30 minutes, please.

127] The Court: All right. Proceed.

15-81] Dr. Faltas: Thank you. So none of the eight -- the entire Special Victims Unit that came down knows that this is a Super Eight millimeter camera that they haven't even made films for in 20 or 30 years.

191] Ms. Weiss: Objection, Your Honor.

1101] The Court: Objection is sustained.

111-131] By Dr. Faltas: Q. You just took it. And this State's exhibit 114, does it show the shoes or a man's shoes and some things on the floor?

114-171] A. It shows a lot of stuff on the floor. The floor was not clean, and it does show someone's shoes which again would be an officer or investigator which, by looking at the shoes, I would assume it was one of our investigators.

118-201] Q. And the camera wasn't on the bed when you found it, was it, when you entered? You opened my purse and threw things out to take the camera.

121] Ms. Weiss: Objection, Your Honor.

122] The Court: Objection is sustained.

123-251] By Dr. Faltas: Q. Did you have any information that any of those cameras were stolen or anything?

123-25, line 11] A. Stolen? No, ma'am.

12-31] Q. Embezzled? Anything? Anything that I should not have those cameras?

12] A. I don't believe that's what you're charged with, so no.

15-71] Q. Okay. And then State's exhibit 110, were those cassettes in that state of disorder when you entered my apartment?

121] A. I honestly could not tell you that because I don't recall. Everything was photographed before we logged it into our evidence bags though.

111-121] Q. Doesn't even that picture show that the cassettes have writing on them?

101] A. Uh-huh. Some of them did.

<sup>114</sup> Q. And does the writing say they are tapes of court cases?

<sup>115-16</sup> A. Your eyes are much better than mine if you can see that in that photo.

<sup>117</sup> Q. Do you know who Frederic Chopin is?

<sup>118</sup> A. The composer? Yes, I do.

<sup>119</sup> Q. Do you know who Sergei Rachmaninoff is?

<sup>120</sup> A. Again, another composer.

<sup>121-22</sup> Q. And weren't a lot of tapes marked Frederic Chopin or Sergei Rachmaninoff or Felix Mendelssohn?

<sup>123-24</sup> A. I didn't see any that were marked like that. If they were, we did not take them during the search warrant.

<sup>125</sup> Q. That's not true, is it?

<sup>126</sup> A. Yeah, it is true.

<sup>127</sup> Q. And State's exhibit 111, does it show more tapes?

<sup>128</sup> A. Yes, ma'am, a good many more tapes as well as other stuff.

<sup>129</sup> Q. And again on State's exhibit 108, have you ever seen a stand like this?

<sup>130</sup> A. Again, no.

<sup>131</sup> Q. Yes, because I invented it.

<sup>132</sup> Ms. Weiss: Objection, Your Honor.

<sup>133</sup> The Court: Objection is sustained.

<sup>134-135</sup> By Dr. Faltas: Q. And in State's exhibit 107 you show a stand, lots of bookshelves.

<sup>136-140</sup> A. I can honestly say I don't see a bookshelf whatsoever here. There's a bunch of stuff in this picture though which was how it was when we got there.

<sup>141</sup> Q. No, it's not how it was.

<sup>142</sup> A. Yes, it was.

<sup>143</sup> Ms. Weiss: Objection, Your Honor.

<sup>144-145</sup> The Court: The objection is sustained. You can't argue with the witness.

<sup>146-147</sup> By Dr. Faltas: Q. You were aware that I was suing my landlady and others for housing discrimination, weren't you?

<sup>148</sup> A. For housing discrimination?

<sup>149</sup> Q. Among other things, yes.

<sup>150</sup> A. No, I didn't know about you suing them for housing discrimination.

<sup>151</sup> Q. What did you think I was suing them for?

<sup>152-153</sup> A. From what I was told later on in the investigation of my portion of the investigation that it was a property thing.

<sup>154-155</sup> Q. Did you have any allegation that I had child pornography in my house?

<sup>156</sup> A. No, ma'am, again not what you were charged with.

<sup>157-158</sup> Q. Did you have any allegation that I had drugs in my house?

<sup>159</sup> A. No, ma'am, not what you were charged with.

<sup>160-161</sup> Q. Did you find any drugs or child pornography or pictures of anything inside anybody's house? I mean, was I ever charged with breaking into somebody's house and taking pictures inside their house?

<sup>162</sup> A. I did not charge you with any sort of burglary, so no.

<sup>163-164</sup> Q. Without burglary, was I even charged with taking pictures of anybody in their private residence?

<sup>165</sup> A. In their private life? Yes.

<sup>166</sup> Q. No, I didn't ask you that. I said private residence.

<sup>167</sup> A. Not inside of their residence.

<sup>168-169</sup> Q. Of all that you had taken from me, was there a single picture in the private residence of any person but myself?

<sup>170</sup> A. I just answered that.

<sup>171</sup> Q. And the answer is yes or no?

<sup>172</sup> A. No, there were no pictures of you taken inside of someone's home other than yours.

<sup>173-174</sup> Q. And was there any picture taken while I was following someone?

<sup>175</sup> A. Again, that would be your own opinion of how you --

<sup>176</sup> Q. On the road? On a public street?

<sup>177</sup> A. On the public highway, no.

<sup>178</sup> Q. Okay. Or any public street.

<sup>179</sup> A. Again, on the public roads, no.

<sup>180</sup> Q. Was there any picture of Dinah Steele's business?

<sup>181-182</sup> A. Unless it was something that I didn't recognize which I've never been to her business, so there may have been and I didn't recognize it.

1151 Q. But you didn't recognize any. Was there any picture---

1161 A. Again, I don't know what it looks like.

1171 Q. Was there any picture of Dinah Steele's home---

1181 Ms. Weiss: Objection.

1191 Dr. Faltas: ---even from the outside.

120-221 The Court: Just a moment, ma'am. There's an objection. Basis for the objection?

1221 Ms. Weiss: Relevance to the case at hand, Your Honor.

123-241 Dr. Faltas: Your Honor, there was a false allegation that I was following---

125 to page 472, line 1 The Court: No, ma'am, you don't make arguments unless requested by the court. Objection overruled.

12-51 Dr. Faltas: Thank you. Was there any picture of Dinah Steele's or Larry Mason's or anybody's -- sorry -- Larry Mason or Dinah Steele's or any of my false accusers -- picture of their house from the outside?

161 The Court: The objection is sustained.

17-81 Dr. Faltas: I'm sorry. I thought the objection was overruled.

191 The Court: The objection is sustained.

1101 Dr. Faltas: Okay.

111-121 The Court: You changed the question and added in some other---

1131 Dr. Faltas: I apologize.

1141 The Court: --improper language.

1151 Dr. Faltas: I apologize.

116-181 By Dr. Faltas: Q. Was there any picture of Larry Mason's or Dinah Steele's house from the outside in what you took from me?

1191 A. Not that I'm aware of.

120-221 Q. And, in fact, most of those pictures were in duplicate or triplicate. Most of them had maybe ten copies of the same picture; isn't that correct?

123-241 A. I don't know about ten copies, but there were duplicates of just about every photo we took.

125 to page 473, line 1 Q. And in your case summary -- did you prepare a case summary on November 17th?

121 A. I did.

13-41 Q. And did you also testify in a preliminary hearing on January 6th, 2010?

15-61 A. I don't know what day the prelim was, but I did testify in your preliminary hearing. I just don't know the date.

17-91 Dr. Faltas: Your Honor, I have provided the original to the Court. At this time may I ask her to identify it and may I enter it as an exhibit?

110-111 The Court: You've asked several questions. Which -- you can have this.

112-131 Dr. Faltas: Thank you, Your Honor. May I ask her to identify it?

1141 The Court: The document speaks for itself.

1151 Dr. Faltas: All right. May I enter it as an---

116-171 The Court: It may be marked for identification purposes.

1181 Dr. Faltas: Thank you.

119-201 (Defendant's exhibit 5 was marked for identification only.)

1211 The Court: Next question, please.

122-241 By Dr. Faltas: Q. Do you recall in the course of that having testified that you got a signed statement from Rodney Ingram?

1251 A. I did.

126 to page 474, lines 1-21 Q. Is Defendant's Exhibit 4, which was marked for identification purposes only, that statement?

1291 A. Correct.

131 Q. And did you sit here and hear him say that it was ---

131 Ms. Weiss: Objection, Your Honor.

161 Dr. Faltas: --- not his signature?

17-81 The Court: The objection is sustained. No pitting witnesses.

191 Dr. Faltas: Sorry?

1101 The Court: No pitting witnesses.

1111 Dr. Faltas: I'm not pitting witnesses.

1121 The Court: The objection is sustained.

1131 Dr. Faltas: All right.

114-151 Dr. Faltas: May I enter Defendant's exhibit 5 into evidence, please?

1161 Ms. Weiss: Objection.

1171 The Court: The objection is sustained.

118-191 Dr. Faltas: Could I leave it for the record as proffered?

120-211 The Court: It's part of the record. It's been marked for identification.

122-251 By Dr. Faltas: Q. And did you also testify that there was an Alden Wheeler who signed the statement claiming that I sent him away as he was trying to rent an apartment?

126 to page 475, line 21 A. Yes, ma'am.

12-31 Dr. Faltas: May I -- defendant's exhibit, may it be marked?

14-51 The Court: It may be marked for identification purposes only.

14-61 (Defendant's exhibit 6 was marked for identification only.)

18-91 By Dr. Faltas: Q. Is that the statement that you received?

**100** **A.** Yes, ma'am, looks like it.

**101** **Q.** And about which you testified?

**102** **A.** I testified that I had the statement, correct.

**103-104** **Dr. Faltas:** Your Honor, may I ask that it be introduced into evidence?

**105** **The Court:** What says the State?

**106** **Ms. Weiss:** I object, Your Honor.

**107** **The Court:** The objection is sustained.

**108-109** **By Dr. Faltas:** Q. Did you get handwritten statements from Teresa Ingram?

**120** **A.** I did.

**121-122** **Q.** Are Defendant's exhibits 2 and 3 those statements?

**122** **A.** Yes.

**123-124** **Dr. Faltas:** Your Honor, may I ask that they be admitted?

**125** **The Court:** What says the State?

**126-127, line 11** **Ms. Weiss:** Objection, Your Honor.

**127** **The Court:** The objection is sustained.

**128-129** **By Dr. Faltas:** Q. And you said you received pictures from a lawyer called J. Andrew Delaney. Isn't that correct?

**129** **A.** I'm sorry, I don't know his first name other than Andrew Delaney.

**129-130** **Q.** Okay. And you also received faxes from him or at least one fax from him. Isn't that correct?

**130-131** **A.** I don't recall getting a fax, but it may have come through via fax. I don't remember.

**132** **Q.** No, separately from the pictures.

**133** **A.** No.

**134** **Q.** What?

**135** **A.** No.

**136-137** **Q.** So it was one fax that had the pictures and also a copy of a document?

**138** **A.** Again, I don't recall a fax nor a document.

**139** **Q.** Okay. But he had contact with you?

**140** **A.** I called him.

**141** **Q.** You called him when?

**142** **A.** I couldn't specify a date.

**143-145** **Q.** And you knew that he was defending them in the lawsuit that I brought against them -- against Larry Mason and Dinah Steele. Isn't that correct?

**146-147, lines 1-3** **A.** I didn't know what he was representing them for. I just knew that Mr. Delaney was the Masons' attorney. I didn't know why and nor did I ask.

**148** **Q.** So how did you even know to contact him?

**149-150** **A.** Mr. Mason called me, told me that there were photos dropped off to Mr. Delaney's office by you.

**151** **Q.** Okay.

**152** **A.** I contacted Mr. Delaney to see if they may be pertinent to my investigation of my case.

**153-154** **Q.** Did you -- did you have any kind of conversation with Mr. Delaney?

**155-156** **A.** Other than a basic question of were there photos dropped off by you, I was told yes. I asked if I could get copies. I was told, yes, no problem. Then I got copies. That was our conversation.

**157-158** **Q.** So you assumed Mason had told Delaney that you're doing an investigation.

**159** **A.** I don't want to assume what Mr. Mason told Mr. Delaney.

**160-161** **Q.** Did Delaney ask you who you are and what you were doing and why you wanted the pictures?

**162-163** **A.** I explained when I talked to him that I was an investigator and that I was investigating some allegations which made Ms. Mason and Mr. Mason potential victims and that if he had photos that, if they were relevant, I would like to see them and get copies if that was possible.

**164-165, lines 1-2** **Q.** And, in fact, you were subpoenaed for a hearing in the case that I had brought ---

**166** **Ms. Weiss:** Objection.

**167-168** **Dr. Faltas:** Did you receive a subpoena on December 1st, 2009?

**169** **Ms. Weiss:** Objection.

**170** **Dr. Faltas:** I'm changing---

**171** **The Court:** The objection is overruled.

**172** **Dr. Faltas:** Thank you, Your Honor.

**173-174** **By Dr. Faltas:** Q. Did you receive a subpoena on December 1st, 2009, in a civil case that I had brought against Dinah Steele and Larry Mason?

**114-115 A. I received a handwritten -- what appeared to be a subpoena, but it was not properly served so --**

**116-119 Dr. Faltas:** Please -- Your Honor, please admonish the witness not to make conclusions of law whether it was properly served or not. I asked her whether she received it; that's all.

**120 The Court:** Answer -- you may respond now.

**121-122 The Witness:** I received it. I don't know what date though.

**123 to page 479, line 1 By Dr. Faltas:** Q. And did you, in fact, come to court or did you ask a lawyer for the City of Columbia to come to court and ask that you do not come to court?

**124 A. I contacted the city attorney's office to ask because I was not properly served.**

**14-51 Q.** Had you been properly served, would you have come to court?

**16 A.** If I would have been properly served, of course.

**17-51 Q.** In fact, you did not want to come. Isn't it true that you did not want to come to court because you did not want to disclose that you were --

**110 Ms. Weiss:** Objection, Your Honor.

**111 The Court:** Objection is sustained.

**112-141 By Dr. Faltas:** Q. And I was arrested the next day after the hearing. Isn't that correct?

**115-161 A.** Again, I don't know what day that hearing was, so I'm sorry.

**117 Q.** I just told you December 1st, 2009.

**118 A.** Okay. Without seeing it in writing, then I don't know.

**119-211 Q.** Okay. And did you ever learn that that hearing that was held on December 1st, 2009, had an outcome that was favorable to me?

**22-231 A. I had no idea what that hearing was about. It had nothing to do with my investigation.**

**24 Q.** I didn't say in the past. I'm saying between --

**25 Ms. Weiss:** Objection.

**page 480, lines 1-2 Dr. Faltas:** ---even then and today, did you ever learn that it had an outcome that was favorable to me?

**3-41 The Court:** The objection is sustained. The jury is to disregard the comment, the improper question.

**5-71 By Dr. Faltas:** Q. And when those five people -- you said you interviewed five people who came and met with you. Who are they?

**8-91 A. Dinah Steele-Mason, Larry Mason, Mitchell Jones, Teresa Ingram, and Charlene Crouch.**

**100 Q.** Did you pull the driving record on Charlene Crouch?

**111 A.** I had a driver's photo of each of those individuals.

**112 Q.** Did it include the ten-year driving record?

**113-141 A.** I don't know if I pulled a ten-year or not. I don't know if I pulled ten or three. I'm sorry. I don't know.

**115-161 Q.** But you pulled some driving record, some kind of driving record, for each of them.

**117 A.** Because it has D.M.V. photo, yes, ma'am.

**118 Q.** Okay. And you pulled mine as well.

**1191 A.** Of course.

**1201 Q.** Did you see any violation on mine?

**23-241 A. I'm not looking at it in front of me, so I don't want to say yes or no. Honestly, I don't remember.**

**23-241 Q.** Do you recall substance abuse problems that resulted in the suspension of the driver's license --

**251 Ms. Weiss:** Objection, Your Honor.

**page 481, line 1-2 Dr. Faltas:** ---of Charlene Crouch on the record that you pulled?

**3-41 The Court:** The objection is sustained. The jury is to disregard the improper question.

**15-81 By Dr. Faltas:** Q. You claim that the photographs were disturbing. How were they disturbing? Do they show -- do they show me physically hurting anyone?

**91 A. My opinion was they were disturbing.**

**100 Q.** How so?

**111-121 A.** Because of how many and how intrusive they were into other peoples' personal lives and their day-to-day routines.

**131 Q.** Day to day.

**141 A.** Uh-huh.

**15-161 Q.** In fact, they are apart, aren't they? There aren't photographs from each day, are there?

**171 A.** I'm not sure. I wasn't there the day they were taken.

**1181 Q.** Do they have date stamps on them?

**1191 A.** Some of them do, yes.

**[20-21] Q. In fact, aren't there basically groups of photographs like from the same incident ---**

**[22] Ms. Weiss:** Objection.

**[23] The Court:** Sustained. How many more minutes?

**[24] Dr. Faltas:** Sorry?

**[25, in page 482, line 1] The Court:** How many more minutes do you have for this witness?

**[2-3] Dr. Faltas:** About 20, Your Honor. I really haven't kept track of the time but maybe about 10 or 20 minutes.

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

**[5-6] Dr. Faltas:** Thank you. Did you ever hear of a T.V. show called "Smile, You're On Candid Camera"?

**[7] Ms. Weiss:** Objection.

**[8] The Court:** Sustained.

**[9-11] By Dr. Faltas: Q. Is there anything illegal about taking as many or as few photographs as one wants in public places?**

**[12-14] A.** I'm not aware of a law that says you cannot take photos of people as long as they are wanted. When it becomes an issue is when those people tell you that's unwanted.

**[15-16] Q. Have you ever been present when someone told me that pictures are unwanted?**

**[17] A.** I had never met you, no, ma'am.

**[18-19] Q. Have you ever been present where anyone allegedly told me the pictures are ---**

**[20] The Court:** She said she'd never met you.

**[21] Dr. Faltas:** Well, Your Honor ---

**[22] The Court:** Proceed, ma'am. I sustain the objection.

**[23] Dr. Faltas:** Do you ever watch television news?

**[24] Ms. Weiss:** Objection.

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

**[age 483, lines 1-3] Dr. Faltas:** When the media takes a picture of an airport or a parking lot or on the highway, do they go and ask every person in that public place ---

**[4] Ms. Weiss:** Objection.

**[5] The Court:** Sustained.

**[6-7] By Dr. Faltas: Q. Did you prepare a case summary?**

**[8] A.** I did. I answered that earlier.

**[9] Q. And that was dated November 17th?**

**[10-11] A.** I believe that is the date on it. I'm not looking at it, but I'm pretty sure that's the correct date.

**[12] Dr. Faltas:** Your Honor, may I get it and introduce it?

**[13-15] The Court:** You may get it if you would like to. Ladies and gentlemen, I'll have you go to the jury room for a couple of minutes.

**[16-17] (Whereupon, the jury was excused from open court at 2:52 p.m.)**

**[18] The Court:** We'll be at case for a few minutes.

**[19] (Whereupon, a short break was taken.)**

**[20-21] Ms. Weiss:** Your Honor, after this witness are we going to return to the limits imposed?

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

**[23] Ms. Weiss:** Thank you.

**[24-25] The Court:** You have five more minutes with this witness. You have five more minutes with this witness.

**[page 484, lines 1-2] Dr. Faltas:** Yes, Your Honor. The jury hasn't come back.

**[3] The Court:** I understand that.

**[4] Dr. Faltas:** I mean from the time the jury ...

**[5] The Court:** Yes. If you'll bring the jury, please.

**[6-7] Dr. Faltas:** Until the jury comes, may I mark two exhibits for identification?

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

**Dr. Faltas:** Thank you.

**[10-12] (Whereupon, the jury was brought into open court at 3:01 p.m.. Defendant's exhibits 7 and 8 were marked for identification only.)**

**[13-14] By Dr. Faltas: Q. Is this the case summary that you prepared?**

**[15] A.** Yes, Yes.

**[16-17] Dr. Faltas:** May I move that it be admitted into evidence, Your Honor?

**[18] Ms. Weiss:** Objection.

**[19] The Court:** Sustained.

**[20-22] By Dr. Faltas: Q. Is this a longer set of pictures of the ransacking of my apartment and my car?**

**[23, in page 484, line 2] A.** Ransacking would be your opinion. This looks like the photos that were taken by our I.D. tech which came to the search warrant with us that were taken before and during the search.

**[2-4] Dr. Faltas:** May I move that they be admitted, Your Honor? The State has admitted some of them, and I objected to completeness. That is a more complete set.

**[5] The Court:** What says the State?

<sup>16</sup> Ms. Weiss: No objection, Your Honor.

<sup>17</sup> The Court: Admitted without objection.

[3]

(Defendant's exhibit 8 was received in evidence.)

<sup>19-111</sup> By Dr. Faltas: Q. Some of these you searched my bathroom. You even searched my shirt pocket, didn't you?

<sup>112-131</sup> A. Because your bathroom is a part of your residence, we would have searched it.

<sup>114-115</sup> Q. Do you normally expect to find pictures and tapes in bathrooms?

<sup>116-121</sup> A. At your apartment we weren't sure what we would find once we found a refrigerator full of telephones.

<sup>118</sup> Q. Was it a functional refrigerator or was it disconnected?

<sup>119</sup> A. I didn't look at the plug, honestly.

<sup>120</sup> Q. Did was there cold coming ---

<sup>121</sup> A. No.

<sup>122</sup> Q. -- from it?

<sup>123</sup> A. No, ma'am.

<sup>124 to page 486, line 31</sup> Q. So you couldn't think that a non -- a non-functioning refrigerator or one that's not being used to refrigerate can be used as a storage closet? That's totally out of the reasonable or I'm crazy? That's what your alleged victim kept on saying and her brother?

<sup>14</sup> Ms. Weiss: Objection, Your Honor.

<sup>15</sup> Dr. Faltas: I'm crazy for being practical.

<sup>16</sup> The Court: The objection is sustained.

<sup>17-81</sup> By Dr. Faltas: Q. Does it also show my green card?

<sup>19-101</sup> A. It's a black-and-white copy. I know we did take a photo of it, so I'm not exactly sure which one here it is--

<sup>111</sup> Q. Do you recall ---

<sup>121</sup> A. -- but we did ---

<sup>113-161</sup> Q. Do you recall I was very concerned even after you put handcuffs on me and were taking me away that I needed to take my green card with me because I was afraid that you would take it?

<sup>174-181</sup> A. You continued to say you needed identification and stuff like that.

<sup>119-211</sup> Q. And did you take my mother's bank card and my mother's check cards and her credit cards that were in my shirt pockets?

<sup>122-251</sup> A. Any card that did not have your name on it, yes, we took.

<sup>124</sup> Q. And you had absolutely no search warrant for it.

<sup>125 to page 437, line 31</sup> A. The search warrant did not include your mother's name, but it's a credit card that did not have your name on it, so you should not be in possession of it. At the time that's what we were thinking, so we did take those.

<sup>14</sup> Q. So whatever you think I shouldn't have you just take.

<sup>15</sup> A. Because it was--

<sup>16</sup> Q. Well, you're wrong.

<sup>17</sup> Ms. Weiss: Objection.

<sup>18</sup> Dr. Faltas: Did you eventually prove to be wrong?

<sup>19</sup> The Court: Objection is sustained.

<sup>110-121</sup> By Dr. Faltas: Q. All right. Did you eventually find out that you were wrong and returned them to me?

<sup>113-141</sup> A. We returned your mother's cards because you showed us power of attorney.

<sup>115-171</sup> Q. And isn't it true that after you contacted the Social Security Administration trying to get my mother's Social Security retirement ---

<sup>118</sup> Ms. Weiss: Objection, Your Honor.

<sup>119-221</sup> Dr. Faltas: All right. Isn't it true that you were informed that I went there and showed them power of attorney for my mother for me, meaning that I can act for her, that I have power ---

<sup>123</sup> Ms. Weiss: Objection, Your Honor.

<sup>124-251</sup> The Court: The objection is sustained. You have one more minute with this witness.

[page 488, lines 1-2] **Dr. Faltas:** *Could you read the entry from the case summary for November 2008, please?*

[3] **Ms. Weiss:** I'm sorry. What part are we reading?

[4-5] **The Witness:** November 2008. It's on page 2. It's an entire paragraph.

[6] **Dr. Faltas:** *Could you please read the entire paragraph?*

[7] **Ms. Weiss:** Objection, Your Honor.

[8] **The Court:** The objection is sustained.

[9-12] **By Dr. Faltas:** *Q. You did know at that time that I was interested in buying a piece of land and that Larry Mason was very upset that I ended up buying it. Isn't that correct?*

[13-14] **A.** *Mr. Mason told me that he and you had a conversation about the piece of land briefly.*

[15] **The Court:** Anything further?

[16-17] **Dr. Faltas:** *I'm about to ask her a question from that paragraph. Mr. Mason also states that Ms. Faltas began ---*

[18] **Ms. Weiss:** Objection, Your Honor.

[19] **The Court:** The objection is sustained.

[20] **Dr. Faltas:** *And that's about everything?*

[21] **The Court:** You can't read reports to the witness.

[22] **Dr. Faltas:** *She wrote them.*

[23] **The Court:** It doesn't matter.

[24 to page 489, line 2] **By Dr. Faltas:** *Q. So you were aware before you had me arrested and jailed that there was some kind of property dispute between my accusers and me. Yes or no?*

[25] **A.** *Yes. That had nothing to do with harassing.*

[26] **Q.** *How did you know that?*

[27] **A.** *Because Mr. Mason told me.*

[28] **Q.** *Oh, anything Mr. Mason says ---*

[29] **Ms. Weiss:** Objection, Your Honor.

[30-31] **The Court:** The objection is sustained. All right, ma'am. The final question.

[10-13] **By Dr. Faltas:** *Q. Have you ever in your experience known somebody to make a false allegation about somebody else to gain some advantage?*

[14] **A.** *I've heard you make numerous false allegations, so yes.*

[15] **Dr. Faltas:** *Your Honor, I---*

[16] **The Court:** Final question.

[17] **Dr. Faltas:** *Pardon?*

[18] **The Court:** Final question.

[19-20] **Dr. Faltas:** *But I ask Your Honor to ask the jury to disregard that.*

[21] **The Court:** Overruled.

[22-24] **Dr. Faltas:** *I ask you: Have you had experience, for example, of parents in divorce and custody battles that one falsely accuses the other ---*

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

[page 490, lines 1-2] **Dr. Faltas:** *--- of sexually molesting the children or something?*

[3-4] **The Court:** The objection is sustained. You may step down, ma'am. Call your next witness.

[5] **Ms. Weiss:** The State calls Tiffany Lurke.

\*\*\*\*\*

[page 780] I, the undersigned Daphne D. Helms, official court reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings requested by Attorney Heather Weiss and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 22nd through 26th of February, 2010. [7] I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 25, 2010

[S/] Daphne D. Helms, Court Reporter

STATE OF SOUTH CAROLINA  
County of Richland

GENERAL SESSIONS  
K-613792                      K-613793  
2010-GS-40-11980,        2010-GS-40-11987

STATE OF SOUTH CAROLINA,

vs  
MARIE ASSA'AD-FALTAS,

DEFENDANT,

TRANSCRIPT OF RECORD  
October 20, 2010  
Columbia, South Carolina

**BEFORE:**

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

**APPEARANCES:**

MARK SCHNEE, Esq., Standby Counsel for the Defendant

KAREN AMBROZIAK, Official Court Reporter

[ p 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.)

[15-16] **THE COURT:** Mr. Schnee, you filed a written motion?

[16-4] **MR. SCHNEE:** This is my client's motion that she filed yesterday, and she does have a proposed order that she wishes Your Honor to review.

[6] **THE COURT:** Well, tell me what it is.

[6] **MR. SCHNEE:** It's a motion to be relieved.

[7] **THE COURT:** You want to be relieved?

[6-9] **MR. SCHNEE:** She is asking that I be relieved, yes, sir.

[10] **THE COURT:** Do you want to be relieved?

[11-14] **MR. SCHNEE:** Your Honor, I am here at the — at the Court's pleasure. I'm certainly willing to continue working with her in my capacity. She seems to not be satisfied with what that entails.

[15-22] **THE COURT:** Well, there's a difference, you know. If -- if you want to be relieved, I'll probably be required to appoint her another 608 standby counsel if she wants it, but if she wants you relieved, I may not do that. [1] I'm not going to allow a defendant or a client who has business before this court to consistently fire or terminate lawyers and expect to get another lawyer paid for by the State. [1] *So can you give me a little background on what your experience with Dr. Faltas is?*

[page 4, lines 1-19] **MR. SCHNEE:** I spent quite a bit of time, as I'm sure Your Honor is aware, trying to get up to speed on what cases she has and various factual situations. [1] **She has asked me to do numerous things, a number of them I refused to do as -- as a lawyer. I cannot do and will not do. I have offered alternatives, and those alternatives seem to either satisfy her temporarily or not satisfy her at all. [1] Most recently I filed a petition for writ of mandamus. She wanted me to file a habeas petition. I told her I could not. That -- the petitioner was a request to have Your Honor order the City of Columbia to actually do certain things with her cases.**

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

[16-21] **MR. SCHNEE:** Approximately *three or four days later, they actually did schedule some of the motions, not the ones that Dr. Faltas wanted necessarily, but they did schedule some.* [1] As of yesterday, she continued to want me to do certain things in that regard. She wanted me to go to Your Honor yesterday afternoon.

[23] **THE COURT:** To do what?

[23 to page 6, line 12] **MR. SCHNEE:** She wanted me to go to Your Honor yesterday afternoon, and I went to your chambers -- obviously, you were not there. You had been out for the afternoon -- with one of two requests. **Either have this, the petition for writ of mandamus, heard this morning or have me relieved this morning.** [1] The way she described it is -- in the various e-mails that she sent me is that it is a good-for-nothing writ of mandamus. It served absolutely no purpose, and frankly, I'm not sure why she wants a standby counsel.

[18-18] **THE COURT:** Okay. [1] **Dr. Faltas, do you wish Mr. Schnee to be relieved as standby counsel?**

[18-19] **DR. FALTAS:** If it pleases the Court, I think the issues should be very simple. I have false charges against me that were brought to gain unfair advantage in civil litigation and to impose unfair --

[20-21] **THE COURT:** I understand all of that. I asked you a simple question. Do you wish him relieved or not?

[18 to page 7, line 19] **DR. FALTAS:** [18 to page 6, line 2] Your Honor, I don't think he's very knowledgeable, and what's

more disturbing to me is that on the things he does not know, instead of reading or saying that he does not know, he goes, you know, half-cocked and gives wrong opinions. For example, I was held in contempt of court before the municipal judge and I appealed. [13-15] He just invented the idea that that's a civil contempt. I had to give him citations from the U.S. Supreme Court until I convinced him that it's a criminal contempt. [17-19] And then the other thing is, for example, during that hearing, the city attorney, David Fernandez, who was available, instead of testifying, he gave his own affidavit. [11-12] I tried to object to that as any testimony -- due process basic -- requires that someone be sworn and subject to cross-examination, and then Mr. Schnee invents the idea that if it's a motions hearing, then there is no due process or something. [16-21] So I mean, I love him. I would be more than happy to educate him, but the whole thing is that once they see that there is a standby counsel, all they want is either to put me in contempt or to declare me mentally incompetent or to do this or that so that the standby counsel takes over. [22 to page 7, line 1] In fact, Judge Marion Hanna, that's exactly what she did. I was in the middle of cogent cross-examination of the adverse witness, and I was about to elicit facts helpful to me. And then she said, "No. Stop. Mr. Schnee, take over." [2-2] Now, okay, you know, the first rule of medicine is do no harm. And I'm a scientist, and I'm committed this way. If something does more harm than good, then it doesn't. The only thing for the two weeks that Mr. Schnee has actually done for me is filed the petition for the writ of mandamus, but there is no hearing on it. So yes, it's good for nothing. [9-12] In addition -- in addition, I went to that hearing which they scheduled just as a window dressing to get by the petition of mandamus to claim that there is no reason for it. [13-15] I went in with eight charges, frivolous, against me that they could not prove to a jury in a million years and I went out with a criminal conviction of contempt of court that is on my record, and it is going to be an impediment to my naturalization. And -- and that is what -- Judge, if the courts are a temple of truth, then you might as well shut it.

[20] THE COURT: Is what?

[22] DR. FALTAS: If the courts are not going to be temples of truth then

[23] THE COURT: Temples of truth.

[24 to page 8, line 22] DR. FALTAS: [24 to page 8, line 1] -- you might as well shut it. The only and primary function of trial courts is to get to the truth. [25] Everybody knows that all those eight charges against me are false, and nobody, not a single person, wants to give me a fair hearing where I can show that those charges, not only are false but were knowingly false by the police and by the prosecution. [7-11] In fact, recently -- and I showed Mr. Schnee a video of my arrest, and when they knock, I asked to see the warrant. And then the police officer asked the investigator, "Are they felony warrants?" And she says yes. She was lying. [12-14] The whole arrest is invalid because they were misdemeanors. They had no right to arrest me on misdemeanors not committed in the presence of the officer. [15-17] They lied. It's on videos. I put the videos on my Facebook so the whole world sees what passes for justice and law and order in South Carolina. [18-20] And then not a single person had the manhood, the courage, to look at that impossible, savage, inhuman, uncivilized bond that I do not return to my apartment. [21-23] [This is the 11th month. Where have you seen this? Not -- (and distinct) would do this to a (and distinct) virtuous 57-year-old lady, make her homeless.]

[24] COURT REPORTER: I'm sorry.

[25] DR. FALTAS: What --

[26 to page 9, line 1] COURT REPORTER: A 57-year-old what?

[27 to page 11, line 18] DR. FALTAS: [27] Virtuous lady, make her homeless. [28-30] I have religious objects, a Coptic icon, a Coptic icon in my apartment that I need for my devotion. I haven't been able to see it, and the keys to my apartment are with the very landlady and that man, Larry Mason, who used to come here, who was indicted by the United States Army for 105 counts of falsification of Army records who by the admission of his own witnesses submitted forged documents. [31-33] His own witnesses in my trial, said, "No, the signature is not mine," and I didn't go enough on that. I actually found the signatures from other public records, so forged documents get submitted. A police officer lies to another police officer, false arrest warrants. The lie about videotapes, all of them, and nothing gets done. [34] All that gets done is that I'm being told that I'm

crazy and disruptive for wanting my constitutional right, number one, to a speedy trial; number two, to present my own defense; number three, that I not be subjected to all these conditions based on false, knowingly false testimony, the hearing before the hearing. And the other thing is now they don't even give me the transcripts of the hearings where they found me in contempt. <sup>[149-151]</sup> They -- they -- I'm entitled to them. **Unanimously, the US Supreme Court in Mayer vs. City of Chicago says that even charges that result in fines, not incarceration, the indigent defendant, if they are criminal and if they have collateral consequences, the indigent defendant is entitled to a transcript.** <sup>[16-11]</sup> I've been blue in the face asking Mr. Schnee to submit the requests for transcripts either to Your Honor -- transcripts of the hearing where the very temperamental Judge Marion Hanna found me in contempt of court just because I was in the middle of eliciting favorable testimony to me from the adverse witness. <sup>[154]</sup> And what was that about? They still want to put the same order that you did and that I asked you to reconsider and you never did that my access to the court be limited. <sup>[155]</sup> Judge, enough is enough, you know. I -- I'm realistic. I know at the end somebody can shoot me and pretend that I was disruptive and irrational, and that they shot me in self-defense. I know those things happen. <sup>[156]</sup> But since when is your conscience to say go ahead and do that? Otherwise, you know, from the Acts of the Apostles where -- where people were giving, selling their property and giving it to the apostles, and there were people who sold their house and their field but didn't give the whole price to the Apostle Peter and they dropped dead. <sup>[page 11, lines 1-4]</sup> Why? Because you cannot do half measures. You either give me my full constitutional rights or none at all and just say, say you don't want to give me my constitutional rights. <sup>[16-4]</sup> **Now, I've been arrested on 2 December, 2009. That's more than 11 months, and the charges have been reduced to second degree which makes them -- which makes me acquitted of the charges of first degree.** <sup>[18-12]</sup> **So why do I still have this horrible bond?** My mother is going to be, God willing, 80 soon. I cannot leave South Carolina to be with her on her birthday because of that bond. **Aren't ten months enough?** And they already tried me once and failed to get a conviction.

<sup>[14]</sup> **THE COURT:** Well --

<sup>[15]</sup> **DR. FALTAS:** So why? Why? Why am I kept homeless?

<sup>[16-20]</sup> **THE COURT:** Dr. Faltas, as you know, the case has been remanded to the City. I don't -- I understand that your eviction was affirmed by the Circuit Court, and that you have appealed that. I assume the bond is still in place.

<sup>[21]</sup> **DR. FALTAS:** Yes, sir.

<sup>[22]</sup> **THE COURT:** As a result of that.

<sup>[23]</sup> **DR. FALTAS:** Absolutely.

<sup>[24]</sup> **THE COURT:** So --

<sup>[25 to page 12, line 1]</sup> **DR. FALTAS:** No, no, not the criminal bond. There is a bond on the eviction that I cannot be evicted --

<sup>[2]</sup> **THE COURT:** All right.

<sup>[8-12]</sup> **DR. FALTAS:** so long as I pay my rent. No, don't confuse the two, and that's precisely it. They are trying to get through the false criminal proceedings what they could not get through civil court, civil proceedings. <sup>[9]</sup> So -- so no. Judge, please let us make clear, I paid the rent to my apartment. My property is still there. **Even if I wanted to move, I cannot go there because even when I went to my own land which -- which is next door, which is not contested, they kidnapped me, kidnapped me and then --**

<sup>[3]</sup> **THE COURT:** All right. Now, Doctor, the adjoining courtroom has a trial going on, and they say we're too loud in here. So if you can moderate your voice, please, a little.

<sup>[7]</sup> **DR. FALTAS:** Absolutely, thank you.

<sup>[16]</sup> **THE COURT:** I can hear you.

<sup>[19-23]</sup> **DR. FALTAS:** Thank you, Your Honor. So no, don't think that -- that the bond that says I cannot return to my apartment has anything to do with the issue. The bond for the eviction is that I pay the rent through the appeal, and so long as I pay, I can go to my apartment.

<sup>[24]</sup> **THE COURT:** Oh, okay.

<sup>[15 to page 12, line 4]</sup> **DR. FALTAS:** The bond that I not go to my apartment is as a result of the two first degree harassment charges.

<sup>[6]</sup> **THE COURT:** The City case?

<sup>[6]</sup> **DR. FALTAS:** No. It was General Sessions.

171 **THE COURT:** Was?

18-101 **DR. FALTAS:** Yes. And what I'm saying is the remand from the reduced charges constitutes an acquittal of the higher charges. Therefore, the bond that was placed --

111 **THE COURT:** So City Court is still enforcing that bond?

112 **DR. FALTAS:** And they shouldn't.

113 **THE COURT:** Okay.

114-171 **DR. FALTAS:** Number one, it was excessive. Number two, it applied to General Sessions charges. Number three, it was -- it was -- when it was sent, it was only until I have my first appearance before General Sessions which I did on January 25 --

1181 **THE COURT:** Well --

1191 **DR. FALTAS:** -- 2010.

120-211 **THE COURT:** All right. We're stray -- we're straying far afield from the request of -- your request to have Mr. Schnee relieved as standby counsel.

122-241 **DR. FALTAS:** Oh, Your Honor, I did not make such a request. What I did make is a request to have my motions for speedy trial, my motions for a hearing --

125 to page 14, line 61 **THE COURT:** Well, let -- I came in here with the understanding that -- I thought Mr. Schnee was requesting to be relieved. Now he says he is not requesting to be relieved, and he says that you are the one that has requested that he be relieved as standby counsel, and I'm just -- I'm still asking for a yes or no to that question.

127-71 **DR. FALTAS:** I -- I think that it -- what is relevant is that --

128-81 **THE COURT:** Well, then this hearing is over if that's irrelevant.

1291 **DR. FALTAS:** Well --

131-151 **THE COURT:** Thank you very much. I asked you for a simple answer, yes or no, relieve him or not. If you cannot answer that question -- if you think that question is irrelevant, then this hearing is terminated. Do you understand?

1311 **DR. FALTAS:** Well --

1371 **THE COURT:** Do you understand?

1381 **DR. FALTAS:** May I -- may I then answer it, please?

1391 **THE COURT:** Yes or no?

140-211 **DR. FALTAS:** Not if it means I cannot get another standby counsel.

142-261 **THE COURT:** Well, you'll have to apply for another standby counsel, and I don't know, Dr. Faltas, I don't know if there's any standby counsel in this city that can do what you request them to do. I don't know that, and I don't know that any standby counsel is going to be willing to take your case, but I will, I will ask the clerk to appoint another standby counsel.

141 **DR. FALTAS:** Thank you.

142 **THE COURT:** All right. Thank you very much.

143 **DR. FALTAS:** Thank you.

144 **THE COURT:** That's it.

145 **MR. SCHNEE:** Thank you, Your Honor.

146 **THE COURT:** I have other business to tend to, Doctor.

147

(Whereupon, the proceedings were concluded.)

[page 18, line 1]

CERTIFICATE OF REPORTER:

18-4 STATE OF SOUTH CAROLINA ) COUNTY OF RICHLAND

17-14 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 evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions of Richland County, South Carolina, on the 20th day of October, 2010.

17-September 9, 2015

182 [s/] Karen Ambroziak, RPR, Circuit Court Reporter