

SEP 26 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

SECOND Supplement to Return to Orin Briggs' Motion to be Relieved as Counsel

Dr. Assa'ad-Faltas further supplements her timely 12 September 2017 Return to Orin Briggs' Motion to be Relieved as Counsel by showing this Court that Dr. Assa'ad-Faltas painstakingly extracted the complete transcript of her 22-26 February 2010 General Sessions jury trial on two false charges of harassment in the first degree, of which she, thank God, ultimately fully exonerated herself *pro se*.

This *certiorari* petition seeks to reverse SC's Court of Appeals' dismissal of Dr. Assa'ad-Faltas' appeal from SC Circuit Judge Lee's denial of Dr. Assa'ad-Faltas' request to be refunded all **reasonable** *pro se* defense expenses **necessitated** by those two false charges and by a related false charge of unlawful use of a telephone of which Dr. Assa'ad-Faltas, thank God, also ably and fully exonerated herself *pro se*.

SC's Court of Appeals dismissed Dr. Assa'ad-Faltas' appeal *solely because* she did not have counsel but SC's Court of Appeals refused to appoint one for her. The hereto-attached transcript serves many roles.

First, Dr. Assa'ad-Faltas is a worthy *pro se* advocate undeserving of this Court's harshness towards her. Second, this Court needs to examine the constitutionality of the statutes under which Dr. Assa'ad-Faltas was maliciously prosecuted, her challenge to which unleashed the first (20 December 2009 order) of this Court's self-admitted "extreme" actions "failing constitutional muster" against her. Third, this Court is asked to join other states which instituted procedures to protect/compensate the falsely accused/falsely convicted criminal defendants. Fourth, this Court is asked to import Civil Rule 11 into the criminal trial context so as to award costs and sanctions to render the prevailing criminal defendant whole when it appears *to the judge presiding over the criminal trial itself*, **not a separate \$1983 civil action, that the criminal charges were brought and/or maintained with knowledge of their factual falsity and/or legal frivolity**. Here, Dr. Faltas was prosecuted for no more than looking out of her own window/balcony when her false-accuser neighbor was causing commotion in the parking lot and for no more than taking photos of that false-accuser's "friend" (in reality drug supplier) in the act of making lewd gestures at, and threats to rape, Dr. Faltas. The transcript *as prepared by now-retired court reporter Helms* is available on PACER as filed in South Carolina's U.S. District Court.

These extracted and highlighted versions focus on the probative parts of the transcript and facilitate readers' retention of an otherwise prohibitive set of 1,200 pages. Passages of housekeeping issues, routine instructions, *etc.*, are reduced to tiny font, while crucial passages are magnified, set in bold, and/or highlighted. Only the testimony of false accuser Teresa Ingram and of then-CPD "investigator" Blanton are not included but have also been completely extracted and highlighted. The plan is, God willing and this Court permitting, to submit them in an annotated form pointing out the *objective* contradictions, **known to the Prosecution before/during trial**, between what Ingram and Blanton testified in the 22-26 February 2010 trial and what they testified elsewhere, and the **364 instances of Ingram and Blanton's testimony proven perjured by objective official extrinsic documents**.

Dr. Assa'ad-Faltas continues to pray that this Court will be the better half of Proverbs 9:8.

Submitted on 26 September 2017 and served by personal delivery of a copy hereof to the office of SC's Attorney General and by e-mail on Orin Briggs, who unequivocally agreed to waive hard-copy service, all God so willing.

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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
vs.
Dr. Marie Assa'ad Faltas

:
:
:
TRANSCRIPT OF RECORD

February 22, 2010
Columbia, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge, and jury.

A P P E A R A N C E S:

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 2, lines 1-2] **The Court:** All right. We made it to lunchtime. Ms. Faltas, come and take a seat there. We'll see briefly where we stand. Then we're breaking for lunch.

[4] **Dr. Faltas:** Good afternoon, Your Honor.

[5] **The Court:** Good afternoon.

[6] **Dr. Faltas:** I'm Dr. Marie Assa'ad Faltas.

[7] **Court Reporter:** You're going to have to speak up.

[8-9] **Dr. Faltas:** Good afternoon, Your Honor. I am Dr. Marie Assa'ad Faltas, and I wanted to raise some threshold issues.

[10] **Court Reporter:** Judge, I'm sorry. Can she move---

[11-12] **The Court:** The court reporter says she cannot hear you. The mics at the table, they don't pick up---

[13] **Court Reporter:** Not as well apparently.

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

[15 to page 4, line 15] **Dr. Faltas:** Your Honor, if Ms. Helms has problems with me, maybe another court reporter should be assigned to take this. She has -- and that was one of the threshold issues I wanted to address to Your Honor. Ms. Helms took another hearing and I needed the transcript from her, but for some reason she refused to accept the transcript order for it or something. So if she has problems with me, maybe another court reporter should be assigned to take the case. [¶] In addition, there are some sheriff's deputies who keep hanging around me, shadowing me. If this case goes to a trial and to a trial by jury, in that case the jury will have a bad impression to begin with, and frankly I fear for my life from these people who have proven to have -- have had very little character but guns hanging by their sides. Your Honor -- and, of course, I make absolutely no opinion on what happened before with other people. But Your Honor -- Your Honor was horrified that people would go and display guns and take \$200 or something. [¶] Well, what happened to me was armed robbery by the City of Columbia Police Department, and that was in conspiracy with people who wanted to defeat my civil litigation for housing discrimination and for my right to build on my own land. [¶] There is an order by the Honorable Alison Renee Lee in the civil litigation, and Her Honor found that all this is being done to me to gain advantage in the civil litigation. [¶] You are the Court. Those lawyers are supposed to be officers of the court. You are the third branch of government. There is one circuit court in South Carolina, and there is supposed to be separation of powers. I look to Your Honor to protect me from this ever happening to me again. [¶] I have several motions that have been pending. They are well documented, in fact, by facts and by law. I have been researching much more law. God, in His wisdom, chose to give me a great intellect and a great family but not a great physique. I am physically not well. So I don't want people to be taking advantage of this, and I'm not talking that Your Honor is doing that. I'm talking about courtroom staff. You are the Court. [¶] These people cannot tell you what to do. No other judge can tell you what to do. The chief justice of this state who -- there is no question that for some reason - and I know what the reason is - she is mad at me. She cannot tell you what to do. It's your conscience. It's your conscience, Judge. [¶] And I want a chance to show Your Honor that not only the indictments are invalid, not only is the statute unconstitutional, not only is the City of Columbia's ministerial recorder system is violative of the U.S. Supreme Court rules, I need a chance to show you that there is corruption, corruption---

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

[17] **Dr. Faltas:** ---at several levels, at the city court, at the city court police department, and also at the Richland County solicitor's office and if I may again refer to a biblical incident. Actually two. One of them is in the Acts of the Apostles. Simon (verbatim) and Sapphira went in the early days as the church was forming people would go and sell their belongings and bring them to the common church. [¶] And Simon (verbatim) and Sapphira went and sold their house, and, instead, they didn't bring the whole price to Saint Peter. They only brought some of it. And Saint Peter told them: "Why did you conspire against what is God's? You could have kept the whole house." And they were punished by immediate death. And what I'm trying to say is that justice cannot be rationed. [¶] I will be exposing to Your Honor with evidence, not with paranoia, with evidence, that there is corruption at the city police and I have reason to be afraid for my life. In fact, the Honorable Judge Lee found specifically and I'd like -- the order is in the file and there has been a request for clarification from me which Her Honor granted and there has been a request for reconsideration by the defendants in the civil litigation, one of whom is my false -- that's F-A-L-S-E - false accuser in this case. They asked Her Honor to reconsider, and Her Honor ruled that she had made the proper findings after weighing the credibility of the witnesses.

[17-22] **The Court:** All right. Ms. Faltas, I'm going to have to stop you there. We're going to go to lunch, but before we go to lunch, I want to hear from Ms. Weiss any response. Then we're going to break for lunch for 45 minutes. Then when we come back, we're going to deal with any pretrial motions that are outstanding.

[23] **Dr. Faltas:** Thank you, Your Honor.

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

[25 to page 6, line 3] **Dr. Faltas:** But as a threshold matter, I don't want Officer Mayes and I don't want -- I'm sorry; I don't see her. [¶] And if Ms. Helms has a problem with me, I'd like Your Honor to assign another court reporter.

[4-8] **The Court:** Well, the court reporters are assigned by Court Administration. I don't have access -- when I got here today, I didn't know who my court reporter would be, and Ms. Helms has been assigned to be my court reporter on this and all other cases this week, so ...

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

[10-13] **The Court:** We have to make the best out of the situation that we have. I think she said she couldn't understand you there. Maybe they can fix the mic over there so you'll come across clearer.

[14-16] **Dr. Faltas:** I've never done anything bad to Ms. Helms. I've never done -- I think I've never done anything bad to anyone in my life, and I don't deserve this.

[17-21] **The Court:** Well, some of us can hear better than others, and some of us have problems with certain understanding certain people. So if she has trouble understanding you, then we'll see can we deal with that situation.

[22 to page 7, line 1] **Dr. Faltas:** Thank you, Your Honor, but I'd like Your Honor to make it clear that if someone other than Your Honor interrupts me while I'm addressing Your Honor, they should be either held in contempt or asked to leave the room because there is only one judge here and that's Your Honor.

[2-3] **The Court:** And I agree with you: They should address me and not you.

[4] **Dr. Faltas:** Thank you, Your Honor.

[5] **The Court:** All right. Thank you. Ms. Weiss.

[6-7] **Ms. Weiss:** Thank you, Your Honor. May it please the Court?

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

[9-11] **Ms. Weiss:** I guess just for clarification: Do you want to do pretrial motions this afternoon or do you want to pick a jury and then do motions? Do you have a preference?

[12] **The Court:** All right. What's your preference?

[13-16] **Ms. Weiss:** I could go either way. I was going to -- originally I was hoping we'd pick a jury after lunch. My victim had some family things to do this morning, but she's here so---

[17-23] **Dr. Faltas:** Your Honor, may I ask that she always refer to her as the alleged victim? Because I am the victim in all of this. And nothing has been proven and she should not at all to the Court or to anyone, especially if there is a jury, refer to her as the victim. There is a presumption of innocence under the Constitution that Your Honor swore to defend.

[24-25] **The Court:** All right. What do you say about that, Ms. Weiss?

[page 8, lines 1-6] **Ms. Weiss:** Your Honor, as far as the State is concerned, it is my burden of proof to prove Dr. Faltas guilty beyond a reasonable doubt, but as far as the case is alleged, you will instruct the jury the defendant is innocent 'til proven guilty, but Teresa Ingram is the victim in the case.

[7-10] **The Court:** Well, Ms. Faltas, I don't attempt to put --to tell people what to say and how to say it, but whenever there is an objection to anything that's being said, then I'll address it at that time.

[11-17] **Dr. Faltas:** Well, let's hear the motions first before we pick a jury. For one thing, the jury that's -- the jury that's waiting can be sent home. Then, upon the motions, maybe the cases will go away. I certainly hope Your Honor is keeping an open mind. And then there was also an issue about whether anyone on this jury can be fair to me because in qualifying the jury and I hope Ms. Helms can hear me.

[18] **The Court:** Well, Ms. Faltas---

[19-21] **Dr. Faltas:** I'm Dr. Faltas, Your Honor, and, respectfully, I've been a doctor longer than Your Honor has been a judge.

[22-23] **The Court:** Okay. Dr. Faltas, I'll try to remember to call you Dr. Faltas.

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

[25 to page 9, line 1] **The Court:** But we are hearing from Ms. Weiss now. She's addressing the Court, and you interrupted her.

[2] **Dr. Faltas:** Yes, I do, Your Honor.

[3-5] **The Court:** So the same rules that you've requested apply to you as well. Do not interrupt the person who is speaking, and Ms. Weiss was speaking.

[6] **Dr. Faltas:** Unless I have an objection, of course.

[7-8] **The Court:** Yeah, but you made an objection and then proceeded without being recognized. Then you gave a speech.

[9] **Dr. Faltas:** I'm sorry. I apologize to Your Honor.

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

[11-24] **Ms. Weiss:** Thank you, Your Honor. I just know we have a sitting jury downstairs, and I didn't know if you wanted to go ahead and pick a jury and then they could be sent on their way. I don't know how long the pretrial motions will last. [¶] We'll probably have a better idea of that once we get into those. I know Dr. Faltas has several pretrial motions. There's not many on behalf of the State, but I think you -- that way we'd have a better idea at the end of day if we wanted to pick a jury immediately after lunch, but we'll be prepared to go forward on pretrial motions as well as selecting a jury after lunch. [¶] I would just anticipate that we probably won't get started with testimony until tomorrow. I don't have any of my witnesses coming in this afternoon.

[25 to page 10, line 2] **The Court:** All right. Well, the jury panel is coming in at 2:30. We're going to lunch. We'll decide that when we need to decide it.

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

[4-5] **The Court:** For right now we're in recess for 45 minutes.

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

[7-8] **Dr. Faltas:** So has Your Honor heard from me? I prefer that we don't pick a jury today.

[9] **The Court:** I haven't made that decision.

[10] **Dr. Faltas:** All right. Thank you, Your Honor.

[11] (Whereupon a lunch break was taken.)

[12-14] **The Court:** Considering now these motions, we're not going to impanel the jury. We're not going to select a jury today.

[15] **Dr. Faltas:** Thank you, Your Honor.

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

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

[18-19] **Dr. Faltas:** Is someone from the clerk's office going to ...

[20-21] **The Court:** Yeah, they're all around. They're all around.

[22-25] **Dr. Faltas:** I certainly would volunteer to go tell Mr. Truitt if Your Honor assigns me the task. I would love to do something for Your Honor because I'm sorry but sometimes I get overzealous in my advocacy with---

[page 11, lines 1-2] **The Court:** Mr. Truitt, we're not going to need a jury panel today.

[3] **The Clerk:** Yes, sir.

[4] **The Court:** 10:00 in the morning should be fine.

[5] **The Clerk:** Thank you, Your Honor.

[6-7] (Pause in proceedings while an unrelated matter is heard before the Court.)

[8-11] **The Court:** We're going to do pretrial motions now in the case of the State versus Dr. Faltas. The first motion we're going to deal with is the motion filed by Dr. Faltas to relieve her stand-by counsel.

[12-19] **Dr. Faltas:** Your Honor, I think Mr. Sawyer sometimes has been helpful, but most of the time he undermines me. And people keep on trying to demean me by stating they will not talk to me directly; they will talk to me through him. He has only been my stand-by counsel, and I do not want people doing this to me. In addition, in addition, Ms. Weiss has used Mr. Sawyer to do unfair things in discovery for me.

[19-20] **The Court:** All right. Let me explain to you: If you want Mr. -- Attorney Sawyer?

[21] **Mr. Sawyer:** Yes, sir.

[22 to page 12, line 8] **The Court:** If you want him relieved as stand-by counsel, he can get his books and go, and you will be at the table by yourself, but I'm not going to replace him by anyone else. And so -- and his role as stand-by counsel is not as co-counsel, not to provide any legal representation because you are representing yourself as pro se counsel, but he is there to advise you as to the applicability of the rules of procedure only but not to participate in representation because you are pro se. If you want him there to give you any kind of advice on any issue procedurally or otherwise, you can have that. If you don't want him there, I'll relieve him and he can go.

[9-13] **Dr. Faltas:** That's precisely the point, Your Honor, of me trying to tell everybody I'm representing myself is that they say: No, we talk to Mr. Sawyer. Even the court reporter didn't want to take an order from me. She wanted him to tell me something.

[14-15] **The Court:** Well, that's an inappropriate use of standby counsel. Stand-by counsel is not co-counsel.

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

[17] **The Court:** You are representing yourself.

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

[19-22] **The Court:** Stand-by counsel is there to perhaps explain a rule to you to make certain that you follow the proper court procedures, and that's the extent of his role. He's not a lawyer helping you try your case.

[23 to page 13, line 11] **Dr. Faltas:** I understand that and I accept that. The problem is with all the others, including Heather Weiss, playing dumb about that. And, for example, when we appeared before Your Honor last time, she said that she would give me the witness list through Mr. Sawyer, and I asked Your Honor to order her to give it directly to me. She still didn't do that. She still e-mailed it to him, not signed. She didn't file it, and I've been going through this. And the last thing I need to do is to have this happen -- if there is going to be a jury trial, the last thing I need to do is to have all this happen before a jury. [¶] The second thing: Where Mr. Sawyer has been detrimental to me is that there are issues that I think are appropriate for interlocutory appeal, but the office of---

[12] **Court Reporter:** I'm sorry. Interlocutory what?

[13] **Dr. Faltas:** Appeal.

[14] **Court Reporter:** Okay.

[15 to page 14, line 3] **Dr. Faltas:** And the Office of Appellate Defense would say, no, we cannot talk to you because you have Mark Sawyer. I tried to explain to them I don't have Mark Sawyer. He is just stand-by counsel. So this needs to be clear. [¶] The other thing is he cannot make decisions about discovery for me. He cannot make decisions about anything for me. He cannot endorse anything that Ms. Weiss or the City of Columbia for the department suggests as fine discovery, but what's more important, Your Honor, is that Judge Cooper signed an order saying both indictments are to be tried and motions on both cases are to be heard starting today before Your Honor. Now Ms. Weiss wants to pull a last-minute thing and say she will try only one case. Well, first of all---

[4-15] **The Court:** We're discussing solely the issue of whether Mr. Sawyer will remain as stand-by counsel. Now, the cases that address the issue, the cases say this: That stand-by counsel is appointed to assist with procedural and clerical matters. That doesn't mean he becomes -- it doesn't mean he becomes a secretary, but it's procedural and clerical matters. So to the extent that Ms. Weiss might have sent him some papers, that could be construed to constitute clerical matters perhaps, but it would not be a substitute for providing you a copy because you are representing yourself. [¶] But we're going to address the issue whether Mr. Sawyer is still in or Mr. Sawyer is out. Tell me what you want.

[16-19] **Dr. Faltas:** I don't mind his staying in so long as he gives no opinions and so long as the Office of Appellate Defense and everybody else understands that he's not my lawyer and he doesn't make decisions for me.

[20 to page 15, line 1] **The Court:** Well, that should be clear to everyone because the role of stand-by counsel is clearly defined by a number of cases that address the issue, because there's no right to hybrid representation. You don't have two lawyers. You don't have a lawyer and a pro se joining forces. You're pro se; it's your case. He's there to answer questions for you and to help you with the court procedures primarily.

[2-3] **Dr. Faltas:** In South Carolina -- Your Honor is correct. Some states---

[4-5] **The Court:** I'm speaking solely of South Carolina; that's where we are.

[6-9] **Dr. Faltas:** Yes. Some states do allow hybrid and it may be that the Constitution, the U.S. Constitution, might require someday South Carolina to allow hybrid, but this is a subject for another day and---

[10-11] **The Court:** That's beyond the scope of our conversation right now.

[12] **Dr. Faltas:** Yes, Your Honor.

[13-14] **The Court:** All right. So you want him -- you want him to stay.

[15] **Dr. Faltas:** Yes, Your Honor.

[16] **The Court:** Do you want to stay?

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

[18] **The Court:** All right. So that settles that issue.

[19] **Dr. Faltas:** Yes, Your Honor.

[20-21] **The Court:** All right. And then the next motion is what? What's the next one you would like to talk about?

[22-23] **Dr. Faltas:** Your Honor, the next motion is to recuse Heather Weiss because of the Pottawattamie, P-o -- P-o--

[24] **Court Reporter:** I'm sorry. Say it first, please.

[25] **Dr. Faltas:** Pottawattamie County versus McGhee.

[page 16, line 1] **Court Reporter:** Okay. Then spell it.

[2-8] **Dr. Faltas:** P-O-T-T-A-W-A-T-T-A-M-I-E County of Iowa versus McGhee. And that is the question of whether the law will remain that absolute immunity attaches to a prosecutor who frames somebody once the trial starts. And I read the oral argument -- first of all, the Eight Circuit U.S. Court of Appeals in the case of McGhee versus Pottawattamie County ruled ...

[9] **The Court:** When I look that way, you can keep talking.

[10-11] **Dr. Faltas:** I'm trying to be very respectful, Your Honor.

[12] **The Court:** No, no. Just continue.

[13 to page 17, line 22] **Dr. Faltas:** Okay. The Eighth Circuit U.S. Court of Appeals has ruled that there is no absolute immunity for a prosecutor who frames a defendant for murder -- that happened to be for murder, but I would say that whatever the rule is, it's for all offenses. The case was argued before the U.S. Supreme Court on November 4, 2009, and it's -- the transcript -- the transcript of the oral argument is on the U.S. Supreme Court's website. That's Supreme Court U.S., one word, dot gov. [¶] And after it was argued, the case was settled and it was -- and I think I mentioned the last time that it was dismissed pursuant to U.S. Supreme Court Rule 46 which means that the Eighth Circuit U.S. Court of Appeals, Petition 10 -- of course, the Eighth Circuit U.S. Court of Appeals is not binding on Your Honor, but it may be very persuasive. But what I'm addressing is if -- and let me tell Your Honor: This is not my first experience with someone fabricating evidence against me. [¶] I think the last time I mentioned to Your Honor that I argued my own case pro se before the South Carolina Court of Appeals and prevailed, and may I give you, Your Honor, the citation of that case? It's 2007 unpublished 193, the South Carolina Court of Appeals decision issued on 26th April, 2007. That was my first experience with a criminal conviction. It got reversed, and I stand innocent of it as I have always been, but now it's official, but there has been fabricated evidence against me. The difference between that case and this case is that now I can prove before trial that the evidence has been fabricated. [¶] So since the law in South Carolina might still be that a prosecutor acquires absolute immunity once the trial starts and since I have convincing evidence which I would like an evidentiary hearing, to which I'm entitled, before the trial starts that Ms. Weiss conspired with Investigator Blanton with my false accuser, Teresa---

[23-24] **Court Reporter:** I'm sorry. Can you repeat that sentence?

[25 to page 18, line 6] **Dr. Faltas:** My false accuser, Teresa whatever her last name is, it appears that for possible Social Security fraud she uses the last name of Hampton, Jackson, Ingram and very many other things and she has two felony convictions of fraud, of stealing someone's credit card, and forging someone's signature. So it appears that Heather Weiss conspired with someone who takes taxpayers' money and that---

[7] **The Court:** Dr. -- Dr. Faltas.

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

[9] **The Court:** When you're addressing the Court---

[10] **Dr. Faltas:** I'm sorry.

[11] **The Court:** ---you look at me.

[12] **Dr. Faltas:** I so apologize, Your Honor.

[13] **The Court:** Go right ahead.

[14] **Dr. Faltas:** Okay. I so apologize.

[15] **The Court:** No problem.

[16 to page 19, line 17] **Dr. Faltas:** Thank you. So she conspired to frame me, and now I know why she did that and I think I also mentioned that last time: Because there is this big racket. It's bigger than -- Moore, the brother of the guy who ran for governor several years ago who had a ten-million-dollar embezzlement scheme from D.S.S. There is a big racket going on through the South Carolina Insurance Reserve Fund. Every other state -- South Carolina has a lot of unique things that it should be ashamed of. In every other state the Attorney General does the State's business, but in South Carolina he farms out the defense of State agencies to private law firms who, in turn, give out of that money which amounts to \$30 million per year or so of campaign contributions to politicians. In fact, I have met with Governor Sanford when he was still interested in government and spoke to him about that, and he said, "Oh, we all know it's a slush fund for politicians." [¶] So her father, Stephen T. Savitz, of the law firm of I think Gignilliat, Savitz, & Vance (verbatim) is one of the beneficiaries of the State Insurance Reserve Fund system, and I've had occasion to challenge that system before and I am known over there as someone who might eventually bring that system down. So they -- she -- she has a reason to try to bring me down before I bring down the inappropriate system. So she is trying to rush me to trial so she can acquire for herself absolute immunity as the law of the Eighth Circuit now stands.

[18-21] **The Court:** Okay. Well, let me stop you there, and I'll take that in the nature of an opening statement on the motion, and then I'll give Ms. Weiss an opportunity to do the same thing.

[22] **Dr. Faltas:** Thank you, Your Honor.

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

[24] **Ms. Weiss:** May it please the Court, Your Honor?

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

[page 20, line 1 to page 22, line 10] **Ms. Weiss:** Your Honor, the case of Dr. Faltas was assigned to me through our office through normal procedures. [¶] I have no grand conspiracy in this case. I was assigned the case and intend to prosecute it, just as I have many other cases for the last ten -- over ten years. [¶] My father -- in the Insurance Reserve Fund, I actually asked him about it when Dr. Faltas brought it up to me because I -- again, I practice criminal law. I'm not overly familiar with the Insurance Reserve Fund. Clearly my father has no knowledge of Dr. Faltas nor of this case up until that time. [¶] I have not conspired with Investigator Blanton. She's been the investigator on the case, and she initially received the complaint. She investigated it. She contacted me. I'm basically the on-call solicitor. I'm the special city prosecutor, so I get a lot of the on-call type calls. She contacted me for my legal opinion as to probable cause but nothing beyond that. That is something that's standard in our procedures. [¶] And as far as immunity, my understanding of my prosecutorial immunity has -- attaches at every stage of the case itself, and if Dr. Faltas feels that I have done something improper at any stage, she can challenge my immunity at any stage. Just by going through with the trial does not guarantee me any sort of blanket immunity. I get my prosecutorial immunity because of my actions as a prosecutor, and I believe all of my actions in this case have been proper and, therefore, I would hopefully have absolute immunity throughout the entire case because that's what's granted to prosecutors in this state that are acting within their right as prosecutors, within their duty as prosecutors. [¶] But beyond that, if I have done anything improper, as Dr. Faltas believes, it would be handled at each stage and she could challenge it at each stage of the prosecution. I believe I have done nothing improper on this case, and the only reason, in my understanding, that we are in trial this early in this case - Dr. Faltas was arrested December 2nd of 2009, and here we are February 22nd already reaching the trial stage - is because Dr. Faltas has raised numerous motions mostly involving constitutionality, suppression of the search warrant and suppression of the indictments, quashing of the indictments which are all issues that have to be taken up pretrial. [¶] And in order for Dr. Faltas to have motions heard, which she continuously files, it was necessary to call the case for trial. Because of the nature of the case, it was a trial that was possible to prepare earlier than many other cases, so we are here today prepared to go forward. Dr. Faltas is subject to the tracking system, just as every other defendant is in Richland County. [¶] She had a second appearance scheduled for April, but we were willing to bring this

case sooner. We have told her from the beginning that it has to be with her consent so that she can have each of her motions heard. She has very serious issues with the statute, the search warrant, and the indictments, and this is her opportunity to have those issues heard as opposed to continuously filing addendums to those motions, prolonging the ability for the -- for a Court to hear the motions to be able to rule on them and we can then moved forward with these cases.

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

[12-17] **Ms. Weiss:** And as far as the cases being tried together, Your Honor, there are two different cases involving two different victims involving two different sets of evidence, and as the State we desire to go forward on one indictment today which is the indictment that's been presented at this time.

[18] **The Court:** Which indictment is that?

[19-22] **Ms. Weiss:** It's indictment 2010-11987, State versus Dr. Marie Assa'ad Faltas and it's harassment in the first degree, which both of them are, but this has the victim Teresa Ingram.

[23-25] **Dr. Faltas:** Alleged victim. I'm sorry. I object to her. I will continue, if it pleases the Court, to object to her use of the word "victim."

[page 23, lines 1-7] **The Court:** We'll note that objection, Dr. Faltas, as a standing objection. The indictment lists the person as the victim, and unless the entire system is revamped in the state to not allow anyone to be referred to as a victim until the case is successfully prosecuted, then the word "victim" should be deleted from the legal lexicon, and I'm not going to require that in this case.

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

[9-12] **The Court:** But I will clarify that to the jury, that whenever that word "victim" is used, it's -- it's referencing an allegation and an allegation only. Now, we're going to stop at this point.

[13-14] (Whereupon, matters unrelated to this trial were taken up before the Court.)

[15] **The Court:** All right. Dr. Faltas?

[16-18] **Dr. Faltas:** Thank you, Your Honor. If it pleases the Court, I will be handing you some orders from the Honorable Judge Lee which Ms. Weiss already has---

[19-20] **Court Reporter:** I can't hear her when she's facing that way.

[21-23] **Dr. Faltas:** I said: If it pleases the Court, I will -- and I'm sorry. I should have been looking to Your Honor, but I was showing Ms. Weiss. May I approach?

[24] **The Court:** Yes, you may.

[25] **Dr. Faltas:** Thank you, Your Honor.

[page 24, line 1]

(Dr. Faltas hands up documents to the Court.)

[2-8] **The Court:** All right. You've handed up to me an order for a preliminary injunction signed December 22nd, '09, by Judge Lee and an order based on a motion for partial reconsideration signed December 31st, '09, by Judge Lee and an order signed by Judge Lee on February 3rd, 2010. It is an order upon -- finding that oral argument is not necessary on the motion for reconsideration.

[9-12] **Dr. Faltas:** Thank you, Your Honor. So I hope Your Honor considers the original order, the main order so to speak, the one signed December 22nd because Her Honor found clearly, clearly, that my arrest was to gain advantage---

[13] **Court Reporter:** I'm sorry. That your what?

[14-22] **Dr. Faltas:** My arrest was to gain advantage in the civil litigation and that is something that is really unethical for any lawyer to do. In addition, if I may -- and I did show it to Ms. Weiss -- I would like Your Honor to see the original -- the original warrants because they do say that the affiant is Heather Weiss. So -- and I also, for the purpose of the rest of the arguments, I would like Your Honor to note several things in the initial -- in the initial condition, the physical condition, of the warrants.

[23] (Dr. Faltas hands up documents to the Court.)

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

[25 to page 25, line 8] **Dr. Faltas:** Thank you, Your Honor. I'm sorry to digress. Yes, Your Honor, I have been very disappointed at what is called the criminal justice system that I've been through in South Carolina. So many things are unconstitutional; so many things need to be revamped. And I think the system should have two purposes, which it doesn't do. It should acquit the innocent and it should rehabilitate the guilty, and I don't think the system, at least in South Carolina, does any of that.

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

[10-14] **Dr. Faltas:** My humble opinion and it's none of Your Honor's fault. So I guess I'm challenging the constitutionality of four statutes, and I think there are more that I'm saying that are unconstitutional, but I content myself with four.

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

[16 to page 28, line 17] **Dr. Faltas:** So it is clear that when it says affiant, it says Blanton slash Weiss. So Ms. Weiss was in the affidavit. Second, if you look at the physical condition of the affidavit, it was computer typed or computer generated with the starting date of February 2009, and then the end date was left blank and it was added manually, not computer generated, in a different font with a different typewriter. [¶] Why is that? [¶] If Your Honor looks at the order of the Honorable Judge Lee, Her Honor found specifically that a hearing was held before Her Honor on my motion for a preliminary injunction in the civil case. In that hearing or for that hearing, I had specifically subpoenaed Investigator Blanton, and the Honorable Judge Lee says in her order that the City of Columbia appeared to quash the subpoena on Investigator Blanton. Why did they do that? Because they were conspiring and they found out that I knew something about the conspiracy, so they decided to spring the trap as soon as possible. [¶] The other thing: The conspiracy didn't end there. [¶] Judge, it wasn't just a conspiracy to get me framed; it was a conspiracy to get me killed. They were hoping -- and, Your Honor, I am sorry. No, I'm not sorry. I am very proud of Egypt. I am very proud of the Coptic Orthodox Church and I'm very, very proud of my family. So it is not arrogance, but when I speak to you, to Your Honor, it is Egypt speaking to you. It is the Coptic Orthodox Church speaking to you, and it is, in a way, my dead father who was a saint speaking to Your Honor. [¶] They have no idea about the strength of character this means. They thought they would just get me arrested and I would go berserk or in the process of getting arrested someone would find an excuse to shoot me. And why is all this being done to me? For two things: A woman called Dinah Steele bought two quadruplexes. Each has four identical apartments. She bought them in 2006. She knew that the sewer lines from those buildings had been illegally run across someone else's land, and that scheme was to defraud the City of Columbia from the initial sewer tap and from paying the monthly service sewer fee because sewage in Columbia, it is not metered separately. Water usage is metered, and sewer is the multiplier of the waters -- of the water usage. [¶] So this Dinah Steele rents the six other apartments out of eight apartments for less than \$400 a month, but for me, because of my national origin, she rents it for \$550 a month. [¶] I discovered that and attempted to get her to charge me what everyone else pays, and she said, "No," and I wasn't going to make an issue of it. [¶] In the meanwhile, mother and I developed a sliver -- it's really a sliver of land. It's like 36 feet frontage by a 120 feet depth, 120 foot depth, which was a piece of another property, and, thank God, I was able to get the exemptions and everything and I also have the patent application to put on it what may be South Carolina's first completely solar house. [¶] I did not know that Steele's sewer lines were running directly across the land that mother and I bought, and as soon as she discovered that, she and Larry Mason -- I don't know if Larry Mason is her husband; apparently he is not. They were pretending to be married, but they aren't. They started a war against me, a war against me, Your Honor. They tried to get me arrested on March 14th on false charges of having stolen something that had been dumped on the land that I bought three years ago. I mean, it had been dumped three years ago on the land that mother and I ended up buying. And the City of Columbia investigated that, and they said that I didn't steal anything and so they tried to get me deported. [¶] They falsely wrote to many senators and congressmen that I'm an illegal alien, which I'm not. That didn't work. They tried to get my driver's license removed, and the Department of Motor Vehicles sent me a letter and this is all -- this was all found, as a matter of fact, in the Honorable Judge Lee's order. Her Honor took testimony, heard witnesses. The witnesses had chances to be cross-examined, and Her Honor made appropriate findings of fact and conclusions of law. Then they tried to have my mother--

[18] **Ms. Weiss:** Your Honor, I object to the relevance.

[19-21] **Dr. Faltas:** It's relevant to -- I'm sorry. It may be beyond the scope of this motion, but it's relevant to all the motions to be heard.

[22-24] **The Court:** The motion before me is the motion to disqualify Ms. Weiss based on prosecutorial -- what's alleged to be prosecutorial misconduct.

[25 to page 29, line 7] **Dr. Faltas:** Yes, Your Honor. The rest, if I may show you -- then after I bonded out, after I didn't get killed, after the mental examination which is the statute whose constitutionality I'm challenging -- it replaces the presumption of innocence with the presumption of insanity. After I had the mental examination and found to be sane and was released on bond, she conspired again to have me arrested in order to try to get my bond revoked and---

[8] **The Court:** When you say "she," you're referring to?

[9-10] **Dr. Faltas:** Ms. Weiss. And may I show Your Honor this original document?

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

[12]

(Dr. Faltas hands up documents to the Court.)

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

[14 to page 30, line 22] **Dr. Faltas:** And Your Honor was a special prosecutor and I'm sure Your Honor knows and applied scrupulously the duty of a prosecutor to be a minister of justice, that a prosecutor is the only one who is not subject to the adversarial process. She's supposed to explore evidence of my innocence as well as evidence, which there isn't, of my guilt. Not only did she not explore any evidence of my innocence, she manufactured attempts to get me arrested. [¶] Also, when she -- and that's in my affidavit. [¶] When she insisted that I cannot be bonded out unless I get the mental examination, she called the person in the Richland County Detention Center who conducts mental examination and gave him seven lies and I -- seven lies, and these lies are easily exposed, not credibility, not she says I say, but by -- by -- by the actual record. [¶] Number one, she told the mental examiner that I had been stripped of my medical license. That is clearly a matter of public record and I wasn't. She told him that I have a shoplifting conviction which clearly she knew that that wasn't true and, before, in the case there was fabricated evidence and I argued my own case before the Court of Appeals. [¶] She told him that my mother is dead and that I'm living in the delusion that my mother is alive. She clearly knew that to be false because Investigator Blanton had followed me to the Social Security Office where they tried to get my mother's Social Security checks cut. [¶] She told the mental health examiner that I follow my landlady all over town, getting thousands of pictures of her. [¶] By that time they had stolen all the pictures -- "arm-robbed" is what I'm going to call it -- under false pretext of her choice. They had taken all the pictures from my apartment, and there aren't thousands and she knew how to count.

[23] **Court Reporter:** I'm sorry. She knew what?

[24 to page 31, line 24] **Dr. Faltas:** She knew how to count. And none of the pictures -- none of the pictures is anywhere where I followed anyone. She also said that I filed 145 motions against my landlady. This is a matter of public record. I filed only one civil lawsuit against my landlady, and the Honorable Judge Lee found that I made serious, serious claims. It's not frivolous, and it's awaiting trial. So this is the fifth story. [¶] The sixth lie is that she told the mental health examiner -- and this is Heather Weiss doing this -- and the mental health examiner went -- the mental health examination is a condition of my bond. The mental health examiner is an agent of the Court. He's like an expert witness appointed by the Court. So her lying to him is no different from her lying directly to the Court and, Your Honor, I really and I'm sorry that I digress a little bit, but I need to, if for nothing else than for the emotional tension on me -- in many ways Your Honor reminds me of my father at the age he was when I was a little child and I'm very comfortable talking to Your Honor. And my father wasn't a punitive man. He led by example and he never told a lie. [¶] And I was also -- in my initial schooling, it was with Catholic nuns and we were brought up not to tell lies or even exaggeration. Verdict means to tell the truth. The court is a temple of truth. Jesus Christ was a gentle man, but when He saw the temple being abused for---

[25] **Ms. Weiss:** Your Honor, I object. Relevance.

[page 32, lines 1-23] **Dr. Faltas:** All right. Then the sixth -- the sixth lie that Heather Weiss told to an agent of the Court is that I called the police on my landlady claiming that she wasn't cutting the grass right. She knew there was never ever any police calls like that. She also knew that the thugs, thugs -- that's T-H-U-G-S -- that my landlady and that man, Larry Mason, are -- they have many times in writing and also to Investigator Blanton -- they have threatened to tow my own car from my own apartment for no reason at all other than to intimidate me and, as the Honorable Judge Lee found in Her Honor's order for a preliminary injunction, to force me to abandon my plan to develop the land that I bought, that mother and I bought. [¶] And why is all of this? Because I asked them to remove their sewer lines from my land or at that time, before they had done all of this to me, to negotiate with me an easement. [¶] And in other proceedings they said, no, they are not willing to pay me for an easement to continue using my land. So all of this is so they can save a few thousand dollars which is no different, no different, from the defendants who stood before Your Honor and one guy stole \$200 from a store. This is maybe a matter of 2,000 or a thousand dollars but at least those two defendants, they didn't have---

[24-25] **Ms. Weiss:** I object, Your Honor. Relevance to this case.

[page 33, lines 1-20] **Dr. Faltas:** Larry Mason was present on the date of my arrest. He guided all of this. He was all ... So that I get to go away and Dinah Steele gets to continue to use my land without paying for it. [¶] So the sixth lie was that -- that Heather Weiss told the mental health examiner and the mental health examiner wrote it and it is an official record, and that mental health examiner was an agent of the Court because that mental examination is a condition of the bond that Heather Weiss requested. So she told him

that I called the police claiming that my landlady does not cut the grass right. She knew I never called the police for that. She knew that they had threatened to tow my car. She knew that I was afraid that they would tow my car by hooking it to their own truck. [¶] So the one time I called the police when they were there was to tell them: Please make sure they do not tow my car by hooking it to their truck because they had threatened me that they would take it away from my own car -- from my own home as a way of intimidating me. And then my other false accuser, Teresa, whatever her last name is---

[21] **Court Reporter:** I'm sorry. Repeat that.

[22] **Dr. Faltas:** Teresa, whatever her last name is.

[23 to page 34, line 1] **Ms. Weiss:** Your Honor, I object to her being referred to that way. The victim in this case is Teresa Ingram. If she -- if Dr. Faltas wishes to address her, her name is Teresa Ingram.

[2] **The Court:** All right. The indictment cites the victim's name as Teresa Ingram, so that's her name.

[4-9] **Dr. Faltas:** Thank you, Your Honor. I would not waive, however, the fact that she had, under the same Social Security number, given different names and in her driver's record, which she has a very dangerous driver record, she has herself as Teresa Ingram Jackson and she's never changed it to Ingram.

[10-11] **The Court:** You're saying the victim is listed as Teresa Ingram.

[12-19] **Dr. Faltas:** Yes, Your Honor, but maybe that person does not exist. I mean, maybe the person by that name does not exist, and that is also the case in the other warrant in the other indictment. I don't think a person by the name of Dinah Steele Mason exists, and this is not a matter of semantics. It is a matter and, again, I appreciate Your Honor's patience. I'm giving you the background, the factual background, that would apply to all the motions. So---

[20-23] **The Court:** I've read all the motions that you have filed, so to a great extent you what you're arguing are matters that I have read in the various papers that you have filed.

[24] **Dr. Faltas:** Oh, I appreciate that, Your Honor.

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

[page 35, line 1] **Dr. Faltas:** So -- I'm sorry.

[2] **The Court:** You need to stick to the essence of your argument regarding this issue of whether Ms. Weiss should be disqualified as the prosecutor in this case.

[5 to page 36, line 11] **Dr. Faltas:** So the seventh lie that she told to the mental health examiner -- I think it's in my affidavit. I'm sorry. I'm getting -- oh, yes, that I keep my father's credit card thinking that he's still alive. I keep my father's credit card the same way as I wear his wedding band, as a relic of him, not in a delusion, and everyone who asks me and who sees the ring and says -- and asks me, "Are you married?" I say, "No, I'm practically a nun," but nun, N-U-N, but I wear my father's wedding band as a relic. [¶] So she told those seven lies to an agent of the Court, and it's not a matter of credibility issues. It's a matter of public record, so that they will think I'm delusional and unfit to be released. This is not the conduct of an officer of the Court, and you are the Court. You should not tolerate that and you should not allow her to go to trial, throw it to the wall and see if it sticks because of the things that they have stolen from me. [¶] The person identified in the warrant as Teresa Ingram is on tape yelling at me: "You die, bitch. Die." And in another proceeding that very person perjures herself before the Lykesland magistrate and said, "No, I never called her the B. word; she's the one calling me that." [¶] She also went before everybody and claimed that I flip them my finger. Well, guess what? I have pictures of her quote/unquote company flipping me the finger, and only this morning did Ms. Weiss produce the terrifying rap sheets of those dangerous people, that the person identified in the warrant as Teresa Ingram was to bring in. [¶] Well, Your Honor, they are pretending that I think she's a prostitute just because she's African American. Well, prostitution is the oldest profession in the world. There are---

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

[13-15] **Dr. Faltas:** There are Egyptian prostitutes, Hebrew prostitutes. The Bible is full of prostitutes. Japanese prostitutes. In fact---

[16-17] **The Court:** Just a moment. There's an objection. Yes, ma'am.

[18-24] **Ms. Weiss:** Thank you, Your Honor. I object to the relevance. One, of her discussing Teresa Ingram in this motion to begin with and, two, **her going on about Teresa Ingram who is fully employed and is not a prostitute** and that has been repeated and we have asked Dr. Faltas to stop calling her that. But I don't see where that is relevant to this motion in any way, shape, or form, Your Honor.

[25 to page 37, line 3] **The Court:** All right. Dr. Faltas, on the issue -- and I'm going to hear from Ms. Weiss in a minute, her response to your written motion as well as your argument, seeking to disqualify her. Let me have you wrap that up.

[4-8] **Dr. Faltas:** Thank you, Your Honor. So all I'm saying is that they are saying that I should go to prison for thinking that Teresa Ingram is a prostitute. I do think it. I have good basis to think it, and I think she prostituted not only her body but her soul.

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

[10-11] **Dr. Faltas:** I'm in a free country. In a free country---

[12] **The Court:** Dr. Faltas.

[13] **Dr. Faltas:** Yes.

[14] **The Court:** When there's an objection---

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

[16-18] **The Court:** And this is why Mr. Sawyer is there to assist you. When there's an objection, you must stop talking until I---

[19] **Dr. Faltas:** All right.

[20] **The Court:** ---hear the objection.

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

[22-25] **The Court:** If Ms. Weiss is in the middle of a presentation and you make an objection, she will stop until the Court hears the objection. You don't win by speaking faster when you hear the word "objection."

[page 38, lines 1-2] **Dr. Faltas:** I wish I could speak faster. I'm out of breath and--

[3-4] **The Court:** Well, this would be a good time to listen to the objection.

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

[6-8] **Ms. Weiss:** I object to relevance of her prostitution argument as far as it involves me being recused from this case, Your Honor.

[9] **The Court:** All right. And the objection is sustained.

[10] **Ms. Weiss:** Thank you.

[11] **The Court:** Which means we move to something else.

[12-14] **Dr. Faltas:** Well, as an officer of the Court, if she were one, Ms. Weiss should have read Blanton's report and there is nothing in there that is a crime---

[15] **Court Reporter:** I'm sorry. That is what?

[16-22] **Dr. Faltas:** That is a crime, a crime, C-R-I-M-E. In fact, the first report that the person referred to in the warrant and the indictment that Teresa Ingram gave to Investigator Blanton, it tells these two or three stories. The first story, which in a way is correct, is that I once asked that person how much she pays for rent and told her that they were charging me more than they were charging her.

[23] **Ms. Weiss:** Your Honor, I object.

[24 to page 39, line 2] **The Court:** Ma'am, that goes to the merits of the -- of your case of whether or not the allegations are true or not true. It doesn't go to the question of disqualifications of the prosecutor.

[3-12] **Dr. Faltas:** May I expound by saying that the allegations, even if it's true, an officer of the Court and especially a minister of justice who is ethically bound to explore exculpatory evidence would have known that this is not something to prosecute someone for, that it is totally, totally protected speech under the First Amendment. And the only reason that she gave not only the go-ahead for an affidavit for arrest and for a search warrant but also put her name on the affidavit for arrest is that she was conspiring against me.

[13-20] **The Court:** The documents that you handed up to me list Ms. Weiss as a prosecuting officer, along with A. Blanton and H. Weiss as prosecuting officers and the -- under affiant's address and affiant's signature, I'm not sure whose signature this is. It lists -- it lists One Justice Square as that person's address on the two harassment -- on the harassment and unlawful use of phone. You're not contending that Ms. Weiss signed the warrants as the affiant, do you?

[21-25] **Dr. Faltas:** Actually, I am, Your Honor. There are other -- there are other documents that were produced to me that do show that. Yes, Your Honor, I am. But even -- even if she hadn't physically done that, I was told that the supposed neutral magistrate consulted with her. So if---

[page 40, lines 1-4] **The Court:** On the top line it says it's assigned to Investigator A. Blanton on one, on two, and M.L. Gerard on the third. It doesn't list Ms. Weiss as an affiant or affiant (different pronunciation)

[5-9] **Dr. Faltas:** Well, Your Honor, we can put Ms. Weiss on the stand and ask her how much factually she was involved before the arrest warrants and the search warrants were taken out because several members of the Columbia Police Department told me that she is the one---

[10-19] **The Court:** Well, the role of the prosecutor is to advise the -- advise law enforcement. That issue was addressed in the case of *State versus Hunter* where the Court held that the role of the prosecutor in advising the police department is not an adequate basis to disqualify the prosecutor from handling the case. It says that the fact that the prosecutor advises the police department in matters which may ultimately be prosecuted does not create any type of conflict in the duties of the prosecutor's office. Therefore, no due process violation exists.

[20-22] **Dr. Faltas:** That is correct, Your Honor. However, it's not the issue that she gave them correct advice. The issue is whether she was conspiring with them to frame me and---

[23-24] **The Court:** Your argument is that by advising them it constitutes a conspiracy?

[25] **Dr. Faltas:** No, no---

[page 41, lines 1-2] **The Court:** Advising them that you have committed crimes.

[3-4] **Dr. Faltas:** In the face of clear evidence that I had not and further---

[5-6] **The Court:** All right. Before we get any further, let me hear Ms. Weiss's response.

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

[8] **The Court:** Unless your further is a short further.

[9-10] **Dr. Faltas:** I have no idea where we go, Your Honor. As you can see, I'm not speaking from notes.

[11-15] **The Court:** Well, there are -- you know, we must have time limits. Otherwise, we may be here endlessly, and I want to hear you and I have read your submissions and I want to hear the essence of your arguments, but I can't -- time will not allow me to listen to you---

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

[17] **The Court:** ---going endlessly.

[18-24] **Dr. Faltas:** All right. Of course -- of course, the act of advising police in itself is not wrong and, in fact, there is a reason for finding immunity for it. What is wrong is framing somebody, and we know that prosecutors have done it. They have done it in Iowa, and the Eight Circuit said they do not enjoy immunity. In fact, the U.S. Supreme Court in *Buckley versus Fitzsimmons*---

[25] **Court Reporter:** I'm sorry. In what?

[page 42, line 1] **Dr. Faltas:** *Buckley versus Fitzsimmons*.

[2] **Court Reporter:** Will you spell Buckley?

[3] **Dr. Faltas:** Buckley. B-U-C-K-L-E-Y.

[4] **Court Reporter:** Okay.

[5-7] **Dr. Faltas:** *Fitzsimmons*. F-I-T-Z-S-I-M-M-O-N-S. And also the case of *Kalina* -- and I may -- somebody versus *Kalina* or *Kalina* versus somebody.

[8] **Court Reporter:** Will you spell Kalina?

[9-14] **Dr. Faltas:** K-A-L-I-N-A. K-A-L-I-N-A. Also, there was a footnote in *Hartman versus Moore* that says that conspiracy to retaliatory prosecute somebody also would remove the prosecutorial immunity and, of course, we have seen in Durham, North Carolina, where they did disbar Mike Nifong for some---

[15] **Court Reporter:** I'm sorry. Disbarred whom?

[16] **Dr. Faltas:** Mike Nifong. N-I-F-O-N-G.

[17-21] **The Court:** All the cases that you have cited, did they arise in the context of a motion to remove the prosecutor from handling the case or did they arise in the context of a lawsuit, a civil lawsuit, against the prosecutor or some disciplinary proceeding subsequent to the litigation?

[22-25] **Dr. Faltas:** And in my submission for today I asked this very serious question. Does the judiciary stand helpless until an injury is complete or does the judiciary have the right to prevent an ongoing injury?

[page 43, lines 1-16] **The Court:** Yeah, and neither is in response to my question as to whether or not the cases that you have cited finding prosecute -- no prosecutorial immunity or prosecutorial immunity. Were those cases raised in the context of a lawsuit in which the prosecutor raised immunity as a defense and the Court said, yes, you're immune from being sued or no? Did they arise in the context of a disciplinary action by some lawyer discipline board or did they arise in the context such as this where a motion has been filed to disqualify the prosecutor such as in a case as I cited to you, *State v. Hunter*, in which the Courts ruled that the fact of the prosecutor advising a police agency -- as it turns out, in that case the agency was the Columbia Police Department and that that did not constitute a sufficient basis to disqualify the prosecutor from handling the case?

[17-22] **Dr. Faltas:** Your Honor is absolutely correct. The cases that I cited were after the fact. *State v. Hunter* did not involve conspiracy to frame. In the State of South Carolina -- and that was also after the fact and that was a P.C.R. case, *Reid versus Ozmint*, which says that the prosecutor should not use false evidence.

[23-24] **The Court:** Any time you hear a case versus Ozmint, who is the head of the department of corrections, it's meaning--

[25] **Dr. Faltas:** Yes. Yes. It was---

[page 44, lines 1-2] **The Court:** ---that someone has been convicted and they're seeking to---

[3-6] **Dr. Faltas:** Yes. Yes. It was a P.C.R. case. Going to answer Your Honor's question about the preventive aspect of the law, the landmark case is, of course, *Ex Parte Young* which is---

[7] **Court Reporter:** Will you spell that, please?

[8] **Dr. Faltas:** E-X. Okay. P-A-R-T-E.

[9] **Court Reporter:** Right.

[10] **Dr. Faltas:** Parte.

[11] **Court Reporter:** The last word.

[12-13] **Dr. Faltas:** Young, Y-O-U-N-G, and that was decided in 1908 by the U.S. Supreme Court.

[14] **The Court:** 1908.

[15-17] **Dr. Faltas:** Yes, Your Honor, 101 -- 102 years ago now. And, incidentally, the University of Toledo Law School had an entire symposium on the centennial of *Ex Parte Young*.

[18] **The Court:** What was that about, the case?

[19 to page 45, line 1] **Dr. Faltas:** Oh, it's beautiful, Your Honor. It's about three things. It's referred to as the *Ex Parte Young* Doctrine, but I say it's three doctrines. Number one -- if I may summarize it very quickly. Young was the attorney general of Minnesota, and Minnesota wanted to pass a law that put the railroads in a no-win situation. So it said that they have to lower the rates, but if they don't, they would be subject to either confiscatory fines---

[2] **Court Reporter:** I'm sorry. What kind of fines?

[3] **Dr. Faltas:** Confiscatory.

[4] **Court Reporter:** Okay.

[5] **The Court:** Confiscatory. Confiscatory.

[6-7] **Dr. Faltas:** C-O-N-F-I-S-C-A-T-O-R-Y fines or possibly imprisonment.

[8-10] **The Court:** I think we're going to have to get a list of these difficult-to-spell words and clarify the spelling at a later time---

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

[12-13] **The Court:** ---as opposed to stopping mid sentence and spelling them.

[14] **Dr. Faltas:** I apologize.

[15] **The Court:** All these words.

[16 to page 46, line 19] **Dr. Faltas:** In any event, so the railroad did not want to abide by those very low fines that would -- very low rates that would put them out of business, and they contended it was unconstitutional, violating the freedom of contract and property rights, and at the same time if they didn't lower the rates, they would be prosecuted. So essentially there are more details in it than that, but essentially they filed a lawsuit challenging the constitutionality of the law and trying to enjoin Attorney General Young of Minnesota from prosecuting under that law, and the federal court, the U.S. District Court in Minnesota, issued the injunction. [¶] So Attorney General Young, in violation of the injunction, prosecuted the railroad company. So the district court held him in contempt, and he was required to report to the U.S. Marshal once a day so it would infringe on his liberty. So he brought a habeas corpus case to the U.S. Supreme Court, and the U.S. Supreme Court said, first of all, yes, he can bring a habeas even though he's not physically incarcerated. Number two, yes, you can challenge the constitutionality of something before you get prosecuted under it and, three, yes, a federal court can enjoin a state official from prosecuting somebody under a statute that is repugnant to the U.S. Constitution. And people -- very serious people have said that without *Ex Parte Young*, there would have been no *Brown versus Board of Education* because that is the case that said that federal courts can enjoin unconstitutional state action even when the nominal person is a state official such as the attorney general. More recently in *Cœur d'Alene Tribe of Idaho*---

[20] **Court Reporter:** Judge, I apologize. I don't how ...

[21] **The Court:** Repeat the name of the tribe in Idaho.

[22] **Dr. Faltas:** Cœur d'Alene. It's French. Co, C-O---

[23-24] **The Court:** Just say the word. We're not going to spell every word that you say.

[25] **Dr. Faltas:** Cœur d'Âlene. C-O---

[page 47, line 1] **The Court:** Cœur d'Âlene.

[2] **Court Reporter:** I can't take an accurate record then.

[3-4] **The Court:** Cœur d'Âlene. Then it will have to be spelled phonetically.

[5 to page 48, line 14] **Dr. Faltas:** Thank you, Your Honor. So in *Cœur d'Âlene* the *Cœur d'Âlene* case, the U.S. Supreme Court said two things. Number one, *Ex Parte Young* will not be overruled. Number two, states are participants in the national judicial scheme. So they should have their own systems whereby people can challenge the constitutionality of state statutes or state action before they are prosecuted under those statutes or before the property is deprived under the state -- the state action. And if the state has no adequate forum, then, yes, one can go to the federal forum. [¶] So the long answer to Your Honor's question: there is no South Carolina law that says that I can do that preemptively. However, there is federal law that says, number one, that I should be allowed to do it preemptively and that, number two, states are required to provide the same forum that exists in the federal -- in the federal forum to preemptively challenge. [¶] And then here is the question, Your Honor: If Your Honor doesn't recuse her for prosecutorial misconduct and if, God forbid, you don't think the statute is unconstitutional and you don't think that she violated my discovery rights and if you don't think -- the whole set of motions and I get to trial and if the jury rules against me just because they don't like foreigners, then I go and appeal and it gets reversed, why -- why go through all that if we have precedents that when we can put them together then, yes, we can do things preemptively? [¶] The office of a preliminary injunction is to prevent a multiplicity of lawsuits. So, I mean, the office -- the attorney general -- the solicitor's office has at least 30 prosecutors. I'm sure a few of them may be less experienced than Ms. Weiss; some of them may be more experienced than she is. And it won't hurt them in any way to put a fresh pair of eyes on it. They may decide that, no, this should not be prosecuted and it will be judicial economy for everybody.

[15-16] **The Court:** All right. Well, with that, we're going to hear from Ms. Weiss.

[17-19] **Dr. Faltas:** Thank you, Your Honor. May I have my originals back, if it pleases the Court? Thank you, Your Honor.

[20] **The Court:** These three?

[21] **Dr. Faltas:** Yes, Your Honor.

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

[23] **Ms. Weiss:** May it please the Court, Your Honor?

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

[25 to page 54, line 16] **Ms. Weiss:** I'm going to attempt to respond appropriately. I think you pointed out as far as the warrants are concerned, my name is mentioned as the prosecuting officer. That is a -- that's just the way that the City does it. They have a policy with our office when they're putting together general sessions cases that they run the probable cause by the office to get a legal opinion, and whoever they talk to they put next to the investigator's name to indicate that they have received a legal opinion as to probable cause in that case, and that's why my name is mentioned there and that is what I stated earlier. That was my role in the case. [¶] As it pertains to the mental health examiner, unfortunately Dr. Faltas doesn't have the ability to see where things are coming from from our side of this case. Dr. Faltas was -- had retained actually two different attorneys at the time of the bond setting. She had Orin Briggs as well as David Farrell representing her. David Farrell had kind of come on board to be her attorney at that time. [¶] I had spoken to Mr. Farrell well, stepping back a couple of days, I had read the information on the probable cause indicated, my legal opinion as to probable cause. [¶] Investigator Blanton and her team put together the warrants and search warrants and executed the warrants and search warrants on Dr. Faltas herself as well as her home and took the items they thought may be evidence of harassment. [¶] Then later that evening Dr. Faltas came up for a bond setting. Because of the case, the victims were going to be present. They had asked if I would be present at the bond setting, so I went. The victims did speak at the bond setting and based on the information, the limited amount of information that I had at the time which was merely the probable cause at that point as well as the information that I had gained from the bond setting and pursuant to statute, we asked that as a condition of the bond that a mental eval be ordered by the judge. [¶] The judge actually ordered that a mental evaluation be conducted prior to her bond taking effect. So Dr. Faltas could not bond out of jail prior to having some sort of mentally -- mental examination. I was not familiar with the examiners that are in the jail and how that system worked. [¶] The next day it came to my attention that Dr. Faltas had not received that mental examination. She was still incarcerated and was remaining there because the jail had indicated to the attorneys that they didn't have an order,

and there was some confusion about her actually getting this examination. [¶] So at the request of her attorney as well as my own concern, because I know it's not the judge's intention for her to be held for an inordinate period of time nor was it my intention -- it was just to have an examination. I didn't even know they could do one at the jail. I did call over there to speak with the examiner to try to find out what was going on. I had to find out who that person was and talk to them. [¶] The list of allegations that Dr. Faltas has made are inaccurate: They're -- I did comment to the examiner, you know: Have you gotten an order from the judge? Did the judge tell you what she wanted? And I kind of went through what had happened at the bond setting, all the information I said: This is what I have heard at the bond setting. I don't know any of this yet. I'm just getting into this case, but I just want to make sure, you know, why the judge wants her examined. [¶] He said, "I've already met with her once. I'm going to talk with her one more time. Everything should be done by 1:00, so she can bond out this afternoon." That was the extent of my conversation. [¶] The report that was done by the mental health examiner said she was not a threat to herself or others and requested that she go to Columbia Area Mental Health to receive another examination. The judge ordered that she do that upon release, and then I was out of it. [¶] So I did talk to the examiner. I did give him some information. Some of that I think he may have gotten confused, and some of it is just not information I gave him. [¶] But I did talk to him. I did give him information, but it was in the interest of getting Dr. Faltas released from incarcerated, not for any other purpose and certainly not for any reason to try to keep her incarcerated any longer. [¶] And the report that came out, as it ended up, his evaluation was to whether or not she was a threat to herself or others, and then he recommended her follow up -- for a follow-up evaluation that was ordered by the judge. So it was nothing -- it was merely trying to expedite her being released pursuant to her counsel's questions as well. They had called me that morning trying to find out why she was still being held and what could be done, so I was trying to expedite that. [¶] But clearly I was not trying to -- I was not trying to do anything but get her an examination and get her a thorough examination. I am concerned, as I am in any case, as to any mental health issues involving defendants in a case. So I was curious as to the outcome of the examination because the -- as the judge indicated in the bond setting, which is also a concern of mine, the actions that will be, you know, explored more thoroughly for the trial that have been given to me as far as probable cause did not seem to reflect that of somebody who had an M.D., Master's of Public Health, and had been you know, was out in society. The actions did not seem to correlate, so I was curious as to the result of the mental health examination, but it was nothing to -- but we've done nothing but try to expedite her being released from incarceration and expedite her getting to trial so her issues could be heard. [¶] As far as her re-arrest or the motion to revoke bond, we did do a motion to revoke bond. Dr. Faltas had been rearrested for unlawful use of telephone. It's clearly not an issue that is here before the Court. Pursuant to -- any defendant who gets rearrested, we do a motion to revoke bond so that a judge can hear the issues and a judge can rule on whether or not to revoke the bond. [¶] In that case it was an opportunity for the State -- there were some issues on the initial bond that we felt Dr. Faltas was mischaracterizing which I think may have helped lead to the arrest for unlawful use of a telephone. Dr. I mean, the judge, Judge Burns, at the bond setting had indicated she could go back to her apartment to get her things with a police escort. She did do that, and the investigator went with her the next day, just as ordered by the judge within the next day and but then after that Dr. Faltas believed that she could go to her apartment any time if she could find a police escort, and so she was calling the police repeatedly demanding a police escort to keep going back to her apartment. [¶] So an opportunity -- I even told the judge at that time: If you're not inclined to revoke bond because we understood it was unlawful use of a telephone, we ask that you clarify the bond, and that was done at that time, Your Honor. It was clarified so there would be no misunderstanding as to what the order meant, the bond order meant, as far as her returning to her apartment with a police escort, that it was for a limited period of time and not any time she could obtain an escort from the police. So that's what that was used for. [¶] These are merely within my duties as a prosecutor trying to clarify the case, trying to clarify it for law enforcement as well as the judges presiding over these different hearings, and trying to assist defense counsel and the defendant in order to get her out of jail and move forward in the case. I hope that -- I think that may answer -- let's see if there was anything else.

[17-18] **The Court:** I'm not going to hear any additional argument on this issue.

[19] **Dr. Faltas:** I wish to---

[20-24] **The Court:** The issue of prosecutorial misconduct and to recuse Ms. Weiss as the prosecutor, I've heard enough on that issue and I deny the motion. I do not believe that there has been a sufficient showing for me to order that she be disqualified from prosecuting the case.

[25] **Dr. Faltas:** Well---

[page 55, lines 1-2] **The Court:** That's that motion. We're going to move now to the next motion.

[3] **Dr. Faltas:** May I respectfully take exception?

[4-6] **The Court:** No. The rules do not require an indication of exception. Once you request something and I deny it, that speaks for itself.

[7] **Dr. Faltas:** Thank you, Your Honor.

[8] **The Court:** We're going to move to the next issue, the issue of the discovery.

[10] **Dr. Faltas:** Discovery.

[11-12] **The Court:** You filed a motion for a discovery, and you raised questions as to whether that has been complied with.

[13-24] **Dr. Faltas:** Not only has it not been complied with, Your Honor, there are two prongs to the discovery. And, once again, this is a case which doesn't have a direct precedent, but we can apply known precedents. This is not a case where I'm trying to suppress something inculpatory because they found nothing inculpatory. [¶] This is a case where they have two clearly exculpatory sets of items, and *Kyle versus Whitley* said two things. Number one, the prosecution should err on the side of producing. Number two, when something is particularized, the prosecution is under duty to produce it, whether or not it thinks it is exculpatory.

[25 to page 56, line 1] **The Court:** What items do they have that you believe that you are entitled to receive?

[2-3] **Dr. Faltas:** All, A-L-L, all the items they took from my home.

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

[5-10] **Dr. Faltas:** *And this is not something where I tell the prosecution, "Give me everything you have," because this is itemized. They have taken inventory of everything they took from me. Your Honor, some of them are tapes of court hearings. Number one, why would they have any authority to take them from my house in the first place?*

[11-16] **The Court:** All right. Well, in my view the burden would be on the State to show that they are entitled to keep your property, not that you're entitled to receive it back. So in that connection, I'll hear from the State any basis for a continual retention-- continued retention of your property.

[17-23] **Dr. Faltas:** Thank you, Your Honor. And the second set of items are the impeachment items which are the -- some of the rap sheets of the alleged victims and the alleged witnesses, the disciplinary record of the alleged investigator. All of these are clearly varied impeachment material. All of it is something that I clearly requested in an appearance before Judge Cooper on---

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

[25 to page 57, line 5] **Dr. Faltas:** And before Your Honor. And she didn't even give me the witness list on time and she didn't -- even today she didn't even give me the rap sheets for but four or five people on her witness list, and she takes the position that she can give me the witness list only when she calls a witness to the stand. This is nonsense.

[6] **The Court:** All right. We'll hear from the State.

[7] **Dr. Faltas:** Thank you, Your Honor.

[8-20] **Ms. Weiss:** Thank you, Your Honor. The investigation of the initial search warrant, that I'm sure we'll discuss later, was a search warrant for photographs, tapes, photographing instruments, disks, computers, and anything that could document the harassment. As the victims have stated, Dr. Faltas has followed them, taken photographs, and we had become aware that she had also recorded them at different times, so we weren't sure what was in existence. [¶] The investigation team went and conducted a search warrant and had a lot of items in evidence, everything clearly on the return of the search warrant. Your Honor, we are now down to this crate of evidence which is photographs and these tapes, Your Honor.

[21] **The Court:** Are those -- are those all the things that you took from her place or---

[23] **Ms. Weiss:** No, Your Honor.

[24-25] **The Court:** ---are those the things that you're contending you should have a right to keep?

[page 58, lines 1-2] **Ms. Weiss:** These are the -- we have returned everything to Dr. Faltas other than this.

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

[4] **Dr. Faltas:** That's---

[5] **Ms. Weiss:** So she's been returned---

[6] **Dr. Faltas:** That's not true. I'm sorry. Objection.

[7-9] **The Court:** That's not -- that's not an objection. She's speaking, and you'll have a chance to speak when she's through.

[10] **Dr. Faltas:** I apologize.

[11] **The Court:** No problem. Go ahead.

[12-23] **Ms. Weiss:** Thank you, Your Honor. The items that we are retaining that we've gone through - and I know this was something Dr. Faltas had an issue with - I went over to the City of Columbia to go through what everything was, because I knew they had been hearing Dr. Faltas's objections, and so I wanted to see what everything was. And Mark Sawyer was invited, if he wanted to come look and see, just because it's the first time we're looking at evidence to come look, but it was not a -- we did a separate meeting where we went through all the evidence with Dr. Faltas. These are disks that have all the photos, as far as we could tell all the photos involving the witnesses.

[24-25] **The Court:** Do you contend that that's part of the State's evidence in the case?

[page 59, line 1] **Ms. Weiss:** Yes, Your Honor.

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

[3-15] **Ms. Weiss:** There are photos in here that were taken of the victims in this case as well as the other case that's pending, so that's why we have kept these. These tapes -- Dr. Faltas has -- she had numerous copies of -- **there were two court hearings involving these victims. There was the restraining order hearing and an eviction hearing.** [¶] She had numerous copies of those tapes. Obviously **I was not aware of those until we had them.** So because they are obviously possible impeachment, just as Dr. Faltas said, because witnesses were on the stand, **I kept, on behalf of the State, one copy of the eviction and one copy of the restraining order so that I could hear those tapes and see if there was anything---**

[16] **The Court:** Well, has she been provided a copy of it?

[17-18] **Ms. Weiss:** She has been provided the other copies. I think there were---

[19-20] **Dr. Faltas:** No. No, Your Honor. I'm sorry. I'm sorry.

[21] **Ms. Weiss:** ---approximately---

[22-23] **Dr. Faltas:** I'm sorry. I'm sorry. She's talking -- misrepresenting---

[24 to page 60, line 1] **The Court:** Well, you'll get an opportunity to explain in what way she's misrepresented when you get your opportunity to talk.

[2-3] **Dr. Faltas:** I'm sorry. I apologize for the comment. I keep forgetting.

[4-6] **The Court:** Well, just remember that when she's talking, it's not -- it's not a debate in which you get an opportunity to -- stay right there.

[7] **Dr. Faltas:** I'm sorry.

[8-11] **The Court:** It's not an opportunity for you to interject anything that you disagree with her -- what she's saying. When she gets through talking, then I'll recognize you and it will be your turn.

[12] **Dr. Faltas:** Your Honor, facts are facts. I'm sorry.

[13 to page 62, line 13] **Ms. Weiss:** Thank you, Your Honor. Then there are several tapes that are recordings of voices, and a lot of those are repeats of themselves where, from the best I could tell, Dr. Faltas just keeps a recorder going in her apartment so she can record anybody coming to apartment or when she's yelling out the window or anything along those lines. I think sometimes she even carries one with her possibly in her pocket because it's -- conversations that occur around. [¶] In going through these, there are clearly some that are going to relate to the other case, but as far as this case, we made copies for Dr. Faltas of the tapes that involved Teresa Ingram or that we could tell might involve Teresa Ingram. I believe there are three tapes that possibly involve that, and then we have copies of those so she would have would have that. And also I was provided with a tape in Dr. Faltas's grievances against myself. She provided tapes. In at least one of those tapes the restraining order hearing as well as one of those tapes was included with her grievance against me to disciplinary counsel. So I know she provided those tapes to me before I ever knew about these tapes or ever had a chance to look at these tapes. So -- and I explained to Dr. Faltas she said a concern she has is that she has them set up in a certain way so she knows how to find things on these tapes, and she will have full access to these during the trial. If she needs them for any reason, if she understands where things are on these tapes any better than the ones we've copied for her, she has full access to them, but they are at her disposal for the trial, just as they are for the State. [¶] The photographs are photographs -- we tried to ferret it out. This becomes a little bit more difficult, Your Honor. [¶] We have given Dr. Faltas a copy of every one of these disks. [¶] Every picture that we intend to use in this case is on one of these disks. We've given her all of these which obviously contain many more pictures than just the ones involving this case, but every picture we intend to use in the case -- in this case is on these disks, and she was given a copy of every one of these disks. [¶] She was also given the opportunity to go through all these photographs. As far as we can tell, the majority of these photographs involve Dinah Steele-Mason or Tere-

sa Ingram who are the two victims in the two cases that we have against Dr. Faltas. She has there are thousands of pictures in here, Your Honor. A lot of them are repeats of the same thing, and I can just tell you, you know, I have not gone through and kind of separated out one from the other. [¶] She is welcome -- she was given the opportunity -- we sat down and met with her so that she could go through these photos and these tapes, and she will have again full access to these. Obviously they're in the order that she---

[14-15] **The Court:** What do the photographs have to do with this trial?

[16 to page 63, line 13] **Ms. Weiss:** They are photos of the victims in this case, Your Honor, and the other residents at the apartment that Dinah Steele-Mason is the landlady for. *So the majority of these photos I will admit there are some photos in here that may not be tied into this specific case, and I'll be happy to release these -- release those once -- at the end of the trial once we know what we're going to use.* I just have not had the opportunity to go through the thousands of pictures and pull out several -- you know, the ones ... [¶] We have them separated. She was released I believe numerous photos that we knew were not related to either of these cases, so she has gotten several back. But these are the photographs -- these -- we have ferreted everything down to these that we believe have relevance, the majority of which are relevant to this case. [¶] I think it's important for the jury to see in the State's case, I mean, just the numbers of copies of pictures that she has of these same people. So that is what we have. [¶] I mean, we have returned, I mean, boxes and bags back to Dr. Faltas, and she has had the opportunity to go through this. [¶] She can have more opportunity to go through this now that we are at trial, but this is all that we have left of the photographs.

[14-15] **The Court:** Is part of the alleged harassment charge the taking of photographs of people?

[16-20] **Ms. Weiss:** Yes, Your Honor. That is -- obviously the taking of photographs in and of itself is not the violation of the statute, but it's the way that Dr. Faltas went about her actions accompanied with the photographs that led to the harassment in this case, Your Honor.

[21] **The Court:** All right. Dr. Faltas?

[22 to page 64, line 1] **Dr. Faltas:** I'm sorry, Your Honor. If this is not lying, I don't know what is. She met with Mr. Sawyer and me, and previously she met with Mr. Sawyer in my absence which I have requested that that does not happen. There was no reason for it to happen.

[2-3] **The Court:** We've addressed that issue of meeting -- of no meeting with Mr. Sawyer concerning your case.

[4 to page 66, line 3] **Dr. Faltas:** Thank you, Your Honor. She specifically said that she literally gave to me two sets of the three sets that I have of the hearing in which the people testified and gave inconsistent statements and I -- first of all, she has no right to even keep a set; that's my property. That is recordings of a court case. [¶] There is no theory of law where it can remotely come under one of the five items that allows search. It's not stolen. It's not embezzled. It's not drug paraphernalia. It's not used in the commission of a crime, and it's not evidence of a crime, that I went to a court hearing and obtained recordings of it from the court and then copied them for my own use. There is no reason for them to have taken them to begin with. [¶] So now not only have they taken them. They have -- they have refused to return them to me and they told lies. She said that if I came the next day when the evidence person was on duty, I could have at least two sets back. When I went, the evidence person said, no, they changed their mind; they are keeping them. [¶] They have no right to take them in the first place; that's my property. If she wanted to use any of it, she can make a copy. She's had them for 90 days. I need them for impeachment. And then she said, "Well, tell me: How will you use them for impeachment?" Excuse me? I'm not supposed to reveal my trial strategy to her. [¶] Besides, I may not even know which part I am going to use for impeachment until they say something inconsistent. So this is a lie. She did not release anything to me from the court hearings. There are tapes where she did not give me any copy. Besides, I'm objecting to her trying to separate the two cases Judge Cooper specifically ordered, and she had agreed that she would try the two cases together if it goes to trial. I still hope Your Honor keeps an open mind about the statute being unconstitutional, and we haven't argued yet. [¶] But this is armed robbery under -- and then she says that we didn't know if there is going to be evidence of harassment. Well, excuse me. The Constitution of the United States, the Fourth Amendment, says probable cause and Article 1, Section 10 of the South Carolina Constitution says there has to be particularized ... [¶] The warrant said: Go get all tapes in her apartment and in her car. All tapes. No probable cause that there is a tape that applies to one of the only five -- five seizable items under South Carolina search statute. And then she admitted -- she said, "We didn't know what we were going to find." Well, that's exactly, number one, the general warrant. That's precisely the Fourth Amendment, and the agents of the King George used to do it. That was exactly---

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

[5] **The Court:** Objection is what?

[6-10] **Ms. Weiss:** Your Honor, if she's challenging the search warrant, I think that would be a separate motion. Obviously we'd have to put up testimony as to the search warrant, and we're prepared to do so at the appropriate time, but I don't know if that's the motion before the Court at this time.

[11-12] **Dr. Faltas:** I am challenging the search warrant. I am challenging the search warrant.

[13] **The Court:** Anything else regarding the discovery issue?

[14 to page 68, line 15] **Dr. Faltas:** Yes, Your Honor. The pictures, she did not give -- she doesn't get to keep my pictures. These are my property. If she wants to copy some of them, she can, but she needs to return the original to me. She did not give me anything except very poor copies. [¶] Besides, I need the others for impeachment. If for nothing else, I need to say: Well, look, you claim that I was following them all over town and taking thousands of pictures of them. Did you find thousands of pictures? [¶] Number two: Is any single picture taken other than outside my apartment in the common area and of people doing something to me like threatening me or photographing me or smoking at me or taking my property from my own door? I have a full right to document that by photograph, and that is in Title 42 of the United States Code Section 1981. Of the enumerated civil rights is the right to give evidence and to acquire evidence, and the photographing is acquiring evidence, number one, in my civil lawsuit. Number two, to defend myself against false charges that they started making against me back on March 14th and March 12th as soon as they discovered that I had had bought that land; mother and I had bought that land. [¶] Then she did not return my computers at all, and there are many other things that she did not return. This is my property. There is no theory under which it should have been searched and seized. There was nothing particularized, but this is a lie. A lie. She did not return to me any, any, any copies of the -- of the eviction hearing, let alone all of them. She has them -- she has them here or she told Blanton to keep them -- to keep them back in the evidence room and not bring them to the court. [¶] But what I have -- and we can call the evidence room person or we can call Blanton here because the evidence room person called Weiss, and Weiss said: No, we changed our mind; we're keeping them. This is not only oppression; this is armed robbery. And I think the Court should be about sanctioning, not allowing, it. It should punish it, and it should punish it by dismissal. [¶] I have not had the chance to prepare anything because I have had all versions of my tapes of that three-day hearing taken away from me for 90 days now and I need them. I need all of them. She had ample time to copy them. And I also need my pictures in the quality that I spent time and money in getting them printed because some of the ones that she's not choosing are impeachment evidence, exculpatory evidence, by the sheer fact that not one of them is of me following somebody or blocking somebody to get the picture. All the pictures are of other people going through the other exits. [¶] So that's my property. I need it, and I don't think I'm going to get a fair trial for it, and it was illegally obtained to begin with. And also the computer is exculpatory.

[16-17] **The Court:** All right. Ms. Weiss, what about her computer?

[18-20] **Ms. Weiss:** Your Honor, the computer was signed out to her, gosh, how many weeks ago? Weeks and weeks ago, Your Honor.

[21-22] **Dr. Faltas:** Not weeks. I'm so sorry. I'm so sorry. I apologize.

[23] **The Court:** The computer was returned.

[24] **Dr. Faltas:** No.

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

[page 69, line 1] **Dr. Faltas:** No.

[2-3] **The Court:** The State contends that the computer was returned.

[4 to page 71, line 3] **Ms. Weiss:** Your Honor, the process by which evidence is returned: It's in the evidence room. Investigator Blanton is the -- basically the investigator that has control over the evidence. Investigator Blanton goes and signs out saying: This property may be released to the defendant in the matter. And that has been done on the computers. It was done weeks ago. It's been done on tapes, disks, photographs. There -- it been signed on numerous pieces of evidence. [¶] Dr. Faltas, just to tell you a little bit, went down there when I said in a hearing, I think in front of Judge Cooper weeks ago, that the computer has been released. She went down to the City of Columbia, saw that the computers were there and said she refused to take them with her. They have been released to her. She has every right to take them, do whatever she wants. She has refused to take them with her. [¶] We were supposed to have a meeting to go through all the evidence at 4:00 last Tuesday when -- at which point we could hand over even more things that are ready to go back to Dr. Faltas because the evidence room is open. They close at 4:30. That will give us 30

minutes to sign over anything that needed to go back to Dr. Faltas, and then we could spend more time going through the evidence. [¶] Dr. Faltas chose to arrive at 4:40 in the afternoon which was after the evidence room had closed. At that time, of course, we couldn't release anything to her, but she went through everything. [¶] The next day Investigator Blanton was in a training class outside of the department all day long, so on Thursday she came back and signed out. She was off but came back just to sign out several pieces of evidence that we had discussed in our meeting - and that would include the eviction case and other things - to Dr. Faltas. [¶] Dr. Faltas has still refused to take the disks. She has been told by my office as well, you know, numerous times that she could go down there. Since the end of last week -- she was told numerous times. She was told, when she came up and asked about it, by my office that she could go down there. [¶] More things had been released, and she could go down and pick them up. [¶] Dr. Faltas has chosen not to take them. The evidence room has even instructed her: You have the right to take this with you or we will send a letter in 30 days. After that letter has been sent by certified mail, we will destroy it. That is the policy of the department. [¶] That property, for all practical purposes, belongs to Dr. Faltas, and she has chosen not to take it. She has chosen for weeks not to take those computers. There's nothing we can do to force her to take it, but we have released it to her.

[4-16] **Dr. Faltas:** Your Honor, I'm sorry. She is not answering straight because they have the document where she signed. They did not sign any of the eviction tapes out to me, and I hope you can make her answer that question straight. Did you sign -- oh, I'm sorry. I should be addressing Your Honor, but please make her answer that question straight. [¶] Did she sign out -- actually sign out any of the eviction tapes to me? Because either she's lying to Your Honor or I am lying to Your Honor. I'm telling Your Honor: I went the next day, hoping to get the eviction tapes, and they said, no, they changed their mind, and they aren't releasing them to me. So if---

[17] **The Court:** How about the computer?

[18 to page 72, line 13] **Dr. Faltas:** The computer, I explained to them that I need the process because they took the computer box, and, in fact, that was discussed with Mark Sawyer and Ms. Weiss before Judge Cooper because it's a 1994 Apple. It can only hook to the monitor that is in my apartment. *I do not know if they have damaged the computer. And they also took a laptop computer, but they didn't have the power cord.* [¶] I did not want to break the chain of custody and did not want to take it and then if it's damaged and they have damaged it, they would tell more lies about me and say, "You damaged it. We gave it to you in good condition." I said, "Let us have a procedure where you bring it to my apartment and I just hook it to the monitor and see if you have damaged it, right there without breaking the chain of custody." They refused to do that. [¶] *But the tapes -- hold me in contempt of court if I am lying to you. I went the next day and they said that they changed their mind. I do not have a single tape from the eviction hearing, not one, and I do not have a single picture, not one, from anything that I took in 2008 or 2009. I do not have a single one, sir.*

[14-15] **The Court:** Are you referring to the recordings of the hearings?

[16-24] **Dr. Faltas:** Yes, Your Honor, and these are court hearings and I don't have any of them. And they should not have seized in the first place and they lied, and if I'm lying, hold me in contempt. And she just lied to Your Honor and I'm sorry. I need them. I need them. I need them, and I need the pictures. She could have made copies of the pictures. The disks that she gave me are unopenable, and they cannot be the same quality that I -- and there is no reason I should go to the expense---

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

[page 73, line 1] **Dr. Faltas:** ---to remake my own property.

[2] **The Court:** Very good.

[3] **Dr. Faltas:** Thank you, Your Honor.

[4-7] **The Court:** All right. On the issue of recordings of hearings, the State says that you have those recordings of hearings because you may be able to use them to impeach her. Did you say that? To impeach her evidence?

[8-14] **Ms. Weiss:** No, Your Honor. It's for all of the witnesses. It's the same -- some of the same witnesses that will be testifying in our trial testified in that trial. So we wanted to listen to it to see what she was holding on to see why it was there and to see what they said under oath. So we'd be able to use it in case -- I mean, she had a copy. We had a copy. It would make it fair for impeachment.

[15] **Dr. Faltas:** I don't have a copy.

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

[17] **Dr. Faltas:** I don't have a copy. That's ...

[18-20] **The Court:** I am ordering the State to return to Dr. Faltas the recordings of hearings. I do not believe that the State has a right to retain that property.

[21] **Ms. Weiss:** Okay.

[22 to page 74, line 2] **The Court:** All the other evidence that was discussed will be made available through the course of the trial, but I'm not ordering the release of any additional copies of any other material other than the recordings of the hearings. [¶] Now, do we have to release them to her through some evidence room or something?

[3-5] **Ms. Weiss:** That would be the proper way to do it, for the evidence room to release it. Obviously it's after 4:30 at this point.

[6-7] **The Court:** All right. Well, I'm going to order that it be released directly to her in the courtroom.

[8-9] **Dr. Faltas:** Thank you, Your Honor. Your Honor, I wish to---

[10-11] **The Court:** Despite the evidence policy, I'm ordering that it be given to her from in the courtroom.

[12] **Dr. Faltas:** Your Honor?

[13] **The Court:** Just a moment, ma'am.

[14] **Dr. Faltas:** Excuse me. I also need the tapes---

[15] **The Court:** Just a moment, ma'am.

[16-17] **Dr. Faltas:** I'm sorry. My apologies. This is not all of them.

[18-19] **Ms. Weiss:** Your Honor, at this time I have ten tapes---

[20] **Dr. Faltas:** This is not all of them.

[21] **Ms. Weiss:** ---that I understand to be the eviction tapes.

[22-23] **Dr. Faltas:** These are not all of them. There were 33 tapes.

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

[25 to page 75, line 4] **Ms. Weiss:** Those are all the tapes that I have that are eviction tapes. There are -- there are a whole batch that were released that have been sitting down in the evidence room. Those are not here. Nothing that has been released is here. Those are all the eviction tapes.

[5-6] **The Court:** All right. Those are yours, Ms. -- Dr. Faltas.

[7-14] **Dr. Faltas:** Your Honor, these are not it, and they are lying again. When I went to the evidence room, they said, no, they did not release them. And I'm sorry. They are lying, and I'm not willing to go through a trial if they keep telling lies in the court today. They did not release them. [¶] There is an itemized list and there is a paper signed by Blanton saying what it is she released. They did not release the others. And there are 33 tapes, not just 10. 33.

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

[16-19] **Dr. Faltas:** And I'll show you the itemization because they have not. May I go to my car and get the itemization, if it pleases the Court? Or she has it. Doesn't she have -- doesn't she have the inventory? Doesn't she have---

[20-21] **The Court:** Do you have an inventory of what recordings---

[22] **Ms. Weiss:** No, Your Honor.

[23] **The Court:** ---or hearings were taken?

[24] **Ms. Weiss:** No, Your Honor.

[25] **The Court:** Do you have a return to the search warrant?

[page 76, lines 1-2] **Ms. Weiss:** We do have a return to the search warrant; yes, Your Honor.

[3-13] **Dr. Faltas:** And actually they do have inventory that says what tapes are in which bag, and they gave me a copy of it and it's in my car. Your Honor, this is theft. This is theft, all the 33 tapes and others that have music of Chopin and the recordings of my baby sister's first word and my late father's last words. They had no power to take them. This is theft. They came with guns, with guns, put irons in my hand, a misdemeanor that the officers didn't witness and took them from me. These are armed robbers, just like the ones who stood here, worse than the ones who stood here.

[14-16] **Ms. Weiss:** Your Honor, I have the return, but obviously at the time they didn't have any clue what the tapes were of. If I may approach?

[17] (Ms. Weiss hands documents up to the Court.)

[18-19] **Ms. Weiss:** The majority of these have all been returned.

[20-24] **Dr. Faltas:** No. Don't -- Your Honor, I'm sorry. I'm going to walk out of the courtroom in protest. This is the eighth time she's told lies. Had the tapes. Had the tapes. There are about 200 tapes and they only returned 30 to me, and none of them is of the eviction hearing.

[25 to page 77, line 1] **The Court:** The tapes that you're just returning, are they audiotapes?

[2-3] **Ms. Weiss:** Yes, Your Honor. All videotapes have already been returned.

[4-7] **Dr. Faltas:** No, nothing has been returned. I didn't take the videotapes because they wouldn't let me they wouldn't give me any option to look at them and see if they damaged them.

[8] **The Court:** I'm looking at the -- this return.

[9] **Dr. Faltas:** In fact, I'll show---

[10-11] **The Court:** Ma'am, if you want to have a seat and be quiet.

[12] **Dr. Faltas:** I'm sorry. I'll show Your Honor---

[13-14] **The Court:** I don't want you to show me anything at this time. I want you to have a seat--

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

[16-17] **The Court:** ---and be quiet until I represent -- until I recognize you to speak.

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

[19-23] **The Court:** Item Number 8 on the return indicates two V.H.S. tapes and nine audio cassettes. Number 12 seems to say four audio cassettes. Number 18 says ten audio cassettes, and Number 24 says ten audio cassettes and Number 25 says seven audio cassettes.

[24] **Dr. Faltas:** Seventy-eight. They have 78.

[25 to page 78, line 1] **The Court:** So, Ms. Weiss, which -- which -- what item is that that you've just returned? Item number what?

[2-4] **Ms. Weiss:** Your Honor, I don't know what that came out of. We've basically gotten down to what's left as opposed to everything was pulled from the item -- from the items.

[5-6] **The Court:** What are those other audiotapes that you have there?

[7-8] **Ms. Weiss:** These are tapes of Dr. Faltas talking recording people at her apartment involving this case!

[9-10] **The Court:** All right. That's one stack. What's the next one?

[11-14] **Ms. Weiss:** These are the same. A lot of these are copies of -- those are the same things. Copies of the house. This -- this has bits of a hearing on it, Judge Hudnell, but I believe---

[15] **The Court:** What kind of -- I didn't understand.

[16-18] **Ms. Weiss:** I said it's a hearing with Judge Hudnell. I'm not sure ... It has some other things on it, too. It has part of that as well.

[19] **The Court:** So that's a magistrate's court hearing.

[20-21] **Ms. Weiss:** It has part of that on it - yes, Your Honor as well as other things, but I can return that as well.

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

[23 to page 79, line 6] **Ms. Weiss:** These are more people being recorded at the house. This is the restraining order which I'll return. [¶] This is the -- this is officers talking. This is conversation at the house. This is the end of the eviction trial. In the last part it mentions Steve. This is central court and recordings from her home. This mentions Judge Womble's name, so I assume it has a part of the hearing on it. I'll give that back to her as well. I don't know what that is.

[7] **The Court:** How many additional tapes is that?

[8-9] **Ms. Weiss:** That is one, two, three, four, five, six, seven, eight, nine, ten.

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

[11-13] **Dr. Faltas:** Your Honor, may I say: If she leaves those things in the green crate, there is a container that was full of tapes.

[14] **Ms. Weiss:** It's right here.

[15-16] **Dr. Faltas:** No. No. No. Don't play games. If this is---

[17-19] **Ms. Weiss:** Your Honor, I don't appreciate being spoken to or pointed out in that way, Your Honor. This is a courtroom.

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

[21-22] **Dr. Faltas:** Would you please lift those envelopes? Lift those envelopes that are on the top of the green crate.

[23-24] **The Court:** Do you have additional tapes in the green container?

[25] **Ms. Weiss:** No, Your Honor, we do not.

[page 80, lines 1-5] **Dr. Faltas:** Okay. There was a whole crate. There was a whole crate that used to -- that had tapes in it that they didn't return to me and Mr. Sawyer saw it, and there was also a whole box that had other tapes that they didn't return to me, Your Honor.

[6-8] **The Court:** All right. Well, Ms. Weiss, the tapes that you now have in that stack which consists of how many -- how many tapes are there in that stack you have there?

[9-10] **Ms. Weiss:** One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve.

[11-13] **The Court:** And are those 12 tapes all -- do they all involve photographs of the people that may be used as evidence in the trial?

[14-16] **Ms. Weiss:** These all involve recorded conversations of people that may be -- may be used in one of the two trials; yes, Your Honor.

[17] **The Court:** They are recorded conversations.

[18] **Ms. Weiss:** Recorded conversations.

[19] **The Court:** But they do not involve---

[20] **Ms. Weiss:** These are not court hearings.

[21] **The Court:** ---hearings of transcripts.

[22] **Ms. Weiss:** No, Your Honor.

[23-25] **The Court:** Well, that's the extent of the evidence that can be used during the course of this trial, and that's the extent of this discovery order regarding that issue.

[page 81, lines 1-2] **Dr. Faltas:** Your Honor, I need copies of them. I don't have---

[3-5] **The Court:** I'm not ordering anything additional with regard to this hearing. All evidence will be made available during the trial.

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

[7] **The Court:** If there is a trial.

[8] **Dr. Faltas:** Exception, Your Honor.

[9-11] **The Court:** All right. That's that motion. The next motion is to quash the indictment and on the basis of the statute being unconstitutional. Ms. Faltas.

[12] **Dr. Faltas:** Thank you, Your Honor.

[13] **The Court:** Dr. Faltas.

[14-17] **Dr. Faltas:** Thank you, Your Honor. And actually before I get to that, the indictments themselves are inappropriate for several reasons. It appears that the grand jury foreman is a tenant of Dinah Steele.

[18-21] **The Court:** All right. Let's clarify that issue. Who is the foreperson of the grand jury? And it's a true-billed indictment. I cannot read the signature of the foreperson of the grand jury.

[22-23] **Dr. Faltas:** It says John Johns or John Jones or John Johnson.

[24 to page 82, line 3] **The Court:** Well, we don't know who it is because your motion references various names of the grand jury foreperson. [¶] I need a court official who can tell me the name of the foreperson of the grand jury to clarify whether that person is a tenant of the alleged victim.

[4-5] (An off-the-record discussion takes place between the clerk and the Court.)

[6-7] **The Court:** Richland County must have the information on the foreperson of the grand jury.

[8] **The Clerk:** Certainly, Your Honor.

[9-10] **The Court:** The date of the January -- the true bill was January 14th, 2010. So it---

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

[12-13] **The Court:** ---would be the current grand jury foreperson.

[14-17] **Ms. Weiss:** I can tell you as an officer of the court that the foreperson is Jason Johnson, and he does not live at Byron Road, but if that does not suffice, I can have -- I'm sure the clerk's office has a list or ...

[18-19] **The Court:** Well, is Jason Johnson -- do you have a problem with Jason Johnson?

[20 to page 83, line 1] **Dr. Faltas:** Yes. He may be related to John Johnson, but I need to see -- I'm sorry. I'm not -- I don't believe -- she has not proven -- I'm sorry. Your Honor may be have some reason to trust her, but I have every reason to mistrust her. And, besides, somebody may be the tenant, but they may have other addresses. So but, yes, we do need somebody to get that---

[2-3] **The Court:** Well, the basis for your motion was that the---

[4] **Dr. Faltas:** That's one. That's one.

[5-11] **The Court:** ---was that the person was a Jones who was a tenant at the residence of the victim, and it appears that the foreperson is not the person that you think is a tenant of the victim. Now you're speculating that it might be someone who may be related based on those having the last name Jones and someone lives at the apartment by the name of Jones, and that's too speculative for the Court.

[12] **Dr. Faltas:** Well, that---

[13-16] **The Court:** I accept Ms. Weiss's representation that the foreperson of the grand jury's name is Jason Jones. If that's not true, then that certainly will be exposed in due time.

[17] **Ms. Weiss:** I believe it's Jason Johnson.

[18] **The Court:** Jason Johnson.

[19-21] **Ms. Weiss:** We'll get the official name, but I know -- I know for a fact that it's not the person that is Mitch Jones that lives at Byron Lane.

[22] **The Court:** All right. So---

[23] **Ms. Weiss:** I can tell that you.

[24-25] **The Court:** ---having heard that issue, I don't believe that is an issue of any significance.

[page 84, line 1] **Dr. Faltas:** All right.

[2] **The Court:** We'll move to the next one.

[3-5] **Dr. Faltas:** Yes, Your Honor. There are several other issues on the indictment. Number one, there is no Dinah on the Dinah Steele-Mason indictment.

[6] **The Court:** There's no what?

[7] **Dr. Faltas:** There is no Dinah Steele-Mason.

[8] **The Court:** Dinah?

[9-14] **Dr. Faltas:** There is no person by the name of Dinah Steele-Mason. There is no person by that name, and this is not a matter of semantics. I could information of hers being one Dinah Steele-Mason and Larry Curly for creating Dinah Steele. The indictment has to protect somebody from double jeopardy. It also has to---

[15-17] **The Court:** The indictment called for trial, according to Ms. Weiss, is The State versus Teresa Ing -- involves the alleged victim, Teresa Ingram.

[18-21] **Dr. Faltas:** Okay. There is another one and that's what I'm saying. Judge Cooper ordered that both cases be tried together and both -- and I need both cases to be tried together.

[22 to page 85, line 4] **The Court:** Judge Cooper is not presiding and I'm that's an issue before this Court. In this state the solicitor has the discretion of calling matters for trial, and the State has elected to call this indictment for trial. [¶] The issue that you may have involving -- I'll hear them all now to determine whether I can make an independent assessment of it, but I'm not ruling based on your representation to me of what Judge Cooper decided.

[5] **Dr. Faltas:** Oh, the reason---

[6-7] **The Court:** Because Judge Cooper is not presiding here today.

[8] **Dr. Faltas:** Oh, but -- but---

[9-10] **The Court:** This is my courtroom, not Judge Cooper's. We went through that, introduced by you.

[11] **Dr. Faltas:** I understand.

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

[13-15] **Dr. Faltas:** I'm saying before it was assigned to Your Honor, the order assigning it to Your Honor assigned both cases to Your Honor.

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

[17] **Dr. Faltas:** And assigned them for trial for this week.

[18] **The Court:** Right.

[19] **Dr. Faltas:** And that's an order that---

[20-21] **The Court:** I independently will determine what's to be tried, not Judge Cooper.

[22-23] **Dr. Faltas:** All right. All right. All right. If that is---

[24] **The Court:** Very good.

[25 to page 86, line 17] **Dr. Faltas:** So then -- then, Your Honor, the indictment is way too broad, way too un-specific. In fact, it has a period that is totally too broad for me, number one. It says two or more acts. I have no idea whether I will be charged with two acts or two hundred. And then it has a very broad time limit and the last item is: And/or other acts. For Heaven's sake, what does that mean? That is too vague and it does not protect me from double jeopardy. [¶] I could get acquitted, and then I could get arrested again saying, no, these weren't the two acts that were on the face of the indictment. So this is the indictment and the warrant has to -- has to fulfill three functions, and this is protected by the Sixth Amendment to the United States Constitution. I need to know the nature of the charge. That's in the Sixth Amendment. I have no idea what "and/or other acts" means, and I have no idea the number of the acts or the specific dates of them. So I cannot formulate a defense, and that's also in the Sixth Amendment.

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

[19-25] **Dr. Faltas:** And then, as I said, the time period is way too broad. Normally an act occurs on a certain date and a certain time, but something between this -- this is totally nonspecific. And then -- and then the statute is unconstitutional and I wish to argue that, but does Your Honor wish me to argue the unconstitutionality of the statute now or to---

[page 87, line 1] **The Court:** We'll first hear about the indictment.

[2] **Dr. Faltas:** Pardon?

[3-4] **The Court:** I said we'll first hear about the State's response to the---

[5] **Dr. Faltas:** Thank you, Your Honor.

[6-7] **The Court:** ---the nonspecific nature of the indictment and what she's alleged to have done and when.

[8-23] **Ms. Weiss:** Thank you, Your Honor. Harassment in the first degree by statute is a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress. [¶] According to the indictment that you have before you, we have outlined that Marie Assa'ad Faltas did in Richland County on or between February 2009 and November 2009 ... [¶] Harassment in the first degree is obviously different than most statutes where it's not a single act. It has to be more than one act that occurs and it has to occur clearly over a -- well, it could occur in one day or over a period of time. [¶] Typically harassment is going to occur over a period of time, and in this case it occurred between February 2009 and November 2009.

[24] **The Court:** Let me stop you just one moment.

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

[page 88, lines 1-2] **The Court:** Mr. Truitt, do you have any information on who the foreperson of the grand jury is?

[3] **Mr. Truitt:** Yes, I have it right here, sir.

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

[5] (Mr. Truitt hands up a document to the Court.)

[6-7] **The Court:** Joel E. Johnson, Jr. Joel E. Johnson, Jr., who is from Northeast Columbia. 29223.

[8-9] **Dr. Faltas:** If I may say so, it was not a Jason, as Ms. Weiss represented.

[10-12] **The Court:** You're correct. Joel E. Johnson, Jr. It wasn't a Jones as you represented, so that's why I had the officer to come to be certain.

[13] **Dr. Faltas:** And -- and and ---

[14] **The Court:** She doesn't get disqualified for saying---

[15] **Dr. Faltas:** No, I understand.

[16] **The Court:** ---Jason instead of Joel.

[17] **Dr. Faltas:** I understand.

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

[19-22] **Dr. Faltas:** But -- but just so Your Honor knows, there is a tenant called John Jones and a tenant called John Johnson, and I didn't know which one, but it seemed that it could be either of them and---

[23-24] **The Court:** But it turns out it's neither or neither (different pronunciation) .

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

[page 89, line 1] **The Court:** All right. Okay. Thank you.

[2] **Mr. Truitt:** Yes, sir, Your Honor.

[3-4] **The Court:** All right. Ms. Weiss, you know, I've read her motion and I know what the statute says.

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

[6-17] **The Court:** The question that I have in my mind, based on Dr. Faltas's argument, is -- and in some jurisdictions there's something called a bill of particulars where a state must state with particularity the criminal activity that a person is accused of committing. When did they commit it? Where did they commit it? What did they do? [¶] Otherwise, how can you -- how can you defend a case if you don't know what specifically you are accused of doing, when you're accused of doing it, where you're accused of doing it, how you're accused of doing it? So what is it that she -- what is it that Dr. Faltas is accused of doing? Do you have any particulars: Some dates, times, places?

[18 to page 91, line 1] **Ms. Weiss:** Your Honor, we do have particulars. Obviously the indictment -- the purpose of the indictment is to put Dr. Faltas on notice for the statute she's being called to bar to answer as well as to give her the elements of the offense and to make sure that the Court knows what judgment to pronounce. That is the purpose of the indictment, and that is in *State v. Means*. So I believe that the indictment passes that. There are particulars. Dr. Faltas has been provided with discovery which is the means through which we lay out the particulars

of everything that we plan to go through. She has been told that during this period of time she has done at least two or more acts intentionally, substantially, and unreasonably, intruding into the life of Teresa Ingram, to include repeatedly following and/or surveilling and/or making unwanted contact and other activities serving no legitimate purpose, and that's exactly what she's done during this period of time. [¶] She has repeatedly and unhaltingly (verbatim) made repeated contacts. It would almost impossible for us to state -- to lay that out in the indictment, and that's why the case law in the State of South Carolina it's found in *State versus Tumbleston*. You do not need specific days. In that case specifically it was a range of three years with no particulars, just saying that acts occurred during three years. [¶] In this case it's merely months that those acts occurred. **Dr. Faltas is put on notice that she -- that the State alleges that she followed Teresa Ingram, that she surveilled her, and she made unwanted contact as well as other activity that served no legitimate purpose. That is what the State is holding Dr. Faltas to at bar for harassment in the first degree, and that's what we intend to prove in the case.**

[2-13] **The Court:** You know, you've given Dr. Faltas discovery, but me here listening, it's still I still have no clue as to what she is accused of doing. If she lives in the same apartment complex with someone and she's accused at some point over a nine-month period of following that person, taking a photograph of that person, making a person feel uncomfortable or surveilling, looking at whatever your surveillance means that you're talking about or making unwanted contact by speaking, waving to, whatever, and it's over a period of from February to November, I guess that's a period of nine months. Some way somehow you have to be more specific than that as to what she's accused of doing.

[14] **Ms. Weiss:** Your Honor---

[15-22] **The Court:** Otherwise, she's correct. How can she defend herself if she doesn't have more of a clue of what you are when you're accusing her of doing these things, where, and how? There must be some more specifics, not necessarily to -- for the indictment itself to be a valid indictment that does not have to be quashed but for her to -- but for due process purposes where she would have sufficient notice and an opportunity to defend herself.

[23 to page 92, line 2] **Ms. Weiss:** Yes, Your Honor, I agree, and that would be the purpose of discovery. In discovery Dr. Faltas has been given the report where she allegedly followed Teresa Ingram and her boyfriend down the road. The police were called. She was informed of that. She was informed---

[3] **The Court:** That gives a specific date, time and place?

[4] **Ms. Weiss:** It does. Yes, Your Honor.

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

[6-7] **Ms. Weiss:** She was also given information about the time that she threw rocks---

[8] **Dr. Faltas:** No. No. No.

[9] **The Court:** Dr. Faltas.

[10] **Dr. Faltas:** I'm sorry.

[11-14] **The Court:** I know you're sorry, but that doesn't matter that you're sorry. You're still -- it's contemptuous to blurt out anything in court without being recognized by me. Go ahead.

[15-25] **Ms. Weiss:** Thank you, Your Honor. Where she threw rocks at the victim in front of her friends. It is also in the discovery a very specific statement by the victim where she contacted law enforcement -- it's in the discovery. **She contacted law enforcement accusing the victim of being a prostitute in front of her --** questioned her friends as they came, basically surveilling the comings and goings of the victim and her friend, questioning them as to their comings and goings and their reasons for being there, telling them they had to leave, taking pictures and -- of children to the upset of the victim as well as her friends that were there.

[page 93, lines 1-2] **The Court:** Taking pictures of guests at the victim's house or ...

[3-14] **Ms. Weiss:** Yes, Your Honor. The victim and the defendant -- there are two quadraplexes that are next to each other, but they do not live in the same quadraplex. So this is not a place where there's any reason that Dr. Faltas should have any contact. She was actually at one point put on a trespass order from the separate building because of this type of contact. She is in a separate building. Her comings and goings could be totally separate from the victim. [¶] She has made it her business to come over there, interrogate her guests, take photos, **and we're talking close to a hundred photos just of the victim, her guests, her car, her comings and her goings, just surveillance---**

[15] **The Court:** Why doesn't she like your victim?

[16] **Ms. Weiss:** Why doesn't she like my victim?

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

[18-23] **Ms. Weiss:** It is the State's -- it's the State's belief that she doesn't like my victim because my victim would not assist her in her plot against other people that she has sued. She asked her to testify for her. When she said, "That's not my problem; I'm not in that," she then turned and began targeting my victim.

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

[25 to page 94, line 9] **Ms. Weiss:** So she has called the police on my victim as well as her friends, had law enforcement come out. I mean, some of the recordings talk about where she's telling law enforcement my victim's a prostitute, asking them to investigate her. **She is a lawfully, gainfully employed individual** who is trying to live in peace at her apartment and can't because of the comings and goings and surveilling, and unlawful intrusion into her life that Dr. Faltas has done on a repeated basis between February and November of 2009, escalating the latter part of those dates.

[10-12] **The Court:** And so those -- and those are the things that you intend to present to the jury as part of your case in chief as to what constitutes harassment.

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

[14] **The Court:** Involving this victim.

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

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

[17] **Dr. Faltas:** Your Honor?

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

[19 to page 95, line] **Dr. Faltas:** First of all, the indictment has to serve a purpose which is to protect from double jeopardy; this indictment doesn't. In addition, this has been a moving target. In the warrant they said four things. They said blocking them in and assaulting the victim. When I proved that it's physically impossible for me to have blocked them in because there are two exits and that the pictures show they were the ones blocking me in, they took that out from the warrant. [¶] And then this throwing of rocks is actually the -- Investigator Blanton suppressed the fact that she herself noted that the alleged victim has reported different things at different times about the same incident. So she had doubts about the veracity of the victim, of the alleged victim. [¶] And then the most important thing that they suppressed is that before there were any calls -- and notice Ms. Weiss was objecting to my making the argument about her being a prostitute; and now she's saying that I should go to prison because I think she's a prostitute. The prostitute should not be investigated. I should go to prison for thinking that she is a prostitute! [¶] But in any event, what is important is that they lied about one very important actually three very important things. Number one: On February 15th, 2009, this very person who alleges herself to be a victim of me called police and said that one of her ex-boyfriends was threatening to kill her.

[22] **Ms. Weiss:** Your Honor, I object.

[23-24] **Dr. Faltas:** No, this is very important. Your Honor. It is very important because --

[page 95, line 25 to page 96, line 1] **The Court:** First let me hear the objection. Then I'll hear why it should---

[2] **Dr. Faltas:** I apologize.

[3] **The Court:** ---why it should be---

[4] **Dr. Faltas:** I apologize.

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

[6-9] **Ms. Weiss:** Thank you, Your Honor. I believe Dr. Faltas is getting into the merits of the case which I'll be more than happy to try it over the course of the week, but I would just ...

[10-15] **The Court:** Yeah. Yeah. The truth or the falsity of the allegations are not before me at this time, as it wouldn't be for me to decide. It would be for the jury. So whatever you're trying to convince me of now as to what's true and what's not true is what you should be focusing on with the jury.

[16-24] **Dr. Faltas:** What I'm trying to convince you, Your Honor, is that both the officer, before presenting the warrant, should have put up the exculpatory information and the prosecutor as the minister of justice should have looked at the exculpatory information, and the exculpatory information is that this alleged victim was bringing to this area, to the common area that affects all people who live there, very dangerous men, men whom she reported to the police for having threatened to kill her.

[page 96, line 25 to page 97, line 5] **The Court:** Yeah, but those are -- those are -- that's your defense to the allegation that what you were doing had a legitimate purpose, where this warrant says that you were engaging in activity serving no legitimate purpose. You're now arguing to me that if you did it, did whatever she's saying, that it served a legitimate purpose.

[6] **Dr. Faltas:** First of all---

[7-8] **The Court:** As protecting the public from unwanted visitors and to this apartment complex.

[9] **Dr. Faltas:** Protecting myself and and---

[10-12] **The Court:** Well, that's a defense to the warrant. That's not -- that's not an argument on the validity of the indictment.

[13] **Dr. Faltas:** No, it is. May I -- may I--

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

[15-18] **Dr. Faltas:** May I explain why? First of all, she claims discovery -- it says repeatedly for one. Discovery has only one allegation of one instance of following which is false at that. So it's one, not many, not repeatedly.

[19-22] **The Court:** Well, again, that's your -- that's your argument to the jury. That's not -- that's -- you're claiming that what she is trying to prove that she is not going to be able to prove.

[page 97, line 23 to page 98, line 6] **Dr. Faltas:** No. I'm saying that I need to know what date because when it says repeatedly, it needs to show what date, and she says that she did it in discovery. And then the most important thing is: What does "other acts" mean? [¶] Your Honor, you cannot say that just because there is a statute that's vague would even go to compound the unconstitutionality by putting in the indictment "other acts" and then at trial we'll just throw in any acts. I still don't know what "other acts" means.

[7] **The Court:** Other you mean other activity?

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

[9-10] **The Court:** Other activity serving no legitimate purpose.

[11] **Dr. Faltas:** Yeah. I don't know what that means.

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

[13-18] **Dr. Faltas:** That is -- that makes the indictment void on its face, just as the statute is void on its face for several reasons. The taking of pictures is protected by the First Amendment because there is no allegation that I broke into her apartment or anything. The statute says the private life.

[19-23] **The Court:** All right. Again, that addresses the merits of the case and your defense to those things. Let me ask Ms. Weiss this, the part about blocking in that you stood when Ms. -- when Dr. Faltas addressed that that as being in the original warrant. Is that still part of your allegations?

[24 to page 99, line 3] **Ms. Weiss:** Yes, Your Honor. I'm sorry; I did leave that out. They reminded me as well. I didn't have the list in front of me, but she did also block in the victim as well as her family and friends, and we can go into it as we get into the trial--

[4-5] **The Court:** Do you have the dates and times of these activities or most of them or any of them?

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

[7-9] **The Court:** All right. Can you read those into the record so Dr. Faltas can take some notes on when these dates--

[10] **Ms. Weiss:** Your Honor, these are all in the--

[11] **The Court:** --and times--

[12] **Ms. Weiss:** --discovery that she has.

[13-18] **The Court:** --and activities ... Well, I want to review them because during the course of the trial if the State if this is what the State is disclosing, the State won't be able to find other activities in your case in chief and supplement ... It's going to be based on what you disclose to be the evidence of the crime.

[19-22] **Ms. Weiss:** Okay. Your Honor, am I locking myself into everything I can prove during the course of this trial at this moment? Because I have not made a list at this moment of everything---

[23 to page 100, line 13] **The Court:** Yeah. She needs-- because, I mean, this whole thing is sort of a -- it's not a double-edged sword per se, but it is a -- the nature of this statute that allows the indictment to be based on conduct that otherwise would be -- would be legal activities, then to put the person on notice as to what laws they have violated and some basis that they should have known in advance that the activity that they were engaged in constituted some violation of the law, then I think the State must be specific as to what the alleged criminal acts are or the activities that combine together constitutes a criminal act. And if it's been provided in discovery or if you have it in your file, she needs to know -- know what it is. We just can't put a witness up and say, "Well, what do you think she did to you that constitutes harassment?" We have to narrow that down.

[13-23] **Ms. Weiss:** Your Honor, I think that's a very difficult thing to ask the State to do in a sense that, according to the statute, that anything after she is told not to make contact or the contact is unwanted, any--

thing after that point would be an unwanted contact, unwanted following, surveilling. The problem with asking me to do that is that this case went on to the fact that the victim was afraid to walk out of her own front door because on a regular basis -- I can give you specific dates, but I don't think it's -- I don't think it's something that should be tied down to a limited number of dates.

[24 to page 101, line 13] **The Court:** Well, it has to be. If we had a case here and we've had many today, some -- two guys are accused of robbing the movie store down there. They had to nail down when they robbed the store, what did they do. We had the boy who was accused of lewd act on a minor. They had to nail down when this occurred and where it occurred. [¶] So, likewise, this statute combines a lot of different things. In order to meet the test of due process, in my opinion you must have some -- provide some specificity as to what was done and when it was done, not just, you know, realizing that if this same course of conduct continued over a period of time, then that must be specified. But -- but you have to narrow it down. We cannot have a trial based on the just indefinite activity that otherwise would be legal activity.

[14-17] **Ms. Weiss:** Your Honor, the statute specifically states that visual or physical contact that is initiated, maintained or repeated after a person has been provided oral or written notice that the contact is unwanted or after --

[18-19] **The Court:** I'm not disputing that. I'm saying: When was this done?

[20] **Ms. Weiss:** When was --

[21] **The Court:** When was it done and where was it done?

[22] **Ms. Weiss:** When was what done, Your Honor?

[23] **The Court:** This unwanted visual contact.

[24 to page 102, line 6] **Ms. Weiss:** Well, that's what -- I mean, it was done just about every single day from last spring through November, and that's what -- that's what's unfair about this. [¶] Dr. Faltas was told -- I mean, I can give you some specific dates, but I can tell you just as in *State v. Tumbleston* where the child had been abused over three years, the child couldn't give you a specific day because it was over three years.

[7-9] **The Court:** Well, I completely understand that. In a child abuse case, you're going to have some leeway. We're not dealing with child abuse here today.

[10-11] **Ms. Weiss:** Right. We're dealing with harassment that started when she was told to leave her alone last spring.

[12-18] **The Court:** And every -- every case is going to stand on its own, and my ruling on this case is going to be that you have to specify specifically what she did and when she did it, and if she did it for a period of time, then you can specify that, but we can't -- there cannot -- the trial cannot be based on the scatter-gun approach of just generally saying, "Whenever she saw me, she stared at me."

[19-25] **Ms. Weiss:** Well, it's not that, Your Honor. I've got pictures here. I can show you the pictures where when she came out she took photos. I can't tell you on most of those exactly what date that was, but I can tell you what happened on that day because my victim, along with her friends, can tell you they remember that day, but they have no idea what date that is. That's where I'm getting stuck.

[page 103, lines 1-5] **The Court:** Well, you've given me six different things that she did that constitutes harassment. I need to know what those things are and when they occurred and with sufficient specificity that the defendant is put on notice as to what she is going to be required to defend.

[6] **Ms. Weiss:** Well ...

[7-9] **The Court:** We'll take about five minutes and let you ponder all of that, and we'll be in recess for five minutes, recess as in leaving and not hearing.

[10] **Dr. Faltas:** Thank you. Thank you, Your Honor.

[11] (Whereupon, a short break was taken.)

[12] **The Court:** All right. Ms. Weiss?

[13-15] **Ms. Weiss:** Your Honor, I can give you some dates and, if you'd like to, by in the morning I could have a complete list or I can go ahead and give you what I have now.

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

[17] **Ms. Weiss:** On March --

[18-20] **Dr. Faltas:** May I object, Your Honor? I cannot prepare. It's already way too late and I mean -- I'm sorry. May I explain my objection?

[22-24] **The Court:** No, I know your objection. No, you don't need to explain your objection. I know your objection, that it doesn't give you enough time to prepare, but let me hear what the State has to say.

[25 to page 104, line 4] **Dr. Faltas:** And if I may, if it pleases the Court, they have three items in there: Following, surveilling, and other activity. On the "following" and "serveilling" I need to know specific dates. On the "other activity," I need to know what the other activity is and which date, if at all.
[5] **The Court:** Granted.

[6-9] **Ms. Weiss:** Thank you, Your Honor. On March 25th, 2009, the victim's brother was questioned concerning his being on the property by Dr. Faltas. On September 23rd, 2009, she blocked in the victim's vehicle.

[10-13] **Dr. Faltas:** Objection. I need the name of the alleged brother because this man shows up as a brother and a cousin and I don't know -- I need a specific name at this time. They cannot bring some jack-in-the-box without---

[14-15] **The Court:** Do you have the name of who she's -- of this person's brother or whoever it was?

[16-18] **Ms. Weiss:** Yes. That would be Rodney Ingram, the victim's brother, the same person that was provided on the witness list.

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

[20-22] **Ms. Weiss:** The same person she has a statement from in the discovery. September 23, 2009, she blocked in the victim's vehicle. On September 24th, 2009---

[23-25] **Dr. Faltas:** I'm sorry. You're going too fast. I apologize. I need to write that down, Your Honor. September 23rd, 2009, blocked alleged victim's vehicle?

[page 105, lines 1-4] **The Court:** All right. That's where the clerical services of your standby counsel might prove beneficial in helping you in case you miss some of what she says, but she can't---

[5] **Dr. Faltas:** Well, she---

[6-7] **The Court:** She can't dictate at a snail's pace as you write.

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

[9] **The Court:** Go ahead.

[10-11] **Dr. Faltas:** Trust me, Your Honor. Mentally I'm much, much faster than a snail.

[12] **The Court:** All right. Go ahead.

[13-16] **Ms. Weiss:** September 24th, 2009, Dr. Faltas followed the victim and her boyfriend in their vehicle. September 24th, 2009, in the afternoon she harassed the victim and her friends.

[17-18] **Dr. Faltas:** No. That's -- that's not specific. What did I do?

[19] **Ms. Weiss:** There's an incident report from it.

[20-21] **The Court:** All right. You've given her an incident report---

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

[23] **The Court:** ---of that event.

[24] **Dr. Faltas:** No, she didn't.

[25 to page 106, line 1] **The Court:** All right. If you'll provide another copy of an incident report of that incident today. All right.

[2-10] **Ms. Weiss:** October 9th, 2009, blocked the vehicle in the parking lot -- the victim's vehicle in the parking lot. [¶] October 21st, 2009, she threw rocks at the victim while her friends were out there, also distressing the victim -- the victim's friends and the victim's friend's child. [¶] November 6th, 2009, called the police on the victim's friend for standing in the parking lot. October 23rd, 2009, complained to law enforcement that the victim was a prostitute and asked them to investigate her.

[11] **Dr. Faltas:** October 23rd?

[12] **Ms. Weiss:** Yes.

[13-14] **Dr. Faltas:** So that's the first one time I called her a prostitute?

[15] **The Court:** All right. Go ahead.

[16] **Ms. Weiss:** No, Your Honor.

[17-18] **Dr. Faltas:** Was there another time? Because you're not you're not---

[19] **The Court:** This is not cross-examination.

[20-24] **Ms. Weiss:** Thank you, Your Honor. On or about September 25th, 2009 -- and some of these are not going to be too specific because I have dates that photos were developed as well as some I have dates photos were taken so I can give you close to the right date.

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

[page 107, line 1] **Ms. Weiss:** September 25th, 2009, she---

[2] **Dr. Faltas:** Was there something on October 25th?

[8-17] **Ms. Weiss:** On or about September 25th, 2009, she surveilled the victim while the victim was trying to talk to officers in the parking lot. On or about October 13th, 2009, she took pictures of the victim on the porch, yelling at her, calling her names in front of others. [¶] On or about September 27th, 2009, she was surveilling the victim and her visitors. On or about October 13th and October 11th -- these are all photographs. I've given Dr. Faltas a copy of every photograph I intend to use in this trial, and that's what these reflect. She was surveilling the victim's visitors. [¶] On or about November 4th, 2009, she was taking pictures of the victim's vehicle. Let's see. November 6th and November 4th, there are pictures surveilling the victim and the victim's vehicle as well and---

[18] **Dr. Faltas:** You said November 4th and 5th?

[19-21] **Ms. Weiss:** I said November 4th and 6th. On or about, so it's the early part of November. Also, there's a picture of the victim in a pink top in her car with her friends.

[22] (Dr. Faltas laughs.)

[23] **Dr. Faltas:** I'm sorry.

[24] **Ms. Weiss:** I'm sorry, Your Honor. I am trying to--

[25] (Dr. Faltas laughs.)

[page 108, lines 1-3] **Dr. Faltas:** I am sorry, so sorry. It's -- it's -- it's in Arabic we have a proverb that says the worst -- the worst catastrophe makes you laugh.

[4-5] **Court Reporter:** I'm sorry. I didn't understand you. Can you repeat that sentence?

[6-11] **Dr. Faltas:** I'm sorry. I said - and I apologize - but in Arabic there is a proverb that says the worst catastrophe makes you laugh. In this country it's a crime that someone is wearing a pink top in public view and they happen to be in the picture? That's a crime in this country? I mean, really ...

[12] **The Court:** Continue, Ms. Weiss.

[13] **Dr. Faltas:** So it's November 4 and 6?

[14-15] **Ms. Weiss:** Your Honor, I'm sorry. I'm having real-- a lot of trouble with this with Dr. Faltas's comments.

[16-17] **The Court:** Yeah. Dr. Faltas, just make your notes. Do not interrupt Ms. Weiss. Proceed.

[18] **Ms. Weiss:** In the middle of October--

[19] **Dr. Faltas:** No -- what date?

[20] **The Court:** Just proceed.

[21 to page 109, line 3] **Ms. Weiss:** Thank you, Your Honor. In the middle of October there are photos of the victim and the victim's friends, her vehicle coming and leaving where she was surveilling the vehicle as well as pictures of her taken from the window where she was surveilling her. Also the middle of October photos of the victim, along with her family members, hooking up a car. They were towing a car; she has photos of that.

[4] **Dr. Faltas:** When was that? During the ...

[5] **Ms. Weiss:** Your Honor, please, if I may.

[6-7] **The Court:** All comments must be directed to the Court and not to counsel.

[8] **Dr. Faltas:** I apologize, Your Honor.

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

[10-25] **Ms. Weiss:** Thank you, Your Honor. These continue to be the middle of October. These are multiple photographs of the victim and her family with the vehicle outside. Then another one the victim and three of her friends getting into their vehicles. Another middle of October, the victim's brother his vehicle was out front, surveilling his vehicle in front of her building. There were a couple of different pictures of that on several different dates, all around the middle of October. October 16th around. [¶] October 21st a picture of the victim coming out of her building. These were, as far as I can tell, on or about October 21st the -- this is the -- this is going to be the same incident that I talked about earlier with the rock throwing and the numerous photographs of the victim, the children and her friend -- of the child, her friends, her family.

[page 110, lines 1-2] **Dr. Faltas:** When is that? I'm sorry. I'm sorry, Your Honor. When did she say the rock throwing is?

[3-23] **Ms. Weiss:** Photos taken towards the end of September, around September 26th. Let's see. September 25th, September 26th. The victim, along with pictures of her brother, her brother's vehicle, from all different angles, surveilling her brother. And early November the victim, along with another one of her friends, in a vehicle. Numerous photographs were taken around where it's obvious Dr. Faltas is driving around taking different photographs of these people out front. [¶] October 21st, another -- more pictures of the blue truck and the victim's friend, along with her brother's vehicle, and the rest are more photographs of the victim and her friend in the blue pickup truck all about the end of October. [¶] Those are all

~~the ones that I have listed.~~ Really, I am not prepared for this, Your Honor, but I would add that these are Dr. Faltas's pictures. She's been provided a photocopy as well as the disks that correspond to them. ~~I intend to enter every one of these photographs as evidence of the surveillance.~~ And so I believe I've gone through each of the dates that correspond to them, but if there's anything I have left out, it's in these photographs that I have provided, a copy of every one of these to Dr. Faltas in this form.

[24] Dr. Faltas: May I---

[25] Ms. Weiss: They're black-and-white photographs.

[page 111, lines 1-4] Dr. Faltas: Objection. Objection. She did not provide me this quality. She provided me very poor quality and if Your Honor -- I'm stating the -- am I recognized to state the objection?

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

[6-12] Dr. Faltas: Thank you. I hope Your Honor gets to read the case I argued myself before the SC Court of Appeals, because by making the -- filing the color photograph, I was able to prove fabrication. She gave me very, very poor copies, and I need the original, the full -- even the tiniest color has -- has exculpatory value and I certainly need it in color.

[13-14] The Court: All right. I've addressed the discovery issue, and I've ruled on what must be provided in discovery.

[15] Dr. Faltas: Well, exception, Your Honor.

[16-18] The Court: The evidence will be available during the course of the trial, as I stated earlier. I'm not going to revisit that issue.

[19-20] Dr. Faltas: If there is a trial because we still haven't heard ...

[21] The Court: All right.

[22] Dr. Faltas: Thank you.

[23] The Court: Anything further?

[24 to page 112, line 1] Ms. Weiss: Your Honor, I'm not aware -- that is the best recitation I could do of the cumulative amount of evidence we intend to present as far as the harassment!

[2] Dr. Faltas: May I say something now, Your Honor?

[3] The Court: Yes.

[4 to page 113, line 24] Dr. Faltas: Thank you. Before -- before reaching the constitutionality of the statute, I would like Your Honor to rule as a matter of law and also under *Thornhill versus Alabama* and I think somebody else versus City of Jackson -- and these are all Supreme Court cases, but there is absolutely no evidence of harassment there. This is conduct protected by the First Amendment. Words and photographs are classic expression and journalism. [¶] ~~I would like to show Your Honor all the photographs. None, not one of them, is in a private place that is allegedly owned by the alleged victim. They are all out in plain view in the common area of the place I rent which is considered my property while I lease it. The common areas belong to all tenants.~~ [¶] Photographs are, number one, instruments of journalism, and there is a U.S. Supreme Court case that says freedom of the press is not limited to newspapers but includes pamphlets and includes photographs and now, of course, the internet journals. If somebody -- anybody can take photographs outside. So none of what she said -- and the statute specifically, even -- even though it is vague and horrible and useless, but it says -- it does not cover conduct protected by the Constitution. [¶] What the Constitution -- it has many things. It has the First Amendment, and the First Amendment has freedom of speech, freedom of movement, meaning the streets belong to everyone. No one can say, "I get to drive on the street and you don't get to drive on it because you're a foreigner." And, in fact, the following is only one act. It's not repeated, even by her allegation which is false. [¶] ~~Number two, all the pictures are -- she said these are all the pictures that she has and that she intends to use. I would like Your Honor to examine them and as a matter of law to find that they were not of the private life of any person because the statute requires intrusion into the private life. [¶] When we're outside in a parking lot that is common to all the tenants or outside on the street, we're not in our private life. [¶] This court and many courts have surveillance. When anyone goes to shop at Wal-Mart or Target or wherever, there are video surveillances. So this is not the private life. It does not meet the definition of private life.~~ Private life would have been if I had gone into her apartment, broke into it and took a picture of her naked, for example, or something of or her making having sex with some of her boyfriends or something like that.

[25] Ms. Weiss: Objection, Your Honor.

[page 114 lines 1-2] Dr. Faltas: I -- what's the objection? Did Your Honor recognize her?

[3-4] The Court: Yeah, the objection is sustained. Move to another subject.

[5-6] Dr. Faltas: Your Honor, exception. I'm trying to say that none of this is in the private---

[7-9] **The Court:** It's an inappropriate example to use in a court of law, and I sustain the objection and you can move on.

[10-12] **Dr. Faltas:** Well, Your Honor, there is a difference between private and plain view, and there is plenty of law and I mean -- I'm sorry---

[13] **The Court:** All right. Okay, Dr. Faltas.

[14] **Dr. Faltas:** Okay. So I---

[15] **The Court:** If you'll either move on or have a seat.

[16] **Dr. Faltas:** I'll move on. I'll move on.

[17] **The Court:** One of the two.

[18-19] **Dr. Faltas:** Would Your Honor at least look at those pictures which constitute the totality of what---

[20-23] **The Court:** No. The pictures have no relevance to whether or not the statute is constitutional or whether the indictment is valid, and I will not review the pictures for that purpose.

[24 to page 116, line 16] **Dr. Faltas:** Oh, well, may I just put on the record that I didn't get to the statute being unconstitutional yet? But I am saying that the statute is unconstitutional on its face and as applied to me and that you can, just the same way as after, that you can rule as a matter of law that the State presented no evidence. I'm saying now you can say since the State gave the totality of its evidence already, none of it is of the alleged victim in her private life. It's -- all of it is outside in plain view where anybody can be photographed. In fact, there was at one time a television show where somebody used to go around photographing people and telling them something and then say, "Smile. You're on Candid Camera." Or the way it used to be, the way that the 60 Minutes program started, its thing is we're following businessmen who were like not repairing people's cars and all of this. So taking pictures in public is totally protected by the First Amendment. [¶] Additionally -- additionally, the pictures show people engaged in illegal activity or making threats at me or making lewd acts at me. When the -- as far as following, she had only one -- one instance. So the part about repeatedly following should be out. [¶] **The part about my looking out of my window: Is anyone trying to say that somebody is a criminal for looking out of her window, even for taking photographs out of her window?** This cannot be. This cannot be a reasonable or constitutional interpretation of the statute. [¶] There are neighborhood watches. There are people who put cameras outside their house. At one time I rented an apartment where they had 24-hour video surveillance, and that covered the parking lot. Are they criminals? [¶] And then once she says that even -- first of all, the she says the statute says any visual contact after one had been told not to. Well, Judge, Your Honor, there is a Supreme Court -- U.S. Supreme Court case that said people have the right to knock on people's doors and give them religious pamphlets, and even if the people don't want those religious pamphlets, all they have to do is not open the door or not -- or just throw the pamphlets away. [¶] So there is a clear -- and then she says maybe I will but as Your Honor gave the example after she told me not to wave at her, which she didn't, but even if she had, we must abide by what Jesus Christ said---

[17] **Ms. Weiss:** Your Honor, I object.

[18-19] **Dr. Faltas:** Let me finish. This is my religious thing. If you---

[20] **The Court:** Just a moment. Just a moment. The---

[21] **Dr. Faltas:** I'm saying---

[22] **The Court:** The objection is sustained.

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

[24 to page 116, line 2] **Dr. Faltas:** Well, exception there. May I say the basis? That if one greets somebody, one may be a Christian, abiding by Jesus's commandment that says if someone greets you---

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

[4] **Dr. Faltas:** ---what -- what -- what have you done?

[5] **The Court:** The objection is sustained.

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

[7-11] **The Court:** The objection is sustained. I'm going to we're going to move now into I think the -- your argument regarding the constitutionality of the statute is intertwined in your motion to quash the indictment, so I'm going to hear all of that and rule on both at the same time.

[12-13] **Dr. Faltas:** Thank you, Your Honor. May I just get a sip of water?

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

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

[16-17] **Ms. Weiss:** And I just have two very quick motions. It won't take any time, but I wanted to hand them up.

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

[19] **Ms. Weiss:** We can do these at the end.

[20] **The Court:** All right. Go ahead, Dr. Faltas.

[21-22] **Dr. Faltas:** Well, does Your Honor want to hear this first because---

[23-24] **The Court:** No, we're going to hear the issue of the constitutionality of the statute first.

[25 to page 119, line 23] **Dr. Faltas:** Okay. First, as it stands now, the statute is made more draconian after the death of one Mary Lynn Witherspoon in Charleston, and the draconian amendments were pushed through in two or three weeks or months, something very quick, and it doesn't seem to have been reviewed at all. [¶] The harassment and stalking statute, to begin with, are of recent vintage altogether in South Carolina. The first stalking statute defined harassment means blah, blah, blah, and that was in 1992 and it was a copy of the California statute and it exempted activity occurring during labor strike. Then there was this professor at U.S.C. School of Law who wrote the article in *The South Carolina Lawyer* "South Carolina's Anti-Stalking Statute. A Study in Bad Drafting." And he showed in how many ways, but he didn't show enough ways where the statute is unconstitutional. And then the statute became even more unconstitutional after the death of Mary Lynn Witherspoon. [¶] It -- so as it stands now, it has two parts: Harassment and stalking. First of all, it says that it doesn't apply to three kinds of people: Process servers, private investigators, and law enforcement officers. There is no crime in common law or statutory law that is a crime for some people to do it and it is a crime for you to do it for yourself, but it's not a crime for you to hire somebody else to do it for you. [¶] For example, if you can -- a carpenter can probably build furniture better than any person, but it's not a crime to build your own furniture. So if a private investigator may follow somebody, it's a denial of due -- and surveil somebody, it's a denial of due process and of equal protection for someone to do it for herself. [¶] And I give the classic example: Suppose two wives are suspecting their husbands of cheating. The rich -- and this is the rich wife/poor wife example. If the rich wife hires a private investigator, he can do everything. He can follow the husband. He can take pictures of him. He can upset him. He can do whatever he wants, and with that evidence the wife can get a more favorable result in the divorce. But if the poor wife, who cannot hire a private investigator, follows the husband herself and gets equally probative evidence of adultery, she's a criminal. This is a straight denial of due process. [¶] The question is: What is that statute trying to accomplish? What is the legitimate government purpose? There is none. If it's trying to help people who get divorced to move on -- well, actually family law requires that the judge, before granting a divorce, inquire into the possibility of reconciliation, and with family law or even jilted lovers or whatever---

[24] **Court Reporter:** I'm sorry. What kind of lovers?

[25] **Dr. Faltas:** What's Your Honor's pleasure?

[page 120, line 1] **The Court:** Jilted.

[2] **Court Reporter:** Okay.

[3] **The Court:** J-I-L-T-E-D.

[4] **Dr. Faltas:** Jilted.

[5] **Court Reporter:** Thank you.

[6 to page 125, line 6] **Dr. Faltas:** Thank you. There is no government purpose and no government right to prevent people from trying to reconcile. Even the old and idiotic -- and personally I think Justice Holmes 150 years ago was an idiot and no one questioned what he said because it sounded good, but when he said the First Amendment doesn't give you the right to yell -- falsely yell "fire" in a crowded theater, that's an idiotic thing. [¶] First of all, the much-needed fire drill is exactly that: Falsely yelling "fire" so people can go through the drill. And theaters must have plans, in case of a real fire, for people to exit the place in an orderly manner. [¶] So the First Amendment to the U.S. Constitution has to have breathing space. It cannot say that only speech that is popular is protected. It cannot say that speech that annoys somebody or that somebody doesn't want to hear is criminal because that is exactly what criticism is. [¶] So we don't know what the purpose is. What -- what and it has -- now, as it stands, it has two -- the two sections or two broad categories, criminalizing. Number one the, harassment, it doesn't have a *mens rea* requirement. It doesn't have an actual -- it says intentional intrusion that causes and would cause, but it doesn't say it's intended to cause somebody mental distress. So it's not it's -- it cannot -- you cannot have a criminal statute without a *mens rea* requirement. There is no *mens rea* requirement in there. If you do something and it upsets somebody, even though you did not intend to upset that person, then you're a criminal. You cannot get that in criminal law. [¶] And then what we -- we have first when we balance things there's no question that the statute sweeps a whole lot of freedom: Freedom of expression, freedom of movement,

freedom of religion, freedom of property, a whole lot of it. We need to know what the State's purpose is. We cannot have law that says -- first of all, there is no empirical there. There may be some anecdotal horror stories. Somebody stalked the actress and then killed her or there are many people who killed other people without stalking them. So there is no empirical evidence that somebody following somebody or somebody talking to somebody without that somebody wanting to be talked to would result in a crime. Actually, in fact, the opposite is true. [¶] The wisdom of the First Amendment is that free speech gives a -- gives a relief. If somebody, even a jilted lover, insists and goes back to the one that turned him or her down several times and tries to talk it out, maybe that takes away the intent to do violence, but in any event, our Constitution doesn't -- doesn't allow that, that if someone who looks like you committed a crime, then we're going to make it a crime for you to be you or to do something that is completely protected just because someone by symmetry, by analogy ... [¶] In *Jacksonville versus Papachristou*, the U.S. Supreme Court said that criminalizing by analogy is prohibited by our Constitution and that was in Russian law. So then the statute is totally vague. It says, first of all, following. What does following mean? Does it mean following in place or in time? And then, either way, the streets and the public places belong to everybody, and there is a constitutionally-protected freedom of movement. [¶] If somebody just happens to drive ahead of me, am I a criminal for driving in the same street? Why do they get to monopolize the street? And then if they get a restraining order, then they can prevent me from going anywhere I want to go at the time I want to go by simply going there ahead of me. I would be a criminal by following them. The act of following somebody does not result in concrete articulable harm to anyone. [¶] And then it says maintain a presence near somebody. Well, what does near mean? Does near mean in the same room? In the same building? In the same street? In the same town? In the same state? Totally void. And then it says going to a school, a business or some other place regularly frequented by that person. So it means if somebody is a student at the school and doesn't like somebody else, then that somebody else doesn't get to go to the same school or the same church or the same -- doesn't get to shop at the same store, doesn't get treatment at the same hospital? [¶] And then it says other acts. Now, that is totally void for vagueness because it says it's -- it includes but is not limited to. Your Honor, society can only protect people from physical harm, and there is plenty of common law and statutory law that protects people from physical harm. You cannot beat somebody. You cannot break their leg. You cannot kill them. You cannot rape them. These are articulable things, but things that are so vague as causing somebody undue mental stress and without even intent to this is the kind of thing that the breach of peace, the loitering statute, the disorderly conduct statutes were all used in the African American phase of the civil rights era to suppress minorities and to prevent them from expressing themselves and standing up for their rights. And I have plenty of cases of the U.S. Supreme Court saying -- that things like these are too void for vagueness. They do not give -- notice of what it is one is supposed to do. Besides, when they sweep things that are -- that are protected by the Constitution, especially the First Amendment, the State has to have a very, very, very strong reason to balance against that. So if you're going to prevent somebody from going to their school, from going to their church, from going to their hospital just because someone else doesn't want them to go there, then the State has to show a very, very legitimate reason. [¶] Then going back then the other half -- so the first half is the harassment part. It has no *mens rea* requirement and is very void for vagueness and doesn't fulfill any function that is legitimate function of government. If somebody causes somebody mental distress, there is -- there is the common law civil tort of intentional infliction of mental suffering and, Your Honor, you, of course, sit over civil cases. [¶] No civil lawyer, if you had the lawyer who came and filed the lawsuit against somebody saying they caused my client severe mental distress by waving at her twice -- you would put Rule 11 on ... Even the civil statute for intentional infliction of mental suffering requires something that is so severe, so pervasive that no civilized person can tolerate it. But the way the statute is: If you wave at somebody twice, you're a criminal. If you look at somebody twice, you're a criminal. You are entitled to look at people in public. They may be throwing rocks at you. They may be doing anything to you. You have the right to look just as you have a right to move as you have the right to anything. Then the other part which is the stalking, it says "any words" which straight away tells you that's the First Amendment and that is intended to cause, that cause, and would cause a reasonable person---

[7-9] **Court Reporter:** I'm sorry. Intended to cause what? I apologize, Your Honor. Your Honor, I could not understand her.

[10 to page 129, line 1] **Dr. Faltas:** Intended to cause, that cause, and would cause a reasonable person to fear all -- and it enumerates it enumerates six things: Fear of death of the person or a family member. Number one, it doesn't say that the person speaking has to be the one who is going to cause that death of the person or the family member and it doesn't limit it in time. For example, the assault statute says a threat which is combined with the present ability to execute the threat. [¶] But if I as a physician tell somebody:

If your nine-year old 400 pounds and doesn't start losing weight, he will die in three years, then I'm a criminal because that causes fear. Society cannot criminalize words without more, without more, that causes fear any more than criminalized words that cause laughter. Somebody can then come and say words that cause laughter should be criminal because we want people to be serious. We want them to be focused on their work. You cannot get fired like objectizery (phonetic) not tell a joke in a surgical operating room because we want the surgeons to be serious. You cannot criminalize speech, even fighting words. Civilized society expects -- expects adults to not react to words with their fists. [¶] So you cannot criminalize words, and here it's so broad that words that cause -- in fact, I was once standing waiting for Mr. Sawyer and saw somebody putting -- changing the paper in the printing machine, and I was about to say, "Don't overfill it; otherwise, it will jam," and then I said, "Gee whiz. The harassment the stalking statute criminalizes words that cause fear of property damage," and remember, it doesn't require that it doesn't -- it doesn't criminalize, just words that say, "I will break your printing machine or your fax machine." If I say, "If you overfill the tray, your machine will jam," that -- that qualifies because it will cause them fear of property damage. [¶] So, number one, government has no business criminalizing mere words. Number two, it's not content neutral. It criminalizes words that cause fear at all, and it doesn't criminalize words that cause joy or words that cause laughter or words that cause repentance or anything. So it's not content neutral. [¶] And then what's worse is that it allows somebody other than the alleged victim, not just the police officer, but any lay person to go and take out a warrant. So somebody's constitutional right and the right against being criminally prosecuted and invaded and arrested and having their homes searched and their property taken is at the mercy of third-hand gossip. Somebody tells somebody tells somebody and somebody arrests somebody. They go and get arrested, and it is so broad that it gives -- again, there are so many U.S. Supreme Court cases that say you cannot leave it to the discretion of the policeman on the beat. [¶] Here, you leave it at the discretion of even a lay person, and what's more, the U.S. Supreme Court case -- the U.S. Supreme Court has said in case after case that the legislature cannot cast too wide a net and leave it to the courts to -- and say who should remain and who should -- criminal statutes should be very narrowly drawn. They should be very clear so as not to allow for administrative discretion because, number one, when it's overbroad and vague, it doesn't give persons notice of what it is that is forbidden and, number two, it allows for arbitrary and capricious enforcement by law enforcement officers and, as I say, in South Carolina statute by even laypersons. [¶] And then what's more, it says for no legitimate purpose. But who knows the legitimate purpose? It's the person who's doing the act. So we cannot put somebody outside saying: Dr. Faltas did something for no legitimate purpose; arrest her. Specifically, in the city in the U.S. Supreme Court case of the *City of Chicago versus Morales* which had an anti-loitering statute that says people cannot stand at one place for no apparent purpose, the U.S. Supreme Court said that's unconstitutional. Apparent to whom? Why should someone give the purpose? [¶] And here I am arrested and put to trial without anyone asking me what my purpose was. I have to come to a criminal trial after having been outside my house for 90 days? It is totally void for vagueness. It is totally regulating conduct that has no -- that is protected by the U.S. Constitution. It denies equal protection in that it allows certain people to do some acts and makes it criminal for others to do them, and it doesn't serve any legitimate government function. In fact, it is -- it is detrimental to the government purpose of people talking to each other and reconciling and being free to move on the street and -- and, most important, to be active participants in community watch. The big thing: Community policing. Look around. Is there someone who shouldn't be there in your neighborhood? [¶] Well, if you're inviting people to be in a neighborhood watch, then you're entrapping them and there are two U.S. Supreme Court cases for *Cox versus Louisiana*, and they both involved civil rights protestors. The *Cox versus Louisiana* number two was about entrapment. So---

[2-3] **The Court:** Dr. Faltas, you have five more minutes for this argument.

[4] **Dr. Faltas:** Could I just read you the cases?

[5] **The Court:** Pardon me?

[6-8] **Dr. Faltas:** Could I just read you the U.S. Supreme Court case names? Because I'm sure I didn't list all of them.

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

[10-11] **Dr. Faltas:** Thank you. *Barr versus City of Columbia*, disturbance of the peace statute, void for vagueness.

[12] **The Court:** Barr?

[13 to page 130, line 1] **Dr. Faltas:** *B-A-R-R versus City of Columbia, South Carolina. Bouie versus City of Columbia*, also South Carolina, that the U.S. Supreme Court said that the State Supreme Court was wrong in *ex post facto* broadening the statute and that the statute of trespass after notice is also unconstitutional. [¶] *Brown*

versus Texas: People can move about anywhere they want and they do not need to identify themselves to anybody. *Fields versus South Carolina*, South Carolina's disturbance of the peace statute, void for vagueness and over-breadth. *Cantwell versus Connecticut*. The First Amendment is encompassed in the Fourteenth Amendment, and any law respecting religion or prohibiting exercise of it including requiring a permit ...

[2] **The Court**: What year was that case?

[3] **Dr. Faltas**: 1940.

[4-5] **The Court**: And give me the years of the other two, Barr and Bouie.

[6] **Dr. Faltas**: Oh, may I? Yes, Your Honor.

[7] **The Court**: Just tell me the years of the cases.

[8-16] **Dr. Faltas**: Bouie, 19 -- actually I have the citation: 378 U.S. 347, 1964. *City of Chicago versus Morales*, that's the U.S. Supreme Court 1999. That's the anti-loitering statute void for vagueness. *City of Lakewood versus Plain Dealer Publishing Company*, 486 U.S. 750, 1988, and it says that statutes that breach First Amendment rights may be challenged before they are applied to anyone because they chill the exercise of protected speech. *Coates versus Cincinnati*, 1971.

[17] **Court Reporter**: That was Coates?

[18 to page 131, line 5] **Dr. Faltas**: C-O-A-T-E-S. Also a statute void for vagueness. *Colautti versus Franklin*, 1979. *Colautti versus Franklin*. That was an abortion statute; never mind that one. *Connally versus General Construction*, 1926. *Cox versus Louisiana* number one, 379 U.S. 536, 1965, and *Cox versus Louisiana* number two, 379 U.S. 559, also 1965. [¶] Big one: *Edwards versus South Carolina* because that was argued or at least it was briefed in part by the late Judge Constance Baker Motley and Judge Matthew -- the present Judge Matthew Perry. *Edwards versus South Carolina*, 372 U.S. 229, 1963. *Gregory versus Chicago*, 394 U.S. 111, 1969. *Hague versus Committee for Industrial Organization*, 307 U.S. 496, 1939. Speech may be unpopular but people---

[6-7] **The Court**: Your five minutes is up. I see you have a box full of citations.

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

[9] **The Court**: You---

[10-11] **Dr. Faltas**: Could I -- could I just go through them very quickly?

[12] **The Court**: Well, how many do you have there?

[13-20] **Dr. Faltas**: Well, about -- about 30 more, Your Honor, but I'll go through them very quickly, very quickly. *Houston versus Hill*, big one, 428 (sic) U.S. 451, 1987: Even abusive language to police officer is protected by the First Amendment. *Kolender versus Lawson*, 461 U.S. 352, 1983. *Kunz versus New York*, 340 U.S. 290, 1951. *Lanzetta versus New Jersey*, 306 U.S. 451, 1939, same thing: Unpopular words cannot---

[21-22] **The Court**: If you haven't made your point with all of those cases, then ...

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

[24-25] **The Court**: I'm sure there's a lot of repetition at some point.

[page 132, line 1] **Dr. Faltas**: Well, I mean---

[2-4] **The Court**: Do you want me to review all of those and then after reading all of those then conclude that this statute is unconstitutional?

[5] **Dr. Faltas**: Well ...

[6-10] **The Court**: Or you just want to cite those? Because it's now 6:30 and you're three minutes over your last five minutes. Rather than summarize your position, you have decided to give me the citations. It appears that will take 20 minutes to do that, so ...

[11-12] **Dr. Faltas**: Well, I want to say, Your Honor, that it is clear---

[13] **The Court**: Yeah.

[14-21] **Dr. Faltas**: ---that speech that is unpopular is protected by the First Amendment and the statute -- any statute that limits it is unconstitutional and any statute that's overbroad or that doesn't serve a legitimate government function and especially when it encroaches on First Amendment protected speech is unconstitutional and especially when it's so vague as to give arbitrary power to executive officers.

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

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

[24] **The Court**: All right. Ms. Weiss?

[25 to page 137, line 18] **Ms. Weiss**: Thank you, Your Honor. Harassment in the first degree or the harassment and stalking statute, as Dr. Faltas addressed them all, is not overbroad nor is it vague. I think the -- as far as vagueness, I believe that the statute clearly applies to the activity that Dr. Faltas is accused of commit-

ting involving movement. Dr. Faltas went on for an extended period of time talking about speech, but what the statute criminalizes and what we're here today for is not the speech, but it's conduct. [¶] Conduct is not protected by the First Amendment. Expressive conduct is or can be under certain circumstances where -- basically we're not even here about expressive conduct. There's no belief that she is expressing that is protected by the Constitution. What she is doing is exactly what the law criminalizes which is taking -- targeting a person, the victim in this situation, following her, making visual and physical contact, after it's been indicated that it's unwanted, and surveilling her movements and those of her company. That is -- those are all conduct and they're not expressive conduct nor are they expression at all. They are harassment, and that is what we're here about. [¶] The statute provides for a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person. That intent is the *mens rea* that Dr. Faltas claimed was missing from this statute. There's clearly a *mens rea*. It's the intent: Intentional, substantial, and unreasonable intrusion. [¶] She also stated that there was no State interest when, to the contrary, the State's interest is to protect the citizens of the state, and that's what it's doing in this statute. She claimed there is nothing that you -- that I cannot do myself but I can hire someone to -- I cannot do myself because it would be illegal, but I can now hire someone to do when, in fact, there are numerous things. [¶] For example, I cannot go and conduct a surgery, but I can certainly hire someone to do that. There are plenty of things that protect the interests of the citizens, and in this case in particular someone who is given permission under the statute under 40 -- Section 40-18-70 to be a private investigator, it is a very specific statute where S.L.E.D. has to investigate a person and decide that person is worthy of a private investigator's license before that person is then sent out in the community and given permission to follow a targeted person from place to place. That's why they are accepted in this statute. [¶] They are protecting citizens because presumably a private investigator would not have a personal interest in that targeted person, protecting the interest of the targeted person, whereas somebody who is charged with harassment and/or stalking in this case would have a personal interest, thereby putting a citizen in danger or a fear of danger or fear of distress for numerous reasons because there is a personal -- personal reason why that person is targeted versus a contract that is provided by under the statute for a licensed private investigator under Section 40-18-70. [¶] I think that is kind of the general response to Dr. Faltas's claims of overbreadth and vagueness. The vagueness -- as far as vagueness, it should be taken in a reasonable person standard, and the courts generally find disfavor of invalidating statutes if they can be found to be valid and found to actually be construed, that each case is supposed to be taken in a case-by-case basis as well. [¶] So the two reasons that a statute can be found invalid for vagueness would be if it failed to provide the kind of notice that will enable ordinary people to understand what conduct it prohibits and, second, it may authorize and even encourage arbitrary and discriminatory enforcement, and those two requirements are taken under the reasonable person standard. [¶] This statute clearly delineates specific conduct which it prohibits, and I state conduct, not speech or expression or expressive conduct, but conduct, specifically the following, the contact, and surveillance as well as vandalism and property damage. The stalking then just takes it to another level. [¶] But, Your Honor, we are here about the harassment in the first degree. Stalking is clearly a part of the statute, but as far as the vagueness, I mean the statute is very clear. It's very clear and it delineates what a pattern is and even lays out what electronic contact would be as far as the stalking statute is concerned as well as harassment in the second degree. [¶] This is -- I think the statute clearly passes the vagueness test as well as the fact that the contact -- the conduct, as we have laid out here in the -- even more specifically, as Your Honor requested, with the dates and times and types of conduct as well as the indictment itself, Dr. Faltas's conduct clearly falls within the defined harassment in the first degree conduct and, therefore, should not even be considered under the vagueness elements. [¶] As far as overbreadth, I guess the first issue is whether or not the enactment reaches a substantial amount of constitutionally-protected conduct. Your Honor, I would argue that it clearly does not. It doesn't -- the constitutionally-protected conduct involves expressive conduct and First Amendment speech protection. That is not what is being codified here or deemed to be legal. It's clearly movement. If you read the statute, it clearly defines movement and would not even meet the substantial requirement. [¶] Beg the Court's indulgence. And I know this same quote has been recited in many of the different cases, but *In The Interest of Amir X.S.*, which is a Supreme Court decision - and I'll quote it again: "Any fertile legal imagination can dream up conceivable ways in which enforcement of a statute violates First Amendment rights." So clearly Dr. Faltas can come up with different scenarios, but the reasonable person and the substantial risk of violating constitutional rights is just not there when it comes to the statute. The statute clearly delineates the types of conduct that it criminalizes, and a reasonable person would understand that taking a targeted person and following that person and intruding in their life on a day-to-day basis as they try to move around from location to location after you've been told not to or after a police re-

port has been made with law enforcement, that that would be prohibited conduct and that's clearly laid out in the statute, and I ask Your Honor to find the statute is constitutional and allow us to go forward with harassment in the first degree.

[19] **Dr. Faltas:** May I be heard?

[20] **The Court:** Yes, ma'am, for three minutes.

[21] **Dr. Faltas:** Well, I hope you give me more than that.

[22] **The Court:** Three minutes. I've read your materials—

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

[24-25] **The Court:** ---in advance and I've heard you for a couple of hours today.

[page 138, line 1 to page 139, line 16] **Dr. Faltas:** Thank you. Your Honor, first of all, the Constitution is -- there's also protection of one's property. So if one surveys somebody who is coming to damage your property, then you're a criminal? And then where in the statute does it say that it's criminal to take photographs out in public? It doesn't. It says included but not limited to. [¶] Where does it say that you cannot do that in order to document someone who is harming you including her alleged friends who are making lewd gestures at me and threatening towards me? Where does -- where does it say that on the face of the statute that makes it -- gives a reasonable person the notice? [¶] In addition, the example she gave about the surgery is totally backwards. If a surgeon performs anything on somebody without the consent, they are a criminal. Here the private investigator obviously follows the targeted person without their consent and without their knowledge. So you cannot say that it is okay for a private investigator to follow somebody without targeting the person. That's what they do; they target the person. They target the person, follow them, and take pictures of them and whatever without their consent and knowledge or even if they were told not to do it again, they can still do it again because they are a private investigator. But a person who cannot hire a private investigator and has a legitimate purpose and is following a person or surveilling around her own property, whomever it may catch or anything, then becomes a criminal, this is clear, clear denial of equal protection without rational basis. [¶] Police officers have been known to commit crimes just like everybody else. Private investigators. Anybody else. There cannot be a presumption of criminal activity, and there cannot be a presumption of sainthood but for any class of person. [¶] And then she says causes fear. Well, you know something? When he was running, President Obama said that his white grandmother confessed to him that she was afraid of black men walking in the street. Society cannot do this. Society cannot criminalize some people just because others are---

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

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

[19-20] **Ms. Weiss:** I'm not sure of the relevance of where Dr. Faltas is going at this point.

[21-22] **The Court:** It's overruled. You have another minute and a half.

[23 to page 140, line 15] **Dr. Faltas:** Thank you, Your Honor. Our constitution and our system cannot say that people can just be afraid of something or we can lock up people because they might do something. We have specified crimes, and all criminal statutes must be narrowly drawn to further achieve government function. Society cannot protect people from fear or from annoyance or from anything because if it does -- conduct is not unprotected. And, no, it's not conduct. Conduct in the sense of free movement is protected. [¶] Free movement in itself is protected by the Fourteenth Amendment and especially when it's to protect one's property or to go about one's business. So when a statute allows a person -- just because she says that she's annoyed by somebody else or afraid from somebody else, she is allowed to prevent that somebody else from going to public places such as schools or businesses or church? Then that definitely infringes on other people's constitutional rights without government purpose. Without government purpose.

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

[17-21] **Dr. Faltas:** The government has a legitimate purpose in punishing somebody who actually inflicts concrete articulable harm on somebody else, but it has no -- no legitimate purpose in indulging everybody's fantasy, everybody's stereotype or, worse, everybody's ethnic bias.

[22] **The Court:** All right. Thank you, Doctor.

[23 to page 141, line 6] **Dr. Faltas:** Thank you. May I ask Your Honor to take this matter under advisement? This is a very serious issue. I'm sorry. May I -- may I ask Your Honor to take it under advisement? Take it under advisement for a day. The world will not end if it's delayed for a day, but this is a very serious matter and I hope Your Honor can study it. And the court reporter is tired. I'm sure you are tired, Your Honor. Please take it under advisement, please. There is a lot of law to be reviewed, and it's a very serious matter.

[7-8] **The Court:** All right. We're going to recess 'til 9:30 tomorrow morning.

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

[10-11] (Whereupon, the trial concluded for the day at 6:50 p.m. and resumed the following day, February 23, 2010.)

[page 142] 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 had and evidence introduced in the trial of the captioned case, relative to court proceedings, in the circuit court for Richland County, South Carolina, on the 22nd of February, 2010. [¶] I do further certify that I am neither of kin, counsel, nor interest to any party hereto. [¶] March 26, 2015 [¶] [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

vs.

Dr. Marie Assa'ad Faltas

:
:
:

TRANSCRIPT OF RECORD

February 23, 2010 [Proceedings from convening of court until 2:36 p.m.]
Columbia, South Carolina

BEFORE:

The Honorable Clifton Newman, Judge, and jury.

APPEARANCES:

Heather Weiss, Esquire)

Alexander Campbell, Esquire)

Dr. Marie Assa'ad-Faltas,

Attorneys for the State
pro se defendant.

Also present: Mark Sawyer, Esquire

Daphne D. Helms, Circuit Court Reporter

[page 2, line 1] Dr. Faltas: Good morning, Your Honor

[2] The Court: Good morning, everyone.

[3] Dr. Faltas: If it pleases the Court?

[4-5] The Court: All right. It does not please the Court. I'll recognize you when I'm ready, ma'am.

[6] Dr. Faltas: Thank you.

[7-17] The Court: Okay. A few things. First, with regard to the court reporter's inability to understand Dr. Faltas and the names of all those cases: Dr. Faltas, I'm going to have you to, with the assistance of the clerk's office, copy the -- this will not require a response. This will not require a response. With the assistance of the clerk's office to copy the first page of all of the cases that you cited yesterday and, Madam Clerk, either you or someone from the clerk's office will need to assist her with copying those things at the clerk's office during a break in the proceedings at some appropriate time.

[18] The Clerk: Yes, Your Honor.

[19 to page 5, line 1] The Court: That's concerning that issue. Concerning a comment made by Dr. Faltas yesterday during the course of the proceedings, Dr. Faltas stated that or threatened to walk out of the proceedings in protest to some act by the Court, solicitor or someone. And, Dr. Faltas, I wish to -- I am advising you at this time that should you walk out of the proceeding, three things will happen. First, you will be in contempt of court because my order to you is that you are to appear and remain during the proceedings. If you walk out of the proceedings or not appear for any of these proceedings, you'll be in contempt of court. Your bond will be revoked. A bench warrant will be issued, and should the trial proceed, you'll be tried in your absence. You have a right to appear, but the proceedings will not discontinue should you not appear. The trial will proceed in your absence. [page 3, lines 10-16] Regarding the various requests that I received overnight to reconsider the various rulings from yesterday, particularly the -- a request to reconsider the refusal of the Court to recuse Ms. Weiss from prosecuting the case, I reviewed the motion to reconsider. I find no need for hearing any arguments on that motion to reconsider. That motion to reconsider is denied. [page 3, lines 17-21] Regarding the motion to quash the indictment, I deny the motion to quash the indictment. I find that the indictment on its face is adequate and that no legal basis has been presented sufficient to cause me to quash the indictment. That motion is denied. [22 to page 4, line 1] A question was raised as to whether or not my law clerk is seeking employment by anyone who works for the Insurance Reserve Fund. The answer is: No, she's not seeking any employment from anyone who works for the Insurance Reserve Fund that she nor I am aware of. [2-7] Regarding the issue of a search warrant and request for a Franks hearing, there's a right to a hearing in that matter, but that hearing will not will take place prior to the -- any attempt to introduce any evidence seized, but it will not -- a hearing on that will not take place until such time as some seized evidence is offered in a trial. [8-13] Further, regarding the issue of the constitutionality of the harassment statute, that is an issue that is of significance to the Court, and I took that matter under advisement. I am continuing to review materials on that issue. I'm going to continue to have that matter under advisement. [14-20] A similar statute -- similar statutes have been -- the unconstitutionality of similar statutes have been raised in various jurisdictions, most notably New Jersey and in Texas, and in one instance the statute was ruled unconstitutional. In one instance it was ruled constitutional. The statutes are not precisely the same statutes as the South Carolina statute. [21 to page 5,

line 1] Dr. Faltas has presented a significant amount of material and argument on the issue. The State has offered little authority on the matter other than perhaps a single reference or two to some South Carolina cases. I'm going to continue to review that. We'll continue to have that matter under advisement. Yes, Dr. Faltas?

[2] Dr. Faltas: Your Honor, I so apologize if it -- may I?

[3] The Court: Yes, ma'am.

[4-5] Dr. Faltas: Thank you. I so apologize if in any way I offended Your Honor. I ---

[6] **The Court:** Offended by what?

[7-10] **Dr. Faltas:** If in any way I offended Your Honor by saying that I will walk out. It wasn't an attempt to show contempt of court. It was an attempt because I certainly have no contempt for Your Honor at all.

[11-24] **The Court:** Ma'am, it's not necessary for you to explain your thinking to me in that regard. I'm simply as the rules of procedure require, in order to proceed with a trial in absence, a defendant must be informed that should -- that they have a right to appear, but should they not appear, the case can proceed in their absence. I did not want you -- I do not want you to be and I'm sure that's contained and it's likely contained on the bond form that you signed up on your release. If it's not included on the bond form, I'm making you aware that the consequences of one voluntarily leaving a trial is -- has various consequences and I explained to you the consequences that it would have in this instance in the event that you elect to revisit those thoughts in your mind.

[25 to page 7, line 11] **Dr. Faltas:** Your Honor, once again, I did not mean to offend Your Honor, and I am very grateful for Your Honor taking seriously the issues I raised. And you know, Your Honor is a wonderful person. It may be that even though Your Honor is a very transparent person, the system has come to expect people to pull the truth in different directions in the hope that it will be in the middle. I don't ascribe to that at all. [1] People say there are two sides to every story; I don't agree. I think there is always only one truth. And so I have I was raised to have no tolerance for any deviation from the truth, and as a scientist, as a physician, truth is very important. When, for example, we try to find out what somebody's cholesterol level is, we put it in a scientifically-designed machine. We don't get two lawyers fighting it out, one lawyer saying the cholesterol level is 300 and another saying, no, it's only 100, hoping that in the middle it will be found 200. [2] So I am -- of course, it's the system as it is. And I also don't subscribe to: America, love it or leave it. I subscribe to: If you love it, make it better. And I love this country and I love its Constitution and I'm very interested at every step. [3] I didn't ask for any of this to happen. I believe I didn't do anything to deserve this except stand up for my rights to have equal housing and to live with my mother on my own land, but since I was thrown into this -- because I also subscribe to what Saint James said: "He who knows to do good and does not, it is a sin for him." [4] So whenever I see the Constitution of the United States which ever since I came 30 years ago as a Fulbright scholar, being ignored, it bothers me because there are many things I don't like about this country, but I think one of its most saving graces is its constitution. So I get very concerned, and so I hope Your Honor credits me for this and please, please, whatever I do, please do not take it as contempt for Your Honor of any sort like that.

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

[13-16] **Dr. Faltas:** Thank you, Your Honor. Now, there was the motion that Ms. Weiss filed to prohibit the use of the criminal records, and I want to oppose it completely, if there is going to be a trial.

[17-18] **The Court:** We'll have a -- we'll hear that in just a moment.

[19-22] **Dr. Faltas:** Thank you. And also there are -- of course, I'll do what Your Honor orders, but the clarification is that the clerk of court will make the copies. They will not charge me for them; correct?

[23] **The Court:** That's correct.

[24-25] **Dr. Faltas:** Thank you, Your Honor. And I continue to have issues ---

[page 8, line 1] **The Court:** There will be a front page of each case--

[2] **Dr. Faltas:** Yes, Your Honor.

[3] **The Court:** ---that you -- that you cited.

[4 to page 9, line 10] **Dr. Faltas:** Yes. And, Your Honor, I continue to have issues with Ms. Helms. I don't know why this morning she called Ms. Weiss and the other lawyer from the Attorney General's office and asked them if I were clandestinely and surreptitiously recording the procedure. I think of a court reporter -- of course, she's not a judge but should be as neutral as a judge. Second, there was no call for that. [5] Third, actually with the judge's permission - which I haven't been recording - but with a judge's permission, media can be in the court. They can -- they can videotape; they can record. So I don't know why, number one, she would think I would be doing something surreptitiously. Number two, she would talk to one side in the absence of another. This is a continuing issue. So I just wanted to put that on the record, Your Honor. And I'm sure she can make complaint to Your Honor also in my absence but that's ... I'm not going to dwell on that. [6] The other issue, if it pleases the Court, and if there is going to be a trial -- and Judge Barber, I love him. I love him. And His Honor has a great sense of humor and when -- during jury qualification when some jurors wanted to be deferred, their jury duty deferred to weeks later, some juror asked, "Are you going to have trials in July?" Something like that. And Judge Barber said, "Yes, crime never ends." And I want to -- and I did tell His Honor that that comment is prejudicial. He should have said "alleged crime" because it gives jurors the impression that those who will be tried in criminal court have committed crimes, and I don't know if there can be a jury panel that from the jury that heard that that would be fair to me, so -- when they heard the judge say, "Crime never ends," without any qualification, so ...

[11-12] **The Court:** All right. I will qualify that comment when this panel comes.

[13 to page 10, line 9] **Dr. Faltas:** Thank you, Your Honor. I may give -- and I don't know if Your Honor would give consideration if the panel says that or if we can't pick a fair panel, not voluntarily but out of necessity to have a bench trial instead, but I'm just leaving this out in the -- in the air. [7] Now that -- as far as the motion to suppress, the prosecution has no evidence whatsoever other than what they forcibly took from my apartment and my car under false -- under force of arms. So I don't want to -- I mean, I think as a practical matter, if it pleases the Court, it should be heard now unless the prosecution can say it has any other evidence that hasn't been taken from my apartment and car and. . I'm sorry. There was another point, but

I'm .. Yes Your Honor, even though you denied reconsideration, I want Ms. Weiss to tell you, as an officer of the court, whether my computer is available for me to pick up or they have destroyed it under false pretext that I didn't pick it up, my two computers, and the other things that she represented to Your Honor that they have released to me because, if so, I would request a reasonable break to pick them up before they destroy them under false pretext.

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

[11] **Dr. Faltas:** Thank you, Your Honor.

[12] **The Court:** Ms. Weiss?

[13] **Ms. Weiss:** Yes, Your Honor?

[14-15] **The Court:** Any response to anything Dr. Faltas just stated?

[16] **Ms. Weiss:** Anything?

[17-18] **The Court:** Any response to anything, any comments by Dr. Faltas?

[19-23] **Ms. Weiss:** As to the computers, they're at the City of Columbia to be picked up just as they have been. They will -- they have been there. I don't know what else to respond to that. Anything else -- I mean, a lot of it was I'm not sure what you want me to respond to, Your Honor.

[24-25] **The Court:** I'm not -- I'm just giving you an opportunity to respond. I'm not soliciting any response.

[page 14, lines 1-41] **Ms. Weiss:** Okay. But, I mean, as far as -- the computers are available to be picked up between 9 and 4:30 on any day, just as they have been, just as she's gone down there and refused to take them.

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

[6-10] **Dr. Faltas:** Can they bring them here, Your Honor, and all the other materials that they claim they've released to me so there can be no discrepancy between what they represent to the Court that they have released and what they let me have while I go there?

[11-12] **The Court:** Can those things be brought here tomorrow morning?

[13-15] **Ms. Weiss:** If Your Honor orders it. The procedure is that she would sign them -- sign for them and take them. So--

[16] **Dr. Faltas:** I'll sign for them here.

[17-20] **Ms. Weiss:** ---we would ask that she go down there and sign for them and take them. But if you order them to be brought here, obviously, Your Honor, we'll abide by your order.

[21-23] **Dr. Faltas:** I certainly would be happy to sign for them here, Your Honor, so there can be no issue as to what it is because of already abuses. Thank you, Your Honor.

[24-25] **The Court:** All right. We'll revisit that issue later today.

[page 12, line 21] **Ms. Weiss:** Thank you, Your Honor.

[2 to page 13, line 18] **The Court:** All right. Regarding the -- any attempt to record courtroom procedures, a few weeks ago I had a couple of media people before me on a contempt hearing when they attempted to surreptitiously record court proceedings, and that issue is addressed by Rule 605 of the -- what rules -- appellate Rule 605 that prohibits any recording, televising, recording, photographing -- or photographing court proceedings without the consent of the trial judge, and I have not given any consent to any such recording in this -- in these proceedings. [9] So any persons who have raised those concerns, I have not authorized any recording of any of these proceedings, and any recording of these proceedings without my consent will be -- is in violation of the rules and subject to my punishment for violating those rules. [9] Now, the one issue I want to address prior to addressing the motion filed by the State and that is the issue of civility in this trial. During the proceedings yesterday, in many instances I witnessed Dr. Faltas calling the solicitor a liar, the alleged victim a prostitute, the -- just a lot of language that does not comport with the rules of civility as far as the trial is concerned. [9] One cure to that was to require all -- and it's appropriate in any proceeding, that the parties are not to address each other. The parties are to address the Court. And -- but aside from that, even addressing the Court, looking here and then cursing someone behind you is still a violation of the rules of civility. And I want to make clear, particularly when the jury comes into the courtroom, that witnesses cannot be badgered and the opposing parties cannot be disrespectful and uncivil toward each other during the course of the trial, and that should not require any further explanation. Certainly the issues can be contested. Credibility of witnesses can be challenged. Evidence can be presented that establishes the case for the State or the defense for the defendant, but it must be done in a civil and civilized manner. [9] Now, with respect to the motions filed by the State which Dr. Faltas has indicated -- indicated that she opposes in all respects, first the State filed a motion to limit the use of criminal records and to settle the record. Now, what do you have in mind, Ms. Weiss?

[19 to page 14, line 8] **Ms. Weiss:** Thank you, Your Honor. May it please the Court? I've had experiences in the past -- and this does not have to do with Dr. Faltas -- with criminal rap sheets that have been turned over prior to opening statements, then being spouted and used inappropriately during opening statements. So I guess first I wanted to point out that the rap sheets have been turned over as a matter of courtesy prior to the witness testifying. However, there are obviously -- Dr. Faltas has already been commenting on records inaccurately, and I would ask that prior to each witness, we settle the record that can be used to impeach that witness, and then, other than that, records not be used as matters of fact for -- records of one witness not be used in the cross-examination of another witness and that the records be used appropriately for impeachment and not for any other purpose.

[9] **The Court:** So what is the record of Teresa Ingram?

[10-15] **Ms. Weiss:** Just a second Your Honor. I have it in here. Teresa Ingram has one conviction for financial transaction card fraud -- actually two convictions for financial transaction card fraud under \$500 from 1998. They were adjudicated in 2000. And that is the extent of her prior record.

[16-18] **The Court:** All right. All right. Do you have any question that -- as to whether that is the extent of her criminal record, Dr. Faltas?

[19] **Dr. Faltas:** Absolutely, Your Honor.

[20] **The Court:** Have you seen her criminal record?

[21 to page 15, line 13] **Dr. Faltas:** Your Honor, I have seen -- and that is something that you commented on, but very respectfully, the right to confront one's accuser is very important and cannot be subject to prior restraints, and I appreciate Your Honor taking seriously my argument yesterday that speech you cannot put prior restraints on it. Now you cannot put prior restraints on my right to cross-examine and confront my accuser. And I am getting into this because Your Honor said that there will be civility, yes, but I have reason to believe that she used several names. So it is possible that she committed crimes under several names. In addition, her driving record also has crimes that do not appear on the rap sheet, and that is relevant here in my documenting the unsafe conditions she and her guests and whatever were creating in the area that is common to all the tenants, meaning in the area where I live. So that is important. I need to be able to find out if there are rap sheets under the other names she used.

[14] **The Court:** What other names?

[15-16] **Dr. Faltas:** Okay. Teresa Ingram Jackson. Teresa Hampton.

[17] **The Court:** Hampton?

[18] **Dr. Faltas:** Hampton. Yes, Your Honor

[19] **The Court:** Hampton

[20 to page 16, line 13] **Dr. Faltas:** H-A-M-P-T-O-N. Also in various documents I have seen where she used different birth dates. They are close and it may be a clerical error or it may be intentional, but so that may result in someone not picking up the rest of her criminal record. But the fraud, the two fraud convictions and theft, they are not only not expungible; they are crimes of moral turpitude and they are very legitimate subjects of impeachment. Further, Your Honor, I am sorry if -- and I'm not saying that Your Honor is holding me to a different standard or anything, but like the defendants who are here, the State was giving detail about an alleged forcing oral sex on a child or something like that. So things of explicit nature get discussed in court, and I'm sure that Your Honor has tried -- tried, in the meaning of a trial, persons accused of prostitution or solicitation of prostitution. So I don't understand why my liberty has already been deprived in any way -- in many ways for thinking that someone is engaging in prostitution and I don't ---

[14-19] **The Court:** Liberty and freedom is -- those two questions are those two things are close to being synonymous as you stand here in court. So you contend that your liberty has been deprived. You're contending that your freedom has been deprived

[19-23] **Dr. Faltas:** Yes. I apologize. But, I mean, I was arrested. I cannot return to my apartment, all of that, and by being told, I just want to be clear that I cannot present evidence that my false accuser is, in fact, engaged in prostitution?

[24] **The Court:** No, I have not told you that.

[25 to page 17, line 2] **Dr. Faltas:** Okay. And the legal definition of prostitution is just one act of sexual favors for money or something of value. So I mean...

[3-8] **The Court:** Dr. Faltas, I'm not screening the evidence. I'm not ruling on what evidence is relevant or not relevant. I'm not ruling on what your defense can be, what evidence you can present; that's not what I'm talking about at this time. The reference is to criminal records, criminal convictions, and what those convictions are.

[9] **Dr. Faltas:** Well ---

[10-12] **The Court:** And Ms. Weiss says that the criminal record that she has for Teresa Ingram is financial transaction card fraud, two counts.

[13-18] **Dr. Faltas:** And she has other traffic -- traffic offenses are crimes, and actually Investigator Blanton had pulled them up and they are relevant to, as I said, the unsafe conditions that she created for me in the parking lot where I lived. So I would like to also have her driving record---

[19-20] **The Court:** What's the State's position concerning that issue?

[21] **Dr. Faltas:** Thank you, Your Honor.

[22 to page 18, line 13] **Ms. Weiss:** Your Honor, I will say -- well, first of all, as far as the rap sheet, rap sheets are done by fingerprints. So if she had used another name, it would have come up on her fingerprints. So I would submit that this is Teresa Ingram's rap sheet. As far as the traffic, she has violations for speeding in 2000, 2002, 2003, 2004. Disobeying a traffic device in 2005. Speeding in 2005 and failure to pay a traffic ticket in 2005. Speeding in 2006. Speeding in June of 2008. Speeding in August of 2008 and then a speeding in December of 2008 and April 2009. I don't see how her speeding on a public highway is in any way relevant to her being parked -- she has a driver's license. It is not suspended. It is not disqualified. The fact that she parks in her parking lot and drives in the driveway of her parking lot, I don't see how that is relevant and I don't see how that should be brought in for any reason, Your Honor.

[14-16] **The Court:** All right. Well, I'm going to defer ruling on things of that nature until it comes in through the context of the jury and...

[17-24] **Dr. Faltas:** Your Honor, may I also say that there's something else that is relevant and -- two other things that are relevant. And one of them is Ingram having called police on one of her ex-boyfriends, claiming that he threatened to kill her, and presented what she claims was a document signed by him, and then the next day she said: No, no, it doesn't matter; I didn't want to. So this is an initial... So the other -- the other---

[25 to page 19, line 1] **The Court:** As I stated, I am not going to screen the evidence---

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

[3-4] **The Court:** ---as to what is or what is not relevant at this time.

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

[6-8] **The Court:** It would be impossible -- I know nothing about this case other than what I've heard from you all in the past day or two.

[9-12] **Dr. Faltas:** Thank you, Your Honor. And there would be other issues of other statements she made in other cases. Of course, I think that's my right to try to impeach her on inconsistent statements.

[13-14] **The Court:** You have the right to impeach a witness who testifies against you.

[15] **Dr. Faltas:** Thank you, Your Honor

[16-17] **The Court:** A full and fair opportunity to cross-examine.

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

[19-23] **The Court:** The one other issue that wasn't addressed yesterday as part of Dr. Faltas's discovery motion was the disciplinary records of police witnesses who may testify against her and that is -- that is discoverable in criminal cases. -

[24 to page 20, line 3] **Ms. Weiss:** Yes, Your Honor, and I believe if she had requested that prior to yesterday, we could have gotten that. If you would like me to contact somebody, I can try to get that -- I'll get that definitely before they testify, Your Honor.

[4] **The Court:** She's due that information.

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

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

[7-9] **Dr. Faltas:** Thank you, Your Honor. I had requested it long before yesterday. I had requested it long before yesterday.

[10] **The Court:** All right. It's being worked on.

[11] **Dr. Faltas:** Thank you, Your Honor.

[12-13] **The Court:** All right. The second thing is limit case trial to case involving Teresa Ingram.

[14] **Ms. Weiss:** Your Honor---

[15] **The Court:** What's that motion about?

[16 to page 21, line 4] **Ms. Weiss:** That motion is just that the case being called is the indictment involving Teresa Ingram. A lot of the arguments that were made yesterday were very cumulative arguments involving Dinah Steele-Mason, Larry Mason, and other activities at the apartment, **a grand conspiracy involving sewer lines that involve the Masons**. [1] Your Honor, the case that is being called is the case involving Teresa Ingram, and I would just ask that extraneous information that is not relevant to Teresa Ingram be limited. And I just wanted to put that out there in the beginning that a lot of the information that was being discussed yesterday is not relevant to Teresa Ingram. **I know you don't like to make advisory rulings, but I just wanted to put that on the record, Your Honor.**

[5] **The Court:** All right. Dr. Faltas?

[6 to page 23, line 18] **Dr. Faltas:** Your Honor, I so strongly object and definitely I will not say that I will walk out, but there are very many reasons for which I think this is a great conspiracy by the prosecution. What they are trying to do is try Teresa -- the case falsely brought against me by Teresa Ingram first. If I get convicted, then they try the other one and say I deserve an enhanced sentence because I had the prior conviction. [1] If I get acquitted, I still have the horrendous bond conditions that I have been suffering under for three months now, close to 90 days, continued because there is the pending case by alleged victim Dinah Steele-Mason who does not exist. Then, yes, it is a grand conspiracy for the sewer lines, and one of the necessary -- necessities for me to present a coherent defense is that they paid Teresa Ingram to testify against me and to bring this against me. And for me to bring a coherent defense into this, Your Honor -- and I thank you very much for what you did yesterday, making them give dates and times. [11] **The warrant and the indictment said from February to November, but then when they were made to give specific dates, they had nothing before September, and the end of September at that. What was magical about the end of September 2009? Two things:** Number one, Teresa Ingram had sued somebody for allegedly having personally injured her and lost, so she needed money. [9] The second thing: The eviction trial that Larry Mason and Dinah Steele had brought against me was

going to start. So they made it impossible for me to present a coherent defense for one case in isolation of the other. And I have further evidence, if it pleases the Court, that Larry Mason wrote about hiring false witnesses, and that is something I need to bring before the Court immediately. [1] So, I mean, Your Honor, you have seen that they tried to portray me as crazy. You have seen that, but thank God for the conscience of the Honorable Judge Lee and for Your Honor's conscience; they saw through this. If it's done in isolation, the jury might not see this. It's very -- and then -- and then the indictment from Dinah Steele-Mason -- who does not exist because they were never married and there was never a name change -- precedes numerically and everything the other one. I would certainly be more than happy if the State has no evidence for that case if they -- if they were to dismiss it with prejudice; that would be great. They can proceed on the other one. But for me to be put in the situation where I either face an enhanced sentence or face continuing bond where the State has no evidence, in that case it's totally unfair. [1] And I know Your Honor told me that it's up to Your Honor now, but I want to put this on the record, the scheduling assigning it to Your Honor. Number one, it was by consent. The State represented to Judge Cooper that it will try both indictments. It was in the transcript. Judge Cooper -- and I have it, Your Honor -- asked the State, "Is it two counts of harassment first degree?" And they said, "Yes." And he asked, "And you're ready to go on February 22nd?" And Ms. Weiss said, "Yes." [1] So I know that Your Honor doesn't want me to use what you think is unsavory words, but I'm sure Your Honor knows that some people tell lies and some lawyers tell lies. **A whole lot of lawyers tell a whole lot of lies, and a whole lot of lawyers get disciplined for it.**

[19-20] **The Court:** All right. I understand your argument. Let me...

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

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

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

[24 to page 24, line 5] **The Court:** And, Ms. Weiss, on yesterday I asked you why is Dr. Faltas mad at Ms. Ingram, and you said because she -- **the State's theory was because she** -- and I don't recall exactly how you said it but that she **tried to get Ms. Ingram to assist her in her litigation against the landlord**, against the Myers (verbatim) or somebody, against the other victim, I guess.

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

[17 to page 25, line 2] **The Court:** And -- and that was mentioned, and then in addition to that, you mentioned that the reason that this case was put on the fast track for a speedy trial to accommodate Dr. Faltas was because of all of this massive litigation and trying to get it all before the court to get it all resolved. [1] Then, further, Judge Cooper, as the chief administrative judge, issued this notice of hearing order in which he **lists both indictments and which he says:** Please be advised that the matter is -- above matter is scheduled for trial **Monday, February 22nd**, before the Honorable Clifton Newman. All pending motions related to indictments number 2010-40-11980 and 11987 will be heard at that time, and the caption referenced warrants 613792 and 613793 which I believe would be the warrants involving both alleged victims. [1] **So the entire matter has been postured for trial on both indictments as part of what Judge Cooper's order is, part of what you represented yesterday as being why Dr. Faltas has got a beef against the other victim and also the reason why this matter is here for trial, all except you don't want the trial on the other matter. What's going on?**

[3-15] **Ms. Weiss:** Your Honor, the trials are two separate and distinct trials. There are totally separate issues and separate facts, separate witnesses involving the Masons, and that is a matter for another day. Clearly there would be some issues that would be raised. [1] **I just wanted to make it clear that the grand conspiracy, the sewer, the civil litigation was not -- did not need to be testified about and brought into this case about Teresa Ingram.** I just wanted to make it clear that the case we're going forward on -- and I did prepare that motion prior to some of the issues that were discussed yesterday but that the issue we're going forward on is that of Teresa Ingram.

[16] **The Court:** Despite Judge Cooper scheduling both?

[17-25] **Ms. Weiss:** Your Honor, I mean, I got that when it was handed to me when we were speaking to Your Honor. The issue was: Would the trial be ready? **Yes, the trial is ready, but it's my decision as the prosecutor to call each case separately because, even though they are related, they are separate and distinct cases.** And the evidence would be different in each case, and I think it would muddy the waters and confuse the jury to try to call both cases at the same time.

[page 26, line 1-3] **Dr. Faltas:** Your Honor, at this point I would like to present to Your Honor the transcript before Judge Cooper because that specifically asked- - -

[4] **The Court:** Just read to me what it says--

[5] **Dr. Faltas:** Sure.

[6-8] **The Court:** --on whatever relevant parts you want to read. Now, we have a jury downstairs waiting. Is that right, Mr. Truitt?

[9] **The Clerk:** Yes, Your Honor.

[10-11] **The Court:** The jury is waiting, and we have one guilty plea. The Attorney General and Ms. Armstrong is here.

[12-13] (An off-the-record discussion took place regarding an unrelated matter.)

[14-15] **The Court:** I can tell you, as Dr. Faltas is searching for that -- have you found what you're looking for?

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

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

[18 to page 28, line 9] **Dr. Faltas:** If it pleases the Court, page 23, starting on line 17. "The Court: All right. Now, when would the State be ready to try this case? Because obviously it's causing Dr. Faltas a lot of distress. We're handling this case a little bit differently than the run-of-the-mill every case that goes through your office." "Ms. Weiss: Yes, Your Honor. And the sooner this matter gets resolved, the better for all parties, in my opinion." [9] So -- and then it goes page 24. "So the question becomes: When would the State be ready to try this case? How many indictments are there?" "Ms. Weiss: Two indictments, Your Honor." "The Court: And they are both for harassment?" "Ms. Weiss: Yes, Your Honor." "The Court: All right. So we're talking about two harassment indictments." "Ms. Weiss: Yes, Your Honor." [9] "The Court: All right. When?" "Ms. Weiss: Your Honor, I anticipate I should be able to call this case by February 22nd." "The Court: That's within three weeks?" "Ms. Weiss: Yes, Your Honor." "The Court: All right. That's when you can call it?" "Ms. Weiss: Yes, Your Honor." "The Court: And, of course, your office by statute has the right to call it; correct?" "Ms. Weiss: Yes, Your Honor." And then the Court says, "All right." [9] So it is clear that he asked her about two indictments and he was talking about the two indictments as one case and she said, yes, and she is the one who chose the date. **She cannot come now and say: No, I'm not ready and all of that.** [9] Besides, The arrest warrant was on both indictments. The search warrant was on both indictments. The language is the same. There is a whole lot of overlap on the witnesses. So I think and I know Your Honor wants me to not - how should I say this - forcefully press my position that Ms. Weiss has been less than the ideal officer of the court, **but I think it is clear that Judge Cooper asked her two -- and she answered two indictments, Your Honor, and they are both for harassment, yes, Your Honor, and he asked her when she chose the date for two indictments after making her presentation to the Court.** And as I said, if she wants to try to fudge my defense, she can dismiss the other indictment with prejudice or I ask the Court to do it as -- as -- as -- as punishment for her misconduct in deceiving me.

[10] **The Court:** All right. Ms. Weiss?

[11 to page 29, line 4] **Ms. Weiss:** Your Honor, I've been brought in the courtroom numerous times by Dr. Faltas by orders of the Court, not on set motions, to make comments about this case. I did say -- I mean, Judge Cooper asked how many indictments. There are two indictments. Both indictments are for harassment; that is true. [9] **As a prosecutor, I believe it is in the best interest of the State to go forward with one at a time. I've talked this over with my office; they agree.** And I choose to call the indictment against Dr. Faltas involving Teresa Ingram this week. [9] My investigator has to leave the country next week. This cannot go over more than a week. We're already half a day into Tuesday and we have not even picked a jury. I believe by trying both cases, we risk going over one week and I do not believe it's in the best interest of the State. And part of my job as the prosecutor in calling the case, I believe it is - I believe that -- I choose to call the case involving Teresa Ingram.

[15] **Dr. Faltas:** Your Honor?

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

[17 to page 30, line 18] **Dr. Faltas:** First, absolutely not -- and this is what I was trying to say yesterday. **As a minister of justice, a prosecutor cannot be concerned only about getting a conviction but has to be fair to the defendant, and she just admitted that all she cares about is the interest of the State, meaning getting a conviction.** [9] Number one, that's unfair to me. Number two, if she's exercising that right, I would want to challenge the constitutionality of the statute that allows her to do that. And I'm sorry we talked about challenging the constitutionality on many things, but if she's going to choose to do that, I think she's violating the separation of powers by -- by -- **through that statute because the separation of powers, which is part of the republican form of government and that is also in South Carolina or in the South Carolina Constitution as well as in the federal Constitution**

which supersedes that [19] There is a case which is from 1907 but which Chief Justice Toal cited in an opinion in a recent case of ex -- *The State ex rel Ellison* versus somebody (verbatim). It says that the republican form of government means separation of powers. So, once a judicial officer has found that fairness to the defendant requires that the cases being tried be tried together, or that they be called at a certain time, an executive cannot overrule the judiciary. That's why we have the Constitution requires an independent judiciary. An executive cannot overrule that.

[19] In addition, in addition, she just admitted all she cares about are the State's interests and not fairness to the defendant. So it's up to the Court to decide that fairness to the defendant requires holding the prosecution to the promise that she made to a judicial officer.

[19] And as I said, I cannot present a coherent defense with only one case. And she also admitted that what she wants to do is to filter out the background information which is --- you know, I need to give the jury a motive. Why has this alleged victim fabricated all of this against me?

[19] **The Court:** All right

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

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

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

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

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

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

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

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

[24 to page 32, line 12] **Ms. Weiss:** ---question to the Court about decorum. Dr. Faltas has been personally addressing myself outside of the presence of the Court and the court reporter. She's been commenting on my family and my children, and I take that to be personal attacks on myself as well as veiled threats. I would ask that Your Honor order Dr. Faltas -- I consider her to be a criminal defendant at this point. There's nothing else that needs to be done between us that cannot be done either in writing or on the record, and I would ask Your Honor to order Dr. Faltas to either put things in writing or put them on the record. There's no reason for her to be talking to me about my family, about my children, and making threats and comments about those people, Your Honor, and I find that to be personally offensive to myself.

[23 to page 33, line 6] **Dr. Faltas:** Your Honor, **I made absolutely no threat against her or her children or anybody and that -- I am sorry -- is a bold-face lie.** I told her, "I am old enough to be your mother," and she said, "That's right." And I told her, "You have children. It's important to raise your children to be truthful people." [19] **And the Bible has two -- two sides of the coin. One says -- from in the Psalms: "I was a young man and grew old; and I never saw the children of the righteous forsaken by God or begging for alms." So the Bible has a promise that the children of the righteous will always be taken care of.** [19] It also has the reverse of that, that God visits the sins of the fathers on the children to the seventh generation, and that is the only way civilization can work. It's not a vengeful rule. It's the rule sometimes people don't care about what happens to them but what happens to themselves and to their children. **And I wasn't threatening. I was telling her that God, God, rewards the righteous and their children.**

[27] **The Court:** All right

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

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

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

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

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

[22] **The Court:** Okay. Very good.

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

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

[page 34, line 1] **Dr. Faltas:** One other thing, Your Honor.

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

[3-4] **Dr. Faltas:** Of course, I'm going to need subpoenas, and I'd like Your Honor to order the sheriff to serve them.

[5-6] **The Court:** If you give me a list of who you want subpoenaed, we'll address that.

[7] **Dr. Faltas:** Thank you, Your Honor.

[8-9] **Ms. Weiss:** Your Honor, may I also ask for a copy of the list?

[10] **Dr. Faltas:** Absolutely.

[11] **The Court:** A copy of the list will be provided.

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

[13-20] **The Court:** We're going to -- we want we're going to have you all take a break so you all can get some water and deep breaths and all of that and we'll take a break here. As we have the jury panel come and as we get ready and do that, we can do that guilty plea if you're ready. So we'll take about a 15-minute break here and we're going to do a guilty plea. We'll take a 20-minute break because then we'll take a break after we do the guilty plea as well.

[21] **Dr. Faltas:** When do we come back?

[22] **The Court:** You come back in at...

[23] **Dr. Faltas:** After the break?

[24] **The Court:** We come back at -- is it 10?

[25] **Ms. Weiss:** Almost 11.

[page 35, line 1] **The Court:** At 11:15 we'll reconvene in this case.

[2] **Dr. Faltas:** This case

[3] **The Court:** This case at 11:15.

[4] **Dr. Faltas:** And then the guilty plea.

[5-6] **The Court:** The guilty plea is going to take place in the meantime.

[7-8] **Dr. Faltas:** In the meantime. Okay. I thought Your Honor wanted a clean break in there.

[9] **The Court:** No. We'll figure out a way.

[10] **Dr. Faltas:** Thank you very much, Your Honor

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

[12] **(Whereupon, a short break was taken.)**

[13-14] **The Court:** Okay. Any matters before the jury comes in? Yes, Dr. Faltas.

[15-16] **Dr. Faltas:** Thank you, Your Honor. I needed to give you my *voir dire* list.

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

[18-19] **Ms. Weiss:** Your Honor, I passed up the State's requested *voir dire*.

[20-21] **The Court:** Yes. Any objection to any requested *voir dire* by the State?

[22-23] **Dr. Faltas:** Yes, Your Honor. There is no reason to object -- to ask about belonging to The Innocence Project.

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

[25 to page 36, line 1] **Dr. Faltas:** And there is no reason to ask about whether they have represented themselves in a criminal trial.

[2] **The Court:** All right. Ms. Weiss?

[3-13] **Ms. Weiss:** Thank you, Your Honor. The purpose of *voir dire* is to determine if there's any bias or prejudice of the jury. The requested *voir dire* I think just goes to -- outside of the typical judicial *voir dire*, I ask questions that would -- could show a bias in this particular case. We would ask that those questions be asked as far as whether or not they give to defense projects, show a prejudice or bias towards the defense representing themselves, I think just could show a bias one way or the other towards the defendant. Just as we would normally ask about defense counsel, I think it would go along with that line of questioning.

[14] **Dr. Faltas:** Your Honor?

[15] **The Court:** I've heard---

[16-20] **Dr. Faltas:** I don't see how somebody subscribing to a project that frees innocent people who are wrongly convicted would be -- would be showing of bias. It doesn't show bias. It just shows fairness, and we cannot get into asking about the jury's various preferences and charities.

[21-23] **The Court:** All right. Regarding the State's -- the defendant's requested *voir dire*, any objection to any of these requests?

[24 to page 37, line 16] **Ms. Weiss:** Yes, Your Honor. Number one I believe is covered in the State's *voir dire*. Whether anybody is a smoker I don't think is relevant to the case and I don't think would show any bias or prejudice that should be concerned. A problem drinker, a user of a controlled substance, I don't think is an appropriate question. [9] As far as the fair trial, I believe that's part of the general *voir dire*, and the instructions of the Court clearly if anybody could not give a fair trial, they would have to raise that to Your Honor. I don't have a problem with the question, but I think that is included in general *voir dire*. I don't think we can ask the jury about their opinion on Judge Barber's comment. That would ask for eliciting questions -- question-and-answer type of questions to the jury, and I don't think that is proper. [11] The presumption of innocence they will be instructed about and the falsely accused, and I just don't think those are proper questions for the jury, Your Honor.

[17] **The Court:** All right. Anything further?

[18 to page 38, line 3] **Dr. Faltas:** Yes, Your Honor. We discussed -- we discussed that comment by Judge Barber, and the other thing is I can't see how she can exclude people who believe some have been falsely accused and then she doesn't want me to ask if some have been falsely accused, especially after Judge Barber's comment and especially that she insists she's going to refer to them as victims. And if it pleases the Court, every time I object I'll say "alleged victim." I hope that the Court doesn't -- I mean, we talked about this, and Your Honor said since the jury is not here it's not -- it's not an issue now.

[4] **The Court:** All right

[5-12] **Dr. Faltas:** Now, one other thing that escaped my attention. Of course, I wasn't surreptitiously recording anything and I objected to the insinuation, especially in my absence, that I was, but to play tapes for impeachment purposes I need to bring in a tape recorder. And also some of the things that I will need to play for impeachment purposes are C.D.'s that need to be played on a computer. How are we going to handle this?

[13-14] **The Court:** Well, you are responsible for presenting your case and for having what you need to present your case.

[15-16] **Dr. Faltas:** Well, so then what I need is a tape recorder so I can play the tapes.

[17] **The Court:** Well, the State's not going to buy you---

[18] **Dr. Faltas:** No, no.

[19-22] **The Court:** --or get for you -- if you have a tape recorder, you're welcome to bring it. If you have a computer that you have something that you want to play on, you can bring it.

[23-24] **Dr. Faltas:** Well, I don't have a computer because they took it.

[25 to page 39, line 1] **The Court:** All right. Well, they told you when you can go and get it.

[2] **Dr. Faltas:** No, they said they'd bring it here.

[3] **The Court:** Well...

[4-6] **Dr. Faltas:** So I ask that, number one, I have permission to bring an empty tape recorder so I can play tapes.

[7] **The Court:** You have permission to do that.

[8-11] **Dr. Faltas:** Thank you. And then if they can speed up the bringing of my computer and I can go to my apartment to bring the power cord to it, because I'm locked out of my apartment and I can't bring the power cord.

[12-13] **The Court:** Well -- and all of that -- those things do not relate to jury selection.

[14] **Dr. Faltas:** I know.

[15-16] **The Court:** That's what we're dealing with now, jury selection.

[17-23] **Dr. Faltas:** I know, but when the case if the presentation of the evidence starts, I need to be ready with the impeachment, but I think we're going to have a big -- a big suppression hearing. Your Honor said that I may, and as I said, the State doesn't have any evidence that it has not seized from my apartment and car. So the suppression hearing is going to be a necessity. I mean---

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

[25 to page 40, line 14] **Dr. Faltas:** --it's inevitable. But in any event, so I think it's very important to ask about the jury's bias against my national origin, religion, and of the civility and the problem about the first note of what you didn't say to the State's witness list. [9] Second, the smoker and the problem drinker and user of controlled substance, that was what they claimed I was harassing my neighbors about, saying: Please do not smoke around me; please do not drink beer

and drive. I don't want to use the word "drunk" but under the influence and, yes, and some of the things that they are saying is that I complained that there be may be drug dealing going on. Yes, some of the other neighbors have convictions for drug dealing -- sorry, not drug dealing, not drug dealing, but possession of I think cocaine or marijuana.

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

[16-23] **Dr. Faltas:** So -- so this was important because this is a safety issue. So, of course, a juror has -- if they're a smoker or a user or a drinker would be -- would be sympathetic to those witnesses. And it's important -- Your Honor, I'm sorry. The presumption of innocence seems to be very tempered in everything around here, and so it's very important to select a jury that recognizes the presumption of innocence.

[24 to page 41, line 1] **The Court:** All right. Well, I've heard both the position of the State and the defense, and I will -- I will do the jury selection. Ms. Weiss?

[2-5] **Ms. Weiss:** Thank you, Your Honor. I would just ask that the defense turn over any witness lists prior to jury selection so we can ask if anybody knows any of the defense witnesses

[6-7] **The Court:** Who will be your witnesses, if you have any available?

[8-10] **Dr. Faltas:** I don't yet, but I have I'm trying to do the subpoenas and that -- Your Honor told me to write the subpoena list ---

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

[12-18] **Dr. Faltas:** ---which I haven't finished, but I'm on the last person on it for now, and that would be: City of Columbia Chief of Police, Tandy Carter; City of Columbia ministerial recorder, Mrs. Ladson; City of Columbia Chief Administrative Judge Dana Turner, Assistant City of Columbia Attorney Gary Johnson, and J. Andrew Delaney of the McAngus Goudelock and Courie Law Firm.

[19-20] **The Court:** All right. Those are the witnesses you want subpoenaed?

[21] **Dr. Faltas:** Yes, Your Honor.

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

[23] **Dr. Faltas:** Subpoena *duces tecum*.

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

[25 to page 42, line 1] **Ms. Weiss:** Your Honor, I would just ask that any of those that are not on the State's witness list be added during *voir dire*.

[3-4] **The Court:** All right. Tell me those names -- read those names again, please.

[5] **Dr. Faltas:** Tandy Carter.

[6] **The Court:** Tandy Carter, the chief of police?

[7] **Dr. Faltas:** Yes, Your Honor

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

[9-10] **Dr. Faltas:** The ministerial recorder, Mrs. Ladson, and I do not know her first name.

[11] **The Court:** Ladson?

[12] **Ms. Weiss:** Angela Ladson.

[13-15] **Dr. Faltas:** Angela? All right. Angela. Dana Turner. She's the municipal -- she calls herself an administrative judge.

[16] **The Court:** She's a judge?

[17] **Dr. Faltas:** Yes.

[18] **Ms. Weiss:** Judge.

[19] **Dr. Faltas:** Dana Turner. She's an administrator.

[20-21] **Ms. Weiss:** Your Honor, she's the chief judge of the City of Columbia municipal...

[22-23] **The Court:** All right. She's -- you're a doctor; she's a judge. So call her judge.

[24] **Dr. Faltas:** Yes, Your Honor, definitely.

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

[page 43, lines 1-5] **Dr. Faltas:** Just and I always call her judge, but the problem I'm having is that she's an executive who serves at the pleasure of somebody, not a member of the independent judiciary, and that's going to be an issue in the suppression hearing.

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

[7] **Dr. Faltas:** So I'm sorry, Your Honor.

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

[9-10] **Dr. Faltas:** Then Assistant City of Columbia Attorney Gary Johnson.

[11] **The Court:** Gary Johnson.

[12-15] **Dr. Faltas:** And J. Andrew Delaney of the McAngus Goudelock and Currie Law Firm. So obviously everyone who works for the City of Columbia on the jury panel should be disqualified. I'm sorry; I should have thought about that.

[16] **The Court:** All right. Okay. Anything else?

[17-18] **Dr. Faltas:** Should I add that to the *voir dire* or has it been...

[19] **The Court:** I have added it.

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

[21-22] **The Court:** Okay. We're ready for the panel, if you'll call them up.

[23] **(Pause in proceedings.)**

[24-25] **The Court:** Ms. Weiss, is that correct? You all are going to bring the computer here?

[26-27] **Ms. Weiss:** I'm sorry, Your Honor?

[2-3] **The Court:** Is that correct? Dr. Faltas stated that you all have agreed to bring the computer. Is that correct?

[4] **Ms. Weiss:** No, Your Honor.

[5-6] **The Court:** All right. You stated earlier that you can pick it up between 8---

[7-11] **Ms. Weiss:** Between 9 and 4:30. And if she would like to during the lunch break, she can go over there and get it during the lunch break. I'll make sure somebody is there to have it available for her to sign it, and she can pick up everything that's there if she wants it.

[12-15] **Dr. Faltas:** Your Honor, I thought that Your Honor had ordered that it be brought here so that there would be no -- but besides, I need to go to my apartment to get the power cable for it.

[16-17] **The Court:** All right. I did not order for them to bring it here.

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

[19] **The Court:** It's available. Isn't it downtown?

[20] **Ms. Weiss:** Yes, sir, Your Honor, 811 Washington.

[21-22] **The Court:** All right. She'll have -- they'll have it ready for you to go by and get it. Do you have a car?

[23 to page 45, line 1] **Dr. Faltas:** I do have a car, but there are two computers and one of them needs to be connected to a monitor. The other one is a laptop, and the power cable for it is in my apartment.

[2-3] **Ms. Weiss:** Your Honor, the jury is coming in. If we may address this after...

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

[5-6] **Ms. Weiss:** Never mind. I'm sorry. That was Ms. McBride. I thought that was the jury coming in.

[7-9] **Dr. Faltas:** And I apologize for having stepped back. Your Honor, I mean, we go back to my property being taken. I can't use it.

[10-12] **The Court:** Well, the property that they had here yesterday that I had them to give you, the property is at the police department. You have to go there to get it.

[13-16] **Dr. Faltas:** Yes, Your Honor, but what I'm saying is they took from my apartment the computers without what needs to be connected to them. So they cannot work, and then they are locking me out of my apartment.

[17-18] **The Court:** All right. You say the connection is at your apartment.

[19] **Dr. Faltas:** Yes, Your Honor.

[20-21] **The Court:** All right. Who lives in that apartment now? Is it boarded? Blocked? What is...

[22-23] **Dr. Faltas:** No one lives in it. I have been paying the rent, and I don't know who---

[24 to page 46, line 1] **The Court:** So the condition of the bond is that a police escort is supposed to go there with her to get what she needs?

[2] **Dr. Faltas:** Yes, Your Honor.

[3-4] **The Court:** Let me ask Ms. Weiss. Is that correct, Ms. Weiss?

[5] **Ms. Weiss:** Your Honor -- I'm sorry.

[6-7] **The Court:** Don't worry about that; there they are. All right. We'll address the issue later.

[8-9] **(Whereupon, the jury was brought into open court at this time.)**

[10 to page 47, line 2] **The Court:** All right. Thank you. Good morning. [1] Ladies and gentlemen, I am Judge Clifton Newman, and next to me is my law clerk, Danielle Wagner. You all were sent up here for us to do jury selection. We are about to begin the trial of the State of South Carolina versus Dr. Marie Assa'ad Faltas. Dr. Faltas has been indicted by the grand jury of Richland County, charging her with the crime of harassment. She has pled not guilty to this charge. She is presumed to be not guilty of this charge. She cannot be found guilty of this charge unless the State presents evidence that satisfies a jury of her guilt beyond a reasonable doubt. Otherwise, she must be found not guilty. [2] And before selecting the jury, I have several questions -- many questions that I'm going to ask you to assist with jury selection. First we're going to swear the jury panel. If you all will stand and raise your right hands.

[3] **(Whereupon, the jury panel was sworn at 11:55 a.m.)**

[4-7] **The Court:** The State in this case is represented by the Fifth Circuit Solicitor's Office through assistant solicitor -- and we'll have you introduce yourself, Ms. Weiss, along with anyone else you would like to introduce.

[8-12] **Ms. Weiss:** Good morning, ladies and gentlemen. My name is Heather Weiss. I work for the Fifth Circuit Solicitor's Office and Solicitor Barney Giese, and seated with me is Alexander Campbell who is also an assistant solicitor with our office.

[13-14] **The Court:** All right. The defendant in this case is Dr. Faltas. If you'll introduce yourself to the jury panel.

[15-18] **Dr. Faltas:** Good afternoon, friends. I'm Dr. Marie Assa'ad Faltas. I am the defendant in this case, and as His Honor told you, I'm presumed innocent and I'm representing myself.

[19 to page 48, line 2] **The Court:** All right. If any member of the jury panel is related to -- by blood or marriage to the defendant, Dr. Faltas, or the solicitor or solicitors in the case or anyone in the Fifth Circuit Solicitor's Office -- if so, please stand. If you are a social acquaintance of any of them, please stand. No one standing. [1] The alleged victim in this case is Ms. Teresa Ingram, and, Ms. Ingram, if you will stand.

[2] **Ms. Ingram:** Good morning.

[3-8] **The Court:** If any member of the jury panel is related by blood or marriage or if you know Ms. Ingram or if you are a social acquaintance of hers, please stand. No one standing. [1] The matters alleged in this indictment took place when and where, Ms. Weiss?

[9-13] **Ms. Weiss:** Thank you, Your Honor. The alleged incidents in this case took place between March 2009 and November of 2009. They took place generally around the area of 300 and 304 Byron Road which is in the 29209 area of the City of Columbia.

[14-17] **The Court:** All right. If any member of the jury panel knows anything about this case, if you've heard anything about this case, if you live at or around that location, please stand. Yes, ma'am.

[18] **Juror 91:** I live in 29209 but...

[19] **The Court:** She gave an address as being--

[20] **Juror 91:** I don't even know where Byron Road is.

[21-22] **The Court:** All right. Do you know -- ma'am, tell us your juror number, please.

[23] **Juror 91:** 91.

[24] **The Court:** And do you know anything about this case?

[25] **Juror 91:** No, sir.

[page 49, line 1] **The Court:** All right. Thank you

[2] **Juror 170:** Your Honor?

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

[4-5] **Juror 170:** I live in 29209. I know where that road is, but I don't live in that area.

[6] **The Court:** All right. And your juror number?

[7] **Juror 170:** 170.

[8] **The Court:** 170

[9-10] **Juror 185:** I also live in 29209 and I do know where Byron Road is located but

[11-12] **The Court:** And where is 209, the zip code, the area code?

[13] **Juror 185:** Southeast Columbia

[14] **The Court:** Southeast near?

[15] **Juror 185:** Garners Ferry, Leesburg Road.

[16] **The Court:** Okay. Very good. Thank you

[17] **Dr. Faltas:** I'm sorry What is. .

[18] **The Court:** Your juror number, please?

[19] **Juror 185:** Me?

[20] **The Court:** Yes

[21] **Juror 185:** I'm 185

[22 to page 51, line 19] **The Court:** Juror number 185. Has any member of the jury panel or any member of your immediate family ever been accused of, charged with, accused anyone of or had anyone charged with or had someone convicted of harassment or stalking? If so, please stand. No one standing. [1] The defendant in this case, Dr. Faltas, is representing herself in this case. She's referred to as a *pro se* defendant, and she has a constitutional right to represent herself. Has any member of the jury panel ever represented themselves in a criminal trial? If so, please stand. If you have ever represented yourself in a criminal trial. No one standing. [1] Now, the following people may testify in this case, and it's a rather long list of people. Listen carefully. At the end I'm going to ask you whether you're related to any of these people or whether you know any of them, whether you have any reason to be biased or prejudiced against the defendant based on these people being witnesses or possible witnesses in this case or bias or prejudice against the State as a result of these people being witnesses or possible witnesses in this case. [1] These witnesses are: Chief Tandy Carter, the chief of police of the City of Columbia. Angela Ladson I believe is the city recorder. Judge Dana Turner. Attorney Gary Johnson. Attorney J. Andrew Delaney. And if anyone whose names I called -- the name I called, if you're here, please stand. [1] Investigator Amanda Blanton of the Columbia Police Department. Thank you. Sergeant George Drafts, C.P.D. Investigator Steven Ruski, C.P.D. Sergeant John Passmore, C.P.D. Investigator Barbara Coleman, C.P.D. Investigator Colin Bailey, C.P.D. Investigator April Merrill, C.P.D. Investigator Wayne Montgomery, C.P.D. M.P.O. Roger Gilland, C.P.D. Officer Tyrone Pugh, C.P.D. Sergeant Jimmy Auld, A-U-L-D, C.P.D. Officer Darryl

Goodman, C.P.D. Sergeant Bryan Bell, C.P.D. Sergeant Kelly Yates, C.P.D. Sergeant Taurus Saunders, C.P.D. Officer Alex White, C.P.D. Sergeant Bryan O'Connell, C.P.D. Officer Kenneth Compton, C.P.D. Corporal Chad Branham, C.P.D. (1) Dinah Steele-Mason, Larry Mason, Charlene Crouch, Mitch Jones, Tiffany Lurke, L-U-R-K-E, Corey Lamont Curry, Rodney Ingram, Wendy Ceo, C-E-O, Richard Cooper, Curtis Ingram, Walter Ingram, John Ingram, Jennifer Blair, 9-1-1 person -- personnel, Corporal Derek-L. Dada, D-A-D-A - Richland County Sheriff's Department, Investigator Roy Livingston - Richland County Sheriff's Department. If you are a friend, relative, associate or if you know any of those folks, please stand. Yes, ma'am.

[20-21] **Juror 296: I work for the City of Columbia, so I know a good many of those folks.**

[22-25] **The Court:** All right. In connection with that question, if you are an employee of the City of Columbia, please stand. You're the only employee of the City of Columbia on the jury panel.

[page 52, line 1] **Juror 296:** (Nodded head up and down.)

[2] **The Court:** What's your juror number, please?

[3] **Juror 296:** 296.

[4-17] **The Court:** All right. We will not consider her for selection as a juror in this case. Anyone else who knows any of those folks -- people -- those people? No one. All right. (1) If any member of the jury panel or any member of your immediate family is a member of -- a contributor or supporter of any organization such as M.A.D.D., S.A.D.D., or any other organization in support of victims' rights or any organization such as The Innocence Project, any other organization that supports prisoners' rights or any other organization in support of law enforcement such as the Paternal Order of Police or similar state or local police support organizations, if so, please stand. Yes, sir, your juror number.

[18] **Juror 186:** 186.

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

[20-21] **Juror 186:** I'm a volunteer with Richland County Sheriff's Department. I do handicap parking patrol.

[22] **The Court:** You're a volunteer with the Columbia...

[23] **Juror 186:** Richland County.

[24] **The Court:** Richland Sheriff's Department of what patrol?

[25-26] **Juror 186:** The volunteer handicap patrol.

[27] **The Court:** Voluntary handicap patrol.

[28] **Juror 186:** The parking.

[29] **The Court:** All right. Thank you, sir. And would that affect your ability to be a fair and impartial juror in your mind?

[30] **Juror 186:** No, sir.

[31] **The Court:** All right. Thank you very much. Juror number again?

[32] **Juror 186:** 186.

[33-34] **The Court:** 186. Any additional questions? Is any member of the jury panel a smoker or a -- or if you are a heavy drinker or a user of controlled substances, either of those three - smoker, heavy drinker, or user of controlled substance - if so, please stand. And I'll ask you specifically while you're standing. Yes, sir. Juror number?

[35] **Juror 77:** 77.

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

[37] **Juror 77:** I'm a smoker.

[38] **The Court:** A smoker. Thank you.

[39] **Juror 95:** 95, smoker.

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

[41] **Juror 132:** 132, smoker.

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

[25 to page 54, line 1] **Juror 52:** 52. I'm on Tylenol number three for back pain.

[2] **The Court:** Say it again.

[3-4] **Juror 52:** I'm on Tylenol number three. It's for back pain.

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

[6] **Juror 120:** 120. I do Adderall.

[7] **The Court:** Adderall.

[8] **Juror 120:** Prescription.

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

[10] **Juror 273:** 273, smoker.

[11] **Juror 194:** 194, smoker.

[12-16] **The Court:** All right. Thank you. If you believe that that fact would affect your ability to be a fair and impartial trial (verbatim) should the issue of smoking become an issue in this case, please stand. All right. No one standing.

[17-18] **Dr. Faltas:** Your Honor, may I have the smoker jury numbers again, please?

[19-20] **The Court:** All right. Those who smoke, please give us your -- stand and give us your juror numbers again, please.

[21] **Juror 77:** 77.

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

[23] **Juror 95:** 95.

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

[25] **Juror 192:** 192.

[page 55, line 1] **The Court:** Yes, ma'am.

[2] **Juror 273:** 273.

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

[4] **Juror 194:** 194.

[5-7] **The Court:** Thank you. The defendant, Ms. Faltas, in this case, is your national origin, is it Egyptian? Dr. Faltas? Your national origin, is it Egyptian?

[8-9] **Dr. Faltas:** Yes, Your Honor. I am a Coptic Orthodox Christian.

[10-11] **The Court:** A Coptic Orthodox Christian. And your national origin is?

[12] **Dr. Faltas:** Is Egypt.

[13] **The Court:** Is Egyptian.

[14] **Dr. Faltas:** Yes, sir.

[15] **The Court:** Thank you. And she is also on disability?

[16] **Dr. Faltas:** No, not on disability, but I'm disabled.

[17] **The Court:** She's disabled.

[18] **Dr. Faltas:** But not on disability.

[19 to page 56, line 21] **The Court:** But not on disability. Thank you. Would that fact prevent you from giving her a fair and impartial trial? If so, please stand. No one standing. [19] During the course of jury selection, I understand that Judge Barber or jury qualification. I understand that Judge Barber may have made a comment to the effect that, "Crime never ends." Certainly, any person who is accused of committing a criminal offense is presumed to be not guilty of that crime. I made that -- I referenced that in my introductory comments to you and that a person cannot be convicted or found guilty of the crime unless the State proves guilt beyond a reasonable doubt. [19] The fact that there may be criminal activity going on somewhere in Richland County must not enter into your consideration whatsoever in determining whether or not the State meets its burden of proof as to Dr. Faltas in this case. If any of you construed the comments of Dr. Faltas (verbatim) to---

[12] **Dr. Faltas:** Of Judge Barber.

[13-16] **The Court:** In such a way to -- the comment of Judge Barber in such a way that it might affect your ability to give Dr. Faltas a fair and impartial trial, please stand and let that be known at this time. No one standing.

[17-20] **Juror 170:** Your Honor, I just want to mention this. I was on magistrate's court in September, and Dr. Faltas, she was she had a case there, but I wasn't chosen for the jury on her case.

[21-24] **The Court:** All right. And would the fact that you were in magistrate's court at the time when Dr. Faltas had a case there, would that affect your ability to be fair and impartial in this case?

[25] **Juror 170:** No.

[page 57, line 1] **The Court:** And what's your juror number, please?

[2] **Juror 170:** 170

[3-5] **The Court:** Juror number 170. Thank you. Any other questions the State or the defense would like for me to pose at this time?

[6-7] **Dr. Faltas:** Your Honor, I'm sorry. I don't seem to find 170 on my list.

[8-9] **The Court:** She -- that's not an entire list of every jury.

[10] **The Clerk:** It's on the second page at the top.

[11] **The Court:** Of every juror.

[12-13] **Dr. Faltas:** Oh, yes. I'm sorry. I'm sorry. Thank you.

[14-15] **The Court:** Any other questions proposed by the State or the defendant?

[16] **Ms. Weiss:** Nothing from the State, Your Honor.

[17-19] **The Court:** Anything -- just one second. Any other questions by the defense? Dr. Faltas, any other questions you would like for me to ask the jury panel?

[20-23] **Dr. Faltas:** Yes, Your Honor. I believe one nice lady on the jury said from the panel, she works for a Dr. Knotts (phonetic). I don't know if she remembers me and if she talked to the jury about me.

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

[25] **Dr. Faltas:** I don't know whether---

[page 58, lines 1-2] **The Court:** I said, "Thank you." Yes, sir, your juror number?

[3] Juror 194: 194.

[4] The Court: All right. Why are you standing?

[5-6] Juror 194: I know Sheriff Livingston. I'm not sure it's the same one.

[7] The Court: All right. Roy Livingston.

[8] Juror 194: I'm not sure---

[9-10] The Court: You're not sure. You know a sheriff whose name is Livingston, but you don't know which one. Roy---

[11] Juror 194: I don't know.

[12] The Court: What age person is the one you know?

[13] Juror 194: Pardon me?

[14-15] The Court: What age person is he, the one that you know?

[16-17] Juror 194: I'd say maybe his early fifties, late forties.

[18-20] The Court: So it sounds like that -- if he testifies and if you know him, would that fact affect your ability to give the State or the defense a fair and impartial trial?

[21] Juror 194: No, sir.

[22] The Court: All right. Your juror number once again is?

[23] Juror 194: 194.

[24 to page 59, line 3] The Court: 194. All right. If any juror knows Dr. Faltas, has shopped in the same stores that she might have shopped in, if you believe that you have seen her before somewhere, please stand. All right. Yes, ma'am, your juror number?

[25] Juror 120: 120.

[26] The Court: Okay.

[27] Juror 120: She looks familiar, and I'm not sure.

[28] The Court: You don't know her.

[29] Juror 120: No.

[30] The Court: Thank you. Yes, sir.

[31-32] Juror 274: Dr. Faltas used to be a customer of mines (verbatim) when I worked at Chick-Fil-A.

[33] The Court: Chick-Fil-A. Which one was that?

[34] Juror 274: Forest Drive, Two Notch Road, and downtown.

[35] The Court: Forest Drive, Two Notch Road, and downtown.

[36] Juror 274: Uh - huh.

[37-38] The Court: All right. And that's the -- the two jurors who stood, you and the lady there, would that fact affect your ability to give her a fair and impartial trial?

[39] Juror 274: No.

[40-41] The Court: The fact that she shopped at Chick-Fil-A while you worked there.

[42] Juror 120: No.

[43] Juror 274: No.

[44] Dr. Faltas: I'm sorry. What's the juror number?

[45] The Court: Your juror number again is?

[page 60, line 1] Juror: 274.

[2] The Court: 274.

[3] Juror 120:

[4-5] The Court: And 120. All right. Anything else? All right. If you know of any other reason why you should not be selected as a juror in this case or cannot give both the State and the defense a fair and impartial trial, anything else going on in your life that would cause you to not be able to be a fair juror -- I've called out about 25 names, I believe, and if they all testified, that sounds as if we'll be here for an extended period of time, the length of which I cannot say. If there's anything, based on all of those facts, that would prevent you or should cause you not to be selected as a juror in this case, please let me know at this time, not later on, but at this time by standing. All right. Yes, sir, juror number?

[17] Juror 52: 52.

[18] The Court: Yes, sir.

[19-20] Juror 52: I have a neurosurgery appointment on Thursday at 2:30. It took six weeks to get it.

[21] The Court: All right. Juror number 52?

[22] Juror 52: Yes, sir.

[23-24] The Court: All right. He will not be considered for selection in this case. Anyone else?

[25] Juror 174: Yes.

[page 61, line 1] The Court: Yes, sir.

[2] Juror 174: I'm a physician. I've already had to cancel one week of appointments, so I certainly would like to...

[3] The Court: All right. Juror number -- say it again.

[4] Juror 174: 147. No, I'm sorry. 174.

[5] The Court: Juror number 174. You're a physician and you have patients scheduled.

[1-2] **Juror 174:** Yes, sir. I've already cancelled one week of appointments.

[3-4] **The Court:** You've cancelled one week of appointments. Is that meaning this week?

[5] **Juror 174:** This week.

[6] **The Court:** You're available this week.

[7] **Juror 174:** Yes, sir.

[8] **The Court:** Okay. Okay. Thank you. Yes, ma'am.

[9-10] **Juror 9:** Juror number nine. I'm taking a trip to Ohio on Thursday. I don't know if that fits. .

[11] **The Court:** Thursday of which week?

[12] **Juror 9:** This week.

[13] **The Court:** To where?

[14] **Juror 9:** To Ohio.

[15] **The Court:** What part are you going to?

[16] **Juror 9:** Marion.

[17-18] **The Court:** Marion, Ohio. And that's -- what type of trip is that?

[19-20] **Juror 9:** A family trip.

[21] **The Court:** All right. Your juror number again is?

[22] **Juror 9:** Nine

[23-24] **The Court:** Juror number nine. All right. We will not consider her for selection in this case. Yes, sir.

[25-26] **Juror 63:** I just want to say that just recently I had surgery on my neck where some vertebrae was torn up and I had to have it replaced, and I still have a cracked shoulder. And in this type of weather I be in constant pain, and sometime I have a problem turning my head and sometime I can't even hardly use my neck the right way.

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

[28-29] **Juror 63:** I don't have a doctor's statement with me, but I can produce that evidence.

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

[31-32] **Juror 63:** So sitting here, it bothers my neck some and my shoulder.

[33-34] **The Court:** All right. Of course, sitting wherever you might be would still--

[35] **Juror 63:** Even at home, yes, sir.

[36] **The Court:** Even at home.

[37] **Juror 63:** Yes, sir.

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

[39] **Juror 63:** Under painkillers though.

[40-41] **The Court:** All right. All right. Sir, tell me your juror number.

[42] **Juror 63:** 63.

[43-44] **The Court:** All right. We'll take all that into consideration.

[45-46] **Juror 63:** I was in a severe accident in 2008, and I just recently started getting treatment. Workers' Compensation just recently started giving me treatments.

[47-48] **The Court:** All right. We'll take all that into consideration, especially if you're sitting on the jury over there. All right. Yes, sir.

[49-50] **Juror 183:** I'm self-employed. It would be tough to miss more than one week of work.

[51] **The Court:** All right. Juror number?

[52] **Juror 183:** 183.

[53-54] **The Court:** 183. All right. Thank you. All right. Ladies and gentlemen, the panel is qualified. We will proceed now with jury selection.

[55-56] **Dr. Faltas:** May I... If it pleases the Court -- and I don't even know if this is something I could ask in the presence of the jury.

[57] **The Court:** All right. If you'll come forward, please.

[58] (Whereupon, a bench conference was held.)

[59-60] **The Court:** Okay. The panel is qualified. Listen to the clerk. She's in charge of this ---

[61] **The Clerk:** Ladies and gentlemen of the jury---

[62] **The Court:** ---portion of it.

[63-64] **The Clerk:** It's the only portion I want to be in charge of. As I call your name, please come down. Bring all your belongings with you. Come stand in front of the microphone -- I started to say microwave - microphone and give us your occupation. Dwight Green (black male).

[65] **The Court:** Just use juror numbers only.

[66] **The Clerk:** Yes, sir.

[67] **The Court:** What's the number?

[68] **The Clerk:** Number 114, Your Honor.

[69-70] **Juror 114:** Dwight Green. I'm a mental health counselor for the Department of Mental Health.

[71] **The Clerk:** What says the State?

[72] **Ms. Weiss:** Please present Mr. Green.

[73] **The Clerk:** What says the defense?

[74] **Dr. Faltas:** Please excuse Mr. Green.

[75-76] **The Clerk:** Thank you. Have a seat in the back of the courtroom. Number 91 (white female).

[19] **Juror 91:** My name is Marion Ey. I'm a housewife.

[20] **The Clerk:** What says the State?

[21] **Ms. Weiss:** Please present Ms. Ey.

[22] **The Clerk:** What says the defense?

[23] **Dr. Faltas:** Please seat the juror with my thanks.

[24] **The Clerk:** Have a seat in the jury box.

[25] **Juror 91:** Oh.

[page 65, lines 1-3] **The Clerk:** Ladies and gentlemen, you don't have to give your name; okay? When I call your number out, just come down and give us your occupation. Number 95 (white male).

[4-5] **Juror 95:** I'm assistant department manager for Publix supermarkets.

[6] **The Clerk:** What says the State?

[7] **Ms. Weiss:** Please present juror number 95.

[8] **The Clerk:** What says the defense?

[9] **Dr. Faltas:** Please seat the juror with my thanks.

[10-11] **The Clerk:** Have a seat in the jury box, please. Number 243 (black male).

[12] **Juror 243:** I'm a disabled pipeline supervisor.

[13] **The Clerk:** What says the State?

[14] **Ms. Weiss:** Please present juror 243.

[15] **Dr. Faltas:** I'm sorry. I didn't hear the occupation.

[16-17] **The Court:** Say it again, please, where you -- your occupation? Disabled...

[18] **Juror 243:** Disabled pipeline supervisor.

[19] **The Court:** Pipeline supervisor.

[20] **Juror 243:** Yes.

[21] **The Clerk:** What says the defense?

[22-23] **Dr. Faltas:** I'm sorry. Did this juror previously say that this would be inconvenient for him to be here?

[24] **Juror 243:** Well, you know, it's...

[25 to page 66, line 1] **The Court:** No. Sir, the question is whether you previously stood up and answered---

[2] **Juror 243:** No, I didn't.

[3] **The Court:** He did not.

[4] **Dr. Faltas:** Please seat the juror.

[5-6] **The Clerk:** Have a seat in the jury box, please. Number 273 (white male).

[7-8] **Juror 273:** I'm retired. I was a route salesman for Merita Bread for 30 years.

[9] **The Clerk:** What says the State?

[10] **Ms. Weiss:** Please present juror number 273.

[11] **The Clerk:** What says the defense?

[12] **Dr. Faltas:** Please excuse juror 273.

[13-14] **The Clerk:** Have a seat in the back of the courtroom. Number 165 (black female).

[15] **Juror 165:** Programmer analyst.

[16] **The Clerk:** What says the State?

[17] **Ms. Weiss:** Please present Juror 165.

[18] **The Clerk:** What says the Defense?

[19] **Dr. Faltas:** With my thanks, please seat Juror 165.

[20-21] **The Clerk:** Have a seat in the jury box, please. Number 132 (white female).

[22] **Juror 132:** I'm a housewife.

[23] **The Clerk:** What says the State?

[24] **Ms. Weiss:** Please present juror 132.

[25] **The Clerk:** What says the defense?

[page 67, line 1] **Dr. Faltas:** Please seat the juror with my thanks.

[2-3] **The Clerk:** Thank you. Have a seat in the jury box, please. Number 219 (white male).

[4] **Juror 219:** I'm a reimbursement manager, occupation.

[5] **The Clerk:** What says the State?

[6] **Ms. Weiss:** Please present juror 219.

[7] The Clerk: What says the defense?

[8] Dr. Faltas: Please seat the juror with my thanks.

[9-10] The Clerk: Thank you. Have a seat in the jury box, please. Number 138 (black female).

[11] Juror 138: Sherry Hollins, medical assistant.

[12] The Clerk: What says the State?

[13] Ms. Weiss: Please excuse juror 138.

[14] The Clerk: Have a seat in the back of the courtroom.

[15] Dr. Faltas: Your Honor, may I approach?

[16] The Court: Not at this time.

[17] The Clerk: Number 101 (black male).

[18] Juror 101: Post office.

[19] The Clerk: What says the State?

[20] Ms. Weiss: Please present juror 101.

[21] The Clerk: What says the defense?

[22] Dr. Faltas: Please, with my thanks, seat the juror.

[23-24] The Clerk: Have a seat in the jury box, please. Number 34 (black female).

[25] Juror 34: Team operator.

[page 68, line 1] Dr. Faltas: Team operator?

[2] Juror 34: Team operator.

[3] The Clerk: What says the State?

[4] Ms. Weiss: Please present juror 34.

[5] The Clerk: What says the defense?

[6] Dr. Faltas: Please excuse juror 34.

[7-8] The Clerk: Have a seat in the back of the courtroom. Number 46 (black male).

[9] Juror 46: I'm a material handler.

[10] Dr. Faltas: I'm sorry?

[11] Juror 46: Material handler.

[12] The Clerk: What says the State?

[13] Ms. Weiss: Please excuse juror 46.

[14-15] The Clerk: Have a seat in the back of the courtroom, please. Number 174 (white male).

[16] Juror 174: I'm a physician.

[17] The Clerk: What says the State?

[18] Ms. Weiss: Please present juror 174.

[19] The Clerk: What says the defense?

[20] Dr. Faltas: Your Honor, may we approach, please?

[21] The Court: All right.

[22] (Whereupon, a bench conference was held.)

[23] The Court: Dr. Law, come on up.

[24-25] (Dr. Law comes up and participates in the bench conference.)

[page 68, line 1] Dr. Faltas: With my thanks, please seat the juror.

[2-3] The Clerk: Have a seat in the jury box, please. Number 120 (white female).

[4] Juror 120: I own a studio.

[5] The Clerk: What says the State?

[6] Ms. Weiss: Please present juror 120.

[7] The Clerk: What says the defense?

[8] Dr. Faltas: Please seat juror 120 with my thanks.

[9-10] The Clerk: Have a seat in the jury box, please. Number 164 (white female).

[11] Juror 164: I'm a librarian.

[12] The Clerk: What says the State?

[13] Ms. Weiss: Please present juror 164.

[14] The Clerk: What says the defense?

[15] Dr. Faltas: Please seat the juror with my thanks.

[16-17] The Clerk: Have a seat in the jury box, please. Number 274 (black male).

[18] **The Court:** Didn't we excuse 52?

[19] **The Clerk:** I have that he was excused, Your Honor.

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

[21] **Juror 274:** Customer care consultant.

[22] **The Clerk:** What says the State?

[23] **Ms. Weiss:** Please present juror 274.

[24] **The Clerk:** What says the defense?

[25] **Dr. Faltas:** Please excuse juror 274.

[page 70, lines 1-4] **The Clerk:** Have a seat at the back of the jury box, please -- back of the courtroom, please.
May I review your strikes? For the State I have two and for the defense I have four.

[5] **Dr. Faltas:** Yes.

[6] **The Clerk:** Number 141 (white male).

[7] **Juror 141:** I'm a sales manager.

[8] **The Clerk:** What says the State?

[9] **Ms. Weiss:** Please present juror 141.

[10] **The Clerk:** What says the defense?

[11] **Dr. Faltas:** With my thanks please seat the juror.

[12-13] **The Clerk:** Have a seat in the jury box, please. Number 195 (black male).

[14-16] **Juror 195:** Former chief of 19 years here in Richland County. Formerly -- formerly self-employed as a charter tour bus operator.

[17] **The Clerk:** What says the State?

[18] **Ms. Weiss:** Please present juror number 195.

[19] **Dr. Faltas:** May we approach?

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

[21] (Whereupon, a bench conference was held.)

[22] **The Court:** Mr. Means, come.

[23] (Juror Means joins the bench conference.)

[24] **Dr. Faltas:** With my thanks please seat the juror.

[25] **The Clerk:** Have a seat in the jury box, please.

[page 74, line 1] **The Court:** Two alternates.

[2] **The Clerk:** Thank you, Your Honor.

[3] **The Court:** Strikes are one and two.

[4] **The Clerk:** Number 254 (black female).

[5] **Juror 254:** Customer service associate.

[6] **The Clerk:** What says the State?

[7] **Ms. Weiss:** Please excuse juror 254.

[8-9] **The Clerk:** Have a seat in the back of the courtroom, please. Number 186 (white male).

[10] **Juror 186:** Budget manager.

[11] **The Clerk:** What says the State?

[12] **Ms. Weiss:** Please present juror 186.

[13] **The Clerk:** What says the defense?

[14] **Dr. Faltas:** With my thanks please seat the juror.

[15] **The Clerk:** Number 73 (black female).

[16-18] **The Court:** I think we'll have this juror -- the first seat -- where the bailiff normally sits, if you'll have his chair there and move that chair, Mr. Dessausure.

[19] **Juror 73:** Hospital care.

[20] **The Clerk:** What says the State?

[21] **Ms. Weiss:** Please present juror 73.

[22] **The Clerk:** What says the defense?

[23] **Dr. Faltas:** With my thanks please seat the juror.

[24] **The Clerk:** Have a seat in the jury box, please.

[25] (Whereupon, the jury was impaneled at 1:22 p.m.)

[page 74, lines 1-2] **The Court:** All right. Are there any matters of law regarding the jury selection?

[3] **Ms. Weiss:** Nothing from the State, Your Honor.

[4] **Dr. Faltas:** May I approach?

[5-6] **The Court:** Any objection to the jury as it's currently constituted?

[7-8] **Dr. Faltas:** If I may reserve my requests for the jurors that they must have---

[9] **Court Reporter:** I can't hear.

[10-11] **Ms. Weiss:** I'm sorry. I can't understand what she's saying, Your Honor.

[12] **Dr. Faltas:** Your Honor, may I approach?

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

[14] (Whereupon, a bench conference was held.)

[15-16] **The Court:** Any objection to the jury as it's constituted, Dr. Faltas?

[17] **Dr. Faltas:** No, Your Honor. Thank you.

[18-20] **The Court:** All right. Ladies and gentlemen, you have been selected to be the jury in the trial of this case, and I'll chat with you just a little more in a minute.

[21-22] (The jurors who were not selected were excused from the courtroom.)

[23-25] **The Court:** All right. As far as scheduling with this jury panel, I'm thinking about having them come back at 2:15. What says the State?

[page 73, line 1] **Ms. Weiss:** Sounds good to the State, Your Honor.

[2] **The Court:** All right. Dr. Faltas?

[3] **Dr. Faltas:** Whatever the Court's pleasure.

[4] **The Court:** Good.

[5] **Dr. Faltas:** Thank you, Your Honor.

[6-16] **The Court:** Okay. We will have you all take a lunch break 'til 2:15. I need you back at 2:15. If you all will follow the instructions of the bailiffs, they'll tell you how to get in and out. You'll never come through the - - through those doors. You'll always come from the jury room. So when you return, you'll be returning through a back way to the jury room and they'll explain all that to you. [1] Please do not discuss the case at all or speculate as to what the case is about or talk about the case in any way. I'll give you more instructions on that when you return. We'll see you at 2:15.

[17-18] (Whereupon, the jury was excused from open court to go to lunch at 12:43 p.m.)

[19-20] **The Court:** All right. Is there anything else before we break for lunch?

[21-23] **Ms. Weiss:** Your Honor, just as to the computers, I guess since Dr. Faltas -- if she's going to go pick it up at lunch I did want to answer your question.

[24] **The Court:** Right.

[25 to page 74, line 8] **Ms. Weiss:** This issue was actually already addressed in front of Judge Cooper as far as the cords. Dr. Faltas was told she could not go without police escort to her apartment. She then -- there was an issue with her calling for a police escort numerous times. [1] So Judge James set two three-hour periods where she could go and take anything she wanted from her apartment and that should be it, because she was abusing the law enforcement trying --

[9] **Dr. Faltas:** Your Honor, objection.

[10] **Ms. Weiss:** --- trying to get them to ---

[11-12] **Dr. Faltas:** Objection. Your Honor instructed us when someone objects, the other should stop talking.

[13-14] **The Court:** All right. Just a moment. What is the objection?

[15-19] **Dr. Faltas:** There was absolutely no finding that I was abusing anything. Judge James's order is in writing. I would say that it was a bond to secure my appearance. I have appeared. Everything from now on is up to Your Honor. The bond has fulfilled its function.

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

[21-22] **Dr. Faltas:** And it's -- and I would like to get my items from my apartment.

[23-25] **The Court:** No, that's an objection, not an opportunity to interject your presentation for hers. I heard the objection.

[page 75, lines 1-2] **Dr. Faltas:** The objection is there was absolutely no finding of abuse.

[3] **The Court:** All right. I understand.

[4] **Dr. Faltas:** Thank you, Your Honor.

[5] **The Court:** Ms. Weiss?

[6 to page 76, line 1] **Ms. Weiss:** Thank you, Your Honor. She was given those two opportunities. When we appeared before Judge Cooper in one of these hearings that has been held, we indicated that the computers were available to be picked up. Dr. Faltas then indicated needing the cords. [1] Judge Cooper at that time indicated she could not go back to her apartment. That was still a rule of the Court, was a bond restriction.

but she could have someone go. She has the keys to her apartment, and she could have someone go and pick that up. She's chosen not to do that and, in fact, the State actually has evidence that she's been going back to the apartment anyway, but neither here nor there, in violation of her bond. [1] But I would ask that if she wants somebody to go pick that up that they could go and get the cords if need be, but that is still a bond condition. And either the bond remains in effect or it does not, but I mean, in my opinion -- in the State's opinion she's not been abiding by the bond anyway. Judge Cooper has already instructed her to have someone go get whatever she needs to hook up those computers, and she has chosen not to do that up to this point.

[2] **The Court:** All right. Dr. Faltas?

[3-21] **Dr. Faltas:** Your Honor, the way they ransacked my apartment, no one knows where anything is, let alone someone who has never been there who does not even know me. And I take the position that the bond was to secure my appearance at trial. I am here at trial. [1] Your Honor, as you told me yesterday, everything is up to Your Honor now. Even we had discussed Judge Cooper's order that both cases be tried together; now Your Honor has ordered just one. It's all -- it's all up to Your Honor now, and I had even told Your Honor that I need to get some clothes. I mean, I'm appearing without -- I'm no longer presentable. The jury might get the wrong impression. I think it is so unfair. I mean, what even they accuse me of doesn't warrant this Draconian, Draconian, exile from my apartment. And so I -- the bond was to secure my appearance; I have appeared. And I need that for a fair trial. And it's not just one computer; it's two. One needs the power cord. The other needs to be hooked to the monitor and to the other which the monitor is that big---

[22-23] **The Court:** When you were there before, did you look for the cords and the monitors?

[24 to page 77, line 2] **Dr. Faltas:** When I was there before, that was before the reconsideration before Judge James and before they had decided to release the computers back to me. So there was no...

[3] **The Court:** Okay. I understand.

[4-10] **Dr. Faltas:** And I want to put on the record once again Ms. Helms making faces at me or at the jurors when she doesn't hear me and gestures and this is all to my detriment. This is going to be a recurring issue, and if there is an appeal, there is going to be an issue with my ability to obtain the transcript from her. And I want that on the record, if it pleases the Court.

[11-21] **The Court:** All right. It's on the record. And witnesses should not make faces. None of the participants should make facial reactions to anything in such a way as to cause a juror to form an opinion of any of the participants based on expressions made by anyone in the courtroom, be that person a court reporter, a judge, a law clerk, a bailiff, witness, anyone, spectator. Poker face, everyone, as to everything and we'll follow that rule in this court. [1] Okay. Now, with regard to the computers, they're at the police department. You have the right to go there and get them.

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

[23-25] **The Court:** They're waiting for you. They want you to come get them. The police department is five minutes away, isn't it?

[page 78, line 1] **Ms. Weiss:** Yes, Your Honor.

[2] **The Court:** And they're ready for you.

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

[4-13] **The Court:** All right. Now, with regard to these cords and some clothes there, I would like to have something set up for her to go there to get those things to have access to -- I am not revisiting this whole issue of whether she can move back in her apartment and all of the Draconian measures imposed by Judge James, according to Dr. Faltas. I'm not reviewing all of that, but I am reviewing allowing her to go there to look for these cords that she's talking about and to get some of her clothes if she wants to get some. And so we need to set that up with a police officer---

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

[15-17] **The Court:** ---who can go there. And when can -- if you can work on that and tell me what you have set up, we can review that at the end of the day.

[18-21] **Ms. Weiss:** Your Honor, if we can establish a time that you intend on adjourning this afternoon, I'll be happy to work with the police department to try to set up a time this evening.

[22-23] **The Court:** This evening will be good. We'll probably quit about 5:30.

[24 to page 79, line 4] **Dr. Faltas:** Your Honor, Your Honor -- and may I say I would rather that the police department keep custody of it until it gets to my apartment so just in case it arrives in a damaged condition they cannot allege that I damaged it on the way? Since they are coming with me anyway, they can keep custody of it until -- until we get---

[5] **The Court:** You work that out with them.

[6-7] **Dr. Faltas:** And thank you. And that would be not just---

[8-11] **The Court:** You know, some of these things you all are wanting the judge involved in, they're just as people who walk and talk in this society should be able to tend to some of these things yourself.

[12-16] **Dr. Faltas:** Well, Your Honor, I still say that the search and seizure was totally Draconian, totally unconstitutional. It was a horrendous general warrant without any particularized basis, without anything. That will be the subject of the suppression hearing.

[17-19] **The Court:** In the interim, pending that hearing, we're going to -- we're arranging for you to get these things that you're -- the computer and the cords and clothes.

[20-23] **Dr. Faltas:** And whatever else they are releasing to me so they cannot pretend that I'm refusing, everything that they are pretending that I'm -- that I refuse to get, but they are --

[24] **Ms. Weiss:** Your Honor --

[24] **Dr. Faltas:** And they are itemized. So we get them -- and as I said, I have a preference, a greater preference, of them keeping custody of them and delivering them right there and then so there is no issue of my having damaged them in the way -- on the way.

[5-9] **Ms. Weiss:** Your Honor, if I can, just for the record, if she would go at lunchtime, we have somebody sitting there ready to release it. She can get all of her property, and I will set up for a police officer to go with her to her apartment for a set period of time this evening, starting at 6:00 for hopefully no longer than two hours.

[10-19] **The Court:** Dr. Faltas, I'm going -- to that's the procedure we're going to follow. If they have damaged your property for whatever reason, that's a separate matter, separate and apart from this lawsuit, and you may have some civil claim if your property is damaged by the police department. I'm not going to get into that beyond what I've already said. So it's available for you to go get, and you should go get them now. After court, you can arrange to get -- go to the department and get the cords and clothes, and that's all I can say about that at this time. And we're in recess.

[20] **Dr. Faltas:** Thank you, Your Honor.

[21] **The Court:** Until 2:15.

[22] **Dr. Faltas:** So I can go there now --

[23] **The Court:** Yes, they're waiting on you.

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

[page 82, line 1] **The Court:** Yes.

[2-3] **Dr. Faltas:** Your Honor, will Your Honor order the sheriff to subpoena those individuals?

[4-5] **The Court:** Yes. Give me a list and we'll give the clerk a list and that will...

[6-7] **Dr. Faltas:** I think Mr. Sawyer has the list and if you can come and give it to the clerk.

[8] **Mr. Sawyer:** I'm sorry?

[9] **Dr. Faltas:** The subpoena.

[10] **Mr. Sawyer:** Oh, yes.

[11-13] **The Court:** If you'll get that list, the subpoena list, and then we'll go from there. They'll make a copy of it for me.

[14] (Whereupon, a lunch break was taken)

[15] **The Court:** Is there anything before we bring the jury?

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

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

[18-22] **Dr. Faltas:** I had -- if it pleases the Court, I had asked about the jury viewing the site, and Your Honor had deferred the question, and I think, if it pleases the Court, if the Court can make that ruling so that it can be used or not used in opening statements.

[23] **The Court:** All right. What says the State about that?

[24-25] **Ms. Weiss:** I'm sorry. Honestly, Your Honor, I didn't hear what the comment.

[page 82, lines 1-2] **The Court:** Jury view. Request for a jury view by Dr. Faltas.

[3-8] **Ms. Weiss:** Oh, Your Honor, I don't see where that is necessary in this case. I think that would be under extraordinary measures, and I don't know what her reasoning is for needing a jury view. But I think that -- I don't think that's necessary in this case. We have photos of the location.

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

[10] **Dr. Faltas:** May I reply?

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

[12 to page 83, line 15] **Dr. Faltas:** First of all, the photos will be subject to suppression, of course, depending on what Your Honor rules. [1] However, there is no substitute for the real thing. There is nothing extraordinary. The photos do not have measurements on them, and it's very important that the jury see that what they are accusing me of is physically impossible. [1] In addition, it's very important that the jury see how close the two buildings are and that when they were standing under my window or in the balcony and yelling obscenities at me that I could hear the commotion and was entitled to go and see what's going on. So the site is very important, Your Honor. [1] It's also very important for the physical impossibility of the alleged rock-throwing, and I would say that the rock throwing should be out on double jeopardy basis. That was the -- she had some kind of report for simple assault. She never took out a warrant. She still might, if she wants to. [1] I don't know what the deal would be on that. I'm sure she will not because it's false and can be exposed, of course, but it cannot be since it wasn't in the face of the indictment. It cannot be down here. And, again, all this nightmare ... [1] I think the site is very important. There's nothing extraordinary about it. It's close to the court. They can see that's what it's about. They can see that everything is in plain view from the street. There are so many, many, many details that are very important to see. They don't need to go to the apartments themselves, just to see the building and more important also to see my land and to see...

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

[17] **Dr. Faltas:** Thank you, Your Honor

[18-19] **Ms. Weiss:** Your Honor, I would just leave this up to the discretion of the Court.

[20 to page 84, line 18] **The Court:** All right. The statute that controls this issue is Section 14-7-1320. It says that the jury in any case may, at the request of either party, be taken to view the place or premises in question or any property, matter, or thing relating to the controversy between the parties when it appears to the Court that such view is necessary to a just decision, if the party making the motion advances a sum sufficient to pay the actual expenses of the jury and the officers who attend them in taking the view, which shall be afterwards taxed like other legal costs if the party who advances -- who advanced them prevails in the suit. [1] So that is the -- that is the statute that addresses this issue. It is a matter of discretion with the Court. It also specifies that the party making the motion advances a sum sufficient to pay the expenses of the jury view and the officers who must accompany them. [1] Of course, a jury view is not the taking of testimony, and there can be no communication with any jurors during the course of any jury view. And I will consider the issue and we'll talk about it later. [1] You can tell the jury in opening statements, if you want to, that there may be a jury view, but that's the extent of what I'm addressing at this time. I'll decide that issue later.

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

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

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

[22] **The Court:** Yes?

[23 to page 85, line 2] **Dr. Faltas:** This may be -- and I do not know that it is. I think that the juror who smiled at Ms. Weiss -- I was wondering if it's possible to revisit the issue and replace him with an alternate, especially if he seems to not want to stay during the trial.

[3-4] **The Court:** Well, you had five strikes; you only used four. You wanted him on the jury.

[5-6] **Dr. Faltas:** Your Honor, I didn't know if I had to -- you know, if I had to save the fifth strike or...

[7-15] **The Court:** All right. Yeah. Well, I see no cause at this point to remove that juror. The juror has a constitutional right to serve and to not be discriminated against in jury selection and not to be removed or precluded from serving based on speculative reasons such as, "I saw the juror smile," *et cetera*. And it would constitute a violation of that juror's constitutional right to serve for the Court to remove the juror after the juror has been placed on the jury.

[16] **Dr. Faltas:** Well, let me

[17] **The Court:** So I deny that motion.

[18-20] **Dr. Faltas:** I apologize. Well, let me ask -- I don't think that it was clarified in any of the questions whether Ms. Weiss or any of her family are patients of his.

[21] **The Court:** He said he doesn't know Ms. Weiss.

[22] **Dr. Faltas:** He did?

[23] **The Court:** We asked him that ---

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

[25 to page 86, line 2] **The Court:** -- when she introduced herself. We also asked him that here at the --

[2] **Dr. Faltas:** All right. I'm sorry

[3] **The Court:** --- at the bench.

[4] **Dr. Faltas:** I'm sorry. What about her family?

[5] **The Court:** I don't know.

[6] **Dr. Faltas:** Okay. I'm sorry. Thank you.

[7-8] **The Court:** He says he doesn't know her. He probably wouldn't know her family either unless you were to tell him.

[9] **Dr. Faltas:** Thank you, Your Honor

[10-12] **The Court:** He is a doctor. Well, if he's a doctor and you were complaining that her father represents doctors -- but you elected to put him on the jury.

[13] **Dr. Faltas:** I'm sorry

[14] **The Court:** No problem.

[15-16] **Dr. Faltas:** I was rendering my complaint about her father's work with ---

[17-18] **Court Reporter:** I'm sorry I apologize I can't hear you

[19-21] **Dr. Faltas:** My complaint was that he represents the State Insurance Reserve Fund, and I had challenged the State Insurance Reserve Fund.

[22-23] **The Court:** That they represent doctors, I thought you said.

[24] **Dr. Faltas:** They actually represent state agencies.

[25] **The Court:** Oh, I thought you were...

[page 87, lines 1-3] **Dr. Faltas:** Which the attorney generals in other states do that work themselves, but in South Carolina he farms it out to the other...

[4-5] **The Court:** So he might represent any state employee any place in the state.

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

[7-9] **The Court:** And that might remove any juror who might be employed by any state agency or anything - - any agency covered by the reserve fund.

[10] **Dr. Faltas:** Yes, Your Honor.

[11-12] **The Court:** And the only *voir dire* requested by you was that -- was as to any employees of the City of Columbia.

[13] **Dr. Faltas:** Yes.

[14-15] **The Court:** Not anyone who might be employed by any state agency. But the jury has been selected at this point.

[16] **Dr. Faltas:** All right, Your Honor

[17] **The Court:** All right

[18] **Dr. Faltas:** I'm sorry

[19] **The Court:** No problem

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

[21] **The Court:** Let's bring the jury.

[22-23]

(Whereupon, the jury was brought into open court at 2:36 p.m.)

[24-25] **The Court:** All right. Very good. Ladies and gentlemen, if you all would stand at this time to be sworn.

[page 88] 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 had and evidence introduced in the trial of the captioned case, relative to court proceedings, in the circuit court for Richland County, South Carolina, on the 23rd of February, 2010, from convening of court until 2:36 p.m. [¶] I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

[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 23, 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 2, line 1]

(Whereupon, the jury was brought into open court at 2:36 p.m.)

[3-4] The Court: Ladies and gentlemen, if you all will stand at this time to be sworn

[5] (Whereupon, the jury was sworn at 2:37 p.m.)

[6 to page 5, line 16] The Court: [6-17] Now, ladies and gentlemen, you have now been selected and you have been sworn to well and duly try this case and render a true verdict according to the law and according to the evidence, so help you God. This is the case of The State versus Dr. Marie Faltas. She's been charged with harassment first degree, and as I indicated earlier, she has pled not guilty to this charge, and that plea puts the burden on the State to prove her guilty. No person charged with a criminal -- committing a criminal offense in South Carolina is required to prove themselves (sic) innocent. Rather, the State must prove the defendant guilty. Otherwise, you must find the defendant not guilty. [18-25] I will make a few introductory remarks to you at this time and give you a more complete charge on the law at a later time. This crime of harassment is contained in an indictment returned by the grand jury of Richland County. You should understand that the indictment is simply a charge that brings the case into court. It's not in any sense evidence of any of the allegations contained in the indictment. [page 2, lines 1-2] Now, your purpose as jurors will be to determine the facts of this case. Now, that's why you were selected out of all the folks who were summoned to appear on jury duty, out of all the ones who were brought up here on this panel and who came up with you all as part of the jury panel. Only the 12 of you who will deliberate can decide the facts of this case. Therefore, you should understand that this is a matter solely for you to determine. [9-16] As the trial judge, I am not permitted to formulate an opinion concerning the facts of this case or express any opinion that I might have as to them because this is a matter solely for you, the jury, to determine. Therefore, it's especially important that you perform your duty of determining the facts diligently and conscientiously because ordinarily there is no way to correct an erroneous determination of the facts by a jury. [17 - page 4, line 4] Now, just as only you can determine the facts of this case, I want to emphasize with equal emphasis that the same law that makes you the judges of the facts of the case makes me the judge of the law of this case, and I am the sole judge of the law, and you must accept as correct the law as I state it to you, at this time, during the trial, and in greater detail at the end of the trial. Your job will be to determine the facts and to take the law that I give you and apply it to the facts and from those things render a verdict that speaks the truth of this case. You will determine the facts of this case by evaluating the credibility of the witnesses and the evidence offered during the course of the trial. [5-16] It's particularly important that you not discuss the case at all with each other or with anyone else including your fellow jurors, friends, or family members or anyone involved or not involved in this case because the case must be deliberated on only by those of you who will sit as jurors at the end of the trial. In just a moment the parties will make opening statements in which they will tell you what they think the law -- what they think the evidence will show and what your verdict should be, based on the evidence that will be presented or the lack of evidence presented in some instances, and it's important that you keep an open mind as to all matters related to this case. [17 - page 5, line 1] As jurors, you hold a pivotal and essential role in our criminal justice system. As jurors, you are -- you sit, based on rights granted to you by the Constitution of the United States and the State of South Carolina. That means that you are constitutional officers of the Court just as I am the constitutional officer of the Court. I have an oath to uphold; you have an oath to uphold. That oath is to well and duly try this case, render a true verdict based on the law and based on the evidence, and I'm certain that you all will do that in this case. [2-7] I look forward to working with you. I will do all that I can to keep this case moving, to not wear you out by sitting for unreasonably long periods of time. If at any time during the process you're uncomfortable and need a break or have a problem, just let me know and we'll tend to that. And with that, we'll press on with opening statements. [3-14] Let me say one other thing, and that is that later in the process -- later in the process I will appoint one of you to serve as the foreperson of the jury. That person will serve as the spokesperson for the jury. It will be the person whose role it will be to preside over the jury deliberations and to complete the verdict form representing the unanimous verdict of the jury. [18] Opening statements, Ms. Weiss?

[16-17] Ms. Weiss: Thank you, Your Honor. May it please the Court?

[18] The Court: Yes, ma'am

[19-20] Ms. Weiss: Beg the Court's indulgence for just a moment.

[21-22] **Dr. Faltas:** Your Honor, may I look at what she's putting on before she starts? She's---

[23-24] **The Court:** You may move if you wish, but she can press on

[25 to page 6, lines 1-2] **Ms. Weiss:** [25] I'm sorry Do you want to move over here? [page 6, lines 1-2] Are you one of us or one of them? That's how Dr Faltas sees the world.

[3-4] **Dr. Faltas:** Objection. Objection. She cannot testify to my state of mind.

[5] **The Court:** Overruled

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

[7] **The Court:** Be seated, Dr Faltas

[8-9] **Ms. Weiss:** When Teresa Ingram, the victim in this case---

[10] **Dr. Faltas:** Objection. Alleged victim

[11] **The Court:** All right. Overruled. Be seated

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

[13-15] **Ms. Weiss:** When Teresa Ingram, the victim in this case, refused to assist Dr Faltas to testify in her case against the landlords at her apartment complex ---

[16-17] **Dr. Faltas:** Objection. Your Honor, the solicitor is testifying The solicitor is testifying from the get-go.

[18-19] **The Court:** The objection is overruled. You may be seated.

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

[21-25] **Ms. Weiss:** When Teresa Ingram refused to assist Dr Faltas in testifying for her against the landlords of their apartment complex or apartment buildings, Teresa Ingram became one of them, and by becoming one of them, she became the target of the unending harassment by---

[page 7, line 1] **Dr. Faltas:** Objection.

[2] **Ms. Weiss:** ---doctor---

[3] **The Court:** Objection is overruled, ma'am.

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

[5-23] **Ms. Weiss:** [5-12] She became the target of the harassment, unending harassment, of Dr. Marie Assa'ad Faltas Good afternoon, ladies and gentlemen. My name is Heather Weiss, and I, along with Alexander Campbell, represent the State of South Carolina and the Fifth Circuit Solicitor's Office. The Fifth Circuit encompasses both Richland and Kershaw Counties, and it's our honor to be here before you today representing the State and Teresa Ingram in this matter. [13-16] First of all, I would like to thank you for being here Without you, the system would break down. I know there are plenty of places that each of you would rather be other than sitting here in this courtroom, but I want to thank you for your attention in the matter, for your willingness to be here, and thank you for the attention I know you will give us as we go through this trial. [20-23] I'll start off by pointing out that Dr Faltas is representing herself She is constitutionally allowed to do that I just ask that you not hold that against the State Dr ---

[24 - page 8, line 1] **Dr. Faltas:** Objection We've already had the voir dire, and they said that they will not hold it against the State. There is no reason for her to go over it again

[2] **The Court:** Opening statements. Overruled.

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

[4-6] **Ms. Weiss:** Dr Faltas has been afforded every right as every citizen to be represented by counsel, and she has chosen to go forward pro se.

[7] **Dr. Faltas:** Your Honor---

[8] **The Court:** The objection is overruled

[9 to page 9, line 2] **Ms. Weiss:** [9-12] That is her choice, and she may proceed that way, but we're here, Mr Campbell and myself, representing the State. We ask you not to hold that against the State as we proceed through this trial. [13 - page 9, line 2] We're here today on an indictment against Dr. Faltas. This indictment is not evidence, but it provides the Court with notice of what we're here about The indictment reads, "At a court of general sessions convened on January 13th, 2010, the grand jurors of Richland County presented upon their oath harassment first degree, that Marie Assa'ad Faltas did in Richland County on or between February 2009 and November 2009 in a pattern of two or more acts intentionally, substantially, and unreasonably intrude into the private life of the victim, Teresa Ingram, causing her to suffer mental distress. To wit, repeatedly following and/or surveilling and/or making unwanted contact and/or other activity, serving no legitimate purpose, all in violation of Section 16-3-1700, 16-3-1720, code of laws of the South Carolina, 1976 as amended, against the peace and dignity of the State and contrary to the statute in such case made and provided," signed Warren B -- or W. Barney Giese, the solicitor for the Fifth Judicial Circuit. [16-21] Now, what is this law that we're going to be presenting evidence about? It is the State's burden to prove to you beyond a---

[19-11] **Dr. Faltas:** Your Honor, I object to the solicitor giving the jury the law. It's Your Honor's position to give the jury the law.

[12] **The Court:** The solicitor may proceed

[13-23] **Ms. Weiss:** Thank you, Your Honor. It is the State's burden to prove to you beyond a reasonable doubt that Dr. Marie Assa'ad Faltas is guilty of harassment in the first degree. To do that, we must prove the elements of the harassment statute. **Specifically, Section 16-3-1700, Subsection A, first we must show that there's a pattern. Pattern is defined in the statute. It's defined as two or more acts occurring over a period of time, however short, evidencing a continuity of purpose, basically meaning that what she's doing is connected one to the other, specifically targeting the victim. Second--**

[24] **Dr. Faltas:** Objection. Alleged victim.

[25] **Ms. Weiss:** Second -- I'm sorry, Your Honor.

[page 10, line 1] **The Court:** Proceed

[2 14] **Ms. Weiss:** [3-6] Second, it must be an intentional, substantial, and unreasonable intrusion into the private life of a targeted person. Very specific in the statute, it must be a targeted person, and, ladies and gentlemen, we'll submit to you that that targeted person is Teresa Ingram. It must serve no legitimate purpose, and it must cause the person and would cause a person, a reasonable person in her position, to suffer mental distress or emotional distress. [10-14] **I believe it's going to be important in this case it's going to be that it serves no legitimate purpose.** Preparing for this opening and for this case, I looked up legitimate, just trying to find the general definitions of the word

[15 17] **Dr. Faltas:** Your Honor, once again, the prosecutor cannot instruct the jury on the law and the definition of the law and the meaning of the law. I strongly--

[18] **The Court:** The objection is overruled

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

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

[21 - page 11, line 19] **Ms. Weiss:** [21 - page 11, line 2] Legitimate, according to *Black's Law Dictionary* means that which is lawful, legal, recognized by law or according to law. According to the *Merriam Webster Dictionary*, it also has the law version as well as that conforming or recognizing -- conforming to the recognized principles or accepted rules and standards, and that's going to be what we as the State are going to ask you to look at. [3-7] The State intends to prove to you there are numerous examples of conduct which meet the harassment statute. **Dr. Faltas may have reasons for some of her conduct, but I submit to you and will submit to you again in closing arguments they're not legitimate purposes.** [8-19] The statute then goes on to explain conduct which may be considered and in considering whether someone is guilty of harassment. Harassment in the first degree may include, but is not limited to, following the targeted person as she moves from location to location, **visual or physical contact that is initiated, maintained, or repeated after the person has been provided oral or written notice that the contact is unwanted or after the victim has filed an incident report with a law enforcement agency.** And, finally, surveillance of or the maintenance of a presence near the targeted person's residence. Ladies and gentlemen of the jury, I'll go ahead and--

[20-21] **Dr. Faltas:** Your Honor, I object again to this continuing the solicitor--

[22 24] **The Court:** Well, you don't need to repeat objection again to something you've already objected to. The objection is overruled once again

[25] **Dr. Faltas:** Exception. It keeps getting worse

[page 12, line 1 to page 13, line 3] **Ms. Weiss:** [page 12, lines 1-14] I'm going to go ahead and let you know there are two residences that you heard mentioned during the jury *voir dire*: 300 and 304 Byron Road. Those are two quadruplexes that are next to each other. **Dr. Faltas resided in one of the quadruplexes, and Teresa Ingram resided in the other. They are near each other in proximity. However, I submit to you they are not the same residence nor are they the same building, and there's no reason the two of them should -- the two people residing in separate quadruplexes should have to meet once oral or written notice that the contact was unwanted has been made or at least a law enforcement report has been filed. Things are clear. The buildings are separate enough that could remain separate, and we will provide you with that testimony.** [15-25] The next step is how we intend to prove this case to you. We will be putting up witnesses. Now, Dr. Faltas is *pro se*. However, as the judge will instruct you, nothing that she says in opening, nothing that I say in opening, but nothing that she says in her opening, no question that she asks in direct or cross-examination or anything said in closing is evidence in this case. The only evidence that you may consider is evidence that comes from this witness stand, the testimony of witnesses, or evidence that you are actually provided to take back with you when deliberating, and I ask you to remember that as this trial progresses [page 13, lines 1-3] In order to prove that Dr. Faltas is guilty of harassment, we intend to give you first the victim in the case, Teresa Ingram.

[4] **Dr. Faltas:** Objection. Alleged victim.

[6] **Ms. Weiss:** The victim -- I'm sorry.

[6] **The Court:** Proceed.

[7-15] **Ms. Weiss:** [7-12] The victim will take the witness stand, and she will tell you about the unending harassment that **she has undergone over nine months in 2009. That harassment began escalating as the months went on, becoming worse and worse and worse until November of 2009 when this case -- this charge was brought.** [13-15] Once you have heard from Teresa Ingram, you will hear from her friends and family members **These are people who have no desire to be in court today or this week.**

[16-17] **Dr. Faltas:** *Objection about her testifying about peoples' state of mind, Your Honor*

[18] **The Court:** Proceed

[19-23] **Ms. Weiss:** Thank you. **They have lives, they have jobs, and they have families,** yet they are being brought to court today or this week because they are friends and family members of Teresa Ingram who have been accosted, who have been photographed, who have been direct--

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

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

[page 14, lines 1-25] **Ms. Weiss:** -- directed and who have been victims, along with Teresa Ingram, and witnesses to the harassment that has been going on to Teresa Ingram. You will hear from each of them of their experiences that they have undergone over that same time period. [8-12] Next, you'll hear from law enforcement, not just the City of Columbia You'll hear from the City of Columbia officers, Richland County officers, and investigators that have been called out by both the victim as well as Dr Faltas and what they have experienced in dealing with this situation and trying to deal with this situation And then finally you hear from Investigator Blanton [13-19] Investigator Blanton was brought into the case merely by receiving an incident report. One report she had no idea what was behind it. When she started investigating the one report, she found more and more information, and you'll hear all of this testimony. And she is the one that was able to put together the time line of events that you will hear about in this trial. [20-25] And, ladies and gentlemen, when all of the evidence has been submitted, when you have heard all the testimony, when you go back into the jury deliberation room, I submit to you that you will know beyond a reasonable doubt that Dr. Marie Assa'd Faltas is guilty of harassment in the first degree Thank you

[page 15, line 1] **The Court:** Dr Faltas?

[2 to page 23, line 3] **Dr. Faltas:** [3-7] *Good afternoon, friends. Mrs Helms, the court reporter, requested that I do this because she cannot hear me very well, and sometimes when she cannot hear she goes into facial expressions and earlier she did and she said that she didn't mean to and she hopes this doesn't influence you [8-13] You have already been subjected to unfair influence by the solicitor. The solicitor represents the entire State of South Carolina. She works for an office that has a budget of \$30 million a year She can do whatever she wants She can frame somebody, and no one can sue her because she has immunity. [14-22] The police officers have guns that are paid by society, and no one can do anything to them. You have seen example after example recently of people being framed. You have seen in Durham, North Carolina, the district attorney; his name is Mike Nifong. And there were three lacrosse players from Duke University, and the woman just said, "They raped me " And there was no -- even after the D.N.A. from them, the D.N.A. proved not to be from them The prosecutor continued to falsely accuse [23 - page 16, line 4] You have seen the late singer Michael Jackson. He was being charitable to a little boy, and because his family wanted money from Michael Jackson, they falsely accused Michael Jackson of sexually molesting that little child. And there was a jury trial, and the jury trial found Michael Jackson not guilty. But it does affect people He died shortly a few years after that. [5-10] You have seen here in South Carolina Joseph Cardinal Bernardine. Someone in Ohio -- something (sic) filed a lawsuit against him alleging that he had molested him while he was a child 30 years ago. These things are very easy to fake, and I alone -- I believe God is with me and the truth is with me, and I hope you keep an open mind to the truth [11-21] When witnesses will be called, they will have to swear on the Bible, and let me tell you three stories from the Bible One of them is the story of Joseph There is the Joseph of the Old Testament and the Joseph of the New Testament His brothers wanted to kill him because he was very smart and he was their father's favorite, and at the last minute they changed their mind and said: Let's throw him into a pit and then let's sell him to essentially some slave caravan, and he was taken into bondage into Egypt He was alone, alone in a foreign land, and he worked very hard and God was with him and everything he did prospered [22-24] And he was the assistant to Potiphar, the Pharaoh's second in command, so to speak, and Potiphar's wife propositioned Joseph. She said, "Come lie in bed with me " [25 - page 17, line 10] And he said, "No, no. I can-*

not do that. I cannot breach your husband's trust," and she pulled his cloth from him to make him lie with her, and he ran without the cloth. And what did she do? She falsely pretended to her husband that it was Joseph who had propositioned her and the proof is the cloth that she had. She had taken his cloth from him and used it against him. She was the one who did wrong but he -- but accused him of doing the wrong she wanted him to do and he refused to do, and he was taken and put in prison. And do you know why? Because he was alone and a foreigner. He was alone and a foreigner. [11-15] This is no different. I am an Egyptian alone here in Columbia, alone in South Carolina, and the entire might of the City of Columbia with all its officers with guns at their side, the entire budget of the solicitor's office has been brought down on me. [16-23] Let me tell you another story from the Bible, and that is the story of David. He saw Bathsheba who was a beautiful woman bathing, and he got lust for her. And he asked, "Who is this beautiful woman?" And they told him, "She is the wife of Uriah the Hittite," and he said, "Bring him to me." And he contrived to put Uriah the Hittite in the front of the battle, conspiracy, so that he gets killed and he did get killed. [24 - page 18, line 7] And God sent Nathan, the prophet, and gave David this example. He told him there was a rich man who had a lot of cattle and a lot of goods and a big house and everything, and next to him was a poor man who had only one kid, one little goat, and the rich man got a visitor and he wanted to lay a feast for the visitor, give him something to eat. And instead of taking one of his many flocks of the rich man's flocks, he took -- he went and took that one kid goat from the poor man and slaughtered it and served it to his guests. [8-11] "So what do you think of that?" Nathan the prophet asked King David? And King David said, "That man shall surely die. This is a horrible thing to do." And then Nathan told him, "You are that man." And that was God punishing David. [12-16] Do you know how God punished David? David had two sons. One of them killed each other, and the one who killed the other took one of David's wife (sic) for his wife. God put total strife in David's house to punish him for doing something so horrible. [17-23] What you will see here is that a woman by the name of Dinah Steele bought two buildings, two quadruplexes. Each one has four identical apartments, so she has eight identical apartments altogether. One is on 300 Byron Road, and the other is on 304 Byron Road. You will see that she was renting the six apartments, each of the six identical apartments, for less than \$400 a month. [24 - page 19, line 2] You will see that when I looked to rent one of the other two vacant ones, she said, "It's \$550." And I did not know that she was renting to the others for more -- for less. I'm sorry. And why did she do that? Because I'm a foreigner. [3-5] And then you will see that my mother and I bought a sliver of land so I can build on it what, God willing, may be South Carolina's [first] completely solar house. [6-12] You will see that after I bought it, mother and I bought it, we discovered -- and we didn't know before then -- that the sewer lines from Dinah Steele's building had been run across the land that we bought, and you will see that the reason it was done this way is for them to avoid paying the sewer fee when it was first built and that they continue to not pay the city the monthly sewer bill. [13-19] How did they get away with it? Because in the City of Columbia sewer is not metered separately. Only the water usage is metered, and the sewer bill is a multiplier of the water usage. So because the sewer connections were in a roundabout way, no one knew. Not even the City of Columbia knew that she was getting sewer service and not paying for it, and certainly neither mother nor I knew that. [20-25] And we closed on that piece of land, a very small piece of land. That's -- it didn't even have an address. It was a piece of another property, and that case will come later. And thank God I had to get all the permits and all to make it buildable, and its address is 324 Byron Road and it's right next to 304 Byron Road. [page 20, lines 1-7] And we closed on that property on March 3rd, 2009. It was registered and the address was assigned on March 9th, 2009. I'm sorry March 6, 2009. You will you will see that on March 12th, 2009, Dinah Steele discovered that I had bought that property and she knew -- I didn't know -- but she knew that if I were to start building on it, I would discover the sewer scheme that she has. [8-12] And she and one man called Larry Mason, they pretend to be married, but you will see that they are not married, and it doesn't matter whether they are married or not married. What matters is that before several courts they went under oath and swore that they were married. [13] You will see that they immediately tried to bully me. [14-17] They wanted this land which is the only thing I have, and my only hope is to build according to my own inventions and with my own

hands some place I can live in where no one will discriminate against me or try to push me around. [18-21] You will see that on March 12th he called me by phone, Larry Mason did, and said, "Why don't you go back where you came from, you Egyptian bitch?" And you will see that he said, "I will evict you from the apartment you're renting." [22-24] You will see that that day at 10:30 he came and knocked hard on my door, that I was frightened and had to call the police, and put an eviction notice on me. And that was a Thursday. [25--page 21, line 3] You will see that on Friday, March 13th, they went to the City of Columbia and tried to get the zoning permit that I got to build on that small piece of property revoked. You will see that on Saturday, March 14th, 2009, they went and tried to collect petitions from the neighbors saying that we don't want this person building in our neighborhood. You will also see that on March 14th, 2009, he tried to have me arrested under a false claim that I had stolen a rusty sign that had been dumped on the land that I bought and had been sitting there for two or three years. [10-19] You will also see that the City of Columbia investigated and found out that I had not stolen anything. You will see that after that he tried to get me deported by falsely telling everybody that I was an illegal alien. You will see that when the immigration authorities told him: Number one, no, she is not an illegal alien; she is well documented. She went by the law. She is residing here according to law. And, number two, you cannot get private information from her files -- he wrote to what he called 16 senators and congressmen, and they were all lies. [20--page 22, line 1] You will also see that he wrote to the Department of Motor Vehicles that my driver's license should be canceled because I am an illegal alien. You will see that the Department of Motor Vehicles wrote to me again requesting a copy of my green card or Certificate of Naturalization, and that I faxed the response to their request immediately and they checked it and found that I'm okay. [2-3] You will also see that he went and falsely told the Social Security Administration that my elderly mother is dead and that I am fraudulently taking her Social Security checks for myself. You will see that the Social Security Administration checked into that and found that, thank God, my mother is still alive, and neither she nor I did anything wrong. So that didn't work. [9-12] You will also find that Dinah Steele falsely accused me of trespassing in my own apartment. You will also see that she tried to make up charges that I assaulted her, and she couldn't prove it. Well, then what is it that they could use against me? What she put here: An unconstitutional law, a law unworthy of the United States, a law that is only worthy of Stalin's Russia, of Saddam Hussein, of the Taliban. The law says that if you look at somebody twice -- that's the law that she put for you -- within a short period of time, then you're a criminal. [19--page 23, line 3] And why did they choose that? Because how can you disprove it? Someone can come in here and tell you this foreigner, this Egyptian bitch as they called me many times, looked at me twice after I asked her not to look at me. And then they will ask you to put me in prison for that, and whom did they choose to present these falsehoods for you? They chose this person sitting there looking hatefully at me who has done what? She has two felony convictions proving moral turpitude. She and two of her friends---

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

[5] **The Court:** The objection is sustained.

[6] **Ms. Weiss:** Thank you.

[7] **Dr. Faltas:** Your Honor---

[8] **The Court:** You cannot go into the details of any convictions.

[9-10] **Dr. Faltas:** I thought Your Honor said that I may do that.

[11-12] **The Court:** No, you cannot go into the details of any convictions at this time. Proceed.

[13] **Dr. Faltas:** Could I say what the convictions are?

[14] **The Court:** You've said it already.

[15] **Dr. Faltas:** I don't think I did, Your Honor.

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

[17] **Dr. Faltas:** But may I repeat it?

[18] **The Court:** Proceed.

[19-24] **Dr. Faltas:** Thank you. She had two convictions of credit card fraud, of forging someone's signature on a credit card, and of taking goods by fraud. These are felonies evidencing dishonesty. You will also see that the friends and family that she claims were inconvenienced by me have long lists---

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

[page 24, line 1] **The Court:** Basis for the objection?

[2-4] **Ms. Weiss:** Improper use of records that are not in evidence, Your Honor. They have not been settled by the Court. Witnesses who have not testified and may not testify.

[5-8] **Dr. Faltas:** Your Honor, if she -- may I respond? She promised in her opening statement that the witnesses will testify. If the witnesses will not be testifying, it's because of their horrendous criminal records.

[9] **The Court:** I'm overruling the objection.

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

[11] **The Court:** You may proceed.

[12-14] **Dr. Faltas:** Thank you, Your Honor. You will see that the friends and family that she claims were inconvenienced by me **have horrendous criminal records including drug dealing** . . .

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

[16] **Dr. Faltas:** Including assaults.

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

[18] **The Court:** Basis for the objection?

[19-20] **Ms. Weiss:** Improper characterization of false -- false characterization of records.

[21] **Dr. Faltas:** Well, I can pull the records now.

[22-23] **The Court:** The objection is overruled. You may proceed.

[24] **Dr. Faltas:** Thank you. Thank you, Your Honor.

[25 - page 25, line 6] **The Court:** Ladies and gentlemen, I want to caution you that what the parties are now saying is not evidence. Evidence will take -- will come from the witness stand. What Ms. Weiss says is not evidence. What Dr. Faltas is now saying is not evidence. Evidence is sworn testimony and other items allowed in evidence by the Court. You may proceed.

[7 to page 35, line 8] **Dr. Faltas:** [7-23] Thank you, Your Honor. You will see that those so-called guests and family have criminal records, frightening criminal records, which manifested themselves towards me. One of them threatened to beat me and in a way to rape me. In fact, he grabbed his crotch in the parking lot, looked at me and said, "I will take a picture of you sucking this." You will see that I was afraid of this man. [14-16] You will see that the only thing I asked: That I be protected from this man and from others who made threats at me. [17-23] You will see that the City of Columbia Police Department is totally corrupt. We have recently seen where they went into a high prostitution area and someone who worked for the Attorney General's office has his secretary who was the wife of the police officer, and the police officer caught him with a prostitute and then he told him, "Oh, I am your wife's boss," and he let him go, and the news media picked up on it. [24 - page 26, line 5] You will see many examples of police corruption in this case. You will see that this Investigator Blanton was possibly bribed, and how was she bribed? Two ways. Most police officers double as security guards in grocery stores or other establishments. The other thing is many police officers and law enforcement officers, after they retire, they work for detective agencies. [6-15] You will see that Larry Mason has a detective agency that he's getting out of and offered to Investigator Blanton to let her take it over if she helps him against me. You will see that Investigator Blanton lied time after time after time. You will see that she had a police report by Teresa Ingram saying that one of her ex-boyfriends was threatening to kill her and that he had made her life miserable the four months preceding it, and, instead, Investigator Blanton didn't tell anybody about that. Instead, she falsely pretended that I was making Teresa Ingram's life miserable. [16-26] You will see that Investigator Blanton pulled the criminal record and the driving record of another tenant in that building. Her name is Charlene Crouch, and she was on the list. And you will see that Charlene Crouch has convictions of criminal domestic violence, of driving while impaired, of getting her driver's license suspended, of use of drugs and many other things. And you will see that knowing that, knowing that, Investigator Blanton wrote a report that Charlene Crouch is afraid to testify because she's afraid of me. [page 27, lines 1-6] She wasn't afraid of me. I have nothing. I have no guns, no money, no anything. I only have God. I only have my education, and I only have my character. I'm a physician. I also hold a Master's of Public Health degree, and I speak four languages, but I haven't been in practice for about 18 years for health and for other reasons. [7-13] This, ladies and gentlemen, is the example that Nathan gave to David. This woman, Dinah Steele, has those two buildings. She has a Jaguar, a Corvette, two trucks, a hair styling business, a whole lot. It would have cost her a few thousand dollars, definitely under

\$10,000, to move her sewer lines from my land, and that would have been the legal thing and the right thing to do [14-18] It would have been a few hundred dollars a month, only less under \$2,000 a year for her to be fair and to charge me the same rent as everybody else But, no It's the rich man who has a lot of cattle and has a lot of things, instead taking the one little kid goat that the poor man had [19-23] This is how it was before in the Bible It says there is nothing new under the sun All of this was seen before: Someone trying to -- someone doing something wrong and then accusing the victim of doing it. Someone who is rich taking the one thing that the poor person has. [24 - page 28, line 9] And I told you I will tell you three stories from the Bible The third story is that of Zacchaeus. He was a tax collector, and he was a man who oppressed people, and he wanted to become converted and to become Christian. And he was a short man, so he climbed over the roof to see Jesus Christ. And Jesus Christ knew that Zacchaeus had genuine repentance, and what did Zacchaeus do? He didn't say: Okay, I'm sorry for what I did. Bye-bye He said: Everything I did wrong to somebody, every money I took from somebody unjustly I will give back four times, and I will give half my money to the poor. [10-14] You will see those people never repented They kept more and more and more. What's the difference between telling one lie and telling a hundred lies? There is no difference. If your conscience allows you to tell one lie, it will allow you to tell a hundred lies. [15-18] You will see that Teresa Ingram so upset me She would constantly flip her finger at me and call me bitch and threaten me, and all I would do is cross myself, say the Lord's prayer, or say hail Mary and not say anything [19-25] You will see that after all the schemes of Dinah Steele and Larry Mason didn't work out and there was going to be an eviction trial before another jury and you've heard Amanda of the panel who said that she was on the jury in the magistrate's court in that case but didn't get picked, and the trial was for September 29th until -- it was to start on September 29th, 2009. [page 29, lines 1-8] You will see that it is right before then the first report, fake as it is, was on September 24th Yes, September 24th, 2009 Why? They were trying to get me arrested before I go to trial in the eviction and say, no, I have not done anything wrong in the eviction. They were charging me more than everybody else because I'm a foreigner. [7-10] You will see that Teresa Ingram, who pretends to be a victim of mine, lied under oath several times in that trial. Why wouldn't she? She previously forged somebody else's signature and used their card to get clothes for herself. [11-17] You will see that Larry Mason used his employees to file false statements against me Why wouldn't he? Once he lied about something, why not lie about everything? There was no return now He had lied about my being an illegal alien. He had lied about my mother being dead He had lied about my not being required to have my -- my not having a right to have a driver's license [18-20] They continued to lie about being married. They lied about the rent that they were charging others. There is no return. Once they start lying, why not continue? [21 - page 30, line 3] But you can -- I'll tell you something. It is not that the liar cannot tell a truth. A liar can tell the truth once in a while, but a truthful person cannot tell a lie. Once you will see clear lies that they have told, it won't mean that one thing or another may not be true that they say, but how can you tell that? How can you tell? You know that they have lied And experienced liars know how to look very good while they are lying You shouldn't believe anything they say [4-13] I'll tell you one more story from the Bible. King David's son, actually from that same woman who used to be married to someone else, she had a pregnancy, and to punish King David, that first baby died But then the second baby grew up to be King Solomon, and when Solomon became king over Israel, he prayed to God and said, "God, I'm a young king and I'm over all Your people. Please give me wisdom " And God said, "I am so pleased that you didn't ask for things for yourself you asked for wisdom " And God gave King Solomon a lot of wisdom. [14-20] And the Bible tells us this story There were two prostitutes who lived in the same house, and both of them got pregnant and each one delivered their baby three days apart, and there was no one else in the house. And a few days later one of them in her sleep rolled over the baby, and the baby died So she went and took the other woman's live baby as if it were her son and put her dead son next to the other woman. [21-23] And the other woman woke up and she looked -- she began to suckle the baby and found that it was dead and found that it doesn't look like her baby [24 - page 31, line 2] She called her roommate, her housemate, so to speak Give me my baby. And she said, no, it's my baby. So they went to King Solomon, and each of the women said, no, this is -- my baby is

the live one; her baby is the dead one [13-17] And King Solomon said, "Get me a sword." And they got him a sword and he said since I cannot tell -- in those days they had no photographs, no D.N.A., no paternity tests, no maternity tests, no recordings, no anything. He said, "Get me a sword," and they gave him a sword. [18-19] And he said, "What I'll do, since I don't know, I'll split the baby in two and give half of it to each woman." And one woman said, "Okay. That's fine." And the other woman said, "No, please don't do that. That will kill him. Give the baby to the other woman and let him live." And he said, "Now I know you're the real mother. You have the baby." [15-23] How did he know that? He knew it by the wisdom that God gave him, and I pray for you that God gives you wisdom. She is going to falsely pretend that I harassed her. How will you know that she's lying? You will know that she is lying because you'll know she has a history of doing dishonest things before, that her friends and family have a history of doing dishonest things before, and most of all you will see that I have no motive to do any of this, absolutely no motive to do any of what she pretends. [24 - page 32, line 8] I need to be very, very, very stupid to have done anything of what she claims I did. If she said she wasn't going to testify for me, would any person in their right mind think that by looking at her I was going to get her to testify for me? Does that make any sense? Of course it doesn't. But they thought that by her doing those things to me, she can get me to move out from my apartment and to abandon my land and not build on it so they can continue to keep their sewer lines under which the sewer lines should not be there. [10-14] I don't think everyone is out to get me. I think everyone is out -- most everyone is out to get money, and it's okay to get money by hard work, but it's not okay to get money by stealing it from someone else. You will see that Teresa Ingram loves clothes, and she bought some clothes by stealing someone else's credit card or she tried to. [15-23] You will see that Larry Mason and Dinah Steele love money, and they tried to do it by stealing from me by charging me more rent than everybody else, by using my land to which they have no right. And I'm standing here before you. Do you know what they did to me? After they tried to evict me and they tried to get my special zoning permit revoked and all of that I filed a civil lawsuit against them, and a civil lawsuit is different from a criminal matter. I represent myself in that matter. [24 - page 33, line 6] And there was a hearing held on December 1st, 2009, and His Honor, the Honorable Judge Clifton Newman, is presiding over this case. There is another judge in this court. The Honorable Alison Renee Lee heard my motion for a preliminary injunction. She heard from Larry Mason. She heard from other witnesses and she heard from me, and Her Honor issued an order which will be read to you. [10-18] Her Honor found, as a matter of fact -- when it's a preliminary injunction hearing, the judge sits as if she were both His Honor and you, meaning she finds both the facts and the law, and Her Honor found, as a matter of fact, that Larry Mason and Dinah Steele were harassing me. She found, as a matter of fact, that they did all those things to me and more, that they tried to have me deported, that they falsely tried to have my mother's Social Security checks cut off, that they tried to have my driver's license canceled, and many other things. She also found, as a matter of fact, that they were telling the neighbors to do bad things to me. [11] That will be read to you. That all will be read to you. [13-24] That hearing was held before Her Honor on December 1st, 2009, because it takes quite a long time for something to come to court. And do you know what happened the next day? Larry Mason, this Investigator Blanton, maybe seven or eight people from the Columbia Police Department, all with guns, came to my apartment, and that was Wednesday, December 2nd, and one of them said, "If you don't open the door, we'll break it." [25 - page 34, line 2] And I was in my home minding my business, and he took my hands, put them behind me, and put shackles in them and I couldn't move. I couldn't do anything. [3] And they ransacked my apartment. They ransacked my car. [4-9] They took from my apartment and my car everything that is a tape, a camera, a computer, a zip drive, a video, a picture, a negative. They took everything. Why did they do that? They did it because my lawsuit against Dinah Steele and Larry Mason was going well. They wanted to deprive me of the computer which I use to write documents for court. [10-13] I am the oldest of three girls. We are three girls. All three of us are physicians. I'm like a nun except that I'm not in a convent, but my two sisters are also physicians and they are also married to physicians and they are in Ohio. [14-21] One sister is a year and a half younger than I am. The other is 16 years younger than I am, and I was a medical student because in our country of Egypt there is no college be-

tween high school and medical school. Those of us who have, you know, very tremendously high -- high scores upon graduation from high school can go directly from high school to medical school which is like the British system except that the medical school is seven years [22 - page 35, line 1] So I was a medical student when my baby sister was learning her first words, and some of her first words were medical words because that's what she was hearing my sister and I talk about, and I had tapes of my baby sister's first words [27] I also had tapes of my late father's last words, and they took all of them, all of them. And do you know why? Because they knew they were having Ingram stand under my balcony and tell me, go and shout, Go back to where you came from, you Egyptian bitch They wanted to find if I had taped any of this and take it away from me [28-32] Then once they took me to prison, they said: We don't want her to get out of prison until she gets a mental examination And do you know what Heather Weiss, who stood here before you and told you that I broke the law, did? She called the mental health examiner and gave him seven lies about me.

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

[15] **The Court:** The objection is sustained.

[16-17] **Dr. Faltas:** May I ask what the basis of the objection is, Your Honor?

[18-19] **The Court:** No character assassination of opposing counsel.

[20-21] **Dr. Faltas:** All right May I say what she said to the medical---

[22-23] **The Court:** No. You may proceed The objection is sustained.

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

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

[page 36, lines 1-2] **Dr. Faltas:** Your Honor, I take exception to you saying that I assassinated her character. I---

[3] **The Court:** Pardon me?

[4-5] **Dr. Faltas:** I take exception to Your Honor saying that I ---

[6-7] **The Court:** Turn a round and address the jury. The objection is sustained

[8-9] **Dr. Faltas:** Thank you. Okay She called that mental health examiner--

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

[11-13] **Dr. Faltas:** I'm not saying anything except what she admitted that she told him, Your Honor.

[14] **The Court:** Objection is overruled.

[15-17] **Dr. Faltas:** Thank you. She told him that my mother is dead and that I live in a delusion that she's alive. She told him that my father--

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

[19] **The Court:** Basis for the objection?

[20-22] **Ms. Weiss:** Your Honor, opposing counsel is not on trial here. This is not anything that has been admitted to. It's been heard by Your Honor and already decided on. I don't think this is relevant to the case.

[23-25] **Dr. Faltas:** May I respond? Before Your Honor she did admit that she called the mental health examiner, and she claimed that she got that information from the bond hearing

[page 37, lines 1-2] **The Court:** The objection is sustained. It's not relevant to what the evidence will show in the trial.

[3-22] **Dr. Faltas:** [3-10] Exception, Your Honor. They did that because the law says that someone who gets arrested on a charge of harassment cannot get out of jail unless there is a mental examination, and the mental examination shows them to be not a danger to themselves or to others. You can be -- somebody can be arrested for murder, and there is no requirement that they undergo mental examination before being released on bail [11-16] In fact, recently, like in the past three or four years or so, there was a prominent lawyer His name was Dewain Herring. He went to a strip club And when he started misbehaving and was told to leave, he went back and shot the manager of the strip club He killed him He was out on bail. He wasn't required to have a mental examination. [17-22] But someone whom someone else falsely pretends that I looked at her twice and got arrested? I got put in jail and I was required to undergo a mental examination, and they tried to rig that mental examination. I saw with my own eyes what the first mental examiner wrote that the solicitor told him

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

[24] **The Court:** The objection is sustained.

[25] **Ms. Weiss:** Thank you.

[page 38, line 1] **Dr. Faltas:** Exception, Your Honor And then --

[2-3] **The Court:** Dr. Faltas, you have five more minutes of opening statement

[4-14] **Dr. Faltas:** [4-8] Thank you, Your Honor They also said that I cannot go back to my apartment, and I

have been out of my apartment for almost 90 days now I have no clothes I have so many things that I cannot have. I keep on paying rent in my apartment, and I cannot go back. 19-14 And one night it was going to be freezing, and I called the police to accompany me so I can get a coat from my apartment They said, "Okay We will come. Wait for us." And they didn't come And then they said, "Call us the next day," and I called them the next day and they didn't come. They said, "Call us the next day," and one---

[15] **Ms. Weiss:** Objection, Your Honor Relevance

[16 17] **Dr. Faltas:** Your Honor, one of her witnesses is the same Sergeant Auld who falsely arrested me the second time.

[18] **The Court:** Objection sustained.

[19 -- page 39, line 20] **Dr. Faltas:** [19 -- page 39, line 2] Exception. You will see that it's a slippery slope They saw that I'm not a pushover Ladies and gentlemen, Rosa Parks was not a pushover They told her to get off that bus. She said, "No, I will not get off the bus." They took her to prison. Mahatma Gandhi, they told him to stop; he didn't stop. They took him to prison. Dr. Martin Luther King Amy Carter, the daughter of President Carter, she demonstrate -- she participated in a demonstration against Apartheid and she was arrested 13-17 All I'm doing is standing up for my right to be treated equally in housing and in many other things and to build on my own land You will see that this is a conspiracy of lies after lies after lies after lies because once they started, there is no stopping 18-11 We have seen what happened with President Clinton. He told a lie. Then he asked people to tell lies and more lies and more lies and more lies to cover People do it because they can 11-15 The only thing that's standing between them and me is God, His Honor, and you You will see oppression that you wouldn't think happens in America, but it does. Friends, it does. It does. It does. 16-20 Years ago it was African-Americans Before that, it was Japanese Americans. Now it is first-generation immigrants Who knows what will be next? What we need to do is to try to leave for everybody an honest society and a fair society, and I thank you very much

[21-23] **The Court:** Ladies and gentlemen, I'll give you a break now If you'll go to the jury room Please do not discuss the case. We'll take about ten minutes

[24-25] (Whereupon, the jury was excused from open court at 3:57 p.m.)

[page 40, line 1] **The Court:** Dr. Faltas?

[2] **Dr. Faltas:** Yes, Your Honor

[3] **The Court:** You have something to say?

[4 5] **Dr. Faltas:** No, I was standing here, respectful of the jury

[6 7] **The Court:** All right. We'll be in recess for ten minutes.

[8 10] **Dr. Faltas:** Your Honor, may I ask if Your Honor has made a decision on the viewing of the site? If Your Honor has made a decision on the viewing of the site?

[11] **The Court:** Not yet.

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

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

[14-15]

(Whereupon, a short break was taken.)

[16 18] **Dr. Faltas:** Your Honor, may I -- before the jury comes in and before any witness takes the stand, may I ask -- I make, if it pleases the Court, a request to sequester the witnesses.

[19] **The Court:** On what basis?

[20 25] **Dr. Faltas:** Your Honor, part of my defense is that there is a conspiracy and this would -- my, of course, lack of credibility and if they are here, they would hear what each other says and say the same thing But if they are sequestered, it will be possible to impeach them by statements inconsistent with each other.

[page 41, line 1] **The Court:** All right. What says the State?

[2] **Dr. Faltas:** Thank you, Your Honor

[3-8] **Ms. Weiss:** Your Honor, as far as sequestration, other than the investigator and the victim, there's currently, as far as I know, nobody in the courtroom that is a witness I have no problem with sequestering the other witnesses, potential witnesses in the case, other than the victim and the investigating officer.

[9-10] **The Court:** All right. The witnesses will be sequestered until after they testify.

[11] **Dr. Faltas:** Thank you, Your Honor.

[12] **The Court:** All right

[13-14] **Dr. Faltas:** Your Honor, Mr Sawyer was kind enough to subpoena some . . .

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

[16] **Dr. Faltas:** Thank you, Your Honor

[17] **The Court:** Anything else before the jury is brought in?

[17 to page 42, line 4] **Ms. Weiss:** [17-25] Your Honor, earlier today you instructed the State to provide disciplinary records of officers that are potential witnesses. I contacted both the sheriff's department and the City pursuant to that directive, and the City of Columbia is gathering their information. Obviously there are more officers that correspond to that. They plan on bringing their information in the morning, but the sheriff's department is here [page 42, lines 1-4] Attorney Scott Hayes with the sheriff's department is present and would like to address Your Honor as far as the disciplinary records of Corporal El Dada and Investigator Roy Livingston who are potential witnesses in this case.

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

[6] **Mr. Hayes:** Good afternoon, Your Honor

[7] **The Court:** Good afternoon.

[8] **Mr. Hayes:** May it please the Court?

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

[10 to page 42, line 6] **Mr. Hayes:** [10-14] Your Honor, I'm Scott Hayes. I'm a staff attorney for the sheriff's department. I'm accompanied this afternoon by Chief Deputy Burkheimer. He has professional Standards and Training. He oversees the internal affairs investigations. [15-16] Your Honor, we weren't real sure about exactly what kind of documents or records that you wanted, so we brought a few. [17-22] In looking through it, to be honest, I'm not -- I don't know enough about your case, but I'm not sure that I find anything that would be particularly relevant or proper impeachment evidence under the South Carolina Rules of Law in criminal procedure. Your Honor, I'll be happy to hand up what I do have. [23 - page 42, line 6] Obviously without stating it in open court here today what they are, we'd ask Your Honor that you review them in camera to decide for yourself what relevance or what potential impeachment value they may have, but, you know, other than that, the State would object to obviously turning over these files to the defense in this case, and we would ask Your Honor to consider them in camera before such time as you would order that to happen.

[6] **The Court:** All right. What says the defense?

[7 to page 44, line 8] **Dr. Faltas:** [7-13] Your Honor, I think that puts the Court in the role of my advocate and, of course, impeachment is a matter of the moment decision and it depends on what they say. So it is not possible for the Court to put itself in the place of an advocate for one side or the other and decide how it could be used for impeachment, especially if that impeachment arises after someone testifies. [14-17] So I think the disciplinary records are just that: That someone was disciplined for having done something wrong and it's not -- there is no place for someone picking and choosing: I will produce this or not produce that. [18-21] Certainly, certainly I would be more than happy to return them after trial, but for me to be told ahead of time, which is exactly what Ms. Weiss tried to do -- to make me say how this is impeachment evidence, that's totally inappropriate. [22-23] It's totally, totally violative of my constitutional right to confront my accusers. [24 - page 44, line 3] And thank you for ordering that the witnesses be sequestered. May I ask, if it pleases the Court also, the Court to admonish the two persons who are staying here to not discuss their testimony with other potential witnesses?

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

[5] **Dr. Faltas:** Thank you, Your Honor.

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

[7] **Mr. Hayes:** Your Honor, if I may approach. I have just--

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

[9-10] **Mr. Hayes:** --one document, I guess, for your review potentially here.

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

[12] **Mr. Hayes:** Thank you.

[13] **Dr. Faltas:** May I ask if he has shown it to Ms. Weiss?

[14] **The Court:** Have you shown it to the State?

[15] **Mr. Hayes:** I have not.

[16] **The Court:** He has not.

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

[18-20] **The Court:** (The Court looks at the Document.) All right. I believe that this could be -- is discoverable. It's not a -- I think it's discoverable.

[21-24] **Mr. Hayes:** Okay. Your Honor, I guess I understand that it's discoverable. I guess I'll leave it to Your Honor later if at some point in time later whether or not it's proper impeachment --

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

[page 43, line 1] **Mr. Hayes:** But we'll turn it to the solicitor.

[2-3] **Dr. Faltas:** Well, no, you cannot just turn it to the solicitor.

[4] **Ms. Weiss:** Your Honor, we'll make a copy

[5 6] **The Court:** The document is to be produced to the defense

[7] **Dr. Faltas:** Thank you, Your Honor

[8] **The Court:** Let -- just share it with Dr. Faltas.

[9] **Dr. Faltas:** Now?

[10 11] **The Court:** Now And then you can copy it when you get a copy later.

[12 15] **Mr. Hayes:** And, Your Honor, for the record that's the only disciplinary action that's related to either Deputy El Dada or Investigator Livingston in this case or at any time That's the extent of the disciplinary action taken

[16] **The Court:** Okay

[17] **Mr. Hayes:** Thank you

[18] **The Court:** All right. Thank you very much.

[19-20] **Dr. Faltas:** I'm sorry Maybe counsel can help me Does it say what it was for?

[21] **Mr. Hayes:** At the top, ma'am

[22] **Dr. Faltas:** Oh, okay. Thank you.

[23] **The Court:** And the Court will order that--

[24-25] **Ms. Weiss:** We'll have a copy made at this time, Your Honor.

[page 43, lines 1-5] **The Court:** Yes. That will be good Before y'all leave, I will -- in order to attempt to place some restriction on it, I will order as a protective order that any disciplinary records not used for impeachment must not otherwise be disclosed by any party to this case to anyone

[6] **Mr. Hayes:** Thank you, Judge.

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

[8] **The Court:** Do you understand that, Dr. Faltas?

[9-10] **Dr. Faltas:** Absolutely, Your Honor, and I even volunteered to return them at the end

[11] **The Court:** All right. Very good. Thank you all.

[12 13] **Dr. Faltas:** But if it's used for impeachment, it will become public

[14-15] **The Court:** Correct. Okay Let's see. Jury Oh, just one moment before you -- before you bring them.

[16-17] (An off-the-record discussion takes place between the Court and his law clerk.)

[18 to page 47, line 17] **The Court:** All right During these proceedings thus far, Dr Faltas has taken exception to many of the Court's rulings, and the manner in which it is done I think constitutes a pattern which, for the most part, closely constitutes argument with the Court The Rules of Civil Procedure, Rule 46, addresses this issue, and it addresses it by stating that. Formal exceptions to rulings or orders of the Court are unnecessary; but for all purposes for which an exception has heretofore been necessary, it is sufficient that a party, at the time the ruling or order of the Court is made or sought, makes known to the Court the action which he or she desires the Court to take or -- to take or his exception or his objection to the action of the Court and his grounds thereof, and if a party has no opportunity to object to a ruling or order at the time it is made, the absence of an objection does not thereafter prejudice him That rule, along with Rule 17 of the Rules of Criminal Procedures, which states that if an objection has once been made at any stage to the admission of evidence, it shall not be necessary thereafter to reserve rights concerning the objectionable evidence. What this means is that once an objection is made and once the Court rules, it is not necessary or proper to take exception to the Court's ruling. The objection speaks for itself and preserves the objection. An exception is not necessary nor is it proper to do so

[18 22] **Dr. Faltas:** Well, I apologize, Your Honor, if I did anything improper. I've read enough South Carolina appellate court cases that said that the party didn't preserve it By taking exception, the participant preserved this, and so I may be---

[23 to page 48, line 4] **The Court:** The rules have been modified, and judicial notice is taken that once an objection is made and once the Court rules, it is not necessary to take an exception to the Court's ruling. That's -- that's in effect an argument with the Court concerning the ruling, which is not necessary. Once you object and once I rule, then that is preserved in the record automatically.

[12-11] **Dr. Faltas:** [5-7] I apologize, Your Honor, and actually many cases say that once there is a ruling, in order to preserve the point for appeal you have to ask for reconsideration [18-11] And, frankly, I don't see a consistent pattern where some cases say, no, you didn't have to ask for reconsideration or absolutely you had to ask for reconsideration or you didn't preserve it

[12-13] **The Court:** Yeah, but that relates to written orders and not objections during trials.

[14] **Dr. Faltas:** All right Thank you, Your Honor

[15] **The Court:** Okay. Well, let's bring the jury

[16] **Ms. Weiss:** Your Honor?

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

[18-24] **Ms. Weiss:** One moment before the jury comes in. Now that we're beginning the actual trial, can I ask that Your Honor reiterate again that she -- **Dr. Faltas has made many mentions of myself, my lying, the State.** I would just ask that I am not on trial and that any reference to me or my lies or my lying be left at this point for the remainder of the trial.

[25 to page 49, line 4] **The Court:** Yes. Dr. Faltas, that would constitute a violation of the civility standards of the Court because it's not a personality contest between the lawyers. The jury must decide the case based on the evidence, not based on the characterization of opposing counsel. [5-6] Of course, that rule is slightly altered in the sense in that you are your opposing counsel. She might be able to tell the jury that you're not telling the truth, but you can't tell the jury that she's not telling the truth because she's not on trial.

[10-12] **Dr. Faltas:** *Your Honor, of course, I had taken the position, and I've preserved it, that she had made herself a witness when she called the mental health examiner.*

[18] **The Court:** I understand.

[14-18] **Dr. Faltas:** *And so that was part of the facts of that I needed to present to the jury. I couldn't tell them that someone else called the mental health examiner because it was Ms. Weiss who did that, and in my view it was to try to keep me incarcerated.*

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

[20-25] **Dr. Faltas:** *So and that's part of the conspiracy which is my defense. So I once again, Your Honor -- and I don't want to be arguing with Your Honor, but just because Your Honor is truthful doesn't mean that all the members of the bar who appear before you are. That's all I'm going to say.*

[page 50, lines 1-3] **The Court:** All right. Very good. But the evidence of guilt or innocence cannot be based on activities occurring post-arrest.

[4-5] **Dr. Faltas:** *If the evidence -- a motive for the false arrest I respectfully submit that they do, Your Honor.*

[6-12] **The Court:** All right. Well, we'll see where this goes, but at present, absent any further showing, I am finding that the representations concerning Ms. Weiss is not relevant to any issue that's appropriately in this case and that you're not allowed to characterize her as a lawyer as a liar or make any other personal attacks against her or her family and that's -- we've discussed that already.

[13] **Dr. Faltas:** *Your Honor, I have never made attacks --*

[14] **The Court:** I understand.

[15] **Dr. Faltas:** *---on her family and---*

[16-18] **The Court:** I understand. The purpose of an order is to prevent something from occurring, not to suggest that you have done so.

[19-24] **Dr. Faltas:** *However, Your Honor, I will on that point because that's important. The statements made for the purpose of medical diagnosis and treatment are an exception to the hearsay rule, and I do want to bring in the fact that someone called the mental health evaluator and said things that are contrary to the record.*

[25 to page 51, line 1] **The Court:** All right. We'll see -- we'll see how that goes when we get to that point.

[2] **Dr. Faltas:** *Thank you, Your Honor. Your Honor said that today we will stop at 5:00 so that---*

[4] **The Court:** I said 5:30.

[5] **Dr. Faltas:** I'm sorry.

[6] **The Court:** 5 or 5:30.

[7-15] **Dr. Faltas:** [7-8] *Can Ms. Weiss be required to tell you what arrangements she made for me because there are many things --- [9-16] I'm not a strong person. It will take going up the stairs and down the stairs many times. So I would think I would need at least four hours, and I need to hook the computer and then check everyone of like a hundred floppy disks or more, actually 180 floppy disks, that they have taken from me to see if they erased them or damaged them in any way and also to find from them the ones that I need for exculpatory value*

[16-17] **The Court:** What arrangements she's made for you to do what? To go to your home?

[18] **Dr. Faltas:** Yes, Your Honor.

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

[20 to page 53, line 12] **Ms. Weiss:** [20-26] Your Honor, I was able to inquire that Sergeant Taurus Sanders will be the sergeant on duty this evening. I left him a message on his cell phone as well as an e-mail message. He is working nights, so I believe he was asleep during lunch. I have not received a call

back that it has been relayed to him. [page 52, lines 1-7] I don't believe law enforcement is going to have the manpower to give up -- I think they only have a few officers on the road -- to give up four hours. As I had mentioned earlier, I think I had asked them for two hours I'm hoping they're able to accommodate that, but, Your Honor, I don't think there's any way they can give Dr. Faltas four hours just at her apartment. [8-12] She, of course, can take what she needs and go to wherever she is staying and do whatever she needs to with them, but, Your Honor, I don't think there's any way that they can give up that kind of manpower tonight for four hours.

[13-21] **Dr. Faltas:** Your Honor, it is simply impossible for me to carry down the monitor and to also set it somewhere where I'm staying now. There is no place to put it. Then, in addition to that, I think by now somebody should realize that this has gone on far -- long enough. I think that the bond has fulfilled its purpose. Frankly, I should be allowed to spend the night in the apartment. If I happen to look at the victim twice, she has already a restraining order. She can report me for violating it.

[22-23] **The Court:** I'm not going to revisit that issue, and I think two hours is a reasonable period of time.

[24 to page 53, line 3] **Ms. Weiss:** Thank you, Your Honor. And I will check on that again. I have my cell phone which gets my e-mails as well in the custody of Investigator Blanton, so if I do receive an e-mail related to this or a phone call, I'll be able to respond to it.

[4-6] **Dr. Faltas:** Your Honor, may I ask you to admonish them not to try to arrest me in any way? Because they have done that before.

[7-8] **The Court:** To arrest you for doing -- while looking at your apartment?

[9] **Dr. Faltas:** Yes, Your Honor.

[10] **The Court:** Well, you know . . .

[11] **Dr. Faltas:** I mean, I can go there and they --

[12-13] **The Court:** Yeah, I don't have anyone to admonish right now. I don't even know who is going to be doing it.

[14] **Dr. Faltas:** Well, I am sorry, Your Honor --

[15-17] **The Court:** The order of the Court is for them to escort you there to get items and to return you safely from there to wherever they found you.

[18] **Dr. Faltas:** And that would be for at least two hours?

[19] **The Court:** For two hours, yes.

[20] **Dr. Faltas:** Thank you, Your Honor.

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

[22-25] **Ms. Weiss:** And, Your Honor, I mean, we can even start now. If you'd like to give me five minutes, I can go make a phone call to see if I can get someone to answer. I did do the phone calls during lunch.

[page 54, line 1] **The Court:** Let's proceed with the jury.

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

[3] **The Court:** If you would bring them on.

[4-5] (Whereupon, the jury was brought into open court at 4:33 p.m.)

[6] **The Court:** Okay. Your first witness.

[7-8] **Ms. Weiss:** Thank you, Your Honor. May it please the Court?

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

[10] **Ms. Weiss:** The State calls Teresa Ingram.

[11] (This concludes the portion of the transcript that was requested.)

[page 56] 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 partial transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 23rd of February, 2010. [¶] I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 27, 2012
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. : February 24, 2010
Dr. Marie Assa'ad Faltas : 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 153, lines 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?

[22 to page 154, line 4] **Ms. Weiss:** I have a question about a witness. Municipal Recorder Angela Ladson was subpoenaed by the defense, and she is present and outside. I do not intend to call her as a witness, and I do have a case. I think it would be improper for her to be called as a witness because she was a judge in her official duties, and I would ask that she be allowed to leave based on that. But the State does not intend to call any other witnesses, Your Honor.

[5] **The Court:** All right. Any witnesses by the defense?

[6-11] **Dr. Faltas:** Yes, Your Honor, Angela Ladson and, in fact, it is classic, classic inference [sic "in Franks"] hearings and suppression hearings to call the issuing magistrate and ask him or her if minus the false -- minus the false information plus the exculpatory information if it had been given if that neutral magistrate---

[12] **The Court:** Is she a witness that you want to now call?

[13] **Dr. Faltas:** Yes.

[14] **The Court:** All right. What case do you have?

[15 to page 155, line 9] **Ms. Weiss:** Your Honor, I have *Staté ex parte of Whetstone and Ivy versus Catoe* to hand up. Your Honor, I believe a ministerial recorder is the equivalent of a magistrate in that Ms. Whetstone was acting in her official duties and she -- when she's to weigh evidence. What Dr. Faltas was just referring to to be if there had been any information -- perhaps if there had been any information of exculpatory evidence or of false evidence that was presented to the judge, there may even be a basis, but at this point there has not been anything and the reason for calling her would merely be to question her decision as a ministerial recorder in her official duties of probable cause which she has already indicated she found probable cause by signing the search warrants and arrest warrants. And page 2 of this case, it states under the first line of the discussion, "It's not disputed a judge may testify on matters not touching upon his official duties." However, this is clearly within the official duties similarly as in *Talbert*. In the third paragraph the defense sought a judge's testimony concerning an arrest warrant issued on---

[16] **Court Reporter:** I'm sorry. Can you slow down?

[11-18] **Ms. Weiss:** The defense sought a judge's testimony concerning an arrest warrant issued against the defendant, and the State's objection was sustained at trial. The warrant itself -- the search warrant itself is the best evidence. The testimony that we have heard is the evidence, and any questions would be merely to bolster what the judge has already found by signing both the search warrants and the arrest warrant.

[19] **Dr. Faltas:** May I reply briefly, Your Honor?

[20] **The Court:** Yes

[21 to page 156, line 12] **Dr. Faltas:** Your Honor, this case pertains to a trial judge, but the cases I cited - *State v. Austin, State v. Hill, State v. Zacks* (phonetic) [sic "Sax"], *State v. Jones, State v. Johnson, State v. Missouri, and State v. York* - I think that in at least three of them the magistrate testified, and what's most important in *Owens versus Lott* which is a Fourth Circuit U.S. Court of Appeals case from Judge Joe Anderson of the District of South Carolina, the magistrate -- the magistrate testified. So it is classical inference [sic "in Franks"] hearing in a suppression hearing to call the issuing magistrate as a witness as to whether the warrants would have been issued if the -- if the false facts were omitted and the exculpatory facts were included. That is classical, and I think that this case is totally in opposite [sic "inapposite"] because this is a case for calling a trial judge, not a ministerial recorder issuing a magistrate -- issuing the order.

[13-15] **The Court:** I find that the magistrate can be called concerning the issuance of a search warrant, and I deny the motion to quash the subpoena. And you may call that witness.

[16] **Dr. Faltas:** I call Angela Ladson, please.

[17-18] **Angela Ladson, after being duly sworn, testified as follows in camera:**

[19-20] **The Clerk:** Have a seat in the witness stand, please, and give the court reporter your name.

[21] **The Witness:** Angela Ladson.

[22] **Court Reporter:** L-a-d-s-o-n?

[23] **The Witness:** Yes, ma'am

[page 157, lines 1-2]

Direct Examination By Dr. Faltas:

[3-7] **Q.** And, Your Honor -- and, Your Honor, if it pleases the court, I have a two-part challenge that under Coolidge versus New Hampshire she was not neutral and also the part about if a reasonable magistrate...
Ma'am, could you please give us your education?

[8-11] **A.** I have a B.S. degree from South Carolina State University in elementary education. I'm also a licensed property, casual life, and health insurance agent, and I am a ministerial recorder for the City of Columbia.

[12] **Q.** How long have you been in that position?

[13] **A.** As ministerial recorder?

[14] **Q.** Yes, ma'am.

[15] **A.** Since 2007.

[16] **Q.** What is your salary?

[17] **A.** Excuse me?

[18] **Q.** What is your salary?

[19] **A.** What is my salary?

[20] **Q.** Yes, ma'am.

[21] **Ms. Weiss:** Objection.

[22] **The Court:** Sustained.

[23-24] **By Dr. Faltas:** **Q.** Do you get evaluated by somebody else?

[25] **A.** Yes, I have a chief administrative judge.

[page 158, line 1] **Q.** And what's the judge? What's that person's name?

[2] **A.** Dana Turner.

[3] **Q.** So she evaluates you.

[4] **A.** Yes.

[5] **Q.** Does that evaluation decide whether you get a raise?

[6] **Ms. Weiss:** Objection.

[7] **The Court:** The objection is sustained.

[8-9] **Dr. Faltas:** Your Honor, may I -- may I ask to offer her answer for the record?

[10] **The Court:** No.

[11-13] **By Dr. Faltas:** **Q.** Do you serve at the pleasure of either Dana Turner or the city council of Columbia?

[14-15] **A.** I serve on -- I am appointed by the city council of Columbia.

[16] **Q.** You are aware that they can terminate you.

[17] **A.** Yes, I am.

[18] **Q.** Without cause.

[19] **A.** Yes, I am.

[20] **Q.** Okay. So you serve at their pleasure.

[21] **A.** Excuse me?

[22] **Q.** You serve at their pleasure.

[23] **A.** I don't understand her question.

[24 to page 159, line 1] **The Court:** The court takes judicial notice of the fact that this city judge is employed by the city and can be terminated by the city or city council.

[2-3] **Dr. Faltas:** Thank you, Your Honor. And my argument is going to be --

[4-5] **The Court:** Well, that's your argument, but I sustain the objection as to your questions.

[6-8] **Dr. Faltas:** All right. Thank you. I was about to apologize for having said thank you, and that would have broken another admonition. So...

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

[10-13] **By Dr. Faltas:** **Q.** So, ma'am -- so since you were appointed ministerial recorder, how many -- roughly how many warrants had you issued?

[14-15] **A.** I don't count them, and I cannot tell you how many I have issued.

[16] **Q.** Did you take any special certification for municipal --

[17] **A.** Yes, I do.

[18] **Q.** When?

[19] **A.** Where?

[20] **Q.** When?

[21] **A.** In 2007.

[22] **Q.** Okay. Is it still valid?

[23] **A.** It is for eight years.

[24] **Q.** For eight years. So you took a test and passed it?

[25] **A.** Yes, I did.

[page 160, line 1] **Q.** Did you cheat on the test?

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

[3] **The Court:** Basis for the objection?

[4-5] **Ms. Weiss:** Your Honor, the defendant is badgering the witness.

[6-9] **Dr. Faltas:** Your Honor, there have been at least three magistrates in South Carolina who have been suspended for having cheated on their qualifying exam, so this is not something that I invented.

[10-11] **The Court:** What's your question of this witness? What was the question?

[12-13] **Dr. Faltas:** Whether she had cheated on the qualifying exam for judge -- ministerial recorder.

[14] **The Court:** All right. You can answer that question.

[15] **The Witness:** No, I did not cheat.

[16-20] **Dr. Faltas:** Thank you. **By Dr. Faltas: Q.** And in that course were you taught that in South Carolina police officers should not arrest for misdemeanors not committed---

[21] **Ms. Weiss:** Objection.

[22] **Dr. Faltas:** I haven't even finished the question.

[23] **The Court:** I haven't heard the question.

[24 to page 161, line 3] **Dr. Faltas:** Thank you. Were you -- in the process of preparing for that test, were you taught that in South Carolina police officers have no right to arrest for misdemeanors not committed in the presence or freshly in their presence?

[4] **Ms. Weiss:** Objection.

[5] **The Witness:** I did not understand your question.

[6-7] **The Court:** All right. All right. The objection is overruled.

[8-9] **By Dr. Faltas: Q.** But you did not understand the question?

[10] **A.** No, ma'am.

[11-13] **Q.** Okay. In the judge's bench book does it not say that in South Carolina police officers cannot arrest for misdemeanors unless the misdemeanor is committed in their presence?

[14] **A.** That's correct.

[15-19] **Q.** Okay. So you're not supposed to issue a warrant upon the application of a police officer unless the police officer tells you that the warrant was committed -- that the misdemeanor, if it is a misdemeanor, that the misdemeanor was committed in his or her presence?

[20-22] **A.** If I issue a warrant, I read the incident report for probable cause, and if I do not find probable cause, I will not issue the warrant.

[23-24] **Q.** You do not ask whether the allegations of the acts were committed in the officer's presence or not.

[25 to page 162, line 4] **A.** Yes, we do. We swear the officer in before the warrant is signed, and if they swear that information is correct, then they're swearing to the information that it's correct on the incident report. So, therefore, the warrant can be signed at that time.

[5-7] **Q.** Please listen to me carefully. I asked whether you know that if it is a misdemeanor you need to know that it was committed in the officer's presence.

[8-9] **A.** That information will be in that incident report, and if it's not in the incident report, I will ask the officer.

[10-11] **Q.** Did you ask -- do you recall having signed an arrest warrant against me?

[12] **A.** Yes, I do.

[13] **Q.** I haven't even finished the question

[14] **A.** Okay.

[15-17] **Q.** On December 12th, 12th -- listen carefully, please. December 12th, 2009, for alleged unlawful use of a telephone...

[18-20] **A.** That would not be a warrant unless an officer brought that in. Are you asking me about a courtesy summons or are you asking me about a warrant?

[21] **Q.** A warrant.

[22] **Ms. Weiss:** Objection.

[23] **The Witness:** I don't recall.

[24] **Dr. Faltas:** All right.

[25] **The Court:** She's answered the question.

[page 163, line 1] **Dr. Faltas:** May I approach?

[2-3] **Ms. Weiss:** Your Honor, may I see what she is approaching the witness with?

[4] (Dr. Faltas shows a document to Ms. Weiss.)

[5-6] **Ms. Weiss:** Your Honor, I object to the line of questioning.

[7-9] **The Court:** Which warrant is that? Is that this one or one of the others? I don't need to see it. Tell me what -- which one is that? The unlawful use of telephone---

[10] **Dr. Faltas:** Yes

[11] **The Court:** ---or harassment?

[12-15] **Dr. Faltas:** Yes, the unlawful use of telephone and my challenging her pattern. That goes to prove her non-neutrality that she would sign an inappropriate warrant because it's against me.

[16] **The Court:** All right. I overrule the objection.

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

[18] (Dr. Faltas hands the witness a document.)

[19] **The Court:** Question What's the question?

[20] **Dr. Faltas:** Oh, I was waiting for her to ---

[21] **The Court:** Proceed Question.

[22] **Dr. Faltas:** Oh, sure.

[23-24] **By Dr. Faltas:** Q. Did you sign this?

[25] **A.** Yes, I did.

[page 164, lines 1-2] **Q.** There is nowhere there that says that that was committed in the officer's presence, is there?

[3] **A. No.**

[4-5] **Q.** Did you take oral testimony from that officer to ask if it was committed in his presence?

[6] **A.** I didn't have to.

[7] **Q.** The answer is yes or no.

[8] **A.** I didn't have to.

[9] **Q.** No. The answer is yes or no. Did you take---

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

[11] **Dr. Faltas:** ---oral testimony from that officer?

[12] **The Court:** The objection is overruled.

[13-14] **The Witness:** I did not have to take any information from the officer.

[15-18] **By Dr. Faltas:** Q. The judge overruled the objection, so please answer yes or no. Did you take oral testimony from that officer? Yes or no?

[19] **A. No.**

[20-21] **Q.** All right. Thank you. Oh, Ms. Weiss...

(Dr. Faltas shows documents to Ms. Weiss.)

[22] **A.** Okay.

[23] **Q.** Do you recall signing those two affidavits?

[24] **A.** Yes, I do.

[25] **Q.** Did you type them?

[page 165, line 1] **A.** Did I type them?

[26] **Q.** Uh-huh.

[31] **A.** No, I did not.

[4-5] **Q.** Okay. Did you take oral testimony from Amanda Blanton before signing them?

[6] **A.** Did I do what?

[7] **Q.** Take oral testimony from Amanda Blanton before signing.

[8-9] **A.** Are you asking me did I question her before I signed the warrant?

[10-11] **Q.** Did you take oral testimony, meaning was it sworn oral testimony?

[12] **A.** Yes, it was.

[13] **Q.** You swore her and then asked her questions.

[14] **A.** I did.

[15] **Q.** Okay. Do you recall what the questions were?

[16-17] **A.** I asked her did she swear the information that she was giving me was true to the best of her knowledge.

[18] **Q.** And that was all.

[19] **A.** Yes.

[20-21] **Q.** She did not give you any additional oral narrative under oath.

[22] **A.** No.

[23-24] **Q.** She did not -- did you ask her whether she saw any of this herself?

[25 to page 166, line 4] **A.** I read the incident report. I took the information from the incident report. I looked at it. I did ask her -- I think the only thing I did ask her in reference to -- let me see which one this is.

No, I only swear her -- I swore her in on this.

[5-6] **Q.** So you didn't take any additional oral information from her.

[7] **A.** No, I did not.

[8-10] Q. Okay. You did not ask her whether she personally observed -- **did you ask her whether she personally observed any of this?**

[11] A. No, I did not.

[12-13] Q. Okay. Were you aware that she personally observed none of it?

[14] A. Am I aware that she observed none of the incident?

[15] Q. Uh-huh.

[16] A. No, I'm not aware of that.

[17-18] Q. You didn't know. You thought she observed all of it; right?

[19] A. Excuse me? Repeat that question to me.

[20-21] Q. You just said that you were not aware that she observed none of it.

[22-23] A. Whether she was on the scene -- **she was not the officer that went out and took the incident report.**

[24] Q. What incident report are you talking about?

[25 to page 167, line 1] A. She had to have an incident report before she can issue a warrant.

[2] Q. No. She had to have one thing. Did she have --

[3] Ms. Weiss: Objection.

[4-5] The Court: The objection is sustained. Question, please.

[6-7] By Dr. Faltas: Q. Did she present you an incident report?

[8-10] A. She presented the incident report when she sent the -- when she brought the incident -- the incident report was brought over when the warrant was typed.

[11] Q. Did you keep that incident report?

[12] A. Yes, we do keep them.

[13-14] Q. Okay. Were you aware that she did not observe anything in that incident report?

[15-16] A. She was not the officer on the scene when the incident report was taken.

[17] Q. Who was the officer on the scene?

[18-19] A. I don't recall. I don't have the incident report in front of me, and **it's not on the warrant.**

[20-21] Q. Is it -- is it usual to have the incident report number on the warrant?

[22] A. Yes.

[23] Q. Why isn't there one on this warrant?

[24-25] A. There is an incident report at the top of the warrant. The incident report number is 0932758.

[page 168, line 1] Q. For both of them?

[2] A. Yes. The other one is 0932847.

[3-5] Q. When a police officer comes and asks you for a search warrant that's based on something someone else told them, do you ask them if their informant is reliable?

[6-8] A. The police does not come and ask me for a search warrant based on information they get for another person. They come for themselves.

[9-10] Q. So you never issued a search warrant based on information from an informant?

[11-15] A. I get the search warrant. Information is typed -- the information based on it -- the information needed is typed in the search warrant when they present it to us. When they present it to us, if we find probable cause in it, we swear them in and give them the information they need.

[16-19] Q. Let me make the question clear. If a police officer comes and says, "Angela Ladson, I want a search warrant to search a certain house based on something an informant told me," do you ask them whether that informant is reliable?

[20] A. That information is in the report.

[21-23] Q. Okay. And if the report has nothing about the reliability of the informant, do you still sign the search warrant?

[24 to page 169, line 7] A. It does not really have to say anything about that person's reliability. I mean, we're looking for probable cause as to what they need that search warrant for. I'm not -- if an informant gives them information, they're searching for particular items. So if they're searching for particular items, I need to know from them basically why they're searching for those particular items and it's listed in that report, and if it's not, then I don't issue the warrant.

[8-10] Q. Yes, ma'am. The items are listed, but when it's based on an informant, do you ask them whether the informant is reliable?

[11-12] A. I haven't had one that's based on an informant, but if I did, I would.

[13-14] Q. Okay. In this case, did you ask Amanda Blanton whether her informants were reliable?

[15-16] A. I asked her whether the information she presented to me was the truth.

[17-19] Q. Even though she did not observe it herself, you did not ask her whether the people who told her that were reliable. Yes or no, did you ask her that?

[20] A. No, because I did not have information---

[21] Q. That's all.

[22] A. ---about an informant on that search warrant.

[23-25] Q. Okay. If you knew that all five or at least three of the five witnesses that she claims to have interviewed have felony convictions?

[page 170, line 1] A. They were not included in that search warrant.

[2] Q. I don't think you're understanding me.

[3-6] A. I understood what you said, and it was not listed in the search warrant. The search warrant was looking for cameras, if I'm not mistaken, and other -- and other items from your home. It had nothing to do with an informant.

[7-8] Q. How would she have known to want to take cameras and computers and all pictures and all tapes from my home?

[9] A. That had nothing to do with what she came to me for.

[10-11] Q. So an officer comes and says, "I want to go to a certain house and get a list from A to Z," and you say, "Okay"?

[12-14] A. No, ma'am. There is other information in that incident report that will give me enough probable cause. In each incident it's different.

[15] Q. And in that case she was telling you what?

[16-18] A. She needed to search your home to get the cameras, other information that you had in your home, that were pertaining to your harassment of the tenants in the apartment.

[19] Q. How did she know that I was harassing them?

[20] A. Dr. Faltas, I don't know that.

[21] Ms. Witness: Objection.

[22-24] By Dr. Faltas: Q. You don't know her basis for the search warrant. That is all I was going--

[25] A. I do know her basis for the search warrant---

[2] A. ---but I don't know---

[4] A. --- how she got that ---

[6] The Witness: --- information.

[page 171, line 1] Q. You just ---

[3] Q. ---told me -- let me ---

[5] Ms. Witness: Objection, Your Honor.

[7] Dr. Faltas: Okay.

[8] **The Court:** Just a moment.

[9] **Dr. Faltas:** You don't know what she ---

[10-13] **The Court:** Just a moment. Just a moment. There is an objection. One, two, three people are talking at the same time. Do you have more questions of this witness?

[14] **Dr. Faltas:** One.

[15] **The Court:** One more question.

[16-18] **By Dr. Faltas: Q.** You were aware that I have a lawsuit or a potential lawsuit against the City of Columbia.

[19] **A.** No, ma'am, I'm not aware of that.

[20] **Q.** You never heard of it.

[21] **A.** No, ma'am, I'm not aware of that.

[22-23] **Q.** Did you ever discuss anything concerning me with anyone from the City of Columbia?

[24] **A.** No, ma'am.

[25] **Q.** Ever?

[page 172, line 1] **A.** No, ma'am.

[2-3] **The Court:** We're still working on the same one question or are these -- are these sub parts of the same one question?

[4] **Dr. Faltas:** Sub parts. Sub parts.

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

[6-9] **By Dr. Faltas: Q.** Do you ever have occasion to ask Dana Turner whether you should or should not issue a search warrant or an arrest warrant?

[10] **A.** Do I ask her ever?

[11] **Q.** Uh-huh.

[12] **A. Yes, I do.**

[13-14] **Q.** Okay. And do you know whether she asks the city attorney?

[15] **A. No, I don't.**

[16] **Q.** Okay. Thank you.

[17] **A.** You're welcome.

[18] **The Court:** All right. Any questions by the State?

[19] **Ms. Weiss:** Very briefly, Your Honor.

[20-21]

Cross-Examination By Ms. Weiss:

[22-24] **Q.** Ms. Ladson, I'm going to show you what's been marked as Court's exhibits 3 and 4. Do you recognize these two search warrants?

[25] **A.** Yes.

[page 173, line 1] **Q.** And did you sign these two search warrants?

[2] **A.** I know I signed the one for... Yes, I did.

[3-4] **Q.** Okay. And both of those search warrants were for the home and car of Dr. Marie Assa'ad-Faltas?

[5] **A.** Yes.

[6-7] **Q.** And I show you Court's exhibits 2 -- 1 and 2. Do you recognize these two arrest warrants?

[8] **A.** Yes.

[9] **Q.** Did you sign those two arrest warrants?

[10] **A.** Yes.

[11-14] **Q.** Does your signature on those two search warrants and those two arrest warrants indicate that you found probable cause for the search and the arrest of Dr. Marie Assa'ad-Faltas, for her home and her car?

[15] **A.** Yes.

[16-17] **Q.** And was that information based on the sworn testimony of Investigator Amanda Blanton?

[18] **A.** Yes.

[19-21] **Q.** And was it -- was it cumulative information from both the arrest warrants, the search warrants, and information you got from Investigator Blanton?

[22] **A.** Yes.

[23-24] **Q.** And did you talk to Judge Dana Turner about those specific search warrants or arrest warrants?

[25] **A.** No, I didn't.

[page 174, lines 1-2] **Ms. Weiss:** Thank you. No further questions, Your Honor.

[3] **Dr. Faltas:** Redirect?

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

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

[6-7]

Redirect Examination By Dr. Faltas:

[8-10] **Q.** Were you also taught before becoming a ministerial recorder that you should exercise independent judgment and not be a mere rubber stamp---

[11] **A.** Yes.

[12-14] **Q.** ---for the police? Okay. Have you ever refused to sign a search warrant or an arrest warrant for a police officer? Listen to me carefully.

[15] **A.** Are you finished with your question?

[16-17] **Q.** Yes. I'm not saying for a private person, but I'm saying for a police officer.

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

[19] **Q.** Okay. What had happened then? Can you---

[20] **A.** They didn't have probable cause.

[21] **Q.** How so?

[22] **A.** I didn't find probable cause.

[23] **Q.** No. Give me complete example.

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

[25] **The Court:** The objection is overruled.

[page 175, lines 1-2] **The Witness:** You want me to give you an example of one I turned down?

[3-4] **By Dr. Faltas:** Q. Yes, please, from a police officer.

[5-21] **A.** I had an officer come in, wanted to do a search warrant. I think this one was a violation of a restraining order or a violation of -- I think it was a violation of a restraining order. The person wanted me to sign a search warrant because she was -- the gentleman who was in the store -- the victim walked in the store, saw the gentleman in the store. She wanted -- said that he was harassing her. He was in the store first, and I questioned whether, you know, he had the right to be in the store. There's thousands of Food Lions in Columbia. He had the right to be in that store. He didn't know she was coming to the store. So, therefore, I did not have probable cause to issue a search warrant against him for violating that protection order because he didn't violate it. He was in the store. She just happened to walk in the store, and they did not have enough probable cause for me to issue that warrant. So I denied it.

[22-23] **Q.** So she was the private person who was seeking the warrant.

[24] **A.** No, the officer came. She called an officer.

[25 to page 176, line 1] **Q.** And that wasn't -- that was an arrest warrant, not a search warrant.

[2] **A.** It was an arrest warrant.

[3] **Q. Did you ever deny a search warrant?**

[4-5] **A. No, I didn't have the opportunity to deny a search warrant yet.**

[6] **Q. Okay. And you've been since 2007?**

[7] **A. That's correct.**

[8-10] **Q. Okay. And have you ever had opportunity to question the reliability of informants when police officers come and ask you for a search warrant?**

[11-12] **A.** Are you asking me do we question the officer as to how he got his information?

[13] **Q. No, the reliability of the informant.**

[14] **A. No, I did not question the reliability of the informant.**

[25] **Dr. Faltas:** All right. Thank you very much.

[16-17] **The Court:** All right. You may -- anything further from the State?

[18-19] **Ms. Weiss:** Just a question for clarification, if I may, Your Honor.

[20-21] **Recross Examination By Ms. Weiss:**

[22-23] **Q.** Did you say you have never questioned an investigator about their -- where they got their information?

[24 to page 176, line 2] **A.** No, that's not what I'm saying. Maybe I misunderstood what she's saying. We do question the investigators where they get their information from if they come in for a search warrant.

[3-5] **Q.** And if you have a question about that information, would you then follow up with questions questioning the reliability of that information?

[6] **A.** That's correct.

[7] **Ms. Weiss:** Okay. Thank you. No further questions.

[8] **The Court:** All right. You may step down.

[9] **The Witness:** Thank you.

[10] **Dr. Faltas:** I wanted to...

[11-13] **The Court:** Direct, redirect, two shots only. You may step down. Thank you. Any additional witnesses on this issue by the defense?

[14-17] **Dr. Faltas:** Yes, Your Honor. I need -- I have subpoenaed Chief Carter. I don't know why he's here and I ask why -- if he's not here, I ask that he be held in contempt because he was properly served

[18] **The Court:** Was he a party to the search warrant?

[19-22] **Dr. Faltas:** Yes, Your Honor. Evidently, according to Amanda Blanton's testimony, they had a meeting about it before it was issued, and he was the head of the meeting. So -- so, yes.

[23] **The Court:** All right. Ms. Weiss?

[24 to page 176, line 3] **Ms. Weiss:** Your Honor, Chief Carter will be here upon a phone call. He indicated that he had other duties. I have spoken to your clerk this morning. He's on telephone standby, and he'll come as soon as he's needed. I was not aware of when he was needed to be here.

[4-5] **The Court:** All right. We'll recess 'til 1:30, if he can be here by then.

[6-7] **Ms. Weiss:** Oh, he'll be here. Is there anybody else that needs to be here?

[8-9] **Dr. Faltas:** Well, all the people that have been subpoenaed including ---

[10-11] **The Court:** This is not -- this is the issue of the search warrant, not the trial itself.

[12-17] **Dr. Faltas:** No. I understand. I understand but, Your Honor, I think I -- thank God I have gone a long way in proving that this is all a conspiracy. And so, I mean, it may not -- the trial may

not need to go... I would like to argue that there should be no trial after what has been revealed so far.

[18-21] **The Court:** Well, tell me what witnesses you want to testify concerning the search warrant and tell me the relevance of those witnesses to this issue, and I will decide whether or not they can be called as witnesses.

[22-23] **Dr. Faltas:** We've already agreed about Chief Carter. Then J. Andrew---

[24 to page 179, line 1] **The Court:** You haven't agreed about it. You said he was there at a meeting prior to the issuance of the search warrant and you want to ask him about that.

[2] **Dr. Faltas:** Yes.

[3] **The Court:** All right. And who else?

[4-6] **Dr. Faltas:** J. Andrew Delaney who is the lawyer for the private defendant who pushed all of this and he also has been subpoenaed, and he filed a motion to quash. Then---

[7-10] **The Court:** He did not -- he provided information that the investigator used, but he did not seek the search warrant. I'm not going to allow his testimony on the search warrant issue.

[14] **Dr. Faltas:** Oh, okay.

[12-13] **The Court:** And I'll just deal with the issue of quashing the search warrant later.

[14] **Dr. Faltas:** And Dana Turner.

[15] **The Court:** Who is that?

[16-17] **Dr. Faltas:** Executive Judge Dana Turner. She also has been subpoenaed.

[18] **The Court:** On what basis regarding this issue?

[19-21] **Dr. Faltas:** Also on the search warrant because Angela Ladson said that she consults with her about issuing search and arrest warrants.

[22-23] **The Court:** I recall the testimony that she did not consult with her regarding this search warrant.

[24-25] **Dr. Faltas:** It's possible to impeach one witness with another, and I do not take this lightly at all, Your Honor.

[page 180, line 1] **The Court:** Oh, that I clearly understand.

[3] **Dr. Faltas:** So it's... If it's possible that someone may say something different from someone else...

[4] **The Court:** All right. Ms. Weiss?

[5-11] **Ms. Weiss:** Your Honor, she has no basis for that. It's merely a conjecture by the defense. It's merely a fishing expedition. I object to continuing with witnesses, and I'd like to get on with the trial of the case. We have put up the witnesses I think that had -- were there for the issuance of the search warrant and are prepared to argue and hopefully move forward with the trial.

[12-14] **The Court:** All right. The jury is coming at 1:45. Chief Carter will be here at 1:30. I want them -- Judge Turner -- you said executive Judge Turner?

[15] **Dr. Faltas:** Yes.

[16] **The Court:** Executive?

[17-19] **Dr. Faltas:** Yeah. The reason I'm saying that is that I want to constantly preserve my position that she's not a member of the independent judiciary.

[20] **The Court:** To inquire as to that limited basis.

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

[22] **The Court:** All right. At 1:30.

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

[24] **Dr. Faltas:** Thank you, Your Honor.

[25]

(Whereupon, a lunch break was taken.) * * * * *

[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-40-11987

The State of South Carolina :
vs. :

PARTIAL TRANSCRIPT OF RECORD

February 24, 2010
Columbia, South Carolina

Dr. Marie Assa'ad Faltas :

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 181, lines 1-2] *Dr. Faltas*: Good afternoon, Your Honor. May I ask something?

[3] *The Court*: Yes.

[4-5] *Dr. Faltas*: May I call Chief Carter? May I ask the other potential witness to be sequestered?

[6] *The Court*: And who is that?

[7] *Dr. Faltas*: Executive Judge Turner

[8-10] *The Court*: Okay. Chief Carter, if you'll come forward, please, and Executive Judge Turner, as she refers to you, if you'll wait outside.

[11] Judge Turner: All right. Thank you.

[12] *The Court*: Thank you.

[13-14]

Tandy Carter, after being duly sworn, testified as follows in camera:

[15-16] *The Clerk*: Have a seat on the witness stand, please, and give the court reporter your name

[17] *The Witness*: Tandy Carter.

[18] *Court Reporter*: Spell your first name.

[19] *The Witness*: T-a-n-d-y.

[20-21]

Direct Examination By Dr. Faltas:

[22] *Q. Good afternoon, sir. Your age and occupation, please?*

[23] *A. Say that again. I couldn't hear you.*

[24] *Q. Good afternoon, sir. Your age and occupation, please?*

[25 to page 182, line 1] *A. Good afternoon to you. I am 55, and I am in law enforcement.*

[2] *Q. What is your current position, please?*

[3] *A. I am the Chief of Police for the Columbia P.D.*

[4] *Q. P.D. meaning police department?*

[5] *A. Police department.*

[6-7] *Q. Yes, sir. And before coming in, you were talking to Captain White?*

[8-9] *A. I'm sorry. I don't hear very well. It's nothing to do with you. Tell me again.*

[10-11] *Q. Before coming into the stand, you were talking to Captain White?*

[12] *A. Yes. For the sheriff? Yes, I was.*

[13-14] *Q. Did you talk about the testimony or anything that already happened in this case?*

[15] *A. No, not at all.*

[16-17] *Q. Okay. Thank you. And did you happen to see me a few days ago?*

[18] *A. I did.*

[19-21] *Q. Okay. And did you tell me that you were aware of an internal affairs report that I filed for excessive force and that you knew about it?*

[22] *A. Yes.*

[23-25] *Q. And did you tell me that the City of Columbia attorney told you that all you had to tell me is that my complaint was unfounded?*

[page 183, line 1] *A. Yes, I said the policy.*

[2-3] *Q. And did you tell me that the City of Columbia attorney told you that I have a lawsuit against the city?*

[4-5] *A. I think I mentioned that you have a civil action against the city; I'm not sure.*

[6] *Q. Okay. And did you also describe me as mad?*

[7-8] *A. I don't know if I used that term. Disruptive maybe but not mad.*

[9-10] *Q. Did you attend a meeting concerning whether to arrest me?*

[11] *A. I did.*

[12] *Q. And it's -- you were aware that that was a misdemeanor.*

[13-17] *A. Yes, I was -- I was aware of not the particulars of it. The question -- the reason why I had the meeting is to -- for two questions -- is what was the elements of the crime, and the second question: Had we coordinated that through the solicitor's office?*

[18-19] Q. So you requested coordination with the solicitor's office?

[20-24] A. No, I did not. I attended a meeting for the arrest warrant, and there's two questions that would concern me. One: What are the elements of the crime? Did we meet the elements of the crime? And the second question is: Did we coordinate our action with the solicitor's office?

[25] Q. When did that meeting take place?

[page 184, lines 1-3] A. I cannot remember exactly when or how long it was. I'd say maybe - just a guess - two or three months, maybe longer or less.

[4] Q. Does anyone in your office take notes of meetings?

[5] A. That particular meeting? There was no notes taken.

[6-7] Q. I didn't ask that question. I said, "Does anyone in your office take notes of meetings?"

[8] A. Yes, some do.

[9-10] Q. Were you served with a subpoena to bring documents with you?

[11] A. I was served with a subpoena this morning, yes.

[12] Q. And it required you to bring documents with you.

[13] A. Yes, it did.

[14] Q. Did you bring any documents with you?

[15] A. I did not.

[16] Q. Why not?

[17] A. I didn't have any personal documents.

[18] Q. It didn't require personal documents, did it?

[19] A. It did not.

[20-23] Q. It required all documents in the department that are related to me. All right. Before that meeting, you had received communication from the City of Columbia attorney's office that I have a civil lawsuit against the city.

[24-25] A. I wouldn't say received notification; I'm just aware of it.

[page 185, lines 1-2] Q. You were aware of it before the meeting, before the meeting that you had to decide to arrest me. Right?

[3] A. No, it was afterwards.

[4] Q. It was afterwards?

[5] A. Yes.

[6-7] Q. And you had met me before that meeting. Is that correct?

[8] A. I did.

[9-11] Q. And you were aware that I had been trying to meet you, and your secretary constantly told me that you're out of town or something to that effect.

[12-14] A. I was aware that you were trying to meet me when you told me, not any time in advance of that, when we met accidentally that day.

[15-16] Q. And did I tell you that your secretary was constantly telling me that you're out of town to the point where I--

[17] Ms. Weiss: Objection, Your Honor.

[18] The Court: The objection is sustained.

[19-22] By Dr. Faltas: Q. Did I then complain to you that your force was not protecting me and was completely taking the side of the opponent in the civil action?

[23-25] A. You know, I can't recollect the exact conversation. One of the things that I took away from our conversation is that you were very unhappy with what the police force is doing.

[page 186, lines 1-4] Q. Okay. Did I specifically tell you that someone related to my landlady was coming to my door repeatedly and taking things from my own door and that when members of your force were called they did nothing about it?

[5] A. You know, I can't recollect those details.

[6] Q. Would you dispute that I told you that?

[7-8] A. You know, I don't -- I can't remember what we had in the conversation. I do know that you were pretty upset.

[9-11] Q. And did I also tell you that there was a man who threatened to force me to do sexual acts and that your force did not help me?

[12] A. I don't ever remember that.

[13] Q. You don't remember.

[14] A. No, I do not.

[15-16] Q. Were you aware that I gave pictures to Lieutenant Colonel Burke?

[17] A. I'm unaware of that, too.

[18-19] Q. Did Lieutenant Colonel Burke ever talk to you about a meeting I had with him?

[20] A. I don't recollect.

[21-22] Q. Did Sergeant Auld ever talk to you about a tape I had given him?

[23] A. I don't recollect that either.

[24 to page 187, line 1] Q. Were you aware that someone from your force arrested me and bruised my wrist in the process and I had filed a complaint?

[2] Ms. Weiss: Objection.

[3] The Court: Sustained.

[4-6] By Dr. Faltas: Q. In that meeting was the idea discussed that if I were arrested I would be off your back?

[7-12] A. I don't ever remember that conversation. There's two meetings that I've had with you. One is when it was an impromptu meeting when I was coming out, and the second meeting was the other day when I had a friend and you interrupted us. So you've got to tell me what meeting you're talking about. Okay?

[13-16] Q. I'm sorry. I'm so sorry. I was talking about the meeting that you had with Investigator Blanton about me. Do you remember who else was at that meeting about the arrest warrant?

[17-19] A. What I remember: I think Captain Dodson and Detective Blanton and there might have been another -- I don't know. Those are the two I remember.

[20-22] Q. Okay. Has your department ever, ever arrested someone and put them in jail and took from their house and their car everything that's a computer, a picture, a tape, a video?

[23-24] A. You know, I can't answer that question. I'm sure we have. We may have, and I don't know the answer to that.

[25 to page 188, line 1] Q. But at that meeting did you review the proposed search warrant from my home?

[2-7] A. I did not. This is what I did. I asked the question, "What is the element of the crime?" It was read to me, and I asked, "What do you have to corroborate that?" And the second thing that I asked was, "Have we coordinated with the solicitor's office?" I think, and that was it.

[8] Q. And the element of the crime was read to you by whom?

[9-10] A. You know, I think it was -- I'm thinking it was Detective Blanton.

[10] Q. And what was she reading from?

[11] A. The general statute.

[12-13] Q. And she told you she had information to corroborate that how?

[14] A. By statements of people.

[15-16] Q. Uh-huh. Did you question her whether those people were reliable?

[17] Ms. Weiss: Objection.

[18] The Court: The objection is sustained.

[19-21] Dr. Faltas: So in that meeting did you all have the idea somehow that I am a pain for you all and if I get arrested---

[22] Ms. Weiss: Objection.

[23] Dr. Faltas: ---then I am out of your hair?

[24] The Court: The objection is overruled. Yes or no.

[25] The Witness: Could you repeat that one more time?

[page 189, line 1] Dr. Faltas: May I have it read back to him?

[2] The Court: No. Restate the question.

[3] Dr. Faltas: Oh, sorry. All right.

[4-10] By Dr. Faltas: Q. In that meeting did you have the idea that since I had been unhappy with your force before and I had been suing the city and all this and that if I do get arrested maybe I will be put away for a long time and I will be out of your hair, so to speak? I realize that you don't have hair, but that's okay.

[11-14] A. Well, thank you. No. To be honest with you, it was never a thought. The only two questions I had was -- one was the coordination and, secondly, did it meet the elements of the crime? And that was it.

[15-16] Q. So one variant of that thought that you had was whether you might be sued for this arrest.

[17-19] A. Well, you know, if I worried about that every day, I wouldn't be able to do my business. So that was not a thought for me.

[20-21] Q. Do you get this big meeting at the chief's level before any misdemeanor arrests?

[22] A. No.

[23] Q. What was unusual about my case?

[24 to page 190, line 5] A. What was unusual about it is that you and I had had a meeting but way before this happened. I would say - I don't know - maybe four or five months before that, and you were on my mind, and when I heard about it, I wanted to know because you had already at least indicated to me that you were unhappy with the police force. So that's why I took interest.

[6] **Q.** Heard about it? How did you hear about it?

[7-8] **A.** I heard -- I heard about it through you when we had our initial conversation.

[9-11] **Q.** No, no. When you -- I mean, I didn't know that a warrant against me was in the works. So when did you hear that they were going to arrest me?

[12-15] **A.** I know that they've been working on the case for quite some time, didn't go into the details. I walk through my C.I.D. office at least once a week and talk to every member of the staff.

[16] **Q.** What's a C.I.D.?

[17] **A.** A criminal investigation. I'm sorry.

[18] **Q.** Okay.

[19 to page 191, line 4] **A.** And one of the things that I do do is talk to the folks, the detectives that are working the cases, ask them what they're working, find out what their priorities and a few other things... And I think that that came up. And since we had the conversation before your name had came up -- we had that one conversation. It was a very impromptu meeting because when we met the first time I told you when I was going downstairs I didn't have time to sit down and have a long meeting with you, but I will spend some time talking to you and I think we may have spent or five or ten minutes and that was about it. So that's the only reason.

[5-6] **Q.** And I had given you my name and my number, and you were going to call me back and you never did.

[7-10] **A.** You know, you may have and I may not have called you back. I don't remember the details, but I did go back and look and research the investigation because there was an internal investigation as to what you were concerned about.

[11-14] **Q.** And you researched it and then called the city attorney's office, and they told you all you need to do is to just write "unfounded" on it and send me a letter saying you found it unfounded and that's it. Right?

[15-17] **A.** No. You've asked that question several times. I've gave you the same answer. I have not coordinated with the city attorney about anything that has to do with you at all.

[18-21] **Q.** Well, Chief Carter, either you or I -- I haven't testified yet, but I do recall clearly a few days ago when I ran into you in the office and I told you that you run a corrupt department.

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

[23] **The Court:** Objection is sustained.

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

[25 to page 192, line 1-2] **By Dr. Faltas: Q.** Did you see a letter sent to me that just said "unfounded"?

[3-8] **A.** What had happened is you had it in investigation, and what I told you about policy: The only requirements that we have to give you is a letter justifying the end results of the investigation. I'm not sure whether that was -- I think it's either unfounded or unsustained. I can't remember exactly.

[9-10] **Q.** And then you told me that I cannot even get the underlying tape of where I had --

[11] **Ms. Weiss:** Objection.

[12] **The Court:** Sustained.

[13-14] **Dr. Faltas:** Did I ask you that I wanted the pictures I let them take of my bruised wrists?

[15] **Ms. Weiss:** Objection.

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

[17-20] **By Dr. Faltas: Q.** So, Chief Carter, did you -- were you influenced by anyone or did you influence anyone to make this arrest happen?

[21-22] **A.** I did not. I did not influence an individual or was influenced by anybody.

[23-24] **Q.** Okay. Do you think your department treats people differently --

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

[page 193, line 1] **The Court:** I can't hear -- didn't hear the question.

[2] **Dr. Faltas:** I hadn't even finished it.

[3] **The Court:** That's why I didn't hear it.

[4] **Dr. Faltas:** Yeah. Yeah.

[5-7] **By Dr. Faltas: Q.** Do you think your department treats people differently based on their national origin?

[8-10] **A.** No, I don't think so because that's against the law. We should be enforcing the law constitutionally and consistently across the board.

[11-12] **Q.** Have there been complaints against your department about roughing up Mexicans, for example?

[13-16] **A.** You know, I don't remember any specific complaints, but we have complaints all the time about -- I shouldn't say all the time, but it's not unusual to have excessive-force complaints in any police department in the United States.

[17-23] **Q.** Okay. Tell me of your own knowledge. I complained about someone related to my landlady coming and taking things from my own door, and I also complained about a man whom I had photographed grabbing his crotch at me and telling me, "I will make you suck this and take a picture of you sucking this." What did your department do for me based on those two complaints?

[24-25] **The Court:** Sustain the objection. It's not relevant to this question before the court.

[page 194, lines 1-4] **By Dr. Faltas: Q.** Do you tell your police officers that it is important policy not to arrest on misdemeanors not observed by the police officer?

[5-9] **A.** You know, that's a discretion that's left with an officer. I'm not out there. They make those judgment calls whether or not they're going to arrest somebody or give them a courtesy summons. That's a discretion that's always left with the officer, and I try not to get involved in that.

[10-12] **Q.** So we leave it up to the officer's discretion to arrest somebody on an alleged misdemeanor which the officer did not witness?

[13-14] **A.** We leave all arrests to the discretions of police officers.

[15-17] **Q.** Even though the constitution and the law of the state forbid officers from arresting on misdemeanors that they did not witness.

[18] **Ms. Weiss:** Objection.

[19] **The Court:** Sustained.

[20] **Dr. Faltas:** That's all. Thank you.

[21] **The Court:** Any questions by the State?

[22] **Ms. Weiss:** No, Your Honor

[23-24] **The Court:** Okay. Thank you, Chief. You may step down. If someone would ask Judge Turner to come in

[25] **Ms. Weiss:** Your Honor, may the Chief be excused?

[page 195, line 1] **The Court:** Yes.

[2-3] **Dr. Faltas:** Your Honor, I'm sorry. If the trial goes on, I need him as a witness.

[4-7] **The Court:** Chief, you'll be available -- this is the suppression hearing, and the subpoena is for the entire trial. That may include being called by the defense in her case.

[8-9] **Chief Carter:** Yes, sir. I'm always at your beck and call.

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

[11] **(Judge Dana Turner is brought into the courtroom.)**

[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. [¶] 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

[Page 195, lines 10-11] **The Court:** All right. Thank you.

(Judge Dana Turner is brought into the courtroom.)

[12-14] **The Court:** This witness is being allowed to be called on a limited basis based on the testimony of Investigator Blanton.

[15-16] **Dana Turner, after being duly sworn, testified as follows in camera:**

[17-18] **Direct Examination By Dr. Faltas:**

[19] **Q.** Good afternoon, Judge Turner.

[20] **A.** Good afternoon.

[21-22] **Q.** And, ma'am, briefly, you consider yourself a member of the executive or a member of the judiciary?

[23] **A.** I'm a member of the judiciary.

[24] **Q.** You do serve at someone's pleasure, don't you?

[25] **A.** I serve at the pleasure of city council.

[page 196, line 1] **Q.** And your salary is--

[26-6] **The Court:** We've established that the judicial notice by the court when the other person -- other judge was testifying... This witness is here on the limited basis of whether she -- something relating to testimony by Investigator Blanton.

[7-13] **By Dr. Faltas: Q.** Were you consulted about my cases, either cases brought against me or cases brought by me where I'm a witness against somebody other than when you sit on the bench? Did you have any -- sorry. I'll try to rephrase that. Did you have any involvement with any case involving me other than in your capacity while sitting on the bench?

[14-18] **A.** We have cases in our court that are pending that involve you that I am aware of. I'm aware of motions that you have filed and other matters that pertain to those cases. I know we have documentation with regard to a case that's pending here, but was I consulted? No.

[19-20] **Q.** Do you get consulted by the ministerial recorders about search warrants and arrest warrants?

[21] **A.** Occasionally they'll ask me questions about one.

[22-24] **Q.** When were you first aware that a search warrant and/or arrest warrants were going to happen against me for harassment?

[25 to page 197, line 1] **A.** I don't think I was aware of them until they were actually served.

[2] **Q.** So your first awareness was when?

[3-4] **A.** When they were -- when they appeared on our bond court docket.

[5-6] **Q.** Okay. And did you assign a specific municipal judge for my bond hearing?

[7-9] **A.** No. We have a calendar that we go by, and -- we rotate responsibility in our court. So, no, whoever was on the bench that day was on the bench that day.

[10-11] **Q.** I mean, obviously the calendar doesn't make itself. Who makes the calendar?

[12-13] **A.** The administrative secretary and I make the calendar. We make it quarterly.

[14] **Q.** So you were involved in making that calendar.

[15] **A.** We make it quarterly; yes, ma'am.

[16-17] **Q.** And you were also involved in making the calendar when you knew when my preliminary hearing--

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

[19] **The Court:** The objection is sustained.

[20-21] **Dr. Faltas:** Did you -- did I request several times that you provide me with a tape of my bond hearing?

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

[23] **The Court:** Sustained

[24-25] **Dr. Faltas:** Did you provide me with a tape that I reported to you was unplayable?

[page 198, line 1] **The Court:** The objection is sustained.

[2-4] **By Dr. Faltas: Q.** So are you sure that no one consulted you about any arrest warrant for me?

[5] **A.** I'm positive.

[6] **Dr. Faltas:** All right. Thank you.

[7] **The Court:** Any questions by the State?

[8] **Ms. Weiss:** No, Your Honor

[9] **The Court:** Thank you, judge. You may step down.

[10] **The Witness:** Thank you.

[11] **Ms. Weiss:** May Judge Turner be excused for today?

[12-13] **The Court:** Yeah, subject to being available if needed during the trial. Any additional witnesses?

[14] **Dr. Faltas:** For the suppression?

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

[16] **Dr. Faltas:** May I testify, Your Honor?

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

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

[page 280] 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. [1] 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
The State of South Carolina :
vs. :
Dr. Marie Assa'ad Faltas :
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
2010-GS-40-11980 and 2010-GS-40-11987
February 24, 2010
Columbia, South Carolina

[page 198, line 11] Ms. Weiss: May Judge Turner be excused for today?

[12-13] The Court: Yeah, subject to being available if needed during the trial. Any additional witnesses?

[14] Dr. Faltas: For the suppression?

[15] The Court: Yes.

[16] Dr. Faltas: May I testify, Your Honor?

[17] The Court: Yes.

[18] Dr. Faltas: Thank you.

[19-20] Dr. Marie Assa'ad-Faltas, after duly affirming to tell the truth, testified as follows in camera:

[21 to page 202, line 10] Dr. Faltas: [21 to page 199, line 3] Your Honor, what I would like to tell you related to this, to the suppression part, is that on October 14th, 2009, we had the hearing before Columbia Magistrate Hudnell, and I had requested a restraining order against Larry Mason, Dinah Steele, and Teresa Ingram, and they had filed counter restraining orders, and both were dismissed without prejudice. But the Honorable Magistrate Hudnell wanted to talk to us informally. [4-8] She wanted to know what is going on with that, and I explained to her that it's related to the sewer lines. In my mind this is all pretext for them to keep the sewer lines. At that hearing -- and that's on tape, and that was one of the tapes that they took from my apartment and my car. [9-16] Larry Mason, when I was saying he accused me of being an illegal alien and he said I don't have any civil rights because I'm a citizen -- I said, "I have been documented alien for long enough to apply for citizenship." So he said, "No, you will never become a citizen; I guarantee you that," and that's on tape. And then he said that the Columbia police are ready to file a warrant, a felony warrant, and that's going to happen any day now. [17-24] And then in the -- then when the Magistrate Hudnell dismissed the requests for restraining orders without prejudice, I knew that we were going to have a hearing on October 19th before the Honorable Judge Lee on my civil case, and in it there was a request for a preliminary injunction against Larry Mason and Dinah Steele. So that was the reason I was amenable to dismissal without prejudice before Judge Hudnell. [25 to page 200, line 9] On October 19th the Honorable Judge Lee did not reach the motion for a preliminary injunction. The defense had several motions to dismiss and whatnot, so some of them were heard, and the motions for preliminary injunction got rescheduled for December 1st, 2009. Then Larry Mason, Dinah Steele, Teresa Ingram, and one Mitch Jones went together and filed for a restraining order against me before Lykesland Magistrate Michael Davis, and at the end of the hearing I -- and that's also on tape and that's on the tapes that they took from me, but Magistrate Davis let me make copies. [10-22] Larry Mason -- I was telling Magistrate Davis that there is going to be a hearing on December 1st before the Honorable Judge Lee, and Larry Mason jumped and said, "No, there isn't going to be a hearing." And before that, when I got information that -- from the Department of Motor Vehicles that they wanted to cancel my driver's license based on the false allegation that I am an illegal alien, I went -- and then when I got the letter from the Social Security Administration threatening to cut off my mother's Social Security retirement checks, I went to Andrew Delaney and told him, "One of your clients have harassed me long enough, but my mother is off limits. Leave her out of this." They said, "Well, we're trying to bring her in." [23 to page 201, line 9] Because he had initially filed what I believe in response to my discovery the correct rent rates for Teresa Ingram and Charlene Crouch which he reported as \$375 per month and \$320 per month -- but I don't remember which is which, but one is 375 and the other is 320 which would prove my case of rental discrimination. And I had gone and given that discovery response to the South Carolina Human Affairs Commission to tell them that the information that was initially provided by Larry Mason and Dinah Steele was incorrect. They had initially claimed that all the other apartments rent for \$500 and that my apartment was rented to a previous tenant for 550. [10-21] So when I got those discovery responses, I also discovered in the meanwhile that my apartment was not previously rented to anyone for payment but that Larry Mason's son was living in it for free. So when I discovered that information, I went to the Human Affairs Commission and asked them to reopen and they did. And then Lar-

ry Mason made-- or I believe at least J. Andrew Delaney filed what he called amended discovery responses wherein he changed the rent for Teresa Ingram and Charlene Crouch to \$500, and I called him and said, "This obviously cannot be." He said, "Oh, I just made a mistake." I said, "How can somebody look at---

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

[23-24] **The Court:** Objection is sustained. It's not relevant to the suppression hearing.

[25 to page 202, line 10] **Dr. Faltas:** Okay. So after that he would ask me to submit in writing a settlement proposal, and then he would tell me, "I don't think it will happen. Something else will happen," and I didn't understand that. And one of my causes of action against Larry Mason and Dinah Steele is for defamation, and when we were discussing discovery and settlement, J. Andrew Delaney asked me, "Well, have you ever heard them say those defamatory things about you to someone else or have you ever heard them?" I told him, "Not only have I heard them. I have tapes of them yelling those defamatory and threatening things to me."

[11] **Ms. Weiss:** Objection.

[12] **The Court:** Objection is sustained.

[13 to page 203, line 3] **Dr. Faltas:** [13-18] At the conclusion of the December 1, 2009, before the Honorable Judge Lee, I saw Andrew Delaney, Larry Mason, and Gary Johnson, who was assistant City of Columbia attorney, talking about something. I did not hear what they were talking about. But I had asked Mr. Delaney, "Let's try to resolve this," and he said, "It's not necessary." [19 to page 203, line 3] And then the day I went home, that evening -- and found Larry Mason and Dinah Steele were there. I did not speak to them. And the next day when I got arrested, Larry Mason was there, and Teresa Ingram was standing outside and was waving at me as if to say good riddance. And so with all of this and with all that was revealed today, I have no doubt that this was coordinated and fabricated to gain advantage in the civil litigation. The -- I saw with my own eyes the report of the mental health evaluator from the Alvin S. Glenn Detention Center where---

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

[5] **The Court:** Objection is sustained.

[6-7] **Dr. Faltas:** Well, that's what I wanted to tell Your Honor that I---

[8] **The Court:** I sustain the objection.

[9-10] **Dr. Faltas:** Okay. That's -- I'm saying that's all I wanted to tell Your Honor.

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

[12] **Dr. Faltas:** Does Ms. Weiss have...

[13] **The Court:** Have you got any questions?

[14] **Ms. Weiss:** No, Your Honor.

[15] **The Court:** You may step down.

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

[17 to page 204, line 3] **The Court:** I find that the warrant was issued on probable cause before a neutral and detached magistrate. The warrant specified with sufficient particularity the items to be seized, that the affidavit requirement of the warrant was met. **There's no necessity that the warrant contain exculpatory information as to the defendant, and the motion to suppress the warrant, the search warrant, is therefore denied.** If you'll have the jury come in. Any witnesses who have been subpoenaed in this case who are wishing to challenge the issuance of the subpoena we will be in touch with you as long as you make it known to us who you are.

[4-5] (Whereupon, the jury was brought into open court at 2:19 p.m.) *****

[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

Also present: Mark Sawyer, Esquire Daphne D. Helms, Circuit Court Reporter

[20] **A.** Yes.

[21-22] Q. And would you go by that residence and check on her there?

[23] A. Yes.

[24-25] Q. Did you have the code to the door -- the code to the door and the key to her apartment?

[page 381, line 1] A. Yes.

[2-3] Q. When you would come by and visit her, do you always go immediately into her apartment whether or not she is there?

[4] A. Straight in.

[5-6] Q. And did you ever have the opportunity to come in contact with Dr. Marie Assa'ad-Faltas?

[7] A. Yes, I have.

[8-9] Q. Please tell the jury about the first time you came in contact with Dr. Faltas?

[10-12] A. The first time I came in contact with Dr. Faltas, she actually parked behind my car and wouldn't let me move, the first time.

[13] Q. What type of car do you drive?

[14] A. I got a Lincoln Town car.

[15] Dr. Faltas: A what? A what?

[16] Ms. Weiss: A Lincoln Town car.

[17-19] By Ms. Weiss: Q. And she parked behind you and wouldn't let you move. So what happened?

[20-21] A. Then she started telling me -- she started asking me who am I---

[22] Q. Did she get out of her car or did you--

[23] A. Yeah, she got out of her car.

[24] Q. Did she come over to your car?

[25 to page 382, line 17] A. [25 to page 382, line 5] Yeah, started asking me who was I and why am I here. And I just looked at her, because I don't know the lady. So I just looked at her like: Okay. Who are you? And she told me that she owned the building; she's the landlord. But I knew who the landlord was, so I found it kind of strange, and she still wouldn't let me move. [6-11] So at that point I said, "Well, do you want me to call the police?" And she took some pictures and she said some things like, "Well if you don't stop coming here, I'll find somebody to hurt you. I know people that will blow things up," just ranting and raving about crazy stuff. I don't even know the lady. I laughed it off the first time. [12-17] When it started getting like every time I would come there to check on my sister, "You're a pimp. You're a pimp," you know, stuff like that, you know, taking pictures of my daughter, taking pictures of me -- I don't know this lady. I don't even know why I'm here. I don't even know this lady. Does anybody know this lady?

[18-20] Dr. Faltas: Your Honor, may I ask you to admonish the witness not to ask questions. He's supposed to be answering her. He just said, "Does anybody know this lady?"

[21] The Court: All right. Just answer the questions, sir.

[22-23] By Ms. Weiss: Q. You said she asked if?

[24] A. If I was a pimp.

[25] Q. If you were a pimp?

[page 383, lines 1-2] A. Yes. She's -- she's trying to say I'm prostituting my sister. In other words, I'm a pimp, yeah.

[3] Q. Did you ask her to explain that comment?

[4-16] A. No, because it was so funny because she's crazy. I don't know the lady. I don't know her. When somebody comes up to you -- and being that I work in mental health, I know she's crazy, so I don't even really pay attention to it. So I don't -- you know, I look at her and I just keep going, but it's to the point that she just harasses you. You know, either she's standing behind your car and won't let you move, either when I close the car -- when I get out of my car, she's running over there with the camera, I mean literally running with the camera. So it's like, okay, do you want me to pose? Do you want me to strike a pose before I go in the building? What do you want me to do? You know, so it's just crazy.

[17] Q. Did you say you came over with your daughter?

[18] A. Yeah. She's taking pictures of my daughter, yeah.

[19] Q. How old is your daughter?

[20] A. She's five.

[21] Q. And how did that make you feel?

[22 to page 384, line 6] A. Now, that made me mad. That made me angry because, you know, it's one thing to do something to an adult, but when you start taking pictures of peoples' kids and acting crazy, you know, that's a whole 'nother thing because my daughter goes to my sister's house, and she, you know, keeps my daughter on the weekend sometimes. So that makes me feel like -- you know, I feel unsafe with my sister over there and my daughter when you've got somebody like this over there. So at that point it would make anybody feel, you know, un -- uneasy.

[7-8] **Q.** And would you say that this conduct started sometime last Spring?

[9] **A.** Yes.

[10-11] **Q.** And did she begin taking pictures pretty much immediately?

[12] **A.** Yes.

[13-15] **Q.** And how often would you say -- would you estimate that Dr. Faltas either takes pictures or approaches you when you go to visit your sister?

[16-17] **A.** As soon as I turn in the parking lot, she runs out of her house.

[18-19] **Q.** Okay. And did she ever follow you into your sister's apartment?

[20] **A.** No.

[21] **Q.** Did you ever ask her to stop?

[22-23] **A.** I asked her why she's taking picture, and she just tells me, "I can do what I want to do. It's not against the law."

[24-25] **Q.** You stated you're close to your sister. Do you have any personal knowledge of how this has affected your sister?

[page 385, lines 1-9] **A.** Yes. I mean, you know, she's upset by it. You know, when you have to come to court every day, you know, it's -- it's -- it bothers anybody, especially when you don't know the person. It's different if I actually knew her or you knew the people -- you know, you know what's going on, but when you don't know somebody and you're up in court with people you don't know, that will make anybody upset, you know -- you know, like every day you got to come to court with somebody you literally don't know.

[10] **Q.** Did you ever have to call the police--

[11] **A.** Yes.

[12] **Q.** --or at least attempt to call the police?

[13] **A.** Yes.

[14] **Q.** How many times?

[15] **A.** I called the police twice myself.

[16] **Q.** And why was that?

[17-21] **A.** Because she wouldn't let me out one day. She -- I -- it was like, "Could you please let me out?" She stated, "I'm not going to move." So I had to call the police. Then when the police come, she runs in the building. She just literally takes off and runs in the building.

[22-23] **Ms. Weiss:** Thank you. No further questions of this witness, Your Honor.

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

[page 386, lines 1-2]

Cross-Examination By Dr. Faltas:

[3] **Q.** If it pleases the court, how did you get to court?

[4] **A.** Huh?

[5] **Q.** How did you get to court this morning?

[6] **A.** In a car.

[7] **Q.** Did you drive?

[8] **A.** Yeah, I drove.

[9] **Q.** Could we see your driver's license?

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

[11-12] **Dr. Faltas:** Your Honor, I don't believe this man is who he says he is.

[13] **The Witness:** You know, hold up. I--

[14-15] **The Court:** Just a moment, sir. Do you have a driver's license?

[16] **The Witness:** Yes, I do.

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

[18] **Dr. Faltas:** Could we see it, please?

[19] **The Witness:** Are you serious?

[20] **Dr. Faltas:** Yes, I'm serious.

[21] **Ms. Weiss:** Objection.

[22] **The Court:** Show it to the court.

[23-24] **The Witness:** No, I'm not going to show my driver's license. You know what? I--

[25 to page 387, line 1] **Dr. Faltas:** His Honor said, "Show it to the court." Show---

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

[3] **The Witness:** Even if---

[4-6] **The Court:** Just a moment. Just a moment. Don't start arguing with the witness. Sir, let me see your driver's license.

[7-8] **The Witness:** This is ridiculous. This is -- this is crazy.

[9] **Dr. Faltas:** Your Honor, you ordered him--

[10-11] **The Witness:** I have a C.D.L. driver's license with a tanker endorsement on it.

[12] **The Court:** All right. Give it back to him.

[13-14] **Dr. Faltas:** Your Honor, may I ask the court to put on the record what address on it is?

[15] **The Court:** No, I will not.

[16] **Dr. Faltas:** All right.

[17-18] **The Court:** He lives in Sumter County. He's testified to that.

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

[20-21] By Dr. Faltas: **Q.** What's your nickname?

[22-23] **A.** Y'all are wasting peoples' money with this for real? What's your nickname?

[24-25] **Dr. Faltas:** Your Honor, could you please admonish the witness not to ask me questions.

[page 388, line 1] **The Court:** Sir, you must answer the question.

[2-5] **The Witness:** I don't have a nickname. My name is Rodney. You can address me as Mr. Ingram. As a matter of fact, Mr. Ingram. That will be just fine. I don't believe y'all are wasting peoples' money with this.

[6] **Dr. Faltas:** Your Honor--

[7-12] **The Witness:** I've got to go to work and got another interview coming up for a job and I'm in here with this lady who I don't even know asking me questions about a nickname and want to see my license. This is what the people on Channel 19 News every night call wasting taxpayers' money, with this kind of stuff.

[13] **Dr. Faltas:** Your Honor, could you please--

[14] **The Witness:** Are you serious?

[15-17] **Dr. Faltas:** Your Honor, could you please re-admonish him not to ask me questions and to just limit himself to the response.

[18-19] **The Court:** All right. Sir, just answer the questions. Next question.

[20-22] By Dr. Faltas: **Q.** Did I ever introduce myself to you when I first moved in?

[23] **A.** No. You just parked behind my car.

[24] **Q.** When I first moved in.

[25 to page 389, line 2] **A.** When you first moved in, you just -- I don't -- Lady, I don't even know you. The first time I saw you is when you parked behind my car taking pictures and wouldn't move.

[3] **Q.** And can you tell us which pictures these are?

[4-6] **A.** I don't know. You took so many. You tell me. You've got like a million of them. You tell me which one. I don't know. You take them daily. I don't know. You tell me.

[7] **Dr. Faltas:** Your Honor?

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

[9-10] **Dr. Faltas:** May I approach him with what the State presented?

[11] **The Court:** You're proceeding, ma'am.

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

[13-20] **The Court:** While she's doing that, Mr. Foreman, I want to tell you that as foreperson your role is to serve as a spokesperson for the jury, to preside over the jury deliberations, to bring to the Court's attention any questions or concerns the jurors may have, to preside over the jury deliberations and to complete the verdict form representing the unanimous verdict of the jury at the end of the trial. You sit in that very special seat.

[21-24] By Dr. Faltas: **Q.** State's exhibits 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65, and 55 -- you're not in 55 but -- I'm sorry. Can you look separately at 55?

[25] **A.** You've got it upside-down; I can't see.

[page 390, line 1] **Q.** Is that your car there?

[2] **A.** Yeah.

[3] **Q.** Is anything blocking it?

[4] **A.** Not now, no.

[5] **Q.** Okay.

[6-10] **A.** Oh, yeah, because you were in your car taking the picture from your car, yeah. You're on your property taking the picture of me on the other side, yeah. That's -- that's -- that's your normal harassment. You'll just come run out. Like I just said, you come run out and take the pictures.

[11] **Q.** I'm asking: In this picture is your car blocked?

[12-14] **A.** No, my car isn't blocked in that picture. No. I've got in my trunk -- I was actually taking some clothes into my sister's house.

[15-16] **Q.** All right. And in the other State's exhibits that I just listed, is that you?

[17] **A.** Yeah, that's me.

[18] Q. Are you in those pictures?

[19] A. Uh-huh. Yeah.

[20] Q. All of them?

[21-25] A. This is the one where you're actually blocking me. These are the ones where I'm actually blocked -- these last three I'm actually blocked in. This is the one I had my back turned on you when you was telling me that you don't have to answer to anybody. Remember?

[page 391, line 1] Q. Your Honor---

[2-13] A. [2-8] This is the one where you're blocking me again in this picture. This is another picture where I'm being blocked in. This picture I'm being blocked in. This is actually the one from the side where you told me that you knew people that could threaten me just before I called the police, people that could do me harm. Remember that? This is the one where you've got me blocked in. [9-13] This is the one just before the police came. Remember that one? This is -- this is just your regular harassment on the pictures for somebody you don't know. That's it. Does the jury want to see the pictures, too? You can take them over there.

[14] Q. You're telling this jury that your car is blocked in--

[15-16] A. Oh, no, no, no, not that picture, the other ones where I showed you where you had me blocked in.

[17] Q. Blocked in in exhibit...

[18-20] A. No, not those. Not those. Those are the ones where I was about to -- those are the ones where you was just like at the mailbox up where you were just across the street.

[21] Q. Blocked in at exhibit 75?

[22-24] A. Not that one. That's the one just before I called the police on you when you were yelling things at me and my sister in the parking lot.

[25] Q. You called the police on me that day?

[page 392, line 1] A. Yes.

[2] Q. You called the police on me?

[3-5] A. I called the police on you twice. Remember? When they came out, you actually went in the house. Remember? And you wouldn't come back out.

[6] Q. Did you call the police on October 21st?

[7-10] A. I don't remember the date, but you -- but you should ask the police officers because they actually tried to get you out of the apartment. Remember that? But you wouldn't come out to address the police officers.

[11] Q. And---

[12-15] A. Show them the pictures where you actually have me blocked in so we can all get this over with because I do have a job to go to. Do you want to go ahead and do that so we can get this over with?

[16] Q. Your Honor, could you please...

[17-19] A. I'm doing what you asked me to do. What do you want from me? I don't know you. It would be easier if I knew you. Do you actually know me?

[20-21] Q. Your Honor, this is about the eighth time he's been asking me questions.

[22-24] A. I might as well play a lawyer, too. You want me to -- I might as well put a suit on and come in here and play a lawyer, too. I don't know you.

[25] Q. Your Honor, could you please...

[page 393, lines 1-3] A. I don't know my way around Columbia. Lady, I do not know you. Do you actually know me? Tell -- please tell the judge you actually know me.

[4] Q. Your Honor, this is totally out of order.

[5-6] A. No. What's out of order is you got me out of missing money from a job I need to go to.

[7] The Court: All right, sir. Next question.

[8-9] The Witness: Show them the pictures - go ahead -- where you've got me blocked in.

[10-11] The Court: Sir, you have to answer the question. Wait for the question. Then answer the question:

[12-15] Dr. Faltas: Your Honor, I ask you -- I ask you to hold him in contempt of court. Your Honor already admonished him several times, and he's not abiding by Your Honor's rulings and he's keeping committing disparaging statements.

[16-17] The Court: All right, sir. You must answer the questions and answer the questions only.

[18] The Witness: Yes, sir.

[19-21] By Dr. Faltas: Q. So in the pictures, is that -- of the ones I identified, is that your daughter?

[22-23] A. No. That's actually Ms. Lurke's daughter. My sister was baby-sitting the child.

[24] Q. I just asked if that's your daughter. That's a yes---

[25] A. And I just told you.

[page 394, line 1] Q. That's a yes-or-no answer.

[2] A. No, that's not my daughter in that picture.

[3-4] Q. All right. And didn't you just testify that you were taking laundry up to your sister's house?

[5] A. Uh-huh, when I had my trunk open. Yes.

[6-7] Q. Yes. So weren't you just going to pick the laundry up at that time?

[9-12] A. No. That's the picture you actually had me blocked in. See, what you're doing is showing certain pictures and saying certain aspects. See, you're trying to play them like they're dumb, but, see, I'm not. See, I'm in mental health---

[13] Q. Your Honor -- Your Honor -- Your Honor---

[14] A. Show them the pictures where you actually---

[15] Q. Your Honor---

[16] A. ---have me blocked in so we can go, please.

[17] The Court: Sir, you must only answer questions.

[18-20] Dr. Faltas: Besides, these are the pictures that the State has. If any -- if the State had anything of me blocking him, the State would have shown it.

[21] The Court: Ma'am---

[22] The Witness: Did you show the picture---

[23-25] The Court: Sir, sir, Mr. Ingram, you must answer the questions only. You can't volunteer information. You can't---

[page 395, lines 1-2] The Witness: But, Your Honor, she's showing certain pictures. She just showing certain pictures to the jury.

[3-6] The Court: Regardless. She's the -- she's representing herself, and she has a right to ask questions, but you do not have the right to make statements such as you've just done. Next question.

[7-9] By Dr. Faltas: Q. Have you ever taken pic -- have you ever taken pictures yourself?

[10] A. Of who?

[11] Q. Have you ever taken pictures, period?

[12] A. Of my family, yeah.

[13-14] Q. Do you know that cameras have -- some cameras have zoom lenses?

[15] A. Really? I didn't know that.

[16-17] Q. No, you didn't know? Okay. That's the answer. State's exhibits 7 and 77, is that you in these pictures?

[18-23] A. Yeah. As a matter of fact, this is the one where I'm on the cell phone calling the police. I'm glad you took this one, yeah. Yeah. And this is the one actually where you were right here slurring some more things at me. This is the one that you need to show. This is the exact one I called the police on.

[24] Q. Is your car blocked in in those pictures?

[25 to page 396, line 4] A. As a matter of fact, you had just -- as a matter of fact, you moved as soon as I called the police. You were doing the running thing as usual, the usual backing up when I called the police, and it's actually -- this is the one I called the police on.

[5] Q. State's exhibit 28.

[6] A. Same pictures with me calling the police.

[7-8] Q. Okay. So at the moment you're calling the police, how is your car blocked in in those three pictures?

[9-13] A. You just backed out. When I got the cell phone to call the police, you just backed out, the normal -- you will move. When I call 9-1-1, then you back out. You wouldn't -- you wouldn't let me out until I called the police. When they come, you skedaddle in the apartment.

[14-15] Q. So supposing even if your story were true and I had already moved out---

[16] A. Uh-huh.

[17] Q. ---why didn't you just drive away instead of causing---

[18-22] A. No. After I called -- well, after I called the police, what's the need for me to move? Because, see, that's -- that's -- that's making a false call. I don't want to make a 9-1-1 call and then leave the premises. I have to let them know what happened.

[23] Q. Did they---

[24] A. That's protocol. Right?

[25 to page 397, line 1] Dr. Faltas: Your Honor, he shouldn't ask me questions. He said, "That's protocol. Right?" He shouldn't be asking me questions.

[5] The Court: Next question.

[4-5] By Dr. Faltas: Q. In fact, the police came and you weren't there.

[6-7] **A.** Do you have the police record showing that, that I left the scene?

[8] **Q.** Yes.

[9] **A.** Could you please show the court that?

[10] **Q.** Absolutely.

[11] **A.** Okay.

[12-13] **Q.** State's exhibit 27, isn't that the police and aren't they talking to your sister?

[14-15] **A.** This probably was a day I probably wasn't even over there. So this is something you took from your window.

[16] **The Court:** You have ten more minutes for this witness.

[17] **The Witness:** Thank you, Your Honor

[18-19] By Dr. Faltas: **Q.** What is your education?

[20] **A.** What is my education?

[21] **Q.** Yes, sir.

[22] **A.** What is your education?

[23] **Dr. Faltas:** Your Honor, he—

[24] **The Court:** You must answer the questions.

[25] **Dr. Faltas:** He has been an admonished—

[page 398, lines 1-4] **The Witness:** I have enough education. I'm an adult. I have enough education to have two jobs. I have enough education to have went to college. I have enough education to graduate high school.

[5] **The Court:** He's a high school and college graduate.

[6-8] **The Witness:** I went to college and high school, elementary school, middle school, preschool, and I went to a couple of day cares when I was a little younger, too.

[9-10] By Dr. Faltas: **Q.** Did you graduate from college?

[11] **A.** No, I didn't.

[12] **Q.** Did you go to college and drop out?

[13] **A.** Yes, I did.

[14] **Q.** Which college and when?

[15] **A.** Does that matter what college I went to?

[16-17] **Dr. Faltas:** Your Honor, he shouldn't be asking me questions. This is maybe the fifteenth time.

[18] **The Court:** What college did you attend?

[19] **The Witness:** Does this even matter with the—

[20] **Dr. Faltas:** Your Honor—

[21-23] **The Witness:** Oh, my gosh. I went to Nielson – I went to Nielsen Electronic Institute. Does that answer your question?

[24-25] By Dr. Faltas: **Q.** When?

[page 399, line 1] **A.** '93.

[2] **Ms. Weiss:** Objection

[3] **The Court:** Objection is sustained

[4] **Dr. Faltas:** Why did you not graduate?

[5] **Ms. Weiss:** Objection

[6] **The Witness:** The same reason you're not a real doctor.

[7] **Dr. Faltas:** Your Honor—

[8] **The Witness:** Thank you.

[9] **Dr. Faltas:** Your Honor—

[10-12] **The Witness:** It's the same reason you're not a real doctor. Lady, I don't know you to be telling you my personal business. I don't know you, ma'am.

[13] **Dr. Faltas:** Your Honor—

[14] **The Witness:** What do you want me to say?

[15] **Dr. Faltas:** Your Honor – Your Honor, I—

[16-19] **The Witness:** Now, go ahead and cry, fall out, so we can get this over with so I can go home, please. I've got to go to work, ma'am. I don't have time to play. I don't know you. It would be different if I knew you.

[20-21] **The Court:** Ladies and gentlemen, I'm going to have y'all go to the jury room. Please do not discuss the case.

[22-23] (Whereupon, the jury was excused from open court at 11:34 a.m.)

[24] **The Court:** Mr. Ingram?

[25] **The Witness:** Yes, sir.

[page 400, lines 1-10] **The Court:** As testy or as difficult your relationship with Dr. Faltas might be and as upset as you might be based on what you may think to be what she has done to you, the procedure in court is that a witness must answer questions that are asked. The witness must not -- must not make extraneous comments. The witness must not attempt to assault the character of the person asking the questions. ***I would hate to hold you in contempt of court.*** You must comply with the rules of court. If you would bring the jury back, please.

[11-19] **Dr. Faltas:** Your Honor, before they do, ***I move for dismissal with prejudice. The State knew exactly how its witnesses would react. This is how Ingram was behaving. This is how the other Ingram is behaving on purpose after being admonished many, many times, and what they are trying to say is we can do this to a foreigner under the eyes of the Court. You, the jury, can also do it to her. I need a dismissal with prejudice, a sanction for the prosecutorial misconduct.***

[20-22] **The Court:** All right. ***It's all denied.*** If you'll bring the jury back. Your time is extended another ten minutes with this witness because of the disruption.

[23-24] **Dr. Faltas:** Thank you, Your Honor. May I ask you to admonish him to not keep shaking his head like this?

[25 to page 401, line 1]

(Whereupon, the jury was brought into open court at 11:36 a.m.)

[2-6] **The Court:** Ladies and gentlemen, you must disregard the extraneous -- the contemporaneous and extraneous outbursts by this witness. His conduct is improper. He's been admonished that he may be held in contempt of court if it continues. Next question.

[7] **Dr. Faltas:** Thank you, Your Honor.

[8-9] **Dr. Faltas:** So I was in the process of asking you why did you not graduate from---

[10] **Ms. Weiss:** Objection.

[11] **The Court:** Objection sustained

[12-13] By Dr. Faltas: **Q.** What do you do for the mental health department?

[14] **A.** I work with crazy people.

[15] **Q.** What do you do?

[16] **Ms. Weiss:** Objection

[17] **The Court:** Overruled.

[18] **The Witness:** I just told you I work with crazy people.

[19-20] By Dr. Faltas: **Q.** What do you actually do?

[21-22] **A.** I work with them to make sure that they don't hurt themselves or other people.

[23] **Q.** So are you basically a security guard, a nanny, what?

[24] **Ms. Weiss:** Objection

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

[page 402, lines 1-3] **The Witness:** I work with mental -- I work with mentally ill people.

[3-4] By Dr. Faltas: **Q.** What do you do? Are you a---

[5] **A.** I make sure they don't hurt themselves or other people.

[6] **Q.** So you just sit and watch people?

[7] **A.** I work with mentally ill people.

[8] **Q.** Do you just sit and watch?

[9] **A.** I just work with mentally ill people.

[10-11] **Q.** So you're saying I never spoke to you until March 2009 or I -- what? What are you saying?

[12-14] **A.** You spoke, but it wasn't anything good. You slurred some things at me: Who am I? Are you a pimp? I know some--

[15-16] **Q.** And when was -- just a second. When was the first time I asked you were you a---

[17-19] **A.** I don't know the first time. All I know is you came behind me. Don't even know you. ***To this day I don't even know you.***

[20-21] **Q.** All right. When was the first time you met -- is Teresa's -- have you ever called Teresa Ingram Nikki?

[22-23] **A.** That's my sister's name, yeah. That's her nickname, yeah.

[24 to page 403, line 1] **Q.** Do you recall that when I first moved in I introduced myself to you, and you said that you were the tenant and that your name is Ricky?

[2-4] **A.** If my name is Ricky, I think you've got me confused with somebody else. The first time I met you is when you came behind my car and you stated to me---

[5] **Q.** And when was this?

[6] **A.** I don't remember the exact date.

[7] **Q.** Okay. So it wasn't when I just moved in?

[8-9] **A.** I don't know when you moved in. All I know is you came behind my car---

[10-12] **Q.** Assuming for the purpose of this question that I moved in in September 2008, do you have any idea when I allegedly came in behind your car?

[13-15] **A.** The first time you came behind my car, I didn't know if you moved in or not. All I know is you came behind my car and wouldn't move.

[16] **Q.** Which month and year was that?

[17] **A.** I don't know which month it was.

[18] **Q.** Do you know which year?

[19-20] **A.** I don't know which year it was. You did it so many times; it's hard to even pinpoint an exact date.

[21] **Q.** And then you claim that I told you I'm the landlady.

[22] **A.** Yes.

[23] **Q.** Did you not know who the landlady---

[24 to page 404, line 1] **A.** I know who the landlady was, but when you said that, I found it kind of strange because I just said I knew who the landlady was.

[2] **Q.** And then what happened?

[3-7] **A.** And then what happened was that you wouldn't move. Remember? And I had to end up asking you several times to move, and when you -- then when you told me you refused to move -- because you was like who am I? What business do I have going in the building?

[8] **Q.** And then how did that resolve itself?

[9-10] **A.** I just went inside the building. I just ignored you and went inside the building.

[11-12] **Q.** Okay. So you weren't really asked to leave or you didn't have to leave.

[13-17] **A.** Well, I didn't know who you were, so I wasn't -- when you told me you were the landlord and I knew you weren't, right then and there I knew you had some problems, so I laughed it off. Like I said, I work with mentally ill people. So I just went upstairs.

[18-20] **Q.** All right. So then did you write a statement to somebody to the effect that I asked you to leave and you had to leave?

[21] **A.** I never wrote a statement saying I had to leave.

[22] **Q.** Did you---

[23-24] **A.** You tried to make me leave because you told me you were the landlord.

[25 to page 405, line 1] **Dr. Faltas:** Your Honor, may I present a statement, an alleged statement, to him?

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

[3-4] **Dr. Faltas:** Thank you. Your Honor, I don't know the procedure. Does it get marked first or---

[5] **The Court:** I cannot advise you as to the procedures.

[6] **Dr. Faltas:** Could you please read this to the jury?

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

[8-9] **Dr. Faltas:** All right. Could you please tell us if that is the statement that you wrote?

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

[11] **The Court:** Overruled.

[12-15] **The Witness:** Okay. The only thing this is saying is that Maria -- Maria also stated that my sister was not allowed to have company and if he doesn't leave she will call the police.

[16-17] By Dr. Faltas: **Q.** Have you read all of it?

[18-21] **A.** Yes, I read all of it, but if you -- but if you underline the last part: Maria also stated that my sister was not allowed to have company and if she does you will call the police...

[22] **Dr. Faltas:** May I have it marked now, Your Honor?

[23] **The Court:** For identification purposes only.

[24-25] **Dr. Faltas:** I'm sorry. Did I ask him -- did I ask him whether he wrote it?

[page 406, lines 1-2] By Dr. Faltas: **Q.** Did you write this? Is this your signature?

[3] **A.** Actually that's not my signature, to be honest.

[4] **Q.** That's not your signature?

[5-6] **A.** You want to look at my driver's license again? That's not my signature.

[7-8] **Dr. Faltas:** Well, may I ask the court to compare his driver's license and the signature?

[9] **The Court:** The court will not do that.

[10] **Dr. Faltas:** Well, he--

[11] **The Witness:** That's really not my signature.

[12-13] **Dr. Faltas:** Well, this is -- this was presented by the State.

[14-15] **The Court:** Ma'am, you cannot make statements. You have to ask questions of the witnesses.

[16-17] **By Dr. Faltas:** Q. So did you write this or---

[18-19] **A.** I just said that's not my signature and I didn't write that.

[20] **Q.** You did not write that.

[21-24] **A.** Look at the last statement on there, and the only thing it's saying is that you said my sister was not supposed to have company and if I didn't leave, you were going to call the police.

[25 to page 407, line 1] **Q.** I'm sorry. You did not write this, and this is not your signature?

[2] **A.** That's not my signature, no.

[3] **Q.** And you did not write this?

[4-5] **A.** The last statement on there was the only thing I recall, but everything else I didn't write that.

[6] **Q.** You did not--

[7-9] **A.** That's not even my signature. I never knew your name until just now. Doctor... What's your last name? That's it.

[10-11] **Dr. Faltas:** Your Honor, I think the witness was admonished not to ask questions.

[12-13] **The Court:** All right. You have two more minutes with this witness, two minutes.

[14] **Dr. Faltas:** Then may I mark this for identification?

[15-16] **The Court:** I have indicated it's marked for identification purposes only.

[17] **Dr. Faltas:** I'm sorry. Thank you.

[18-19]

(Defendant's exhibit 4 was marked for identification only.)

[20-22] **By Dr. Faltas:** Q. Did you ever say that your name is Deputy Ingram and that your officers will come and put my ass in jail?

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

[24] **Dr. Faltas:** Okay. That's all I need from this witness.

[25] **The Court:** Any redirect?

[page 408, line 1] **Ms. Weiss:** No, Your Honor.

[2] **The Court:** You may step down, sir.

[3] **Ms. Weiss:** May the witness be excused?

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

[5] **Ms. Weiss:** Thank you.

[6] **The Court:** Next witness.

[7] **Ms. Weiss:** The State calls Curtis Ingram.

[8] **The Court:** Curtis Ingram.

[9-10] **Dr. Faltas:** Your Honor, we said that we -- I thought Your Honor's ruling was we're sequestering the witnesses.

[11] **The Court:** Until after they testify.

[12] **Dr. Faltas:** So he's not going to be called?

[13] **The Court:** Pardon me?

[14] **Dr. Faltas:** The State will not recall him.

[15] **The Court:** No.

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

[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. [1] 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

[12] Q. Okay.

[12-21] **A.** So I goes on the outside to smoke, and I have seen her just standing there staring at me. So I didn't say any-- I didn't pay it any attention. So when I go back upstairs to Nikki, my daughter's place, I told her about it. She said, "Don't pay her no attention." And one time I came over here to get some windows to go in my house and I was driving my truck, so my truck break down. So I called my brothers to come and pull my truck back to Sumter, and during that time we was out in the front of her apartment and she came out taking pictures of us.

[22] **Q.** And how did that make you feel, Mr. Ingram?

[23-25] **A.** I got mad at her. I started to stick my finger up at her, but my daughter told me, "Don't do it." Said just leave it alone and she was just ---

[page 411, lines 1-3] **Dr. Faltas:** I'm sorry. What did he just say? I'm sorry. I just didn't hear what he said. I got mad and stuck my finger at her? Is that what he said? I didn't hear.

[4] **The Court:** He started to

[5] **Dr. Faltas:** He started to stick his finger at me?

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

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

[8-9] **By Ms. Weiss:** **Q.** But your daughter asked you not to do that

[10] **A.** Yeah, she told me, "Don't do it. Just leave it alone."

[11-12] **Q.** And did the defendant remain out there for an extended period of time?

[13-14] **A.** She stayed out for awhile, and then she finally went back in.

[15] **Q.** Okay

[16-17] **A.** Got in -- she got in her car. She didn't go back in. She got in---

[18] **Q.** She got in her car?

[19] **A.** She got in her car and just sit there until we left.

[20] **Q.** Did she continue taking pictures?

[21-22] **A.** She was snapping pictures of me and my other two brothers.

[23-24] **Q.** And that was the car that you had -- that you drive when you come to and from Columbia?

[25 to page 412, line 1] **A.** Well, I have two cars. I was driving my truck that particular day

[2-3] **Q.** But that was the car you had come in, come to the apartment in----

[4] **A.** Yeah. Uh-huh.

[5] **Q.** ---that day?

[6] **A.** Yeah.

[7] **Q.** Are you close with your daughter?

[8] **A.** Yeah, I'm very close to my kids.

[9-10] **Q.** To your personal knowledge, how has the behavior of the defendant affected your daughter?

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

[12] **The Court:** Objection is overruled

[13] **The Witness:** Answer?

[14-15] **By Ms. Weiss:** **Q.** Yes, please answer the question.

[16-18] **A.** Oh, it affects her real bad because she be calling to the house complaining to me and my wife all the time about the harassment that she have from this lady.

[19-21] **Ms. Weiss:** Thank you. No further questions for this witness. Please answer any questions the defendant may have for you

[22] **The Court:** All right. Doctor?

[23-24] **Dr. Faltas:** Your Honor, may I ask the same question, that he show the Court his identification, please?

[25] **The Court:** Do you have your driver's license, sir?

[page 413, line 1] **The Witness:** Yes, I do.

[2-3] **The Court:** All right. May I see it?

(The witness complies.)

[4] **The Court:** Thank you. You may proceed.

[5-6] **Dr. Faltas:** Thank you. Did the court verify his name is.

[7-8] **The Court:** Yeah, he -- it is who he says that it is; and he lives in Sumter county.

[9] **Dr. Faltas:** Thank you, Your Honor.

Cross-Examination By Dr. Faltas:

[12] **Q.** What's your education, Mr. Ingram?

[13] **A.** High school education

[14] **Q.** You graduated from high school?

[15] **A.** Yeah.

[16] **Q.** Which high school and when?

[17] **A.** Easton High School.

[18] **Q.** Pardon?

[19] **A.** Easton High School

[20] **Q.** Eastern?

[21] **A.** Easton.

[22] **Q.** And when?

[23] **A.** '67.

[24] **Q.** And what are you laid off from?

[25] **A.** I beg your pardon?

[page 414, lines 1-2] **Q.** You said you are laid off from work. What are you laid off from

[3] **A.** Cooper Tools.

[4] **Q.** What?

[5] **A.** Cooper Tools.

[6-7] **Q.** You work at Cooper Tools? What do you do or what did you do before being laid off?

[8] **A.** Machine operator. Forklift operator.

[9] **Q.** Sorry?

[10] **A.** Machine operator and forklift operator.

[11] **Q.** Do you have a license to tow cars?

[12] **A.** I beg your pardon?

[13] **Q.** Do you have a license to tow cars?

[14] **A.** I don't understand what you're---

[15] **Q.** Like a medical---

[16] **The Court:** Do you have license to tow cars?

[17-18] **The Witness:** To tow cars? I was pulling my car. I didn't tow it

[19-20] By Dr. Faltas. **Q.** What?

[21] **A.** No, I do not have a license to tow cars.

[22-23] **Q.** Are you aware that for cars to be towed there are safety procedures?

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

[25] **The Court:** The objection is overruled

[page 415, line 1] **The Witness:** I don't follow on this.

[2-3] **The Court:** Do you know that there are safety procedures involved in towing cars?

[4] **The Witness:** Oh, yeah.

[5-7] **Dr. Faltas:** State's exhibits 54, 53, 52, 51, 50, and 49, could you please look at them and tell the jury if you're in any of them?

[8-9] **The Court:** Tell us if you see yourself in any of those pictures.

[10] **The Witness:** Oh, yeah.

[11-12] By Dr. Faltas. **Q.** Could you raise it and point where you

[13] **A.** I beg your pardon?

[14-15] **Q.** Could you raise the picture and point where you are in the picture?

[16] **A.** Oh, right here.

[17] **Q.** Okay.

[18] **A.** And---

[19] **Q.** And what's -- what number is that?

[20] **A.** 52.

[21] **Q.** Okay

[22] **A.** Number 52, 53.

[23] **Q.** Show us---

[24] **A.** 54 ---

[25 to page 416, line 1] **Q.** Show us -- show us -- show us where you are in each one, please

[2] **The Court:** Sir, do you look the ---

[3] **The Witness:** 54 I'm right ---

[4-5] **The Court:** Mr. Ingram, do you look the same in all those pictures as you look now?

[6-7] **The Witness:** I had on my work clothes that day, but I was working.

[8] **The Court:** All right

[9] **The Witness:** Other than that---

[10] **The Court:** What do you have on in the pictures?

[11] **The Witness:** A pair of jeans, a cap, and a jacket.

[12-13] **The Court:** Do you have on the same thing in all the pictures?

[14] **The Witness:** Yeah.

[15] **The Court:** All right

[16] **The Witness:** Yeah

[17-18] By Dr. Faltas. **Q.** In at least two of them---

[19] **A.** Yeah.

[20-21] **Q.** ---do you see your daughter with a wire coat hanger in her hand?

[22] **A.** Yes.

[23-24] Q. Okay. What was the wire coat hanger used for that day? Do you remember?

[25 to page 417, line 2] A. When I -- when we tied the chain up to keep it from dragging on the ground. So we tied the chain to keep it from swagging on the ground, on the street.

[3] Q. With a wire coat hanger?

[4] A. Yeah.

[5] Q. Okay. Wouldn't that be too flimsy?

[6-9] A. I didn't have the -- I tied the chain on to the bumper, and then where it was hanging down, we tied the wire to keep the chain from hanging back down. So the wire was not pulling the car. The chains was pulling the car.

[10-11] Q. Do you know that sometimes wire coat hangers are used to break into cars?

[12] A. It could -- ain't no pressure was on it. The wire---

[13-16] Q. I'm asking you a question. Do you know that sometimes wire coat hangers are used to break into cars or if someone lost their car key, they would use a wire coat hanger to open the car? Do you know that or not?

[17] A. Oh, yeah. Yeah.

[18-19] Q. Yeah, yeah, yeah. It happens. Right? Okay. And what are you towing in those pictures?

[20] A. What am I towing?

[21] Q. What are you towing in those pictures?

[22] A. My pickup truck.

[23-24] Q. Okay. Have I ever had any occasion to know that this is your pickup truck?

[25 to page 418, line 3] A. You should have. You take -- you see -- you be taking pictures of me driving my pickup truck. I drive my pickup truck to my daughter's house more than one time. Every time I come I see you.

[4] Q. Every time you come, you come in this truck?

[5-6] A. No. Like I said before, I have a car and a -- I have four cars and a truck.

[7] Q. You have four cars and a truck?

[8] A. I have five cars and a truck, to be exact.

[9] Q. You have five cars and a truck?

[10] A. Yes.

[11] Q. That's your last word? Five cars and a truck?

[12] A. Yes.

[13-14] Q. Okay. And have you driven all those different five cars and a truck to your daughter's place?

[15] A. No.

[16] Q. Okay. Did I ever speak to you?

[17] A. No.

[18] Q. Did anyone ever introduce me to you or you to me?

[19-23] A. Just of my daughter pointing a finger the day when you was taking these pictures of us pulling the truck. She told me don't say nothing to you. You were just standing there in the yard snapping pictures. I didn't ever say nothing to you.

[24-25] Q. Okay. Wasn't she standing there and saying, "You Egyptian bitch, you'll go to jail soon"?

[page 419, line 1] A. No.

[2-3] Q. Okay. Do the pictures show her mouthing things or do the pictures show her looking towards me and speaking?

[4-5] A. She's looking to where you were snapping the pictures, but everybody else's backs were turned.

[6-7] Q. Are the other people in the picture other than your daughter -- are they smiling?

[8-11] A. Yeah, one of them -- one of my brothers was smiling. When you started taking the pictures, he posed for you to take the picture. This one right here, that's when he was posing for you.

[12-13] Q. And you were able to pull and go from that exit. You weren't delayed in any way, were you?

[14] A. Was I delayed?

[15] Q. Uh-huh.

[16] A. I don't follow you on that.

[17-19] Q. Is anything in your way in any of those pictures? Like specifically on State's exhibit 51, you're pulling away from the exit?

[20-21] A. I'm not pulling away right there. We're still tying the chain to it.

[22] Q. Yeah, but there is nothing blocking you, is there?

[23-24] A. No, nothing -- nothing but my brother's truck in front of me.

[to page 420, line 1] Q. Okay. So nothing bad happened to you from my taking the pictures.

[2] A. Just the idea that you were snapping pictures.

[3] Q. Okay. Has your picture ever been taken in public?

[4] A. Not like that before.

[5] Q. Do you---

[6] A. And I'm not aware of it, no

[7-8] Q. Do you ever go to Wal-Mart or Target or any store that has on a video surveillance?

[9] A. Yeah.

[10-12] Q. And you are aware that your picture is being taken when you park and when you go to the store and when you leave?

[12-13] A. I know they have surveillance cameras, but I don't know whether they be snapping pictures with them or not.

[14] Q. And does that bother you?

[15-17] A. Well, I guess if they were taking pictures of me and I'm not aware of it and I'm not doing anything, yes, it will bother me

[18-19] Q. So you don't go to shop at any place that has video surveillance? Isn't that taking pictures---

[20] Ms. Weiss: Objection

[21-22] The Court: The objection is sustained. He's not an alleged victim in the case

[23] Dr. Faltas: Well, I don't know why he's testifying---

[24] The Court: The objection is sustained

[25] Dr. Faltas: All right. Thank you

[page 421, lines 1-3] By Dr. Faltas: Q. And you claim that your daughter would call you and complain about me?

[4-5] A. I'm not claiming. She does it. She does call and say you be harassing her.

[6-7] Q. Okay. And what did she say happens to her as a result of that?

[8] Ms. Weiss: Objection.

[9] The Court: The objection is overruled

[10-12] By Dr. Faltas: Q. What did she say happens to her as a result of that?

[12-13] A. She says you just be harassing her, and she's tired of it.

[14] Q. And you say you visit her quite often?

[15] A. Yes, I do.

[16-17] Q. Has the frequency of your visiting her changed in any way?

[18-19] A. No. That's my daughter. Why should it -- why should it change?

[20-22] Q. So you keep visiting her before I moved in and after I moved, in the same way, the same frequency

[22-23] A. I don't know whether you was there or not, but when I come I see you.

[24 to page 422, line 1] Q. Okay. So it didn't affect your coming to visit your daughter. Mr. Ingram, were you hospitalized in the Intensive Care Unit in Richland Memorial Hospital in September 2009?

[2] Ms. Weiss: Objection

[3] The Witness: No, I was not.

[4-5] Dr. Faltas: You were not. Thank you. Were you hospitalized ---

[6] Ms. Weiss: Objection, Your Honor.

[7-8] Dr. Faltas: He's already said he was not. Were you hospitalized in any way in December of 2009?

[9] Ms. Weiss: Objection.

[10] The Court: The objection is sustained

[11] The Witness: I was in the hospital.

[12-13] The Court: Just a moment. The objection is sustained. Next question

[14] Dr. Faltas: That's all, Your Honor

[15] The Court: All right. Anything further from the State?

[16] Ms. Weiss: No, Your Honor

[17-18] The Court: All right. All right. Thank you, sir. Watch your step.

[19] Ms. Weiss: May this witness be excused, Your Honor?

[20] The Court: Yes.

[21] Dr. Faltas: Oh, I'm sorry. I had one more question.

[22] The Court: What is that?

[23-25] By Dr. Faltas: Q. Did you tow the truck like that all the way from Columbia to Sumter?

[page 423, line 1] A. Yes.

[2-3] Q. And no police officer or highway trooper stopped you and told you that that's an unsafe way?

[4-5] A. As far as I know, if you've got a chain and got a bar, got the chain through the bar, you can pull a car.

[6] Dr. Faltas: All right. Thank you

[7] The Court: Thank you, sir. You may step down

[8] Ms. Weiss: May the witness be excused?

[9] The Court: Yes. Next witness

[10-12] Ms. Weiss: Your Honor, unfortunately we've had some scheduling conflicts. We'll be able to -- we'll still be able to finish this afternoon, but we may need a break

[13] The Court: All right. Do you want to take lunch now?

[14] Ms. Weiss: Yes, Your Honor

[15-17] **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.)

[18-19] **The Court:** All right

[21-22] **Ms. Weiss:** Your Honor, is there any reason the victim needs to stay? I told her she could break for lunch

[23-24] **The Court:** No, she can go. Any other matters we need to discuss outside the presence of the jury?

[25] **Dr. Faltas:** Your Honor -- I'm sorry

[page 424, line 2] **The Court:** Yes, ma'am.

[2-4] **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?

[5] **The Court:** Do you intend to call Corey Curry?

[6-9] **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 ..

[10] **The Court:** He's coming here today?

[11-12] **Ms. Weiss:** He might be. We're trying to -- we're trying to reach him.

[13-15] **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.

[16-17] **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.

[18-20] **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.

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

[22-23] **The Court:** Because he's -- you have access to him, so we want you to be sure and have him--

[24 to page 425, line 2] **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.

[3-4] **The Court:** Okay. If you'll keep me posted on it to see whether he's available.

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

[6-7] **Dr. Faltas:** So I do not need to subpoena him and it will be the State's responsibility to get him in or--

[8-10] **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.

[11] **Dr. Faltas:** All right. Thank you, Your Honor.

[12-13] **Ms. Weiss:** She does not need to send a separate subpoena out. He's under subpoena, and we'll get him

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

[15] **Dr. Faltas:** He is under subpoena?

[16] **The Court:** That's what she just said.

[17] **Dr. Faltas:** All right. Thank you.

[18-21] **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?

[22] **Dr. Faltas:** Yes, definitely.

[23 to page 426, line 2] **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.

[3-5] **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---

[6-7] **The Court:** No. They will -- well, obviously they don't need to be here at 1.30 because we're still---

[8] **Ms. Weiss:** That's what the subpoena says.

[9-11] **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

[12-13] **Ms. Weiss:** Okay Thank you, Your Honor May I put them on a telephone standby?

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

[15] **Ms. Weiss:** Thank you

[16-19] **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---

[20] **The Court:** Do you know who your witnesses are?

[21-22] **Ms. Weiss:** My next witnesses, if I can get them here, are Corey Curry and Tiffany Lurke

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

[24-25] **Ms. Weiss:** And then possibly Deputy or Corporal El Dada, Sergeant Taurus Sanders, and Investigator Blanton

[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

[5] Daphne D. Helms, Court Reporter

[12] Q. And does your daughter---

[13] A. Calls her Auntie

[14] Q. Calls her Auntie?

[15] A. Yes.

[16] Q. She calls her that.

[17] A. Yes.

[18] Q. Does your daughter ever spend time with Teresa?

[19-20] A. Yes. Occasionally when I work second shifts, Teresa will keep her during the evening before my fiancé gets home.

[21-22] Q. Okay. Have you ever had the opportunity to visit Teresa at 300 Byron Road?

[23] A. Yes.

[24] Q. And how often have you gone over there?

[25] A. Quite often until it became bothersome.

[page 493, lines 1-3] Q. And in going over there to visit Teresa, did you ever have the opportunity to come into contact with the defendant, Dr. Faltas?

[4] A. Yes.

[5] Q. What was the first time you came in contact with her?

[6-7] A. I think the first time I came in contact with her was the day she was snapping pictures of myself and my daughter.

[8] Q. And who all was outside there?

[9-14] A. Myself, my child, Teresa, and she was there and she pulled up and blocked my car in and she just started snapping pictures, and it started upsetting my child. I told her it was not right to take pictures of a minor. I don't care what -- if she takes pictures of me all she wants if she thinks I'm that beautiful, but my child is not necessary---

[15] Dr. Faltas: What? I didn't hear. I'm sorry

[16-17] The Court: Proceed, ma'am. Do not interrupt the witness

[18-21] The Witness: So I told her it was not necessary for her to take pictures of my child, and she continued and she was saying something. I just walked off because I got really upset, and I didn't want it to escalate.

[22-23] By Ms. Weiss: Q. About how far away was she from your child?

[24] A. A couple of feet maybe? She was close

[25] Q. And what did your child do in reaction to that?

[page 494, line 1] A. She cried.

[2] Q. And where did you go with your child?

[3-8] A. I believe I took her to Nikki or -- I'm not sure if I was on my way to work at this time and I was dropping her off. I believe that was the case. I believe I left her with Nikki and I had to go to work. Even though I was disturbed with the situation, I still had to leave and go to work. So I left her with Nikki.

[9] Q. Did you ever have another encounter with Dr. Faltas?

[10] A. No, not that I know of.

[11] Q. Did you ever see her out in the parking lot again?

[12-13] A. I've seen her, but I didn't talk to her or anything like that. I've seen her before.

[14-15] Q. Okay. And did -- did this encounter change the way you felt about going over to Nikki's apartment?

[16] A. Definitely.

[17] Q. And please tell the jury how it changed your feelings

[18-21] A. I didn't want to go over there anymore. I didn't want my child over there. Someone I don't know is taking pictures of my child who is one. That's kind of bizarre, and I wouldn't want to be involved in any of that behavior.

[22] Q. And do you talk to Nikki on a pretty regular basis?

[23] A. Every day.

[24] Q. And in your personal opinion has---

[25] Dr. Faltas: Objection. She's

[page 495, lines 1-2] The Court: I need to hear the question. I must hear the question

[3-5] By Ms. Weiss: Q. In your personal opinion, has the behavior of Dr. Faltas affected your friend Nikki?

[6] A. Yes.

[7] Q. And in your personal opinion, how has it affected her?

[8] A. Well---

[9] Dr. Faltas: Your Honor---

[10-11] The Witness: Its been going on for almost a year now, so---

[12] Dr. Faltas: Your Honor---

[13] The Court: Objection is overruled

[14-16] The Witness: If you're being harassed by someone for almost a year, of course your life is going to be affected in a not positive manner.

[17-19] By Ms. Weiss: Q. Did you see or observe any changes in Tiffany's -- I mean Teresa's behavior?

[20-24] A. She seemed a little upset more so. She seemed pretty disturbed by everything that was going on. At first she didn't seem to take it too seriously, but when things got deeper and deeper, it did -- you could tell she was worried about it and it bothered her.

[25 to page 496, line 1] Q. Thank you. I have no further questions of this witness. Please answer any questions Dr. Faltas may have?

[2] A. Yes.

[3] The Court: Dr. Faltas?

[4-6] Dr. Faltas: Your Honor, may I ask, as we did with the other witnesses, can she show Your Honor her identification, please?

[7] The Court: Do you have identification with you?

[8] The Witness: It's in my purse.

[9] The Court: All right.

[10-11] Ms. Weiss: Do you want me to -- Your Honor, do you need it?

[12] The Court: Do you have a driver's license with you?

[13] The Witness: It's in my purse.

[14-15] The Court: All right. If you'll hand her her purse (The Court looks at the witness's driver's license.)

[16] The Court: All right.

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

[18] The Court: She has a driver's license.

[19-20] Dr. Faltas: Your Honor, may I ask the name on it? Is it Stephanie and Tiffany being a nickname for Stephanie?

[21] The Court: What is the name on your driver's license?

[22] The Witness: Tiffany.

[23] Dr. Faltas: Thank you.

[page 497, line 1]

Cross-Examination

[2-4] By Dr. Faltas: Q. Can you tell us about your education -- age and education, please?

[5] A. My age?

[6] Q. Yes, ma'am, and your education.

[7] A. My age is 32, and I have college degrees.

[8] Q. Degrees in the plural?

[9] A. Plural.

[10] Q. Yes, ma'am. What are they?

[11] A. I have a biology degree.

[12] Q. From where?

[13] A. Morris Brown. What does this have to do with you?

[14] Q. Your Honor, we're not going through this again.

[15] A. I don't understand why she's questioning my education.

[16-18] Q. Your Honor, could you please admonish the witness not to ask -- not to ask me questions? If there is an objection, the State should make it.

[19-20] A. Is that why you took pictures of me? Because I have an education?

[21-23] The Court: Okay, ma'am. You must answer the question. Do not argue with the witness. You graduated from Morris Brown College and any other...

[24] The Witness: Midlands Tech.

[25] The Court: And Midlands Tech.

[page 498, lines 1-2] By Dr. Faltas: Q. When?

[3] A. I don't know.

[4] Q. You don't know when you graduated?

[5-6] A. No, I don't know. You know everything. You should know.

[7] The Court: No, no. Ma'am, no comments.

[8] The Witness: Okay.

[9] The Court: Just answer questions.

[10] The Witness: Okay.

[11-13] By Dr. Faltas: Q. So you say that there was only one occasion when your child was photographed?

[14-17] A. As far as I remember. You're the one taking the pictures. I don't know. You might have more. You may have been hiding in a bush and I didn't see you. That's the only occasion I can recall seeing you take pictures.

[18-19] Q. And, in fact, before that and after that you continued to bring your child to Nikki.

[20] A. Maybe several other times.

[21] Q. Yes. And when did your child start to talk?

[22-23] A. She's been talking for a long time. Since she was a few months she said words. A long time ago.

[24] Q. Since she was a few months. She must be very genius.

[25] A. She is.

[page 499, line 1] Ms. Weiss: Objection, Your Honor

[2-3] The Witness: She is a genius, smarter than you probably.

[4-5] The Court: The objection is sustained to the question and to the answer.

[6] Dr. Faltas: Your Honor, may I ask that -- okay.

[7-8] By Dr. Faltas: Q. State's exhibit 64, is that you?

- [9] A. Yes.
- [10] Q. Okay. State's exhibit 62, is that you?
- [11] A. No.
- [12-13] Q. I'm sorry. State's exhibit 75, is that Nikki with your child?
- [14] A. Looks like it.
- [15-16] Q. And is there at least a car -- a full length of a car between where the picture is taken from and where---
- [17] A. I can't understand you.
- [18] Q. Is there at least the---
- [19] A. At least?
- [20] Q. At least.
- [21] A. Oh, at least. Okay
- [22] Q. The full length of a car.
- [23] A. A foot length?
- [24] Q. A full.
- [25] A. Full? F-u-l-l?
- [page 500, line 1] Q. Yes, ma'am. Length of a car between---
- [2] A. Perhaps. I can't measure that. I don't know.
- [3-4] Q. Are Nikki and your child on the other side of a car, meaning there is a whole car between?
- [5] A. It looks like it.
- [6-7] Q. And do you happen to know that a car is about 15 feet long?
- [8-9] A. I have no idea what length that car is. I did not measure it.
- [10] Q. You don't know how long the car is.
- [11] Ms. Weiss: Objection, Your Honor
- [12-13] The Witness: No, it's not my car. I don't know how long it is.
- [14] Dr. Faltas: Any car. Any---
- [15] The Court: The objection is sustained.
- [16] Dr. Faltas: Okay.
- [17] The Court: She don't know. She hasn't measured cars.
- [18-20] By Dr. Faltas: Q. Could you tell the jury where in these pictures is your baby crying?
- [21-24] A. Well, this one she looks like she's hiding, probably the pictures scared her. This one she also looks like she's hiding to get away from something and that something is probably you.
- [25] Q. In fact, doesn't she look playing (sic) and normal?
- [page 501, line 1] A. Does she look what?
- [2] Q. Playful and normal
- [3] A. No, she looks like she's hiding from something.
- [4-5] Q. Oh, really? And I'm supposed to be frightening because I'm Egyptian; right?
- [6] Ms. Weiss: Objection, Your Honor
- [7-10] The Witness: I don't -- you're probably frightening because you're taking pictures of strangers. This is a child that has never seen you before, and you're in our face just taking our pictures for God knows what reason
- [11-12] By Dr. Faltas: Q. In fact---
- [13-14] A. That's why she's probably scared. She's never seen you, ma'am. She doesn't know you.
- [15-16] Q. So even if I weren't taking pictures and just walking in my parking lot, your child would have been scared---
- [17] A. If you were approaching her stroller, she probably was
- [18] Q. But I wasn't doing approaching her stroller---
- [19] Ms. Weiss: Objection, Your Honor.
- [20-21] The Court: Objection is sustained. You're not testifying, ma'am.
- [22-23] By Dr. Faltas: Q. Wasn't I, in fact, in my car?
- [24-25] A. Yeah. You had me blocked in, and you were in your car leaning over, so I could not get out.
- [page 502, line 1] Q. So I wasn't approaching your car.
- [2-5] A. You were focusing on my child, taking pictures, and had your car blocked and, yes, you were in your car taking pictures from your car. So I guess that's a better means for you.
- [6] Q. So I couldn't have been two feet from your child.
- [7] A. I don't know how many feet you were.
- [8-9] Q. But you testified to the jury that I was two feet from your child and in your child's face.
- [10] A. Perhaps.
- [11] The Court: The objection is sustained
- [12] The Witness: Perhaps.
- [13] The Court: You cannot testify---
- [14] The Witness: I don't know the distance.

[15-17] The Court: Just a moment, ma'am. Whenever there is an objection or whenever you hear me talk, you stop talking. Next question.

[18-20] By Dr. Faltas: Q. In fact, you were not the only ones there, and then there was this man flipping me fingers.

[21] A. Do you wonder why? Come on.

[22-23] Q. But when you said that you -- only you and Teresa and your child were there, that wasn't correct.

[24-25] A. That was months ago. All I know is you harassed me and my baby, and I don't know why.

[page 503, line 1] Q. Didn't you testify that that was only this one occasion?

[2-4] A. I don't know when that picture was taken. That could have been taken the next day. I don't know. Do you have times -- do you have times and dates on these pictures?

[5-6] Q. Yes, ma'am, there are -- there are dates, and I'm asking you to testify---

[7] A. I don't know about that. I don't know.

[8-9] Q. You just testified in response to Ms. Weiss's question---

[10] A. I don't know. Do you understand that?

[11] Q. No, I don't because you just testified---

[12] Ms. Weiss: Objection, Your Honor

[13-14] The Witness: Why are you yelling -- she's yelling at me, Your Honor.

[15-16] The Court: Don't argue with the witness. Ask a question, ma'am.

[17-18] Dr. Faltas: I'm sure -- all right. Ms. Weiss, could you please---

[19-20] Ms. Weiss: Your Honor, would you please ask the defendant not to address me?

[21-22] Dr. Faltas: All right. May I ask that the court replay the tape where Ms. Lurke's voice is on there?

[23-25] The Court: The court is not going to play anything. You have to ask questions of the witness and present your cross-examination.

[page 504, lines 1-4] By Dr. Faltas: Q. In fact, Teresa Ingram called 9-1-1, and you stood there in the background and yelled profanity at me, and the profanity shows up on the 9-1-1 call. Isn't that correct?

[5] A. Okay. That's true.

[6] Q. That's true. You yelled profanity.

[7-8] A. Yeah, and if you do it again, I'll yell more profanity. I want to yell it now, but we're in court.

[9] Q. That is such a good reason.

[10] Ms. Weiss: Objection, Your Honor

[11] The Witness: You are---

[12] The Court: Objection is sustained.

[13] The Witness: You bother me, lady.

[14-16] The Court: Just a moment. Dr. Faltas, you must ask questions, not make side comments. Questions only. Next question.

[17-19] By Dr. Faltas: Q. In all of those pictures isn't Teresa Ingram leaning on the child's stroller?

[20] A. In these pictures here?

[21] Q. Yes, ma'am. No, in the pictures that---

[22-23] A. I don't have those pictures. I don't know what they're looking at.

[24] Q. Didn't you just look at them and see---

[25 to page 505, line 2] A. You showed me one picture that had Teresa. You showed me another picture and asked me if I was in that picture and I wasn't. I don't know if that's what you're---

[3] Q. But wasn't she leaning on the child's stroller?

[4] A. I have to look at it again; I don't know.

[5] Q. Is that a safe way---

[6] Ms. Weiss: Objection

[7-8] Dr. Faltas: Isn't it unsafe to be leaning on one side of a stroller---

[9-10] The Witness: I don't know. I didn't make the stroller. You'd have to call Evenflo and ask them.

[11] Dr. Faltas: Do you know---

[12] The Court: Objection is overruled. Go ahead.

[13-15] By Dr. Faltas: Q. Do you know how to safely handle a child's stroller? Have you had any training?

[16] A. No, they don't make classes for that. I don't think.

[17] Q. And do you know whether Teresa had any training or---

[18] A. I don't know.

[19-21] Q. Okay. When you bring your child for Teresa, did you -- and I say that you're very close and all of that. Do you know that Teresa has mental problems?

[22] Ms. Weiss: Objection, Your Honor

[23] The Court: The objection is sustained.

[24-25] Dr. Faltas: Your Honor, it was testified that she has anxiety attacks and that she's on Zoloft and Vicodin and---

[page 506, line 13] Ms. Weiss: Objection, Your Honor

[2-3] The Court: The objection is sustained. Next question, ma'am.

[14-15] **By Dr. Faltas: Q. Did you know that Teresa Ingram has anxiety attacks?**

[16] **A. No.**

[17] **Q. You didn't.**

[18] **A. No.**

[19-11] **Q. Does it make a difference for you for the safety of your child whether you leave her with somebody who has anxiety attacks?**

[22] **Ms. Weiss:** Objection

[23] **The Court:** Sustained

[14-15] **By Dr. Faltas: Q. How did you know Teresa?**

[16] **A. I met her through a high school friend.**

[17] **Q. Through a high school what?**

[18] **A. Friend.**

[19] **Q. What?**

[20] **A. Friend.**

[21] **Q. Who is that friend?**

[22] **Ms. Weiss:** Objection

[23] **The Court:** Sustained

[24] **The Witness:** I don't even remember. That was 1990---

[25] **The Court:** Objection sustained, ma'am. Next question.

[page 507, lines 1-2] **By Dr. Faltas: Q. Is that friend Wendy Ceo or---**

[3] **A. No.**

[4] **Q. Is that -- is that friend Stephanie Sumter?**

[5] **A. Huh-uh.**

[6-7] **Q. Okay. Are you engaged to a member of Teresa Ingram's family?**

[8] **A. Am I what?**

[9] **Q. Engaged to a member ---**

[10] **A. No.**

[11] **Q. ---of Teresa Ingram's family.**

[12] **A. No.**

[13-14] **Q. Okay. Have you checked whether the inside of Teresa Ingram's apartment is safe for a child?**

[15] **A. Yes.**

[16] **Q. How so?**

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

[18] **The Court:** That's sustained

[19-20] **By Dr. Faltas: Q. Does she have the electric outlets plugged?**

[21] **A. Yes**

[22] **Ms. Weiss:** Objection

[23] **The Court:** Sustained

[24 to page 508, line 3] **Dr. Faltas: So you testified that you happened on the scene when someone is flipping me fingers and your child happened to be there, and I never got out of my car, and you've never seen it happen again and you want me to go to prison for this.**

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

[25] **The Witness:** I don't care where you go.

[26-27] **The Court:** The objection is sustained. The jury is to disregard the question.

[28] **Dr. Faltas: And you---**

[29-10] **The Court:** It wasn't a question. The jury is to disregard the improper statement by Dr. Faltas

[11-12] **By Dr. Faltas: Q. Are you aware that Nikki never finished college?**

[13] **A. Yes.**

[14] **Q. Did she ever tell you that one time she talked to me?**

[15] **Ms. Weiss:** Objection.

[16] **The Court:** The objection is sustained.

[17-18] **By Dr. Faltas: Q. Did you ever encourage her to go back to college?**

[19] **A. Plenty.**

[20] **Q. What?**

[21] **A. Plenty.**

[22] **Q. And what was her response?**

[23] **Ms. Weiss:** Objection

[24] **The Court:** Sustained

[25] **The Witness:** I don't know.

[page 509, lines 1-2] **By Dr. Faltas: Q. So you opined that it affected her severely.**

[3] **A. I don't understand what you're saying**

[4-5] Q. You claim that you have a personal opinion that she's affected severely by me

[6] A. Uh-huh.

[7] Q. Yes?

[8-9] A. I said that she seems to be different since you've been harassing her, yes.

[10] Q. How so?

[11] A. She seems more stressed out.

[12] Q. More stressed out.

[13] A. Yeah

[14] Q. And you know that she filed a lawsuit and claimed---

[15] A. I don't know anything about that.

[16] Q. You don't know anything about---

[17-18] A. I don't know anything about your personal business. You dragged me into this; you did

[19] Q. No, no.

[20] A. Yeah, you did.

[21] Q. Please don't argue with me.

[22] Ms. Weiss: Objection

[23-24] By Dr. Faltas: Q. Did you know---

[25 to page 510, line 1] A. I don't know anything about her personal stuff. I don't know, ma'am. I don't know.

[2] Q. If I were asking---

[3-4] The Court: Just a moment, ma'am Just a moment, ma'am The objection is what?

[5-6] Ms. Weiss: Arguing with the witness, badgering the witness

[7-8] The Court: Don't argue or badger the witness Ask another question

[9] Dr. Faltas: Thank you.

[10-11] By Dr. Faltas: Q. Do you know that she has filed at least two lawsuits---

[12] A. I don't know

[13] Q. Could you let me finish the question?

[14] A. Okay.

[15-17] Q. Do you know that she has filed at least two lawsuits against other people claiming that they injured her car and caused her mental stress?

[18] A. I don't know.

[19-21] Q. Okay. So how can you separate the mental stress that she has from the car accidents that she sued other people for and what she pretends resulted from me?

[22] A. I don't know about that. I don't know.

[23-24] Q. You don't know. So you're sure that you don't have a complete or reliable person that---

[25] Ms. Weiss: Objection

[page 511, line 1] The Court: Sustained.

[2-3] Dr. Faltas: Thank you Your Honor, may I put the pictures back on the table?

[4] The Court: Yes, ma'am

[5] Dr. Faltas: Thank you.

[6] The Court: Anything further of this witness?

[17] Ms. Weiss: No, Your Honor. May the witness be excused?

[8] The Court: All right. Thank you

[9] The Witness: Thank you.

[10] Ms. Weiss: Thank you, Your Honor.

[11] The Court: Next witness.

[12-13] Mr. Campbell: The State calls Corporal Derek El Dada to the stand.

[page 750] 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 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

[page 511, line 11] *The Court*: Next witness

[12-13] *Mr. Campbell*: The State calls Corporal Derek El Dada to the stand

[14] *The Court*: Corporal Derek El Dada

[15-16] *Dr. Faltas*: Your Honor, I don't think I was given his disciplinary record

[17-18] *Ms. Weiss*: Your Honor, this is the record that Scott Hayes came -- that we made a copy and gave to Dr. Faltas

[19] *Dr. Faltas*: I'm sorry

[20] *Ms. Weiss*: Tuesday, I believe

[21] *Dr. Faltas*: I'm sorry I'm sorry I apologize

[22-23] Derek El Dada, after being duly sworn, testified as follows:

[24-25] *The Clerk*: Have a seat in the witness stand, please, and give the court reporter your name

[page 512, line 1] *The Witness*: Corporal Derek El Dada

[2-3] Direct Examination By *Mr. Campbell*:

[4] *Q*: Thank you, Corporal El Dada. How are you doing?

[5] *A*: Just fine. Thank you.

[6-7] *Q*: Could you please provide the Court with who your employer is?

[8] *A*: Richland County Sheriff's Department

[9-10] *Q*: And how long have you been employed with the sheriff's department?

[11-12] *A*: I've been in the sheriff's department since January of '98

[13-14] *Q*: And what is your position currently within the department?

[15] *A*: I'm a corporal. I oversee a shift.

[16] *Dr. Faltas*: Corporal? I'm sorry I didn't hear

[17] *Mr. Campbell*: He said he's a corporal

[18] *Dr. Faltas*: And something ship?

[19] *The Witness*: I oversee a shift

[20] *Dr. Faltas*: Oversee a shift?

[21] *The Witness*: A squad

[22-25] By *Mr. Campbell*: *Q*: And could you tell the court a little bit about the training that you've received within the sheriff's department?

[page 513, lines 1-5] *A*: I started my law enforcement career in April of - April 1st of '92 with the City of Forest Acres. At that point I went to, of course, the Criminal Justice Academy. Since then I've taken numerous courses: Radar certification, DataMaster, all stuff involving Alzheimer's patients, just - I mean, it's been a lot so...

[7-8] *Q*: All right. And in the course of your employment, did you have occasion to visit 300 Byron Road?

[9] *A*: I did.

[10] *Q*: And do you recall the date?

[11] *A*: Not right off the top of my head I do not.

[12-13] *Mr. Campbell*: Your Honor, if I may approach the witness a moment?

[14] *The Court*: You may.

[15-16] By *Mr. Campbell*: *Q*: Did you take down an incident report?

[17] *A*: Yes, sir, I did.

[18] *Q*: Would that refresh your recollection?

[19] *A*: Yes, it would.

[20] *Q*: And what was the date that you were out there?

[21] *A*: October the 20th of 2009 about 8:00 in the morning.

[22] *Q*: Is that the date of the incident or the dispatch date?

[23-24] *A*: Oh, I'm sorry. I was out there on the 23rd of October, 2009.

[25 to page 514, line 1] *Q*: All right. And for what reason were you called out there?

[2-3] *A*: I was sent out there from my captain who is Captain Ragland

[4] Court Reporter: I'm sorry. Captain who?

[5-11] *The Witness*: Ragland. R-a-g-l-a-n-d. He is the commander over the Region One area which is our Lower Richland area from Olympia out to Eastover. He had received a memo from the sheriff asking him to send an officer to this address to speak with Marie Assa'ad-Faltas in reference to a complaint that she had, that she had written a letter to the sheriff's department.

[12-14] By *Mr. Campbell*: *Q*: All right. And when you got to the location, what happened when you got there?

[15-18] *A*: When I went to the location, I made contact with Marie Assa'ad-Faltas and spoke with her about her concerns of a neighbor that lived in a building adjacent to her and some individuals that lived in the same building that she lived in.

[20] Q. And is Ms. Faltas here in the courtroom today?

[21-22] A. Yes, she is. She is sitting right here next to the jury box

[23-24] Mr. Campbell: Let the record reflect the officer has identified the defendant

[25] The Court: Okay.

[page 515, lines 1-3] By Mr. Campbell: Q. And did you have any discussions with Dr. Faltas when you were there?

[4-18] A. I did. She expressed to me that she had some concerns for a small child that was I believe visiting one of the neighbors that lived in her building, that he was playing with some metal objects that were unsafe behind the building, and there was some make-shift like fish ponds back there and she was concerned that the child might would fall into the pond and that they were running electricity or extension cords that might be a fire hazard which were powering some pumps that were in the fish pond. And she said that a young lady in a building next to hers was possibly involved in some prostitution, and she was taking some photographs of one of the males that was visiting that lady and he'd made some lewd gestures towards her.

[17] Q. Do you have that young lady's name?

[18] A. Teresa Ingram is the name that Ms. Faltas provided me.

[19-20] Q. All right. And did Dr. Faltas have anything else to say?

[21 to page 516, line 2] A. She stated that she had tried to call D.S.S. The fire department was there when I got there. That was about the extension cord out back. She stated this had been an ongoing problem, that she had been photographing these individuals, gave me a license plate off of the guy -- one of the gentleman that had been visiting this Ms. Ingram, and that was basically her whole concern.

[3] Q. And was Ms. Ingram at the location at that time?

[4-8] A. No. I went over to the apartment and tried to make contact with her. There's several locks on the door which is to the entryway of the building, and I knocked and I don't remember if there was a doorbell or not, but nobody ever came down.

[9-10] Q. All right. Was anyone else on this scene when you were there?

[11-13] A. Initially when I was there I had a co-officer that responded, coworker. His name was Deputy Garo Brown, but he -- he never spoke with Ms. Faltas. He left

[14] Q. Was there anyone else?

[15] A. Nobody else. It was just -- it was just her

[16-18] Q. All right. And do you happen to know if the defendant made any kind of follow-up with the department regarding this?

[19-24] A. I have absolutely no idea. I gave her my business card and explained to her that it would take about four to five business days probably for the report to become available and how she could get a copy of it and that someone should be making contact with her, but I never heard anything else about it

[25 to page 517, line 1] Q. And do you know if the defendant made any audio recordings of your discussions?

[2-3] A. It later became evident to me that she had recorded our conversation.

[4-5] Q. All right. Court's indulgence, Your Honor. While you were at the location, did you ever go inside the defendant's apartment to discuss anything with her?

[7-12] A. No, she wouldn't -- she did not invite me in. She cracked open the door and spoke to me initially through a crack of the door, and then she came outside into the area and locked her door, and then when she went back in she unlocked her door, went in, and locked her door again and I waited outside.

[13] Q. No further questions

[14] A. She. Okay.

[15] Q. Were you in the middle of saying something?

[16] A. Well, I was going to -- never mind

[17] Mr. Campbell: All right

[18] The Court: Dr. Faltas?

[19-22] Dr. Faltas: If it pleases the court, I believe Your Honor's ruling was that the pictures that they had taken from me would be available to me for the trial and I need to use some of them.

[23] The Court: Go right ahead

[24-25] Dr. Faltas: Well, I don't know how they, you know, messed them up. So it may take me some time to find them.

[page 518, line 1] The Court: Go ahead

[2-3] Dr. Faltas: Thank you. (Pause in proceedings.)

[4] The Court: You have 25 more minutes with this witness

[5-8] Dr. Faltas: Yes, Your Honor. I think the pictures -- we need the extent of it. I just can't find it. I had them arranged in an organized way, and I don't know what they have done with them.

[9-10] The Court: What is it that you want to ask? What is it that you want to ask him about a picture?

[11-15] Dr. Faltas: Your Honor, that I had, in fact, shown him pictures of the man that was bothering me standing under my window and also that I had shown him, in fact, pictures of that other man drinking with the father of a little child and the child actually playing around unsafe areas and that he also saw the fire hazard, the extension cord.

[17] Ms. Weiss: Objection

[18] The Court: Did she show you some pictures?

[19-20] The Witness: Yes, sir, she did. Well, she gave me copies of some pictures.

[21] The Court: All right

[22-23]

Cross-Examination By Dr. Faltas:

[24-25] Q. Did you agree that the picture -- did you agree that the pictures showed a man making lewd gestures at me?

[page 519, line 1] A. Yes.

[2-3] **Q.** And did you -- did you agree that in one of them he was grabbing his crotch at me?

[4-5] **A.** Yes. Well, in the picture he was. I'm guessing it was towards you.

[6] **Q.** Pardon?

[7-8] **A.** In the picture he was grabbing his -- himself. I'm assuming it was towards you. I don't know what, you know...

[9-10] **Q.** Yes. And did you also promise that you would find his name from the license plate and ---

[11-12] **A.** I did not promise you that. I said I would take the information you gave me and put it in the report.

[13-14] **Q.** And did you say that you'd help me find his name and you would tell me?

[15-17] **A.** I said I would attempt to locate his information. I'd put it in the report and whoever got it would investigate it, but I cannot disseminate that information to you.

[18] **Q.** Okay. Do you also recall my showing you this picture?

[19] **A.** I never saw that picture

[20] **Q.** You did not

[21] **A.** Huh-uh

[22-23] **Dr. Faltas:** Your Honor, may I mark it for identification?

[24] **The Court:** Yes

[25 to page 520, line 1] **Dr. Faltas:** I will be identifying it myself later. Thank you

[2-3]

(Defendant's exhibit 9 was marked for identification only.)

[4-6] **By Dr. Faltas. Q.** Do -- tell me the pictures that you think depict the pond that I told you about.

[7] **A.** Okay

[8-9] **Q.** Of the fish pond that I told you about. (Dr. Faltas hands the witness photographs)

[10-11] **Mr. Campbell:** Your Honor, I'm going to object to the relevancy of these photos to the case here and the trial

[12] **The Court:** The objection is sustained

[13-14] **Dr. Faltas:** Well, Your Honor, they elicited from him testimony that I -- oh, I'm sorry. They elicited.

[15-16] **The Court:** Go ahead. Are there any additional questions for the witness?

[17] **Dr. Faltas:** Yes. Yes, Your Honor

[18-20] **By Dr. Faltas. Q.** Do these pictures show the pond that I was concerned about, those pictures?

[21-23] **A.** This looks like the ponds that I saw back there, but you did not originally show me those pictures, just to make sure I'm clear about that.

[24] **Q.** And do those -- Your Honor, the ones that he---

[25 to page 521, line 1] **The Court:** I'm going to -- I don't need you to explain anything to me, ma'am

[2] **Dr. Faltas:** May they be marked?

[3] **The Court:** Speak louder, please

[4] **Dr. Faltas:** May they be marked?

[5-6] **The Court:** You have some documents you want to have marked for identification purposes?

[7] **Dr. Faltas:** Yes, please

[8-9] **The Court:** Can someone identify them? Do you have a witness -- ask the witness can he identify them.

[10-11] **Dr. Faltas:** Well, Your Honor, he said they looked like the pond that he saw.

[12-13] **The Court:** Hand him those pictures and ask him whether he can identify them.

[14-15] **By Dr. Faltas. Q.** Did you -- did you say that those are.

[16-17] **A.** These are not original pictures that you showed me, but that appears to be the ponds behind your apartment that you had discussed with me.

[18-20] **The Court:** They can be marked for identification purposes only

[21-23] **By Dr. Faltas. Q.** And do these pictures show the insecure tabletop that I was concerned about?

[24] **A.** I'm sorry? The what?

[25 at page 522, line 2] **Q.** Insecure tabletop that I was concerned about that - did we walk back and did I show you a tree stump with the metal on it---

[3] **Court Reporter:** I'm sorry. What?

[4-6] **The Witness:** This piece of metal here appears to be what you were talking about. It's like something they're using as a tabletop.

[7-8] **Dr. Faltas:** Yes, but they just put it on the tree stump and it wasn't secured in any way. Isn't that correct?

[9] **Mr. Campbell:** Objection, Your Honor

[10] **The Court:** The objection is sustained

[11-12] **By Dr. Faltas. Q.** Did you and I walk back to that area?

[13] **A.** Yes, I walked behind the apartment complex

[14-15] **Q.** And did you see, in fact, there was a piece of metal as you were showing on a tree stump that was like a make-shift table?

[16-18] **A.** There was like a metal grate that they were using as a tabletop. I do not remember what it was resting on, and I do remember you expressing that you felt it was unsafe.

[20-21] **Q.** Yeah. Did I show you that it was insecure and did I kick it with my leg and show you that it keels over?

[22-23] **A.** Yes. When you kicked it, it did -- it did move. I mean, it's, you know...

[24-25] **Q.** Yeah. Yeah. And did I also show you pictures of the child sitting on one side of it?

[page 523, line 1] **A.** You did show me a picture of a child with two men there.

[2-3] **Q.** Yes. And in some of those pictures the child was sitting on that -- on one side of that crate and I told you -- in some of those pictures was the child sitting on the---

13-71 **Mr. Campbell:** Your Honor, I object to this line of questioning. Again, relevancy to the matter at hand.

13-72 **The Court:** All right. The objection is sustained.

13-73 **The Witness:** Your Honor, since---

13-74 **The Court:** The objection is sustained. Next question.

13-75 **The Witness:** Okay. Do I need to continue looking through these pictures?

13-76 **The Court:** No.

13-77 **The Witness:** Okay. Thank you.

13-78 **By Dr. Faltas. Q.** Did I also show you pictures of two men drinking with the child in the presence of that small child?

13-79 **A.** There was a picture that had two men there and a child. I do not remember if they were drinking or not, and if they were, I couldn't tell you what they were drinking.

13-80 **Q.** Did I tell you I was also concerned that if the father of the child was drinking that he drove away with the child in the car?

13-81 **Mr. Campbell:** Objection, Your Honor.

13-82 **The Court:** Sustained.

13-83 **By Dr. Faltas. Q.** Were the members of the fire department present, according to your report, when you were there?

13-84 **A.** When I first got there, there was some fire personnel there.

13-85 **Q.** And they were, in fact, examining the unsafe or the hazardous electric connection.

13-86 **A.** They -- I'm not sure what they were looking at, I did not ask them specifically. You told me that you had called them because of an extension cord that was running from one building to the pond.

13-87 **Q.** Okay. And did I tell you that I was terrified of that man whose picture I showed you grabbing his crotch at me?

13-88 **A.** You did -- you did state that you had some concerns.

13-89 **Q.** And did I ask you to do everything you can for me so that he doesn't come back?

13-90 **A.** I don't remember that specific question. I remember us speaking about that, and I told you that I would do the report, so somebody would look into the matter for you.

13-91 **Q.** And did I also tell you that the reason I contacted the sheriff's department is that the Columbia Police Department wasn't doing anything for me?

13-92 **A.** I believe you did say that.

13-93 **By page 525, line 7. Q.** All right. And did I tell you that I wasn't sure, I was just asking the question whether there is possibly prostitution?

13-94 **A.** You said that there was prostitution taking place.

13-95 **Q.** Did I tell you possibly?

13-96 **A.** I cannot remember the exact words. I just do remember you stating that you thought the lady over in that apartment had prostitution taking place because she had lots and lots of male friends coming and visiting at all hours of the day and night.

13-97 **Q.** All right. And did I also ask you whether I was right to be concerned about the safety of the child based on the picture that I had shown you? We're talking about the male child now, the male child, who was with the other neighbor?

13-98 **Mr. Campbell:** Objection, Your Honor.

13-99 **The Court:** Objection is sustained.

13-100 **By Dr. Faltas. Q.** Did you form an opinion whether my concern was valid?

13-101 **A.** No. I try to stay impartial in those things. I mean, I took the information you gave me. I didn't see anybody else there. The pictures you showed me look like two men that were just out sitting around drinking and had a small child walking around. I didn't see anything in the picture that looked like it was a problem.

13-102 **Q.** So did you tell me that I shouldn't concern myself about that or did you write in the report that you will forward it to be looked into further?

13-103 **By page 526, lines 1-4. A.** Sure. With any call I go to, I'm going to listen to the person and take what their concerns -- and I'm going to put it in the report and I'm going to send it forward so somebody can look at it. I mean, I'll do that for anybody.

13-104 **Q.** And all the time you were with me, didn't you have the radio open so someone else was also recording our conversation?

13-105 **A.** I'm sorry. Say that again.

13-106 **Q.** All the time I spoke to you, did you not also have radio contact -- radio contact open so someone else was listening to our conversation?

13-107 **A.** Was my radio open?

13-108 **Q.** Yeah, radio contact.

13-109 **A.** No. Our radios don't work like that. I have to press a key down and, you know, for transmission to go.

13-110 **Q.** And had you pressed the key and there was transmission?

13-111 **A.** I asked for a case number.

13-112 **Q.** Okay.

13-113 **A.** And spoke with dispatch.

13-114 **Q.** Okay. But at the long portion of our conversation, the radio contact was open.

13-115 **A.** No.

13-116 **Q.** Okay. And then was there anything wrong with you not coming in?

13-117 **A.** No. That's your decision.

13-118 **By page 527, line 7. Q.** I mean, did I cooperate with you when you came?

13-119 **A.** Yeah. I had no problems with you.

13-120 **Q.** Okay. And did I also explain to you that I take my shoes off at the door and I wouldn't--

13-121 **A.** You did.

13-122 **Q.** And the reason I'm not inviting you in is that it would be improper for me to ask a police officer to get out of uniform?

13-123 **A.** You did. You did say that.

107 Q. And was I polite and pleasant also?

111 A. I had no problems with you.

112-113 Q. Okay. Did you think you were in the presence of a crazy person?

114 A. My personal opinion?

115 Q. Yes.

116 A. I felt like there might be a little bit of an issue.

117 Q. How so?

118-121 A. Ma'am, quite honestly, I go to lots and lots of calls; I have so for many years. I'm not a medical doctor, so I can't give a professional diagnosis, but, yeah, I think there's something a little bit off.

122-124 Q. Okay. And is that the reason why you never followed up on the identification of the man who was making rude gestures at me?

125 to page 528, line 2] A. I did my job. I wrote you an incident report, and I sent it forward for the investigators. That's the extent of my job.

13-4 Q. And you never knew who investigated it or if it was investigated?

15] A. No, ma'am, I don't follow up on that.

16-7 Q. Did you put like a wink and a nod? Never mind; this is a crazy lady? Let people make rude gestures at her?

18] A. I don't do that to anybody.

19-11] Q. I mean, are you allowed to characterize the report in one way or another as urgent, important, or unfounded, put it aside?

112-113] A. I select an incident title that's appropriate to the information you're giving me

114 Q. And what was the incident title?

115 A. "All other responses."

116 Q. Meaning never mind?

117-120] A. No. It means it's -- there's nothing in particular that stands out like, say, if somebody hit somebody with a baseball bat, I would -- depending upon the injuries, I would classify that as an aggravated assault. These are -- these are incident titles that are -- that are put out by S.L.E.D. in a manual called Skypers (phonetic), and they have a certain definition for every type of call that you go to and you try to write a report. I don't make that up. They select what I can title it, and that's what I title it.

[page 529, lines 1-2] Q. And is there a title for possible drinking and driving under the influence with a child in the car?

121] A. That would be called traffic

14-7 Q. And like if I were concerned that some people were habitually coming to the area drinking and then driving after having drunk and having a child in the car, what would you have titled that?

14] Mr. Campbell: Objection, Your Honor

14] The Court: The objection is sustained

110-111] By Dr. Faltas: Q. Do you know anything about preventive policing?

112] A. I'm sorry? What was that?

113 Q. Do you know anything about preventive policing?

114-115] A. Well, I'm gathering you mean going and patrolling that particular area to prevent criminal activity.

116-117 Q. Do you also encourage the public to be involved with that?

118] A. Oh, absolutely. We have community policing.

119-121] Q. And do you encourage the public to report to you the concerns and regardless of whether they turned out to be right or wrong?

122] A. That is correct.

123 Q. And I didn't ask you to go arrest anyone, did I?

124-125] A. No. You were just reporting it, the concerns that you had at hand, and wanted it looked into.

[page 530, lines 1-2] Q. And is that exactly what you want people to do in community policing?

13] A. Absolutely. We want the community involved.

14-4] Q. And what would happen if everyone who calls the police and tells them, "This is what I saw. Is that serious or not serious?" Gets charged with a criminal violation and faces going to prison for it? Would community policing continue to work?

18-19] A. Well, I mean, that's a hypothetical question. I don't -- I don't think that that would ever happen but---

111] Q. Really? Really?

112] A. ---if it did, sure, it wouldn't work.

113] Q. What kind of proceeding is this?

114] A. Ma'am, I don't know

115] Q. You don't know what kind of proceeding ---

116] A. I'm called in here as a witness

117] Q. What were you -- were you subpoenaed?

118] A. Was I subpoenaed?

119] Q. Uh-huh

120-121] A. I didn't have a subpoena. I was called in here by the solicitor's office to testify

122] Q. And how did you identify me?

[23] A. How did I identify you?

[24] Q. Yeah.

[25] A. I went to a call---

[page 531, line 1] Q. No, no, no

[2] A. ---while you were there

[3] Q. I mean now. Didn't you identify me as the defendant?

[4-5] A. No. I said you were Marie Assa'ad-Faltas. That's how I identified you.

[6-10] Q. So you came into this courtroom having no idea that I'm charged with crimes just because I reported to you what I saw and was concerned about exactly as you wanted community policing to work? You don't know that I'm facing prison terms?

[11] Mr. Campbell: Objection, Your Honor

[12-13] The Court: The objection is sustained. The jury is to disregard it. Any more questions?

[14-15] Dr. Faltas: Did you ask me about my national origin? I'm sorry. You said no more questions?

[16] The Court: Do you have any more questions?

[17] Dr. Faltas: Yes, Your Honor

[18] The Court: You have six minutes

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

[20-21] By Dr. Faltas. Q. Did you ask me about my national origin?

[22] A. No.

[23-24] Q. Did you know that I have an accent? Did you notice that I have an accent?

[25] A. Yes

[page 532, lines 1-2] Q. And did that figure in your thinking that there was something off?

[3-4] A. Ma'am, I'm Lebanese I'm an Arab. What is -- I mean, I don't know what you're getting at.

[5] Q. I'm not Arab.

[6-8] A. Okay. Well, I'm just telling you that I am of another descent I don't look into what people's ethnic background and make a decision..

[9] Q. What generation Lebanese are you?

[10] A. What gen---

[11] Mr. Campbell: Objection, Your Honor

[12] The Court: The objection is sustained

[13-14] By Dr. Faltas. Q. Do you speak Arabic?

[15] A. Very little.

[16-17] Q. How was my call to you different from the community policing and community involvement that you try to encourage?

[18] A. How was your call different?

[19] Q. Uh-huh.

[20-21] A. Well, it was different from I -- you wrote a letter to the sheriff's department

[22] Q. Pardon?

[23 to page 533, line 1] A. You wrote a letter to the sheriff's department. The sheriff got the letter. He read your concern. He sent it to our captain. The captain sent me over there I handled your call That's .

[2-3] Q. So at least the sheriff thought that that was a valid concern.

[4-5] A. The sheriff is going to listen to anybody that's in the county, and he's going to make sure that that person's listened to.

[7-8] Q. If someone wrote him a letter saying, "I think the moon is going to break into two and fall on earth," would he send somebody for that?

[10] A. That's only something the sheriff can answer.

[11-13] Q. So to sum up, you found an insecure tabletop. I showed you pictures of a child playing near an insecure tabletop and a fish pond?

[14-15] Mr. Campbell: Objection, Your Honor. The defendant is testifying again.

[16] Dr. Faltas: That's all.

[17] The Court: Objection sustained.

[18] Dr. Faltas: Thank you

[19] The Court: All right. You may step down, sir

[20] The Witness: Thank you, Your Honor.

[21-22] Ms. Weiss: I would ask that Corporal El Dada be excused, please.

[23] The Court: You can be excused.

[24-25]

(Defendant's exhibits 10 and 11 were marked for identification only.)

[page 534, line 1-2] Dr. Faltas: Is the police report going to be in evidence by the State?

[3] The Court: No. Next witness, please

[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. 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
The State of South Carolina :
vs. :
Dr. Marie Assa'ad Faltas :
Court of General Sessions
2010-GS-40-11980 and 2010-GS-40-11987
PARTIAL TRANSCRIPT OF RECORD
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

[page 534 lines 1-2] Dr. Faltas: Is the police report going to be in evidence by the State?

[3] The Court: No. Next witness, please

[4] Ms. Weiss: The State calls Sergeant Taurus Sanders

[5-6] Taurus D. Sanders, after being duly sworn, testified as follows:

[7-8] The Clerk: Have a seat in the witness stand, please, and give the court reporter your name.

[9] The Witness: Taurus D. Sanders.

[10-11] Direct Examination By Ms. Weiss:

[12] Q. Sergeant Sanders, where are you currently employed?

[13] A. City of Columbia Police Department.

[14] Q. How long have you been with the City Police Department?

[15] A. As an officer a little over ten years.

[16] Q. And other than an officer?

[17] A. A civilian for three years.

[18] Q. So a total of 13 years?

[19] A. Yes, sir -- yes, ma'am

[20] Q. Where are you from?

[21] A. I'm originally from Bishopville, South Carolina.

[22] Q. You went to high school there?

[23] A. Actually I grew up here in Columbia, went to Keenan.

[24] Q. Where did you go after you graduated Keenan?

[25 to page 535 line 2] A. I attended U S C for three years and transferred to Argosy University where I earned my Bachelor's in psychology

[3] Q. Okay. What did you do after you graduated from college?

[4-5] A. Actually I'm currently in graduate school right now. Counseling.

[6] Q. What degree are you seeking?

[7] A. Counseling, marriage and family therapy

[8] Q. Master's?

[9] A. Yes.

[10] Q. What school is that through?

[11] A. Liberty University

[12-13] Q. After you graduated from undergraduate, where did you go from there?

[14] A. I began working at the Columbia Police Department.

[15] Q. At that time were you working as a civilian?

[16-17] A. I was a civilian in school at the time and then after graduating, yes, became a police officer.

[18] Q. Okay. And did you go to the academy?

[19] A. Yes.

[20-22] Q. Other than your training at the academy, what other trainings have you had in the last ten years with the city of Columbia Police Department or in law enforcement?

[23 to page 536, line 1] A. The vast training I've had: DataMaster, radar. I've had several leadership classes. I've had accident reconstruction training. I've also had canine handler training and S W A T. training.

[24-25] Q. And how many of those years were you on the road as a patrolman?

[26] A. All but three. I was a traffic officer for three years.

[27-28] Q. So seven years you were doing regular rotation and then for three of the years you were doing traffic?

[29] A. Yes.

[30-31] Q. What are your general duties as a law enforcement officer with the City of Columbia?

[32-33] A. Main duties is general law enforcement, responding to calls, taking reports, enforcing traffic and other laws. That's just the general gist of it.

[34] Q. What region are you currently assigned to?

[35] A. South region

[36] Q. And what does that region encompass?

[37-38] A. It encompasses Five Points, Gamers Ferry, Woodcreek Farms, some of Wildewood out in northeast Columbia.

[39] Q. And how long have you been with the south region?

[40-41] A. I just returned back to the south region October of 2009.

[42-43] Q. Prior to that, were you assigned to the south region before?

[44] A. Yes, initially when I became a police officer I was

[45] Q. How many years did you serve south region?

[46] A. I believe about five.

[page 537, line 1] Q. Are you familiar with 300 and 304 Byron Road?

[47] A. I am.

[48] Q. Is that in the south region?

[49] A. It is.

[15] Q. Is it in the city of Columbia?

[16] A. It is.

[17] Q. Richland County?

[18] A. It is.

[19-10] Q. And in your years with the south region, have you had the opportunity to respond to 304 and 300 Byron Road?

[11] A. I have.

[12-13] Q. Approximately how many times have you responded to that address?

[14] A. I can't remember anymore.

[15-16] Q. Since October of 2009, how many times have you responded out there, approximately?

[17] A. At least 20.

[18] Q. At least 20?

[19] A. Yes.

[20-21] Q. And have any of those times involved Dr. Marie Assa'ad-Faltas?

[22] A. Every time.

[23-25] Q. Every time. In the times that you've responded out there, have you ever responded -- are they usually responding to calls initiated by Dr. Faltas or by others?

[page 538, line 1] A. Usually Dr. Faltas.

[2-3] Q. Have any of those calls ever been in response either from or involving a Teresa Ingram?

[4] A. Some of them have, yes.

[5] Q. And can you please tell the jury about those calls?

[6-10] A. Basically they were confrontations about Ms. Ingram either exiting the driveway on the 305, excuse me, 304 side of the parking lot. There's been issues about the mailbox and also allegations of people coming and going from her apartment, prostituting, things like that.

[11] Q. I'm sorry. Can you say that again?

[12] A. Prostituting.

[13] Q. Did you say prostituting?

[14] A. Yes.

[15] Q. And who accused her of prostituting?

[16-17] A. Ms. -- I'm sorry. Dr. Faltas accused Ms. Ingram of being a prostitute.

[18] Q. And she said that to you.

[19-20] A. Yes. Well, at one particular point I had both of them in my presence and ---

[21] Q. Do you remember what that was ...

[22] Dr. Faltas: Could you let him finish?

[23] Ms. Weiss: Do you remember what that was in regards to?

[24-25] Dr. Faltas: Your Honor, objection to her interrupting before he had finished his answer.

[page 539, line 1] ~~The Court~~ Objection is overruled.

[2-16] **The Witness:** [2-11] I can't remember if it was about the driveway or the mailbox, but it ended up being a verbal exchange between the two of them, and during that time Dr. Faltas made some allegations about Ms. Ingram being a prostitute, various people coming and going, cars. And she then began to show me some photos that she has been taking of the 300 building, various cars. And then I asked her specifically did she have any proof of this, and she says, "Look at the photos." I said, "Well, this doesn't prove anything." [12-14] I said, "Well, did you witness anything directly?" And, of course, she didn't answer directly. And I said, "Well, you can't make those allegations because that is defamation and slander," and eventually I had to instruct Ms. Faltas to go back into her apartment.

[18-20] By Ms. Weiss: Q. Would you say that of the phone calls from Dr. Faltas involving Teresa Ingram that she was accusing Teresa Ingram of something one way or the other?

[21] A. Yes.

[22-23] Q. And did you ever find any evidence of anything that Dr. Faltas was accusing her of?

[24-25] A. No. I never took a report from her nor have any of my patrol officers.

[page 540, lines 1-2] Dr. Faltas: What? I'm sorry. What was the last part? I didn't hear.

[3] **The Witness:** I said---

[4-7] By Ms. Weiss: Q. He said he has never taken a report nor have any of his patrol officers. And have you ever responded to any calls from Teresa Ingram?

[8-9] A. I can't remember exactly. Maybe once, but I can't say for sure.

[10] Q. Okay. Do you remember what that was involving?

[11-13] A. I believe it was an altercation surrounding her going to the mailbox or something like that, some -- some confrontation in the parking lot.

[14] Q. Okay. I mean, do you remember who it was with?

[15] A. It was between the two of them.

[16-18] Ms. Weiss: Okay. Thank you. No further questions, Sergeant Sanders. Please answer any questions the defendant may have for you.

[19-20]

Cross-Examination By Dr. Faltas:

[21-22] Q. Do you know that many police officers and sheriff's deputies do off-duty work?

A. I'm aware that is available, yes.

124 Q. Have you done any off-duty work?

A. I have from time to time.

125 Q. Like a security guard in a store?

126 A. Yes.

127 Q. In Food Lion in particular?

128 A. Yes.

129 Q. In the Food Lion in particular where John Mitchell Jones is a store manager?

130 A. No.

131 Q. Do you know a John Mitchell Jones?

132 A. If he's your neighbor, I met him on occasion, yes.

133 Q. And what was the occasion?

134 A. It was the grand opening of Food Lion, 2900 Leesburg, I think in October.

135 Q. Can you speak up a little, please?

136 A. Sure.

137 Q. And why were you invited there?

138 A. The store invited the police department, and my captain wanted me to go to represent the police department.

139 Q. Did you -- was there a time when I saw you and you recognized each other by name?

140 A. He recognized me. I didn't recognize him immediately.

141 Q. Were there favors or anything given during that grand opening?

142 A. They gave the police department a fruit basket.

143 Q. A fruit basket?

144 A. Yes.

145 Q. You got a fruit basket from them?

146 A. The police department got a fruit basket.

147 Q. Did you eat any of it?

148 A. I don't believe I did. I left it for the other officers.

149 Q. And did you seek employment -- I'm sorry, I think I did ask you, **You did work as a security guard off-duty for some stores.**

150 A. **Yes, not that store though.**

151 Q. Yeah. And are you still doing that?

152 A. No, I haven't done that for quite sometime.

153 Q. Are any of your subordinates doing that?

154 A. No.

155 Q. Okay. When you were in the police department, you have a bit of a disciplinary record. You had some problems controlling your car?

156 Ms. Weiss: Objection

157 The Court: Objection is sustained.

158 Dr. Faltas: In 2001 did you have several incidents--

159 Ms. Weiss: Objection.

160 The Court: I have to hear the question.

161 Dr. Faltas: In 2001 did you have several incidents where you had accidents or damage to the police car you were driving?

162 Ms. Weiss: Objection

163 The Court: The objection is overruled.

164 By Dr. Faltas: Q. Please answer

165 A. I believe I did have an accident in 2002. I can't remember the exact year. I know I had one in or two in 2001.

166 Q. More like five?

167 A. **No, not five. I had a total of three.**

168 Q. Okay. Do you recall the first time you met me?

169 A. Not specifically, no.

170 Q. Isn't it true that I had come to the south region and told you that as I was trying to get my mail from my mailbox---

171 Ms. Weiss: Objection

172 The Court: The objection is sustained.

173 By Dr. Faltas: Q. Do you recall on the last day of September 2009 I came to the south region?

174 A. I believe that was October. I didn't return to the south region until October. So, no, not September.

175 Q. No? On September 30th, 2009, did you have evening duty in the south region?

176 A. No, ma'am.

177 Q. Do you recall my coming to the south region office and asking you to follow me because---

178 Ms. Weiss: Objection, Your Honor

179 Dr. Faltas: I haven't finished the question, Your Honor.

180 The Court: What's the question?

181 By Dr. Faltas: Q. Do you recall my coming to the south region and asking you to follow me because I was afraid to get out of my car because someone had thrown rocks at me?

182 A. **Yes, I remember that.**

183 Q. And did you follow me?

184 A. I believe I did.

185 Q. And did I show you the area?

186 A. Yes, you did.

187 Q. And did I show you that I was trying to get my mail from my mailbox, but Teresa Ingram threw rocks at my car?

188 A. You explained that, but I didn't see anything.

[16-17] Q. Of course. You weren't there when it had happened. Isn't that correct?

[18] A. That is correct.

[19-20] Q. And then you tried to speak with her. Isn't that correct?

[21-22] A. I went over to her apartment to make contact. I tried, yes.

[23] Q. And she was not there. Isn't that correct?

[24] A. That is correct.

[25] Q. And then the next day you came. Isn't that correct?

[page 545, line 1] A. Yes, to follow up.

[2-3] Q. Yes. And that is the conversation about which you testified a little while ago. Isn't that correct?

[4] A. That's one of the occasions, yes.

[5] Q. That was the first occasion, wasn't it?

[6] A. Yes, it was.

[7-9] Q. Okay. And is there anything wrong with somebody in the community reporting something that may be suspicious or drug activity or prostitution or anything?

[10] A. No. That happens normally.

[11] Q. And isn't that what you encourage in community policing?

[12] A. That is a factor, yes.

[13-14] Q. And, in fact, you claim that you told me this is defamation and slander. Didn't you just testify to that?

[15] A. That's what I testified to, yes.

[16] Q. Okay. Are you a lawyer?

[17] A. No, but obviously I have to be familiar with the law.

[18-19] Q. You do? You are familiar with the law enough to give legal opinion as to what constitutes defamation and slander?

[20] A. I didn't give the opinion.

[21] Q. What did you say?

[22-23] A. I said that it was against the law and you should not do that.

[24] Q. What is against the law?

[25] A. Defamation and slander.

[page 546, line 1] Q. How did you know it was defamation and slander?

[2] A. Because you were calling her a prostitute without proof.

[3] Q. What?

[4] A. Because you were---

[5] Ms. Weiss: Objection, Your Honor

[6] The Witness: ---calling her a prostitute without proof.

[7-10] By Dr. Faltas: Q. Without proof, huh? Didn't you know that defamation and slander has to be false and that's a civil matter, not a legal matter, not a criminal matter?

[11] A. But it's still against the law civilly.

[12-13] Q. So you were opining on civil law even though you are not trained in civil law and you're not a lawyer.

[14] Ms. Weiss: Objection.

[15] The Court: The objection is sustained.

[16-18] By Dr. Faltas: Q. And yet when she claimed that I threw rocks at her you took a report. Isn't that correct?

[19] A. No, I took no report from her.

[20] Q. Never? Never took a report from her?

[21] A. No, I haven't.

[22-23] Q. Okay. Did I show you pictures of an inordinate number of males coming to her apartment and going?

[24] A. Yes, you showed me several pictures.

[25 to page 547, line 1] Q. Okay. And had you already been told about -- by someone else not to follow up on what I was saying to you?

[2-3] A. No, no one gave me any specific instructions concerning...

[4-6] Q. In fact, did I not wait in -- that first time, did you not make me wait in the south region while someone was whispering in your ears?

[7] A. I don't recall that exactly.

[8-10] Q. Okay. And then when you came did you find out that, in fact, Ms. Ingram's building is closer to the exit which is closer to Gamers Ferry Road?

[11] A. Correct.

[12-14] Q. And one of my complaints was that she was choosing to make a detour in front of my building and shout obscenities at me and flip me a finger while she was doing that?

[15] Ms. Weiss: Objection

[16] The Court: The objection is sustained

[17-20] By Dr. Faltas: Q. Did I -- did you testify that I complained? In fact, weren't your exact words in response to Ms. Weiss's question, "Some may have been exiting the drive the side of the 304?"

[21] A. That's what I testified to, yes.

[22-23] Q. So I had complained to you about that and that made -- that was intimidating me?

[24] Ms. Weiss: Objection, Your Honor.

[25] The Court: The objection is sustained.

[page 548, lines 1-2] By Dr. Faltas: Q. Is there prostitution in Columbia?

[3] A. I'm sure there is.

[4] Q. Have you ever arrested people for prostitution?

[5] A. Yes, I have.

[6-7] Q. Has there been a recent incident where the Columbia Police Department let somebody go—

[8] Ms. Wells: Objection

[9] The Court: Objection is sustained

[10-12] Dr. Faltas: After that, did I call you and show you a letter where my landlord and landlady were threatening to tow my own car?

[13] Ms. Wells: Objection

[14] The Court: The objection is sustained

[15] Dr. Faltas: Now, why is that, Your Honor?

[16] The Court: Next question

[17-19] By Dr. Faltas: Q. You testified that you had calls from me. Isn't that correct?

[20] A. That is correct.

[21-23] Q. Only this one of them was about Teresa Ingram and, in fact, it wasn't a call. I had come to the south region office. Isn't that correct?

[24] A. On the first occasion.

[25 to page 549, lines 1] Q. And were any other calls about Teresa Ingram or about my landlady and my landlord?

[2-4] A. Initially they ended up being about the issues with your landlord and landlady, but somehow the accusations about Ms. Ingram came into the conversation somehow.

[5-6] Q. And what were the issues with my landlady and my landlord?

[7] Ms. Wells: Objection

[8] The Court: Overruled.

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

[10] The Court: No need to thank the court.

[11-13] The Witness: From what you stated, they were restricting you from your legal rights or whatever in connection with your---

[14-15] By Dr. Faltas: Q. Speak up, please.

[16-18] A. According to you, you were stating that they were restricting you from legally occupying your apartment and restricting you since you were paying rent and you were a tenant there.

[20-22] Q. Did I not show you a letter saying that I cannot park my car in the parking lot and I need to park them on my land? Otherwise, they will tow them?

[23] Ms. Wells: Objection.

[24] The Court: Overruled.

[25 to page 550, line 3] The Witness: I did see such a letter stating that because of the incidents between you and your neighbors that you needed to park your car on your property to prevent further incidents or altercations.

[4-5] By Dr. Faltas: Q. Did the letter not say that they will tow my cars?

[6] A. If you do not comply, that's correct.

[7] Q. And did you see my land?

[8] A. Yes.

[9] Q. I showed it to you. Isn't that correct?

[10] A. That's correct.

[11-13] Q. And I showed you the sewer clean-out and the sewer -- the -- how the sewer lines are running on my land. Isn't that correct?

[14-15] A. You showed me some sketches, but I don't know that for sure.

[16-17] Q. Did I also show you on the ground the clean-outs from in front of the buildings and the ones on my land?

[18] A. Yes, you did.

[19-20] Q. Okay. And did I explain to you that they are running on my land and that is the origin of the issue?

[21] A. That's what you stated.

[22-23] Q. Yes. And then my land doesn't have a driveway. Isn't that correct? It's not divided.

[24] A. It's not a prepared driveway, no.

[25 to page 551, line 1] Q. Yeah. And isn't there an ordinance in Columbia that criminalizes people who park on the grass?

[2-3] A. Unprepared surfaces. That's the -- that's the ordinance.

[4-6] Q. So if I were to do what the letter told me to do, I would be violating the law, at least the ordinance. Isn't that correct?

[7] A. I guess it depends on how you parked your vehicle, yes.

[8-9] Q. Okay. And I explained to you that I would like you to protect me from them towing my vehicle. Isn't that correct?

[10] A. That's correct.

[11-12] Q. And did you think that since I live there and pay rent there I have the right to park my vehicle there?

[13] The Court: Objection is sustained

[14-15] Dr. Faltas: Were there times when I called you because they had a big truck there with a trailer?

[16] Ms. Wells: Objection

[17] The Court: Sustained

[18-20] By Dr. Faltas: Q. You say about 20 times. Do you recall what the 20 times were about?

[21-22] A. It was various reasons, complaints about your neighbors, the landlord. It just depends.

[23-24] Q. Were there complaints about the landlord taking signs from my door?

[25] A. One of those or I think two or three of those, yes.

[page 552, lines 1-3] Q. And at one time at least was I very concerned because they had -- the landlord was there with a truck and I was afraid they were going to tow my car with their truck?

[4] Ms. Wells: Objection.

[6] ~~The Court~~ Objection is sustained.

[6-8] By Dr. Faltas: Q. Can you tell us what you remember about my concerns as far as the threats to tow my cars?

[9-11] A. As far as I understood, none of those threats were followed through. I explained to you that was a civil matter and you need to follow up with the magistrate's court.

[12-14] Q. So you told me that the police department will do nothing for me if they start to tow my car and that I would only have to sue them afterwards.

[15] Ms. Weiss: Objection.

[16] ~~The Court~~ The objection is sustained

[17-18] Dr. Faltas: Is that what you just testified that you told me?

[19] Ms. Weiss: Objection.

[20] ~~The Court~~ The objection sustained

[21-24] By Dr. Faltas: Q. Did I one time ask you to go back and see that an outdoor electric extension was used to run the fountain while the resident was not there?

[25] A. Yes, you complained about that as well.

[page 553 lines 1-2] Q. And did I tell you that the fire department said that that was--

[3] Ms. Weiss: Objection

[4] Dr. Faltas: --a hazard?

[5] ~~The Court~~ Objection is sustained

[6-7] Dr. Faltas: Are you aware that there are outdoor electric extensions and indoor electric extensions?

[8] Ms. Weiss: Objection

[9] ~~The Court~~ Sustained

[10-11] Dr. Faltas: As a law enforcement person, do you know that certain extensions should not be used outdoors?

[12] Ms. Weiss: Objection.

[13] ~~The Court~~ Objection is sustained.

[14-18] By Dr. Faltas: Q. Did there come one time where you in your own handwriting told me that if I needed to go back to my apartment I should call dispatch and write the dispatch phone number for me?

[19-20] A. If you asked for the number, I believe I did give it to you.

[21-22] Q. Yes. And were you aware that when I called dispatch after that, instead of coming to escort me to my apartment---

[23] Ms. Weiss: Objection, Your Honor

[24] Dr. Faltas: ---they arrested me?

[25] ~~The Court~~ Objection is sustained.

[page 554, lines 1-5] Dr. Faltas: Do you recall my telling you that I feel it's a civil rights issue what they are doing to me, and you said that you're offended that I would use the word civil rights because your race is African-American and it's not the same thing?

[6] Ms. Weiss: Objection

[7] ~~The Court~~ The objection is overruled

[8-11] The Witness: I responded that your comment and your comparison was not the same, and it was offensive that you were comparing the civil rights issue to this situation you were going through with your landlord and your tenants.

[12-13] By Dr. Faltas: Q. Why was it offensive to you?

[14-15] A. Because I think it's not in terms of comparison the circumstances nor the repercussions of what happened.

[16] Q. Really?

[17] Ms. Weiss: Objection, Your Honor

[18] ~~The Court~~ Sustained

[19-22] Dr. Faltas: Did you, in fact, personally observe that the motor pump was running on the fish pond in the back of my building when there was no -- the tenant in apartment 1 was not present?

[23] Ms. Weiss: Objection.

[24] ~~The Court~~ Sustained.

[25] Dr. Faltas: That's all.

[page 555, line 1] ~~The Court~~ All right. You may step down, sir.

[2] The Witness: Thank you.

[3] Ms. Weiss: May Sergeant Sanders be excused?

[4] ~~The Court~~ Yes

[5] Ms. Weiss: Thank you.

[6] ~~The Court~~ From the State?

[7] Ms. Weiss: Your Honor, at this time the State rests.

[8-10] (Court reporter's note: This concludes the testimony of witnesses put forth by the State. The testimony put forth by the defense is as follows:)

[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. [1] 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

[Transcript A, page 2, line 1] Ms. Weiss: Your Honor, at this time the State rests.

[2-4] The Court: All right. Ladies and gentlemen, the State has rested. I'll send you to the jury room for a short moment as we prepare for the defense.

[5-6] (Whereupon, the jury was excused from open court at 4:49 p.m.)

[7-9] Dr. Faltas: If it pleases the Court, at this time I would like to make a motion for a directed verdict, and may I briefly give the basis for that, Your Honor?

[10] The Court: Okay * * * * [page 12, lines 14-19] I further find that the statute is constitutionally sound in that it adequately puts a reasonable person on notice that the conduct that they are engaged in is unwanted and prohibited. Ignorance of the law is no excuse, and I deny the motion to dismiss based on constitutional grounds. Ready for the defense.

[20] Dr. Faltas: Your Honor---

[21] The Court: Who will your first witness be?

[22] Dr. Faltas: I wish to call Corey Curry, Your Honor.

[23] The Court: All right.

[24 to page 13, line 4] Ms. Weiss: Your Honor, to the best of my knowledge, he's not here this afternoon. I think Your Honor said in the alternative 9:30 in the morning. He was at work, so I believe he had indicated he will try to be here at 9:30. However, she has Dinah Steele-Mason, Larry Mason, and Mitch Jones all waiting outside for the defense.

[5-6] The Court: All right. That witness can't be called first; he's not here. Who would you like to call first?

[7-8] Dr. Faltas: May I call Dinah Steele, please, Your Honor?

[9-10] The Court: Yes. All right. We'll take about a three-minute break and then bring that witness in.

[11] (Whereupon, a short break was taken.)

[12] The Court: All right. Where is the first witness?

[13-14] Ms. Weiss: Did you say where is she, Your Honor? She is out here.

[15-16] The Court: Then she needs to come in. You can bring the jury.

[17-18] (Whereupon, the jury was brought into open court at 5:18 p.m.)

[19-21] The Court: Ladies and gentlemen, you've heard the State's case. Now it's the defense's turn. Your first witness.

[22-23] Dr. Faltas: Your Honor, may I ask that she be declared a hostile witness?

[24] [Transcript B page 555, line 11] The Court: Call your first witness, please.

[Tr. A 25 to page 14, line 1] [Tr. B 12-13] Dr. Faltas: I call Dinah Steele, and may I ask the Court to declare her a hostile witness?

[Tr. A 2-3] [Tr. B 14-15] The Court: Witnesses -- there's no need to declare a witness hostile.

[16] Dr. Faltas: All right.

[17] The Court: Under the rules of evidence.

[18] Dr. Faltas: Sorry?

[19-20] The Court: Under the rules of evidence there's no need to have a witness declared hostile.

[21-22] Dinah Steele-Mason, after being duly sworn, testified as follows:

[23-24] The Clerk: Have a seat in the witness stand, please, and give the court reporter your name.

[25] The Witness: Dinah Steele-Mason.

[page 556, lines 1-2] Dr. Faltas: Your Honor, may I ask that she show Your Honor identification?

[3] The Court: No.

[4-5] Direct Examination By Dr. Faltas:

[6] Q. Ma'am, have you ever had a name change?

[7] A. A name change?

[8] Q. Uh-huh.

[9] A. I have identification of---

[10-11] Q. That wasn't my question. Did you ever have a formal name change?

[12-15] A. I'm not sure how I can answer that question. I am my husband's dependent and I have a federal I.D. that says Dinah Steele-Mason. I do use both names - Dinah Steele - for my work.

[16] Q. Do you file income tax?

[17] A. I do.

[18] Q. Did you file as single?

[19] A. Yeah.

[20] **Q.** So you file as single.

[21] **A.** Yeah, Dinah Steele. I filed single, yes.

[22] **Q.** And do you also have a Facebook page?

[23-24] **A.** I don't -- I don't remember whether or not if it was Facebook or not.

[25] **Q.** And do you list yourself as single on that page?

[page 557, lines 1-2] **A.** When that page was created, it automatically made me single.

[3] **Q.** Were you, in fact, ever married to Larry Mason?

[4] **A.** I am married to Larry Mason.

[5] **Q.** When did you get married?

[6] **A.** In 2005.

[7] **Q.** Did you ever have a marriage license?

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

[9] **Q.** Issued from where?

[10] **A.** Las Vegas.

[11] **Q.** Okay. How many times was Larry Mason married before?

[12] **Ms. Weiss:** Objection.

[13] **The Court:** Objection is sustained.

[14-15] **By Dr. Faltas:** **Q.** So you were married in Las Vegas?

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

[17] **Q.** Do you have a marriage license from Nevada?

[18-19] **A.** I do have a marriage license from Las Vegas. I don't have it here with me.

[20] **Q.** Could we see your marriage--

[21] **Ms. Weiss:** Objection.

[22] **The Witness:** I just told you I don't have...

[23] **The Court:** Objection is sustained.

[24-25] **By Dr. Faltas:** **Q.** Do you have a lawyer called Andrew Delaney?

[page 558, line 1] **A.** Yes.

[2] **Q.** J. Andrew Delaney?

[3] **A.** Yes.

[4] **Q.** Did he give you an order by the Honorable Judge Lee?

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

[6] **The Court:** Objection is sustained.

[7-9] **Dr. Faltas:** Were you made aware that a judge in Richland County circuit court entered a preliminary injunction?

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

[11] **The Court:** The objection is sustained.

[12-13] **By Dr. Faltas:** **Q.** Are you a defendant in a lawsuit I brought against you?

[14] **A.** Yes.

[15-16] **Q.** Does that lawsuit allege that you charge me more rent than the others?

[17] **A.** It does.

[18] **Q.** And what is my current rent?

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

[20] **The Court:** Objection is sustained.

[21-22] **Dr. Faltas:** Do you, in fact, charge me more rent than the other tenants?

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

[24] **The Court:** I overrule the objection.

[25] **Dr. Faltas:** Sorry?

[page 559, lines 1-2] **The Court:** Overrule the objection. You may answer, ma'am.

[4-5] **The Witness:** We have two apartments that are being rented for 550, and yours is one of them.

[6-7] **By Dr. Faltas:** **Q.** And the other six apartments are rented for less than 550.

[8] **A.** That's correct.

[9-10] **Q.** And is there a current apartment -- the other apartment that was rented for 550 was rented to a Chinese resident.

[11] **A.** Yes.

[12] **Q.** A Chinese tenant.

[13] **A.** Yes.

[14] **Q.** Isn't that correct?

[15] **A.** Yes.

[16-17] **Q.** No foreign-born tenant is charged -- no American-born tenant in your eight apartments is...

[18] **A.** It wasn't based on that. It was based on---

[19] **Q.** I asked you---

[20] **A.** ---the fact that we went up on the rent--

[21] **Q.** Your Honor---

[22] **A.** I would like to explain my answer.

[23] **Q.** Well, could she answer first?

[24-25] **The Court:** She can explain the previous answer and continue.

[page 560, lines 1-6] **The Witness:** Okay. We renovated the apartments, and the ones that are rented at a lower rent, they've never become vacant and they were never renovated. So as the apartments came available, we renovated them. We put them on fair market value and then, you know, rented them for that. A previous renter that rented your apartment also paid 550.

[7-9] **By Dr. Faltas:** *Q. Isn't it true that the previous renter previous to me was Larry Mason's son and paid nothing at all?*

[10] **A.** No, it was a female black renter.

[11] **Q.** You have no proof that she paid 550, do you?

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

[13] **The Court:** All right. The objection is sustained.

[14-15] **By Dr. Faltas:** *Q. Did you file income tax for the year 2008?*

[16] **A.** I always pay. I always file.

[17] **The Court:** The objection is sustained.

[18-19] **By Dr. Faltas:** *Q. Did you state in it that your rental income was \$37,000?*

[20] **A.** Yes.

[21] **Ms. Weiss:** Objection.

[22-23] **The Court:** Objection sustained. You don't have to answer any questions about your income taxes, ma'am.

[24] **The Witness:** Okay. Thank you, sir.

[25 to page 561, line 3] **Dr. Faltas:** *Your Honor, the reason that I'm talking about this is that it's impossible for the other tenants' rent to be as high as mine given what she reported on her income.*

[4] **The Court:** All right. The objection is sustained.

[5-7] **By Dr. Faltas:** *Q. Did you bring a temporary restraining order action against me in magistrate's court? Do you recall that?*

[8] **A.** A temporary restraining order?

[9] **Q.** Uh-huh. Action against me in magistrate's court.

[10] **A.** Yes.

[11] **Q.** And---

[12] **A.** There's four of them against you.

[13-16] **Q.** And do you recall having been asked whether you think you can use my land and keep your sewer lines on my land even though I don't want them there and you said that you do want them---

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

[18] **The Court:** Sustained.

[19-21] **By Dr. Faltas:** *Q. Did you accuse me to many people of being an illegal alien?*

[22] **A.** No.

[23-24] **Q.** Did you write to many congressmen and senators that I am an illegal alien?

[25 to page 562, line 13] **A.** My husband, we -- my husband and I wrote several senators and congressmen because originally when you signed your lease and I asked you whether or not you were a legal citizen, you said, yes, that you were. Then later after we evicted you and we started having all the harassment, we -- and you sued me, we Googled your name and it came up that you had been ordered deported two or three times. [1] Now, under South Carolina law it is illegal for me to rent to an illegal alien. If you had been ordered deported, that means you're not a citizen. So we called the I.N.S. They won't give us any information. So we called -- we didn't call. We wrote between 12 and 16 letters to senators, congressmen, and representatives so that we could get information, which we did not get any information.

[14] **Q.** Do you know Amanda Blanton who is sitting there?

[15] **A.** Who is that?

[16] **Q.** Amanda Blanton who is sitting there?

[17] **A.** Detective Blanton, yes.

[18] **Q.** Did you ask her to investigate my case?

[19 to page 563, line 4] **A.** No, I -- we got a phone call, and I don't remember when it was. I didn't actually take the phone

call. Larry got the phone call saying that we had -- were supposed to have an appointment with Detective Blanton, and we went down there and she asked us about the problems that we were having at the apartment complex. Literally, I was afraid that they were going to shut my complex down because the police had been called so many times, sometimes as many as three times a day because of your conduct. So I was worried that they were going to shut my apartment complex down. And so she just asked me questions about the harassment that we had endured.

[5-6] **Q.** Did she never tell you that she found out that, in fact ---

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

[8-9] **The Court:** Objection is sustained. You can't testify, ma'am.

[10-13] **By Dr. Faltas:** **Q.** Did she at any time tell you that she found out that I've had a green card since 2005 during the appeal process of those deportation orders?

[14] **A.** I don't -- I don't recall that.

[15-17] **Q.** All right. Did you, in fact, try to write to Senator Lindsey Graham and he wrote to you back that he will report to the department---

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

[18] **Dr. Faltas:** Did you write.

[20-21] **The Court:** Let me hear the rest of the question. Go ahead, ma'am.

[22-25] **By Dr. Faltas:** **Q.** Did you write to Senator Lindsey Graham and he wrote back to you that he forwarded your concern to the Department of Motor Vehicles?

[page 564, lines 1-2] **A.** No, I don't recall that either, not from Mr. Lindsey Graham. I don't recall that.

[3-4] **Dr. Faltas:** Your Honor, may I -- may I present an exhibit?

[5] **The Court:** She's on the witness stand

[6] **Dr. Faltas:** Sir?

[7-8] **The Court:** She's on the witness stand. It's your witness.

[9] **Dr. Faltas:** May I mark them for identification, please?

[10] **The Court:** If it's something that she can identify.

[11] **Dr. Faltas:** Pardon?

[12] **The Court:** If it's something that she can identify.

[13] **Dr. Faltas:** Beg your pardon?

[14-15] **The Court:** If it's something the witness can identify, ma'am.

[16] **Dr. Faltas:** Well, I---

[17] **The Court:** Hand it to the witness.

[18-19] **By Dr. Faltas:** **Q.** Did you receive those letters?

[20-21] **A.** This is from City Attorney Gaines and the United States Senator Jim DeMint. Your question was about Lindsey Graham.

[22] **Q.** Yes, ma'am. But did you receive those?

[23] **A.** I believe so.

[24-25] **Dr. Faltas:** Okay. And may they be admitted into evidence, Your Honor?

[page 565, line 1] **Ms. Weiss:** Objection.

[2] **The Court:** The objection is sustained.

[3-5] **By Dr. Faltas:** **Q.** Did you call the person that Ms. -- that Senator DeMint told you to call?

[6] **A.** I did not.

[7] **Q.** Is this my lease?

[8] **A.** Yes, it is.

[9-10] **Q.** Does it say that I cannot have anybody else in my apartment except with written permission from you?

[11] **A.** Yes, it does.

[12] **Q.** Do the other tenants' leases say that?

[13] **A.** There's one that doesn't.

[14] **Q.** Who doesn't -- whose doesn't?

[15-16] **A.** Charlene. Charlene's lease doesn't. She had a different lease.

[17-18] **Q.** And does Teresa Ingram's lease say that she has to have written permission from you before?

[19] **A.** It does.

[20-21] **Q.** Did you ever give Teresa Ingram written permission to have anybody other than she spend the night in her apartment?

[22-23] **A.** I did. She called me and asked, and I did give her permission.

[24] **Q.** So it was oral, not written?

[25] **A.** Yes, it was.

[page 566, line 1] **Q.** For how many persons and how many---

[2] **Ms. Weiss:** Objection

[3] **The Court:** Objection is sustained.

[14-5] **Dr. Faltas:** Can this lease be admitted into evidence, Your Honor?

[16] **Ms. Weiss:** Objection.

[17] **The Court:** The objection is sustained.

[18-9] **By Dr. Faltas:** Q. Is that your car in those pictures?

[10-19] **A.** Yes, it is. This is when you -- you tried to block me in. I was leaving the apartment complex and pulled out of the parking space and headed towards a particular -- we have two exits or two entrances, and as soon as I got almost there, you pulled your vehicle -- you had been sitting in your car, and you pulled your vehicle right in front of mine. And I honked my horn, and you started taking these photographs of me. I honked my horn again, and you refused to move your vehicle. I would not get out of my vehicle because I didn't know what you were going to do.

[20] **Q.** And then what happened?

[21-23] **A.** I called my husband and asked him if he thought I should just go ahead and call the police and he said, "Just let it go. Just let it go."

[24] **Q.** What happened? How did you get out?

[25] **A.** I backed back -- back out and went the other way.

[page 567, line 1] **Q.** Went out from the other exit.

[2-6] **A.** From the other exit which you totally blocked the exit in which it was very apparent that I was trying to leave through because if I had pulled out into the other exit, I would have been backing out into the traffic instead of pulling front ways.

[7] **Q.** No, that's not correct.

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

[9] **The Court:** The objection is sustained.

[10-11] **Dr. Faltas:** May I mark this as an exhibit, please? May I---

[12] **The Court:** Any objection by the State?

[13-14] **Ms. Weiss:** May I see what it is? No objection, Your Honor.

[15-16] **The Court:** It's admitted without objection.

(Defendant's exhibit 12 was received in evidence.)

[17-19] **By Dr. Faltas:** Q. Defendant's exhibit 12, does it not show in this picture that you're perfectly able to go out the other exit?

[20-21] **A.** You can go out either exit, but my point was and I would like---

[22] **Q.** No, but you---

[23 to page 568, line 4] **A.** No, I'd like to finish, please. I backed out of the parking space, and if I had continued to back out, I would have backed out into traffic. So, instead, we have basically like a circular drive. So I backed out. I pulled forward to go so that I would be going out with my car pointed forward instead of backing out into the traffic, and you blocked my exit. We had had--

(Dr. Faltas begins playing a tape.)

[5]

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

[7-12] **The Court:** All right. The objection is sustained, and we're not entertaining any further questions concerning any harassment, an allegation between you and this witness. The victim in the case at bar is Ms. Ingram. Anything not pertaining to that case will not be entertained by the Court. Any further questions of this witness?

[13-14] **Dr. Faltas:** Yes, Your Honor I'm sorry. I need to catch my breath for a minute, please May I?

[15] **The Court:** You need to catch your breath for a moment?

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

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

[18-20] **By Dr. Faltas:** Q. Did you change the lock on the security lock on the building 300 where Ms. Ingram lives?

[21] **A.** Yes.

[22] **Q.** Why did you do that?

[23 to page 569, line 7] **A.** One of the other renters we affectionately call Mr. Charlie had complained that the other door lock was not locking properly. These are combination door locks, and when you shut the door it automatically locks. So you are secure when you get into the building and then it automatically locks so no one else who doesn't live in the building can't get in there, and he said that it was not locking properly. I went over there and tried to fix it, and I could not fix it. So I replaced it with a new locking system, with a new combination.

[8-9] **Q.** Did it have anything to do with the fact that Ms. Ingram's ex-boyfriend had threatened to kill her?

[10] **Ms. Weiss:** Objection. Leading.

[11] **The Court:** Objection sustained.

[12-13] **Dr. Faltas:** Did you have any knowledge, any report from Ms. Ingram, that her ex-boyfriend--

[14] **Ms. Weiss:** Objection.

[15] **The Court:** The objection is sustained.

[16-18] **By Dr. Faltas:** Q. Were you requested to change the security code by Ms. Ingram?

[19-20] **A.** No. Again, the lock and the combination to that door was changed when a new lock went on to the door.

[21] **Q.** And when did that happen?

[22-23] A. I don't -- I don't remember the date; I'm sorry. It was -- to me it was just maintenance, so ..

[24] Q. Are you telling this jury that Ms. Ingram never--

[25] Ms. Weiss: Objection, Your Honor.

[page 570, lines 1-2] Dr. Faltas: That she never wanted to change the -- the combination on the door?

[3] The Court: The objection is overruled.

[4-7] By Dr. Faltas: Q. Please answer the question. Are you telling this jury that Ms. Ingram never requested you to change the combination on the security--

[8] A. Mr. Charlie asked me.

[9] Q. I didn't ask about Mr. Charlie.

[10] A. Well, that's what I'm telling you is, you know...

[11] Q. Did Ms. Ingram ever ask you?

[12-13] A. No. I don't recall that. Again, the lock was changed because it would not -- it wasn't working properly.

[14-16] Q. Do you recall telling me one day when I saw you there changing the lock that you were changing the lock because Ms. Ingram had asked you to because of her ex-boyfriend?

[17] A. No. I don't recall that.

[18-19] Q. All right. Do you recall having questioned whether my mother is dead or alive?

[20] Ms. Weiss: Objection.

[21] The Court: Sustained.

[22-23] Dr. Faltas: Do you recall ever having made the statement that you want to keep your sewer lines on my land?

[24] Ms. Weiss: Objection.

[25] The Court: Sustained.

[page 571, lines 1-3] By Dr. Faltas: Q. Do you recall ever having made a statement that you want me deported?

[4] A. No, ma'am, I don't recall making that statement.

[5-6] Dr. Faltas: Your Honor, may I impeach her with her tape, please?

[7] The Court: You may proceed as you desire.

[8] Dr. Faltas: Thank you.

[9-10] By Dr. Faltas: Q. Do you recall having given sworn testimony?

[11] A. I do. I don't recall that.

[12-13] Q. Well, may I play it and ask if you recognize that's your voice? (Dr. Faltas plays a tape.) Is that your voice?

[14] A. Yes.

[15-16] Dr. Faltas: Okay. May I put it closer to the jury, Your Honor?

[17-18] The Court: Just proceed, ma'am. It sounds plenty loud to me. Just play the tape.

[19] (Dr. Faltas plays a tape.)

[20] Ms. Weiss: Objection, Your Honor.

[21-22] The Court: The objection is sustained. I'm not just going to let you play a tape and... Turn it off.

[23-24] Dr. Faltas: I'm sorry. Do I need to put it forward to another?

[25 to page 572, line 2] The Court: I don't know. You're just talking about parallel parking in a parking lot. You said you had something that you wanted to---

[3] Dr. Faltas: Okay.

[4] The Court: ---play.

[5] Dr. Faltas: I have---

[6] The Court: Well, get to it.

[7] Dr. Faltas: Sorry, sir.

[8] (Dr. Faltas plays a tape.)

[9-11] The Court: Ma'am, have you ever expressed an interest in having her deported or thinking she should be deported or wanting her to be deported?

[12] Dr. Faltas: Can you please answer his...

[13-15] The Court: Have you ever expressed an interest in having her deported or wanting her to be deported or thinking she should be deported?

[16] (Dr. Faltas begins playing a tape.)

[17] Dr. Faltas: Can we play -- I'm sorry.

[18] The Witness: Sir?

[19-21] The Court: Have you ever expressed an interest in wanting to have her deported, hoping she would be deported, desiring her to be deported?

[22 to page 573, line 5] The Witness: What we wanted was information, and I.N.S. would not give us any information. And again she -- when she signed the lease, I asked her whether or not she was a United States citizen and she said that she was, and then we looked it up on the internet where she had been, you know, deported. So we called the I.N.S. trying to get information about it because it is unlawful for me to rent to an illegal alien, and, again, you know, if she's been ordered deported and you -- I mean, you can't be a legal citizen...

[6-8] **The Court:** But have you ever expressed either to her or to a police officer or to anyone else your hope or desire that she be deported?

[9] **The Witness:** I don't recall that.

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

[11] **Dr. Faltas:** Well, that's why I was trying to--

[12-16] **The Court:** She doesn't recall it. Even if you play it, she doesn't record it -- she doesn't recall it. Do you have a specific date and time that she told someone that? If so, ask her that specific question. You might refresh her recollection.

[17-19] **Dr. Faltas:** I mean, yes, Your Honor. Part of the tapes says that she -- that they wrote to 16 congressmen and senators...

[20-22] **The Court:** Well, do you have a specific question that you want to ask her that relates to whatever you're trying to find on the tape?

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

[24] **The Court:** What is it? Dr. Faltas---

[25] **Dr. Faltas:** I'm sorry. I'm sorry. I---

[page 574, lines 1-2] **The Court:** What is it you want to know or remind her about based on what's on your tape?

[3] **Dr. Faltas:** All right. Could I show her this, please?

[4] **The Court:** Anything you would like.

[5] (Dr. Faltas hands a document to the witness.)

[6-8] **The Court:** What is that? Would you tell her what you're showing her? Do you know -- do you recognize that, ma'am?

[9] **The Witness:** Yes.

[10] **The Court:** What is it?

[11-12] **The Witness:** It's one of the letters that we sent to Joe Wilson.

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

[14-25] **The Witness:** And it says that, "I'm writing to you concerning a suspected illegal immigrant, Marie Faltas," and it goes on to stating about the hundreds of thousands of dollars that she's costing in frivolous lawsuits and complaints that's against citizens, mayors, police, zoning, city council, fire department, magistrates, judges, and making numerous fake 9-1-1 calls that creates volumes of manpower and countless paperwork. It is my understanding that she presently has 54 or more frivolous actions pending either in magistrate's court, city court, circuit court, creating that havoc in our judicial system. I mean, it just goes on about...

[page 575, lines 1-2] **By Dr. Faltas: Q. Would you please read the last part?**

[3-8] **A.** Let's see. Let's see here. "I find it ironic that an American born and raised in this country and af" -- this was my husband -- "and after serving proudly," referring to he's retired from the army, "that I am not allowed to know if this person is illegal" and that was talking about the fact that we couldn't get the information from the I.N.S.

[9-11] **Q. Ma'am, is it not capitalized -- "my question is: Why is this person still here? Why do we allow illegals into this country?"**

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

[13] **Dr. Faltas:** Does it say that or---

[14] **The Court:** The objection is overruled.

[15] **The Witness:** It does.

[16] **Dr. Faltas:** Your Honor, may I mark---

[17-21] **The Witness:** Because, again, we were -- we were trying to contact the I.N.S. We had already seen where you had been ordered deported, and our question was to these senators and congressmen is: If she's been ordered deported, why is she still here?

[22] **Dr. Faltas:** Your Honor---

[23] **The Witness:** I mean, it's a very valid question.

[24] **Dr. Faltas:** Your Honor, may I have it marked?

[25] **The Court:** For identification, yes.

[page 576, line 1] **Dr. Faltas:** May I move for it to be admitted, please?

[2] **Ms. Weiss:** Objection.

[3-7] **The Court:** The objection is sustained. The victim in this case is -- the alleged victim is not this witness but Ingram. Letters that this witness might be writing is not relevant to the harassment charge of the alleged victim Ingram.

[8-9] **Dr. Faltas:** Surely Your Honor cannot be oblivious to the fact that she engaged Ingram in that process.

[10-11] **The Court:** The jury is to disregard that comment. Next question for the witness.

[12-13] **Dr. Faltas:** So I'm waiting for it to be marked for identification.

[14] (Defendant's exhibit 13 was marked for identification.)

[15-18] **Dr. Faltas:** And you claim that you're very concerned about the law and about renting to illegal persons. You did not check before -- you did not check before renting to me, did you?

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

[20-21] **The Court:** The objection is overruled. Did you check before renting to her whether she was a legal--

[22 to page 577, line 1] **The Witness:** We did no background check. We had not done any -- I'm new to being a landlord and had not done any background checks. I wish that we had because we would have seen that you had been evicted numerous times from other apartment complexes.

[2] **Dr. Faltas:** Objection, Your Honor.

[3] **The Witness:** ---and I would have never rented to you.

[4] **Dr. Faltas:** Objection, Your Honor.

[5-6] **The Court:** All right. You have four more minutes with this witness.

[7-9] **By Dr. Faltas: Q.** In fact, did you not request my driver's license and did I not give it to you?

[10] **A.** Yes, you did.

[11] **Q.** Okay.

[12] **A.** That is something that I request.

[13-14] **Q.** Did you not -- did you not know that in South Carolina an illegal alien cannot get a driver's license?

[15] **A.** No.

[16-17] **Q.** You just checked after I sued you for the sewer lines. Isn't that correct?

[18] **A.** Say that again now. What's the question?

[19] **Q.** I said you began all of this after I sued you.

[20] **A.** All of what?

[21] **Q.** For housing.

[22] **A.** All of what?

[23-25] **Q.** All of trying to check my immigration status and my mother's Social Security and all of that after I sued you. Isn't that correct?

[page 578, lines 1-2] **A.** Yes. It was several months. We started Googling your name.

[3] **Q.** Yes.

[4-5] **A.** First I looked up in Richland Online which showed all the evictions and all of the lawsuits, and then later--

[6] **Q.** Okay.

[7-9] **A.** ---I just Googled your name and like hundreds of lawsuits kept coming up. It was just like pages and pages, like 20 pages worth on the internet of lawsuits.

[10-11] **Q.** Did you ever take Teresa Ingram with you to file for a restraining order against me?

[12] **A.** Yes.

[13] **Q.** Okay. Did you type things for her to sign?

[14] **A.** No, we did not.

[15-17] **Q.** Okay. Did you also pretend that there was an Alden Wheeler who tried to rent an apartment from you and I ran him off?

[18] **A.** Did you what now? Say that again.

[19-22] **Q.** Did you present to Investigator Blanton a letter signed by Rodney Ingram claiming that I signed -- that I sent him off, that I -- that he was -- that he came to see Teresa Ingram and I sent him off--

[23] **A.** Yes.

[24] **Q.** ---away?

[25] **A.** Yes.

[page 579, line 1] **Dr. Faltas:** May I?

[2] **The Court:** She says yes. No, you may not.

[3-4] **Dr. Faltas:** Could I -- could I pick up one that was admitted?

[5-7] **The Court:** No, she says she did. You can't impeach her with something she acknowledged that she did. Next question. You have two more minutes.

[8-9] **Dr. Faltas:** Your Honor, that's the one where he denied that that's his signature.

[10] **Ms. Weiss:** Objection.

[11] **The Court:** The objection is sustained.

[12] **Dr. Faltas:** I'm just asking is that the letter.

[13] **The Court:** Proceed with whatever you're doing.

[14-15] **By Dr. Faltas: Q.** Okay. Is that the letter?

[16] **A.** Yeah, that's the letter that we received.

[17] **Q.** All right. May it---

[18] **The Court:** You have one more minute.

[19] **Dr. Faltas:** May it be admitted?

[20] **Ms. Weiss:** Objection

[21] **The Court:** Objection is sustained.

[22-24] **By Dr. Faltas: Q. And is this a letter that you also gave Investigator Blanton?**

[25] **A.** Yeah, this was by Alden Wheeler.

[page 580, line 1] **Q.** And how do you know this Alden Wheeler?

[2] **A.** He called to see the apartment.

[3] **Q.** And you have never known him before?

[4] **A.** No.

[5] **The Court:** Final two questions

[6-8] **By Dr. Faltas: Q. Was he not, in fact, an employee of Larry Mason's detective agency?**

[9] **A.** Not to my knowledge.

[10] **The Court:** Last question.

[11-14] **By Dr. Faltas: Q. Did you testify in -- not testify but did you speak -- do you wish me to be deported and to leave South Carolina or to go to prison?**

[15] **A.** I just want you to leave me alone.

[16] **Q.** Okay.

[17-18] **The Court:** Last question, ma'am. Any question by the State?

[19-20] **Ms. Weiss:** Yes, Your Honor, very briefly. May I mark this State's exhibit 123?

[21] **The Court:** 123.

[22-23] **(State's exhibit 123 was marked for identification only.)**

[page 581, lines 1-2]

Cross-Examination By Ms. Weiss:

[3-4] **Q. I'm going to show you what's been marked as State's exhibit 123. Do you recognize these?**

[5 to page 582, line 4] **A.** [5-11] Yes, ma'am. These are all of the written warnings that we gave Marie Faltas. They were hand-delivered to her door by my husband, and then I believe almost 20 of them were by -- we sent them by certified mail. They're referring to her conduct, harassing the other tenants. This first one is about leaving the security door open which there was a security issue in her building. [12-23] There was a previous tenant that lived in the apartment next to her. She had come home, and there was an unidentified male in the corridor because someone had left the security door open, and I mean, it's a security issue. That's the reason why we have the locked doors. And so she called that night and she explained to me what had happened, and I said, "Are you all right?" It was like 10:00 at night when she had come home from work and she said -- I said, "Did anything happen?" And she said, "No. I just came in there and he was standing there," and I said -- she said, "You don't live here. You need to leave," and she was lucky he left. [24 to page 582, line 4] So that next day I put letters at everyone's door and stating it was a security issue, and Marie Faltas was the only one that called me within 30 minutes saying -- trying to come up with hundreds of reasons why the door needed to be left open, and I said, "Absolutely not. It is a security issue," and I did lose my temper with her---

[5-6] **Dr. Faltas:** Objection, Your Honor. This has nothing to do with Teresa Ingram.

[7] **The Court:** Objection is sustained.

[8] **The Witness:** They have other ones---

[9-10] **By Ms. Weiss: Q.** Okay. Many of those letters---

[11] **A.** Yes.

[12-13] **Q.** Many of those letters have to do with harassing and instructing Dr. Faltas to stop harassing tenants?

[14-15] **A.** Yeah, taking photographs of them, taking photographs of minor children that were coming to visit them.

[16-17] **Q.** And do these specifically relate to complaints from Teresa Ingram?

[18] **A.** Yes, Yes.

[19] **Q.** As well as other tenants?

[20] **A.** Yes.

[21-22] **Q.** And they specifically instruct Dr. Faltas to stop this behavior?

[23-24] **A.** Yeah, and it just increased. It didn't -- it didn't make any difference. She just -- it just escalated.

[25 to page 583, line 1] **Ms. Weiss:** Your Honor, at this time I'd like to enter State's exhibit 123 into evidence.

[2] **Dr. Faltas:** May I see it?

[3] **The Court:** Yes

[4-5] **Ms. Weiss:** Other than that, I don't have any other questions of this witness.

[6-8] **The Court:** While she's reviewing that, we'll have you step out for just a couple of minutes, and we'll be in recess for couple of minutes while she's reviewing that document.

[9-10]

(Whereupon, the jury was excused from open court at 6:02 p.m.)

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

[12] **Dr. Faltas:** Your Honor?

[13] **The Court:** Yes?

[14-19] **Dr. Faltas:** I object to them being together, *and I object to the first one because that's a fabrication.* I never received that first one, but I have no objections to the others except that they are self-serving. But in any event, if they are marked separately each one, *I would have no objection but not the first one.*

[20-21] **The Court:** All right. The entire document is admitted over objection.

[22] (State's exhibit 123 was received in evidence.)

[23 to page 584, line 1] **The Court:** All right. The State must show notice and that you've been warned, so forth and so on. It's relevant to that issue, and I overrule the objection. If you'll give the document to counsel

[2] **Dr. Faltas:** But, Your Honor---

[3] **The Court:** But you said you're through talking.

[4] **Dr. Faltas:** Yes, Your Honor.

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

[6] **Dr. Faltas:** But, Your Honor, that's self-serving.

[7-9] **The Court:** She's not a party to the case. It's not self-serving to the alleged -- to the victim, to the alleged victim. You can bring the jury.

[10] **Dr. Faltas:** So may I do redirect?

[11-12] **The Court:** Just ten minutes, no more than ten minutes solely on the issue -- issues contained in the exhibit.

[13-14] (Whereupon, the jury was brought into open court at 6:10 p.m.)

[15-16] **The Court:** The exhibit is admitted over objection. Redirect exam.

[17-18] Redirect Examination By Dr. Faltas:

[19-20] **Q.** Now, the fact that you write those things doesn't mean that they were true. It just means---

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

[22] **The Court:** I must hear the entire question.

[23-25] **Dr. Faltas:** Just because someone writes a letter saying that someone did something wrong doesn't mean it's true, does it?

[page 585, line 1] **The Court:** Objection is overruled. You may answer.

[2] **The Witness:** Can you repeat the question?

[3-5] **By Dr. Faltas: Q.** Just because someone writes that someone did something wrong does not mean that it is true, does it?

[6] **A.** No.

[7-9] **Q.** Okay. For example, just because you write me a letter saying that I blocked somebody in doesn't necessarily mean that I blocked somebody in. Isn't that so?

[10] **A.** The fact that you had blocked me in?

[11-12] **Q.** Okay. But isn't it true that you testified that you were just preferring to use the exit that's---

[13-14] **A.** No, that's not what I testified to. I testified to the fact that you blocked my exit.

[15] **Q.** Okay. Was there always another exit available to you?

[16] **A.** Yes.

[17] **Q.** All right.

[18-21] **A.** And, again, I explained that would make me backing out into the traffic, and I had already pulled around so that I could enter that road in a forward direction, and you deliberately pulled your car out.

[22] **Q.** But you could -- you could maneuver in the parking lot.

[23] **A.** And why did you do that, Marie?

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

[25 to page 586, line 2] **Dr. Faltas:** I am asking the questions. You could maneuver in the parking lot and go out forward from the other exit. Isn't that correct?

[3] **The Court:** The objection is sustained.

[4-7] **By Dr. Faltas: Q.** All right. The fact that you write on the first one, March 1st, that you hand-delivered it to me doesn't mean that you hand-delivered it to me. Isn't that correct?

[8] **A.** But we did

[9] **Q.** You just say that you did and---

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

[11] **The Court:** Objection is sustained.

[12-14] **By Dr. Faltas: Q.** In all those other pages of the exhibit you were asking me to leave the area.

[15] **A.** Yes.

[16] **Q.** Isn't that the case?

[17-18] **A.** Yes. May not have been in all of them but we did. We asked you to leave--

[19] **Q.** Isn't it---

[20-22] **A.** That you were -- you were harassing the other tenants that you had been evicted and that we asked that you went ahead and left.

[23] **Q.** Had you written me anything before March 2009?

[24] **A.** Of what?

[25] **Q.** *Anything about harassment about anything.*

[page 587, lines 1-9] **A.** No. We had personal contact with you about all the harassment. We called you. We did not give you any written notices; no, we did not. But we called you. We called you at least sometimes as often as once a week to two -- once every two weeks about your conduct, and that is also the reason why we didn't renew your lease, Marle. We had personal contact with you. We were calling you saying, "These are the problems that we're having. You need to leave these people alone," and you wouldn't do it.

[10] **Q.** *Could those people not tell me themselves?*

[11] **A.** I believe they did numerous times.

[12] **Q.** *Could they not---*

[13-15] **A.** I distinctly remember having at another court hearing that Mitch was on tape saying, "You have got to stop harassing me." It was on tape.

[16] **Q.** *Ma'am, if you please, this is not about Mitch.*

[17] **Ms. Weiss:** Objection.

[18-20] **The Court:** The objection is sustained to the comment but -- and the comment -- I mean, the answer is not responsive to this case. Next question.

[21-24] **By Dr. Faltas:** **Q.** *The one dated October 5th you tell me not to park my car in front of the apartment I rent from you. Isn't that correct?*

[25 to page 588, line 3] **A.** Yes. That was -- I'm not even going to read that because I remember the letter. Because you were unlawfully detaining people and using your vehicle to commit this crime---

[4] **Q.** *Your Honor, objection.*

[5] **A.** ---we asked you to move your---

[6] **Q.** *Objection.*

[7] **A.** ---vehicles from our---

[8] **Q.** *Objection.*

[9] **A.** ---parking lot.

[10] **Dr. Faltas:** *Objection. Your Honor, objection.*

[11-12] **The Court:** Objection is overruled. You may answer the question.

[13-14] **Dr. Faltas:** *Objection about saying to commit this crime.*

[15-16] **The Court:** The objection is sustained as to the use of the word crime, but otherwise continue.

[17] **The Witness:** You were using your vehicle to---

[18-20] **Dr. Faltas:** *Okay. And I was pulling in in that -- from the exit that's closer to my apartment, and you decided to try to broadside me and then---*

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

[22] **The Court:** The objection sustained.

[23-24] **Dr. Faltas:** *Okay. Did anyone ever support you saying that you can take my money and prevent me from parking---*

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

[589, line 1] **The Court:** Objection is sustained. Improper redirect.

[2-4] **By Dr. Faltas:** **Q.** *Okay. Does this letter say that I cannot park, park, my car---*

[5-9] **A.** We asked you to remove your vehicles, and that was the reason why was because you were using your vehicles to detain these people. They were trying to leave for work early in the morning, and you would pull your car behind them so that they couldn't get out for work.

[10] **Q.** *And ---*

[11] **A.** Over there taking photographs of them.

[12] **Q.** *And, in fact, did you also go to the magistrate and---*

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

[14] **The Court:** Objection is sustained.

[15-16] **Dr. Faltas:** *Did there -- was there any court order making me---*

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

[18] **The Court:** I have to hear the question. Continue.

[19-20] **Dr. Faltas:** *Did you ask for a court order making me not park my car in front of the apartments?*

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

[22] **The Court:** Overruled. Yes or no.

[23 to page 590, line 1] **The Witness:** The court said that we could not -- I don't know exactly how they put it, but they allowed you to keep your car in the parking... You kept saying how you were handicapped.

[2-5] **Dr. Faltas:** *Ma'am, you were asking that court, so the answer is yes. You asked a court to make me not park my car in the parking lot, and the court said, no, since I pay rent---*

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

[7-8] **The Court:** The objection is sustained. Two more minutes.

[9-12] **By Dr. Faltas: Q.** And this stuff about you wanting me not to park my car was a way of asking me -- harassing me to the point of making me leave altogether. Isn't that correct?

[13-15] **A.** No. We were trying to stop you from detaining the other people so that they could come and go. I mean, you know, under South Carolina law---

[16] **Q.** Where did you---

[17-18] **The Court:** Just a moment. Just a moment, ma'am. She's answering the question. Do not interrupt.

[19-24] **The Witness:** It is the obligation of the tenant to conduct themselves in a manner that doesn't deprive the enjoyment of the property of other tenants which is exactly what you were doing. You were harassing them. You were using your vehicle in order to detain them. My God, they couldn't go to work. You were making them late.

[25 to page 591, line 2] **Dr. Faltas:** Did you see pictures of a guest of Teresa Ingram grabbing his crotch at me and flipping his fingers at me?

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

[4-5] **The Court:** Objection is sustained. Improper redirect. Final question.

[6-8] **By Dr. Faltas: Q.** Has Teresa Ingram ever written to me a letter saying anything about harassment?

[9-10] **A.** I have no idea what Teresa Ingram wrote to you, if she did--

[11] **Q.** Did she ever say---

[12] **A.** I have no idea if she ever did that.

[13] **Q.** Okay.

[14-15] **A.** Not to my knowledge she didn't -- I don't recall her ever telling me---

[16] **The Court:** That's the final question.

[17] **The Witness:** Yes, sir.

[18] **The Court:** You may step down, ma'am.

[19] **Ms. Weiss:** May Ms. Mason be excused?

[20] **The Court:** You're done.

[21] **The Witness:** Thank you, sir.

[22-23] **Dr. Faltas:** Your Honor, could she stay for a second until Larry Mason comes in so she doesn't talk to him?

[24-25] **The Court:** Have a seat here in the courtroom for a moment. Who do you want now? Mr. Mason?

[Transcript A page 81] 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 partial transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 25th and 26th of February, 2010. [¶] I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 15, 2012 _____ [S/] Daphne D. Helms, court reporter

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[Transcript B 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. [¶] 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. : **February 26, 2010**
Dr. Marie Assa'ad Faltas : **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 591, line 16] **The Court:** That's the final question

[17] **The Witness:** Yes, sir.

[18] **The Court:** You may step down, ma'am

[19] **Ms. Weiss:** May Ms. Mason be excused?

[20] **The Court:** You're done.

[21] **The Witness:** Thank you, sir.

[22-23] **Dr. Faltas:** Your Honor, could she stay for a second until Larry Mason comes in so she doesn't talk to him?

[24-25] **The Court:** Have a seat here in the courtroom for a moment. Who do you want now? Mr. Mason?

[page 592, line 1] **Dr. Faltas:** Yes, please.

[2] **The Court:** All right

[3] **Ms. Weiss:** Your Honor, if I may.

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

[5] **Ms. Weiss:** May we approach?

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

[7]

(Whereupon, a bench conference was held.)

[8] **Dr. Faltas:** Can he come in?

[9] **The Court:** I think someone went to get him.

[10] **Dr. Faltas:** Pardon me? I'm sorry?

[11-12] **The Court:** Someone make sure that Mr. Mason is coming. Come forward, sir, and be sworn.

[13-14]

Larry W. Mason, after being duly sworn, testified as follows:

[15-16] **The Clerk:** Have a seat in the witness stand, please, and give the court reporter your name, please.

[17] **The Witness:** My name is Larry Wayne Mason.

[18-19]

Direct Examination By Dr. Faltas:

[20] **Q. Mr. Mason, Defendant's exhibit 6, do you recognize it?**

[21] **A.** I have to get my glasses out of my jacket.

[22] **The Court:** Proceed.

[23] **Dr. Faltas:** He's looking...

[24-25] **The Witness:** I recognize it as a statement from a copy of a statement, I believe.

[page 593, lines 1-2] **By Dr. Faltas: Q. Was it notarized by you?**

[3] **A.** No, it was witnessed by me.

[4] **Q. Was it witnessed by you? Sorry.**

[5] **A.** It was not notarized by me, but it was witnessed by me.

[6-7] **Dr. Faltas:** Your Honor, may we admit it into evidence? May I move that it be admitted?

[8-9] **Ms. Weiss:** Your Honor, I'm not sure what it is, but may I see it?

[10-11] **The Court:** Yes. What is it, Mr. Mason? What is this ---

[12-14] **The Witness:** That's a -- looks like a copy of a statement made by a person that is going to -- trying to rent an apartment at our apartment complex.

[15] **The Court:** By what name? The name of the person?

[16] **The Witness:** Alden Wheeler.

[17] **Ms. Weiss:** I object, Your Honor.

[18] **The Court:** All right. The objection is sustained.

[19-20] **By Dr. Faltas: Q. Did you know that Alden Wheeler before?**

[21] **A.** I met him at a golf course before.

[22] **Q. Did he not work for your detective agency?**

[23-24] **A.** When he was a teenager, he might have done something for me back when he was a teenager.

[25 to page 594, line 1] **Dr. Faltas:** Your Honor, may I mark this for identification, please?

[2] **The Court:** What is it?

[3-4] **Dr. Faltas:** It's a list of the employees of Mr. Mason's detective agency.

[5] **The Court:** Show it to him.

[6] (The witness looks at the document.)

[7] **The Court:** Do you recognize that, Mr. Mason?

[8-9] **The Witness:** No, sir. I've never seen this before. I don't know what it is.

[10-11] **By Dr. Faltas: Q.** Do you have a private detective agency?

[12] **A.** Do I own a private detective agency?

[13] **Q.** No. Do you have one?

[14] **A.** Yes.

[15] **Q.** Okay. Is the commercial number 0-6-5-8?

[16] **A.** Commercial number 0-3-5-8?

[17] **Q.** 0-6-5-8.

[18] **A.** 0-6-5-8?

[19] **Q.** Pardon?

[20-22] **A.** I have a license as a private investigator and I own a private investigative company. That could be the number; I'm not sure.

[23-25] **Q.** Okay. And on this document where it says Larry Mason, is that you and does it correctly give your license number and the dates of it?

[page 595, line 1] **A.** That is me, yes.

[2-3] **Q.** Okay. And does it also give the license numbers of other employees of the same agency?

[4-5] **A.** Well, that's the license number for the detective agency itself. That's the business license number.

[6-8] **Q.** Okay. And under that same business license number in the bottom are there two dates for licenses for Alden Wheeler?

[9-10] **Ms. Weiss:** Your Honor, may I see what the defendant is referring to?

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

[12] **Dr. Faltas:** Well, can he answer the question first?

[13] **The Court:** No. Show it to the solicitor.

[14-16] **By Dr. Faltas: Q.** The fourth line from the bottom, does it say Alden Wheeler?

[17] **A.** It does. It says Alden Hollis Wheeler.

[18-19] **Q.** And is it the same name on that other letter that's defendant's exhibit 6 that you witnessed?

[20-21] **A.** I would say it's the same name, yes. It's the same person.

[22-23] **Dr. Faltas:** Your Honor, at this time may I move that it be admitted?

[24] **The Court:** What says the State?

[25 to page 596, line 4] **Ms. Weiss:** I object, Your Honor. There's been no authentication made. **This was not a turned over in reciprocal discovery**, and the defendant -- I mean, the witness is not aware of what this piece of paper is other than the list of names.

[5-6] **The Court:** All right. The objection is sustained as to relevance of this case.

[7] **Dr. Faltas:** Your Honor, this is impeachment evidence.

[8-9] **The Court:** The objection is sustained as to relevance in this case.

[10] **Dr. Faltas:** May I -- may I --

[11-12] **The Court:** It's a part of the record. It's marked for identification.

[13] **Dr. Faltas:** It hasn't been yet

[14-15] **The Court:** Have it marked for identification and made part of the record

[16-17] (Defendant's exhibit 14 was marked for identification only.)

[18-21] **Dr. Faltas:** May I? So, in fact, if this Alden Wheeler was your employee, it is not possible that he wanted to rent from you and he just went there and I told him I'm the landlady and sent him off.

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

[23] **The Court:** Just a moment. What was the question?

[24] **Dr. Faltas:** Your Honor, Mr. Mason procured---

[25 to page 597, line 1] **The Court:** I didn't hear the question. Ask it. Can you just restate the question?

[2-6] **Dr. Faltas:** *Yes. So, in fact, if this Alden Wheeler was your employee, it is not possible for him to have wanted to rent an apartment from you and have gone there, and I misrepresented myself as the owner and sent him away. He would know you and he would know that you are the owner.*

[7] **The Court:** The objection is sustained.

[8] **The Witness:** Do you want me to answer that, judge?

[9] **The Court:** No, sir

[10-11] **By Dr. Faltas:** *Q. Did you, in fact, procure false documents against me?*

[12] **A.** No, ma'am.

[13-14] *Q. Did you not procure a false document from this Alden Wheeler?*

[15] **A.** No, ma'am.

[16-17] *Q. Did you not procure a false document from somebody who signed Rodney Ingram's signature?*

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

[19] **The Court:** The objection is overruled.

[20] **The Witness:** Absolutely not.

[21-23] **By Dr. Faltas:** *Q. Did you not, in fact, ask the tenants, including Teresa Ingram, to harass me and then complain that I harassed them?*

[24] **A.** Absolutely not.

[25] *Q. Did you not, in fact, try to get me deported?*

[page 598, line 1] **A.** Absolutely not.

[2-4] *Q. Did you not, in fact, at one hearing say that the police is ready to file a felon warrant against me and this can happen any day now?*

[5] **A.** I may have.

[6] *Q. And that was on October 14th, 2009.*

[7-12] **A.** I don't know what day it was on, but I know you asked the question and I think I did say that, to my knowledge, that the police were investigating you and that they were investigating a felony case against you. I didn't know when they were going to arrest you. In fact, I'm not -- I wasn't privy to when they were going to arrest you.

[13-14] *Q. Were you not present the day they -- in fact, they arrested me on December 2nd, 2009.*

[15] **A.** Yes, I was.

[16] *Q. Why were you there?*

[17-21] **A.** I was called by Detective Blanton because they could not get into the outer door and they didn't have the code to get in. I gave her the code over the phone, but she still couldn't get in the door, and I said, "Well, I'm in the area. I'll come right there."

[22-23] *Q. Why could she not get in the door if you gave her the code over the phone?*

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

[25] **The Court:** The objection is sustained.

[page 599, lines 1-3] **By Dr. Faltas:** *Q. And hasn't there been at least three occasions when you wrote me letters saying that you wanted to come inside my apartment and take photographs of the inside of my apartment?*

[4-7] **A.** No, ma'am. You're misunderstanding what I wrote you the letter about. I actually wrote you 20 some-odd letters. Most of those had to do with harassment.

[8] *Q. I am asking---*

[9] **A.** But---

[10-12] *Q. I am asking about three specific letters that you said you wanted to come into the apartment and make photographs of the interior of the apartment.*

[13-20] **A.** No. Based on a complaint that she made to the fire department, I wrote her a letter and told her we wanted to come to the apartment, everybody's apartment. We gave everybody the same letter, told them that we wanted to inspect the apartment and that we had to check the fire extinguishers and that there could be no violations on the balcony. If there were, there would be photographs taken. You have a copy of the letter.

[21-22] **Q.** And you said the photographs may also be taken of the interior of the apartment.

[23] **A.** Could be, yes, if there were any violations.

[24 to page 600, line 2] **Q.** So you were wanting to come into my apartment and take pictures of the interior of my apartment and that doesn't violate my privacy, but my taking pictures of people outside in plain view flipping fingers at me is a crime?

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

[4] **The Court:** Objection is overruled.

[5-8] **The Witness:** Under the landlord and tenant act I have a right to inspect your apartment, but I have to give you notice, and if there is a violation, I can take a photograph of it and ask you to remove it.

[9-11] **By Dr. Faltas: Q.** Where in the landlord tenant act it says that you can take a photograph?

[12] **A.** It doesn't say that I can take a photograph, but I can.

[13] **Q.** Yes. Exactly.

[14-17] **A.** If there was a violation and I wanted to take a photograph, I could do that. I did not come into your apartment because you refused to let us in and we did not make any effort to come in.

[18] **Q.** In fact---

[19-20] **A.** We went into everybody else's apartment but yours and did an inspection.

[21-22] **Q.** In fact, didn't you go into my apartment several times after I was arrested?

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

[24] **The Court:** Objection is sustained.

[25] **The Witness:** I can answer that.

[page 601, lines 1-2] **Dr. Faltas:** Did you go to my apartment several times after I was arrested and---

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

[4-5] **The Court:** I have to hear the question. What's the rest of the question?

[6-9] **Dr. Faltas:** Did you go into my apartment several -- did you go into my apartment after I was arrested and taken to prison and a condition of my bond was that I do not return to the apartment except with police escort?

[10] **The Court:** The objection is sustained.

[11-13] **By Dr. Faltas: Q.** Did you at least one time tell me that you will put my property in the parking lot?

[14-16] **A.** I told you if you were evicted, if you didn't take your property from your apartment, I would put it in the parking lot.

[17-18] **Q.** And did you at one time tell me, court or no court, that you were going to put my property in the parking lot?

[19] **A.** No, ma'am.

[20] **Q.** Okay.

[21-22] **A.** Everything we've done with you has been through the court system.

[23] **Q.** And in fact---

[24] **A.** We have not violated any rules of the court.

[25 to page 602, line 1] **Q.** And, in fact, didn't the court system rule that you were -- you were doing things to harass me?

[2] **A.** No.

[3] **Q.** All right.

[4] **Ms. Weiss:** Objection to relevance

[5-6] **Dr. Faltas: Your Honor, this is impeachment, and he's a hostile witness.**

[7-8] **By Dr. Faltas: Q.** Did you receive this?

[9] **A.** Did I receive it? No, I did not receive it.

[10] Q. Were you never made aware of its existence?

[11-12] A. I have been made aware of the existence of the order not to go in your apartment. We have not done that.

[13-14] Q. Were you ever made aware of this particular order for a preliminary injunction?

[15] Ms. Weiss: Objection, Your Honor.

[16] The Court: The objection is sustained.

[17-18] Dr. Faltas: Could you please read the last - those three lines?

[19] Ms. Weiss: Objection.

[20] The Court: Sustained

[21] Dr. Faltas: Where were you on December 1st, 2009?

[22] Ms. Weiss: Objection.

[23] The Court: Objection is sustained.

[24 to page 603, line 1] Dr. Faltas: On December 1st, 2009, did you come to this building in another courtroom and testify before the Honorable Judge Lee?

[2] Ms. Weiss: Objection.

[3] The Court: Objection is sustained.

[4-6] By Dr. Faltas: Q. Did you write to congressmen and senators requesting that I be deported?

[7-13] A. No, ma'am. I wrote to several congressmen and senators - and I've told you this several times - to find out why you were in this country, that you've been ordered out of this country three times, and I wrote to them to ask them why you were still here. That is my right as an American citizen to do so, and I did so because you lied to us, told us you were a citizen---

[14] Q. Your Honor---

[15] A. ---and you were not.

[16-17] Dr. Faltas: Your Honor, please ask the jury to disregard that. I did not lie to anybody and---

[18] The Court: The objection is overruled.

[19-21] By Dr. Faltas: Q. Did you, in fact, in one hearing say that I can never become a citizen and you guarantee that?

[22 to page 604, line 1] A. No, I did not make any kind of statement like that in a courtroom, and I would not make any kind of statement like that. If you applied and became a citizen legal, I got no control over that. I have no objection to you being a citizen.

[2-3] Q. Did you -- did you have any knowledge of immigration law?

[4-5] A. Do I have any knowledge? I have some knowledge of immigration law.

[6-7] Q. Okay. Do you understand that one becomes a lawful permanent resident and then becomes a citizen?

[8-12] A. My question was how you got a green card. Yes, I have a question concerning how you got one since you are not employed. I believe to own a green card in this country you must be employed and paying taxes. I don't believe you're doing either.

[13-14] Q. So you knew that I have a valid green card and yet you were accusing me of being an illegal alien.

[15] Ms. Weiss: Objection, Your Honor.

[16] The Court: The objection is sustained.

[17-19] By Dr. Faltas: Q. When did you first find out that mother and I bought the land that's adjacent to Dinah Steele's buildings?

[20-23] A. Dinah Steele is Dinah Steele-Mason and is my wife, and we own the property together even though it's in her name. However, I found out that you bought the property; I believe it was on March the 14th.

[24] Q. And did you try to have me arrested that day?

[25] A. No.

[page 605, line 1] Q. Your Honor, may I ask that we play a C.D.?

[2] A. Can I explain that answer, Your Honor?

[3] The Court: Yes, sir.

[4-7] The Witness: I did not try to have you arrested. I told you that the sign that was on the property that she had purchased belonged to us and if she did not return that sign I would have her arrested.

[8-11] By Dr. Faltas: Q. In fact, wasn't that -- did I not call 9-1-1 and you were, while I was on the phone, trying to get my cell phone from me?

[12-17] A. You called 9-1-1 screaming and hollering in the cell phone, and then you started screaming that I was going to assault you and all kinds of things and I told you that wasn't true, and I reached out my hand and asked you if I could talk to the 9-1-1 operator. I told you this was not a 9-1-1 call.

[18-19] Q. You were trying to get me arrested. You said that, "I will get you arrested," didn't you?

[20] Ms. Weiss: Objection, Your Honor.

[21] The Court: The objection is sustained.

[22-23] Dr. Faltas: Well, Your Honor, may I -- may I play the tape of that 9-1-1 call?

[24] The Court: No.

[25] Dr. Faltas: No?

[page 606, line 1] The Court: No.

[2-5] By Dr. Faltas: Q. Wasn't there, in fact, an investigation that determined that I did not steal anything and that I will not be arrested for the alleged stealing of the sign?

[6-10] A. No, ma'am. There was no investigation concerning the sign. You tried to take out a harassment complaint against me through the magistrate's court, and you had an investigator testify at the magistrate's court about the sign. He felt that it was a civil matter.

[11] Q. Did he --

[12-13] A. So he asked us to work it as a civil matter and which we did. We filed a claim and delivery on the sign.

[14-15] Q. Did he not testify that he investigated and found there was no larceny, meaning no stealing?

[16] Ms. Weiss: Objection, Your Honor.

[17] The Court: Sustained.

[18-21] Dr. Faltas: Your Honor, may I use that record that Mr. Truitt brought, please? Do you recall having been at the court hearing when this transcript which is marked for that hearing as Plaintiff's Exhibit 1 has been introduced?

[22-23] Ms. Weiss: May I see what she is producing to the witness?

[24] (Dr. Faltas shows the transcript to Ms. Weiss.)

[25 to page 607, line 1] Weiss: Your Honor, I object to this line of questioning.

[2] The Court: Basis for the objection?

[3] Ms. Weiss: Relevance to this case.

[4-9] Dr. Faltas: May I explain the relevance, Your Honor? The relevance is that they are trying to get me arrested for any reason, and first they try to get me falsely arrested for alleged stealing. When that didn't work, they found a nebulous and (unintelligible words spoken) which is the harassment allegations.

[10-11] The Court: Let me see the document. (The court looks at the document.)

[12-13] The Court: The objection is sustained. Not relevant to this matter. Proceed with your next question.

[14] Dr. Faltas: Can I put ...

[15] The Court: I'll tend to that.

[16-17] Dr. Faltas: Thank you, Your Honor. Did you ever come to my door and take signs from it?

[18] Ms. Weiss: Objection, Your Honor.

[19] The Court: Objection is sustained.

[20-22] By Dr. Faltas: Q. Did you ever talk to Investigator Blanton about my mother?

[23 to page 608, line 3] A. I was interviewed by Investigator Blanton and there was a question concerning your mother. I told her I had never seen your mother. I don't know anybody that has ever seen your mother, and I don't know anything about your mother except that I don't believe she really exists. She may. I don't know.

[4-6] Q. So, in fact, you suggested to her that my mother does not exist and I am getting her Social Security checks fraudulently?

[7] Ms. Weiss: Objection, Your Honor.

[8] The Court: The objection is sustained.

[9-12] **Dr. Faltas:** Did you also claim that I represented myself as the owner of the property and caused trees to be cut where when the trees are really -- the trees really belong to the City of Columbia?

[13] **Ms. Weiss:** Objection.

[14] **The Court:** Objection is sustained.

[15-18] **Dr. Faltas:** Was there a time when I was seeing raccoons around the building and I asked animal control to come and put cage and you said, no, they cannot put cage on the property?

[19] **Ms. Weiss:** Objection.

[20] **The Court:** Sustained.

[21] **Dr. Faltas:** Do you have a son?

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

[23] **The Court:** Sustained.

[24-25] **Dr. Faltas:** Did your son live in the apartment that I rent?

[page 609, line 1] **Ms. Weiss:** Objection, Your Honor.

The Court: It's overruled.

[3-4] **The Witness:** Yes, I have a son that lived in your apartment at one time.

[5] **Dr. Faltas:** How long?

[6] **Ms. Weiss:** Objection.

[7] **The Court:** Overruled.

[8-9] **The Witness:** He probably lived there about three months.

[10-11] **By Dr. Faltas:** Q. When?

[12-13] **A.** Prior to you moving in. Maybe three months prior to you moving in there.

[14] **Q.** So he was the tenant before I moved in.

[15] **A.** Yes.

[16] **Q.** And he did not pay any rent. Isn't that correct?

[17-18] **A.** I don't charge my son rent. He was doing work for me at the time.

[19-20] **Q.** So before I moved in, no one was paying anything for that apartment, let alone \$550.

[21-24] **A.** From the time that we owned the apartment building until the time that you moved in, there had been two other tenants in that apartment before my son. Both of those tenants paid rent.

[25 to page 610, line 1] **Q.** What -- in fact, didn't the first tenant -- was his name Renard Walker?

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

[3] **The Court:** Sustained.

[4-5] **Dr. Faltas:** In fact, didn't that tenant not pay any rent at all and you had him evicted?

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

[7] **The Court:** Sustained.

[8] **Dr. Faltas:** Your Honor, this is a hostile witness.

[9] **The Court:** It's not relevant to this case.

[10] **Dr. Faltas:** Your Honor---

[11-12] **The Court:** Next question. Next question that is relevant to this case.

[13-18] **By Dr. Faltas:** Q. Aren't you, in fact, using Teresa Ingram to get me arrested and imprisoned and hopefully deported so I do not build on my land and so you can keep using my land for the sewer system and to drain the water from Dinah Steele's building on my land?

[25 to page 611, line 3] **A.** That's a lot of question, but I'll try to answer it. I have never talked to Teresa Ingram about having her arrested. I've talked to Teresa Ingram about being harassed by you on numerous and numerous occasions. I have asked you many times to leave her alone, not only her but all the residents in the apartment building, both buildings. I've asked you; I've pleaded with you to leave them alone. You wouldn't do it. You could still be living there right now on a month-to-month basis, but you would not listen. You would not leave people alone. That's why we elected not to renew your contract.

[4] **Q.** Did you call me on March 12th, 2009?

[5] **A.** Did I call you on March 12th, 2009?

[6] Q. Yes, sir.

[7-8] A. I may have; I don't know. I've only called you one time I think in a year at that apartment.

[9-10] Dr. Faltas: May I show two exhibits, Your Honor, from this again?

[11-12] The Court: Do you deny calling her on March the -- 2009?

[13-15] The Witness: No, sir, I don't -- I don't deny calling her on March 12th, but I've only called her one time that I know of.

[16-17] The Court: He does not deny calling you on that date, ma'am.

[18-20] By Dr. Faltas: Q. Did you also call me on March 15th, 2009 -- March 14th, 2009?

[20-23] A. No, ma'am, I believe you called me along with your attorney and I think you called me probably ten times that night.

[24 to page 612, line 2] Dr. Faltas: All right, Your Honor. So now may I impeach him? He said he called me only once, and this is a picture of my caller I.D. showing that he calls -- he called me.

[3-4] The Court: Show it to Ms. Weiss. (Dr. Faltas complies.)

[5-9] Ms. Weiss: Your Honor, I object. I don't believe he can authenticate these pictures at all. I'm not sure who this person is or the people on here nor am I sure who is on the other end of the line. I don't know what the relevance is.

[10-11] The Court: Show them to the witness. (Dr. Faltas complies.)

[12] The Witness: I have no idea what they are, Your Honor.

[13-14] By Dr. Faltas: Q. Is your cell number 331-1000?

[15] A. It is.

[16-17] Q. And do these pictures show the caller I.D. unit showing your number on two different dates?

[18-20] A. It does reflect that, yes, but I think that on 3/14 was a call when you called me and I called you back. I don't know which one...

[21-22] Q. And what are the times? Can you -- can you give the jury the dates and times?

[23-25] A. On 3/12 at 6:29 for 55 -- 56 -- I don't know if that's 56 minutes or 56 seconds or a call number 56. Call number 56. And on 3/14 at 3:26, call number 59.

[page 613, line 1] Q. And do you know a man named Dave Winn?

[2] A. Do I know a man named David Winn? Yes.

[3] Q. Okay. And does this show---

[4] Ms. Weiss: Objection, Your Honor.

[5] The Court: Objection is sustained.

[6-7] Dr. Faltas: Well, Your Honor, may this be copied and marked for identification?

[8] The Court: Yes.

[9] Dr. Faltas: Thank you.

[10] The Court: It will be done later.

[11] Dr. Faltas: All right. Thank you.

[12-13] By Dr. Faltas: Q. So why did you call me on March 12th, 2009?

[14-19] A. I believe it was a call concerning you harassing my wife in the parking lot when she was trying to rent the apartment and you called her out and called the police on her because she was trying to show the apartment. You didn't want her to rent that apartment because you wanted to rent it for a hundred dollars.

[20-22] Q. In fact, isn't it true that you had just discovered that I bought the land and you called me and told me that you'll get me evicted for having bought that land?

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

[24] The Court: Objection is sustained.

[25 to page 614, line 1] By Dr. Faltas: Q. And then why did you call me again on the 14th of March?

[2-6] A. On the 14th of March, that phone call was to you to find out about the sign that was in front of that lot. That's when I learned about the lot next door. You did not answer the phone. You drove up in the parking lot, and I was there when you drove up.

[7] **Q.** And isn't that a sign that you had dumped in that land?

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

[9] **The Court:** Objection is sustained.

[10-12] **By Dr. Faltas:** **Q.** Were you aware that guests of Teresa Ingram were flipping fingers at me and making lewd gestures at me?

[13-17] **A.** No, ma'am, but I would not be surprised. As much as you're harassing that lady, I could understand why anybody would be flipping a finger at you. If you harassed her - I know you harassed her more than you did me and my wife, and you've harassed us constantly.

[18-19] **Q.** Were you aware that she came to my car on October 2nd, 2009?

[20] **A.** That she did what now?

[21-22] **Q.** She came to my car on October 2nd, 2009, and spoke to me for 45 minutes.

[23-24] **A.** I was not aware that she came to your car. I don't know anything about that.

[25 to page 615, line 1] **Q.** Okay. And did you -- did your wife continue to get rent from me even though I cannot go to my apartment?

[2-4] **A.** I think you were ordered by the court to pay rent, and you were ordered by the court not to return to that apartment.

[5] **Q.** Different courts. Isn't that correct?

[6] **A.** That's correct, different courts.

[7-9] **Q.** And the order to not return to my apartment is part of the bond for the harassment charges that were brought against me. Isn't that correct?

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

[11] **The Court:** Objection is sustained.

[12-13] **Dr. Faltas:** **Mr. Mason,** did you ever work as a limousine driver?

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

[15] **The Court:** Sustained.

[16-17] **Dr. Faltas:** Were you ever asked about your employment history and not include the limousine driving in it?

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

[19] **The Court:** Sustained.

[20-21] **Dr. Faltas:** **Mr. Mason,** were you ever tried for misappropriation of funds from the military?

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

[23] **The Court:** Sustained.

[24 to page 616, line 1] **By Dr. Faltas:** **Q.** Can you tell us about your education and employment history?

[2] **A.** Can I tell you what?

[3] **Q.** Your education and employment history.

[4] **A.** My employment history?

[5] **Q.** Education and employment.

[6] **A.** Education. You want to know all my education.

[7] **Q.** Yes, please

[8-11] **A.** Do you mind if I look at my notes? Primarily I joined the army in 1964. At the time I joined I did not have a high school education. I finished my high school education in the military. I finished my college degrees in the military.

[12] **Q.** When you say college degrees, what do you mean?

[13-17] **A.** Armed Forces Institute of Technology, two-year degree, and University of Maryland, four-year degree, Business Administration. After that I went to the U.S. Army Military Police School, United States Army Military Police Investigator School.

[18] **Q.** What years were those? When were---

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

[20] **The Court:** Sustained.

[21 to page 617, line 4] **The Witness:** United States Air Force Vascor School. United States Army Criminal Investigation School, Department of Defense. United States Army Logistics Fraud School, Department of Defense. Drug Enforcement Administration School, D.E.A. Drug En-

forcement Commander School, D.E.A. Drug Enforcement Mid-Level Management School, D.E.A. Drug Enforcement Conspiracy School, D.E.A. Bureau of Narcotics and Dangerous Drugs, Department of Justice. Public Safety Division, Becton, Dickinson Narcotics Identification School.

[5-6] By Dr. Faltas: Q. Did you ever graduate from any of the schools?

[7] A. All of them.

[8] Q. Did you ever become a D.E.A. agent?

[9] Ms. Weiss: Objection, Your Honor.

[10] The Court: Sustained.

[11-19] The Witness: State of South Carolina S.L.E.D. Detective Investigator School. Cessna Pilot School in Germany. Death Investigation School, Indiana University. National Armed Robbery School, Baton Rouge, Louisiana. Interview and Interrogation School in Florida. Advanced Criminal Law in Scotland Yard. Forensic Science, Scotland Yard. Computer Programming investigations, University of Chicago. Hostage Negotiations, F.B.I., and Firearm and Explosive School, Department of Treasury.

[20-21] By Dr. Faltas: Q. Were you ever a D.E.A. agent?

[22] A. No.

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

[24] The Court: I sustain the objection once again.

[25 to page 618, line 1] Dr. Faltas: And tell us your employment history, please.

[2] Ms. Weiss: Objection.

[3] The Court: Sustained

[4-5] Dr. Faltas: That's all I have of this witness, Your Honor.

[6] The Court: Any questions by the State?

[7] Ms. Weiss: No, Your Honor.

[8] The Court: You may step down, sir

[9] The Witness: Thank you, Your Honor.

[10] Ms. Weiss: May Mr. Mason be excused?

[11-12] The Court: You may be excused. Your next witness, please.

[13] Dr. Faltas: Your Honor, I'd like to call Corey Curry.

[14-15] The Court: He's not here. He'll be here in the morning. Next witness.

[16] Dr. Faltas: I'd like to call Bob Cooper.

[17] The Court: He'll be here in the morning.

[18] Dr. Faltas: I'd like to call Dana Turner.

[19] The Court: Which witnesses are outside?

[20] Ms. Weiss: Mitch Jones is present, Your Honor.

[21-22] The Court: All right Mr. Jones you may call. Do you want Mr. Jones to be a witness?

[23] Dr. Faltas: Yes.

[24-25] The Court: All right. Mr. Jones will be your next witness.

[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. [19] 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-40-11987 and 2010-GS-40-11987

The State of South Carolina
vs.

Dr. Marie Assa'ad Faltas

PARTIAL TRANSCRIPT OF RECORD

February 25, 2010

Columbia, South Carolina

BEFORE: The Honorable Clifton Newman, Judge, and jury.

APPEARANCES:

Heather Weiss, Esquire

Alexander Campbell, Esquire

Dr. Marie Assa'ad-Faltas, *pro se* defendant.

Attorneys for the State

Also present: Mark Sawyer, Esquire

Daphne D. Helms, Circuit Court Reporter

[page 618, line 19] ~~The Court~~ Which witnesses are outside?

[20] ~~Ms. Weiss~~: Mitch Jones is present, Your Honor.

[21-22] ~~The Court~~: All right. Mr. Jones you may call. Do you want Mr. Jones to be a witness?

[23] ~~Dr. Faltas~~: Yes.

[23-24] ~~The Court~~: All right. Mr. Jones will be your next witness.

[page 619, lines 1-2]

John M. Jones, after being duly sworn, testified as follows:

[3-4] ~~Dr. Faltas~~: Your Honor, may I ask that Mr. Mason be excused.

[5-6] ~~The Court~~: This is a public courtroom. He can stay if he'd like.

[7] ~~The Clerk~~: Please state your name for the record.

[8] ~~The Witness~~: John M. Jones.

[9-10] Direct Examination By ~~Dr. Faltas~~:

[11] ~~Q. Mr. Jones, how old are you?~~

[12] ~~A. Forty-six.~~

[13] ~~Q. Can you please give us your education?~~

[14] ~~A. Pardon me?~~

[15] ~~Q. Your education.~~

[16] ~~A. Twelfth grade.~~

[17] ~~Q. You never went to college?~~

[18] ~~A. No, ma'am.~~

[19] ~~Q. Where did you go to school?~~

[20] ~~A. Elloree.~~

[21] ~~Q. All right. And are you a heavy smoker?~~

[22] ~~A. Pardon me?~~

[23] ~~Q. Are you a heavy smoker?~~

[24] ~~A. I'm a smoker.~~

[25] ~~Ms. Weiss~~: Objection.

[page 620, line 1] ~~The Court~~: Objection is overruled.

[2-4] ~~By Dr. Faltas~~: **Q. Do you often smoke or did you often smoke under my balcony where the smoke rose to my apartment?**

[5] ~~A. I smoked in the backyard.~~

[6] ~~Q. And the smoke rose to my apartment?~~

[7] ~~A. If you say so.~~

[8-9] ~~Q. And did I ask you several times to smoke at a different area from where the smoke could rise to my apartment?~~

[10] ~~A. You did, but it's my right to smoke in the backyard.~~

[11-12] ~~Q. And did you call my asking you to smoke away from my area harassment?~~

[13] ~~A. Pardon me?~~

[14-15] ~~Q. You consider it harassment by me of you that I asked you to not smoke under my balcony?~~

[16-17] ~~A. That and several other things because it was constant. It was nonstop.~~

[18] ~~Q. But I'm asking about the part about the smoking.~~

[19] ~~Ms. Weiss~~: Objection, Your Honor.

[20] ~~The Court~~: Objection is overruled.

[21] ~~Dr. Faltas~~: Thank you.

[22-23] ~~By Dr. Faltas~~: **Q. You consider my asking you not smoking as harassment.**

[24] ~~A. When you did it continuously, yes, ma'am.~~

[25] ~~Q. But you were continuously smoking. Isn't that correct?~~

[page 621, lines 1-2] ~~A. If it bothered you so much, why would you come out on the patio to take pictures of me back there the whole time?~~

[3-4] **Dr. Faltas:** Your Honor, could you please admonish the witness not to ask me questions?

[5] **The Court:** He's answered the question. Next question.

[6] **Dr. Faltas:** He---

[7] **The Court:** Next question.

[8-10] **Dr. Faltas:** So you would be -- *it's not as if you quit smoking and I kept telling you not to smoke. I only asked you not to smoke when you were smoking. Isn't that correct?*

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

[12-13] **The Witness:** You did not have the right to ask me not to smoke in the backyard where I pay rent as you did.

[14] **The Court:** The objection is sustained.

[15-18] **By Dr. Faltas: Q.** *And then there were only three times that I asked you or suggested that you can park in a different way. Isn't that correct?*

[19-20] **A.** No, it was many more times than two or three times. Many, many more.

[21] **Q.** *I'm talking about the parking.*

[22] **A.** Correct.

[23-24] **Q.** *Didn't you testify at another hearing that it was only two times?*

[25] **A.** No, ma'am. I said it was many times.

[page 622, lines 1-2] **Q.** *Did you testify at another hearing that you called me the B. word and you called me a crazy ass bitch?*

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

[4-5] **Q.** *And you have, in fact, called me that. Isn't that correct?*

[6] **A.** Yes, ma'am, it is.

[7] **Q.** *And you have, in fact, called me a crazy Egyptian bitch.*

[8] **A.** No, ma'am.

[9] **Q.** *Okay. Did you also say that I should be deported?*

[10-11] **A.** I said it would be nice if you were, with all the havoc you've caused on everyone. Yes, ma'am, it would be.

[12] **Q.** *So you wanted me deported.*

[13] **A.** It would be good; yes, ma'am.

[14] **Q.** *And you still want me deported.*

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

[16] **Q.** *And you also want me imprisoned.*

[17-18] **A.** *If that would keep you from harassing people like you do, yes, ma'am.*

[19] **Q.** *And the harassment is only asking you not to smoke?*

[20] **A.** No, ma'am.

[21] **Q.** *Okay. What does -- what is the harassment?*

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

[23] **The Court:** I overrule the objection.

[24-25] **By Dr. Faltas: Q.** *So what is the harassment?*

[page 623, line 1] **A.** Do I get to say everything I want to?

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

[3-18] **The Witness:** [3-9] Okay. You constantly taking photos. I would come home from work, walk into security - into our security part of the building. You would come out of your door and take pictures. If I go to the mailbox, you're constantly taking pictures. If I have company over, you're constantly taking pictures. No matter where I went or what I did, you were constantly taking pictures. [10-18] I'd be out in the backyard with company over. You'd stand there and you'd take pictures and take pictures and record every conversation that's going on. You've actually blocked the driveway where we couldn't get in and out. You'd sit at the mailbox for 30 and 45 minutes at a time with your car. I mean, you just -- you wouldn't leave us alone. No matter how much I begged you to just stop harassing me, you kept on. You just would not stop, and that's all I ever asked you to do was to leave me alone.

[19-21] **By Dr. Faltas: Q.** Isn't it true that I took a picture of you coming in only once and---

[22-24] **A.** No, you took more than -- more than once. Maybe in your mind once. I don't think you realize what you do and how much you do it.

[25 to page 624, line 2] **Q.** Isn't it true that you testified and admitted that there was only one time when I took picture of you inside the hallway and that was---

[3] **A.** No, ma'am, I did not say that. No, ma'am.

[4-5] **The Court:** Do you have any questions relating to this victim, alleged victim?

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

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

[8-11] **By Dr. Faltas: Q.** Was there a time when you were talking to Teresa Ingram when she was in her balcony and you were talking to her about me and I heard and came out?

[12-20] **A.** No, ma'am, we were not actually talking about you at that point. You came out and started taking pictures and saying -- just saying things. I don't even know what you were saying because you were mumbling, but you had your recorder and you took pictures the whole time that **Teresa and I were talking. And then, yes, some things were said about you,** and the recording - I don't know if you have it with you - but it states in there me asking you and begging you to leave us alone, continuously, and you would not stop.

[21-22] **Q.** Okay. Were you at that time talking and claiming that I was not a real doctor?

[23] **A.** Do what now?

[24-25] **Q.** That time when I was recording, you were talking and claiming that I was not a real doctor?

[page 625, lines 1-2] **A.** Yeah. I said there's no way you could have been a doctor the way you act. Exactly.

[3-4] **Q.** And did you also say that I applied to come to this country as a nanny?

[5] **A.** Yes, ma'am, because I read that on the Internet.

[6] **Q.** And did you also say that I go and steal things?

[7-8] **A.** Yes, ma'am. That's also on the Internet with -- it's public record.

[9] **Q.** And did---

[10] **A.** It took you five years to get out of that one.

[11] **Q.** Did you have a shoplifting conviction---

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

[13] **The Witness: No, ma'am.**

[14] **Dr. Faltas:** You never had a shoplifting conviction?

[15] **The Witness: No, ma'am.**

[16] **Dr. Faltas:** Your Honor, may---

[17-18] **The Court:** The objection is sustained as to the question.

[19-20] **Dr. Faltas:** Your Honor, now that he answered falsely, may I impeach him with his criminal record?

[21] **The Court:** No.

[22-23] **Dr. Faltas:** May I offer his criminal record for the record, please?

[25 to page 626, line 1] **The Court:** You can hand it to me if you have it. While she's reviewing -- looking at that, we'll have you go to the jury room for a short -- for a break.

[2-3] (Whereupon, the jury was excused from open court at 7:10 p.m.)

[4-5] **The Court:** In the discovery produced did you produce discovery that the witness had a record for shoplifting?

[6-11] **Ms. Weiss:** Yes, Your Honor, and we discussed that in the suppression -- I mean in the settling the record and it was determined in 1991 that he had a conviction but maybe he didn't, but you said that the defendant could not get into that. I would ask that she be held in contempt for getting into it anyway.

[12] **The Court:** All right Yes, ma'am?

[13-14] **Dr. Faltas:** Your Honor, it wasn't -- it wasn't ever said that I cannot get into that. I asked him a question.

[15-17] **The Court:** The court ruled that records in excess of ten years under the ten-year rule cannot be used for impeachment.

[18-19] **Dr. Faltas:** That's a different question from my having asked him ... The Court didn't say that I cannot ask him.

[20] **The Court:** Let me see what you have

[21]

(Ms. Weiss hands up a document to the Court.)

[22] **The Witness:** Can I also see it?

[23] **Ms. Weiss:** Can I show it to him just to see---

[24-25] **The Witness:** Yeah, because I don't have any idea what you're talking about.

[page 627, line 1]

(Ms. Weiss shows a document to the witness.)

[2-3] **The Court:** Sir, is this your record? John Mitchell Jones---

[4] **The Witness:** Yes, sir.

[5-6] **The Court:** ---Orangeburg P.D.? A conviction from 8/24/91?

[7-8] **The Witness:** Yeah, that was something -- I mean, I really -- I didn't do anything; I was with someone.

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

[10] **The Witness:** It was something I done forgot about.

[11-14] **The Court:** All right. Rule 609(a) -- 609(b) says, "Evidence of a conviction under this rule is not admissible if the period of more than ten years has elapsed since the date of conviction."

[15] **Dr. Faltas:** However---

[16-18] **The Court:** "Unless the Court determines in the interest of justice that the probative value outweighs its prejudicial effect." Yes?

[19-20] **Dr. Faltas:** In addition, Your Honor, this is a direct denial by him---

[21 to page 628, line 2] **The Court:** Yes. He testified incorrectly, and you violated the Court's rule in that it wasn't impeachment, and over Ms. Weiss's objection and while she's attempting to enter an objection, you persisted in talking over her objection, extracting a response from the witness. So I have a dilemma of his false testimony and your contemptuous conduct.

[3] **Dr. Faltas:** I apologize.

[4-5] **The Court:** I don't need an apology. I'm not here for that.

[6] **Dr. Faltas:** I don't---

[7-8] **The Court:** We'll take a break of about three or four minutes

[9]

(Whereupon, a short break was taken.)

[10-14] **The Court:** I will address the issue of the witness's criminal conviction with the witness. Dr. Faltas will not be allowed to ask him any questions concerning that criminal history, and I'll take the matter of Dr. Faltas's contempt in asking the question under advisement. Bring the jury back.

[15-16] **Dr. Faltas:** Your Honor, may I say that I did not hear Ms. Weiss' object and I did not understand the ruling?

[17] **Bailiff:** Your Honor, they need a couple more minutes.

[18-20] **The Court:** Very good. Whenever they're ready. Dr. Faltas, do you have any other witnesses here today or do you want to testify tonight?

[21-23] **Dr. Faltas:** Well, Your Honor, I don't know how long you would like me to go, but I mean, in -- I'm sorry. Is someone -- has someone been smoking?

[24] **The Court:** Pardon me?

[25 to page 629, line 2]

Dr. Faltas: Has someone been smoking? I can smell smoke. It's making me cough. I smell smoke, and I'm about to cough.

[3-4] **The Court:** Okay. We just fed the jury. We're going to go as long as we can

[5-7] **Dr. Faltas:** I'm asking: If I start testifying, can we take the other -- can I interrupt and take the witnesses -- the other witnesses tomorrow morning?

[8-9] **The Court:** How long do you plan to testify? Do you want to testify?

[10] **Dr. Faltas:** Oh, of course, I do.

[11] **The Court:** I said: How long do you want to testify?

[12-13] **Dr. Faltas:** I do not know, Your Honor. I'm sorry. I don't have a good estimate of those things.

[14-15] **The Court:** Do you need 45 minutes? Half an hour? An hour?

[16-17] **Dr. Faltas:** Oh, I think it's going to be longer than that.

[18] **The Court:** How long do you think it's going to be?

[19] **Dr. Faltas:** Maybe two or three hours.

[20] **The Court:** All right. We'll start today.

[21] **Dr. Faltas:** Yes, but I'm asking can---

[22-24] **The Court:** You won't be able to repeat anything. You can't -- you won't be able to start afresh as if you didn't testify.

[25] **Dr. Faltas:** No, I understand. I understand.

[page 630, line 1]

The Court: All right. Ms. Weiss?

[2-6] **Ms. Weiss:** Your Honor, may I just -- other than Dr. Faltas, may I have a list of who else... I know she said she needs Corey Curry, Bob Cooper, and Dana Turner. Is there anybody else that I need to have here for the defense's testimony in the defense's case?

[7] **Dr. Faltas:** Yes. J. Andrew Delaney.

[8-9] **The Court:** All right. He needs to show up for a motion to quash at 9:30 in the morning. **Who is Bob Cooper?**

[10-11] **Ms. Weiss:** Bob Cooper is the city attorney over criminal. I don't know---

[12-14] **The Court:** He was here yesterday for a motion to quash. He'll be here tomorrow morning at 9:30 concerning that as well.

[15-17] **Ms. Weiss:** Your Honor, I would object to Dana Turner. She's the chief admin judge, and I don't know what relevance she would have to this case.

[18-19] **The Court:** What's the relevance of that witness being called?

[20-21] **Dr. Faltas:** Your Honor, first I wasn't served with a motion to quash by Bob Cooper.

[23 to page 631, line 3] **The Court:** He doesn't have to serve you a motion to quash. He can appear and seek to have that quashed. You were here in court when he stood up and said that's why he was here. I told him we'd have him come back at another time, that we were busy and could not entertain at the time he came, and he indicated he had just received notice and came over here.

[4-5] **Dr. Faltas:** Yeah. If I recall correctly, he said he will file a motion.

[6] **The Court:** Maybe he will; I don't know.

[7] **Dr. Faltas:** No. I mean, he said -- he said---

[8-10] **The Court:** All right. Well, he'll -- that's why he's coming here tomorrow. Whether he files a motion or not, that's what he intends to do.

[11-12] **Dr. Faltas:** Thank you. If Judge Turner doesn't want to be here, that's fine.

[13] **The Court:** All right. She's struck from the list.

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

[15] **The Court:** She obviously doesn't want to be here.

[16-17] **Dr. Faltas:** Oh. Nor do I, as a matter of fact. So the clerk was kind enough to copy this. May I return it and...

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

[19] **Dr. Faltas:** Your Honor decided to admit them?

[20-22] **The Court:** Let me see what it is. I have elected not to admit it. It's not relevant to the case before us. It will be marked for identification purposes.

[23-24] (Defendant's exhibits 15 through 17 were marked for identification only.)

[25] **The Court:** The jury can come in.

[page 632, lines 1-2]

(Whereupon, the jury was brought into open court at 7:29 p.m.)

[3] **Bailiff:** All the jurors are present, Your Honor.

[4] **Court Reporter:** Just a minute, Judge.

[5-6] **Dr. Faltas:** Oh, I'm sorry, Your Honor. I remembered another witness---

[7-8] **Court Reporter:** Can you hold on just a minute? Please excuse me.

[9-10] **The Court:** This is off the record. Yes, ma'am. Go ahead.

[11]

(Whereupon, a bench conference was held.)

[12-15] **The Court:** Mr. Jones, as we were breaking, over the State's objection Dr. Faltas asked you whether asked you a question concerning ever being convicted of shoplifting. What is your response?

[16] **The Witness:** What was that, sir?

[17-18] **The Court:** What is your response to that question again?

[19-21] **The Witness:** Yes, but that was like thousands of years ago. I even forgot about it, but I mean, I was just with someone else and I was in -- mixed up with it.

[22-23] **The Court:** And you were convicted of shoplifting in 1991 in Orangeburg county.

[24] **The Witness:** Yeah.

[25] **The Court:** All right. And you forgot about it.

[page 633, line 1] **The Witness:** I did.

[2] **The Court:** All right. You may proceed.

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

[4-7] **By Dr. Faltas: Q.** Thank you Did you tell me that you and Ms. Ingram never spoke to each other unless you started -- until you started speaking about me?

[8] **A.** I didn't say that; Ms. Ingram said that.

[9] **Q.** Did you tell me that you didn't even know her until---

[10] **A.** I didn't say that. Ms. Ingram told you that.

[11] **Q.** How long have you been living at 304 Byron Road?

[12] **A.** Six years.

[13] **Q.** And how long has Ms. Ingram been living at---

[14] **A.** I don't know

[15] **Q.** Did you ever speak to her since she moved in?

[16] **A.** Yes.

[17] **Q.** I mean, when was the first time you spoke to her?

[18] **A.** I don't recall

[19-20] **Q.** Were you speaking to her more regularly after Ms. Steele tried to evict me?

[21-22] **A.** I don't even recall when Ms. Steele was trying to evict you.

[23-24] **Q.** Okay. Did the frequency of your conversations with Ms. Ingram start or increase around September 2009?

[25] **A.** I don't recall the date. I'm not sure.

[page 634, lines 1-3] **Q.** Did you speak to Ms. Ingram -- in your conversations with Ms. Ingram, how much percentage would you say was about me and how much was about anything else?

[4] **A.** I don't know. Maybe 20 percent about you.

[5] **Q.** And 80 percent about other things?

[6] **A.** Correct.

[7-9] **Q.** And did you testify -- did you also testify that part of my harassment of you is asking you to not drink beer in the outside?

[10] **A.** What's that?

[11-12] **Q.** Did you also testify that part of my harassment of you was asking you not to drink beer on the outside?

[13] **A.** I don't recall that at all.

[14-15] **Q.** Do you -- do you also drink beer and smoke at the same time under my balcony?

[16] **Ms. Weiss:** Objection.

[17] **The Witness:** What does it matter?

[18] **The Court:** The objection is sustained.

[19-20] **By Dr. Faltas:** **Q.** Did I ever comment on your drinking?

[21-22] **A.** You commented on everything that anyone does around there, period. Everything.

[23] **Q.** Did that include your drinking?

[24] **A.** That included everything: The way we park, everything.

[25 to page 635, line 1] **Q.** Did you -- did you have at one time a make-shift table that someone would think is unsafe?

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

[3] **The Court:** Objection is overruled.

[4] **The Witness:** Did I have a what?

[5-7] **By Dr. Faltas:** **Q.** A make-shift table in the backyard that someone would think is unsafe?

[8] **A.** A make-shift table? No.

[9-10] **Q.** Okay. Is there a tree stump in the backyard over which you had placed a metal grate?

[11] **A.** Yeah.

[12] **Q.** And did I tell you that that was unstable and unsafe?

[13] **A.** No.

[14-15] **The Court:** Do you have any other questions relating to the matter we're on trial concerning?

[16-18] **Dr. Faltas:** Yes, Your Honor. And did you have an extension cord that the fire department said should be changed?

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

[20] **The Court:** Sustained.

[21] **Dr. Faltas:** That's all.

[22] **The Court:** All right. Anything by the State?

[23] **Ms. Weiss:** No, Your Honor.

[24] **The Court:** You may step down.

[25] **Ms. Weiss:** May Mr. Jones be excused, please?

[page 636, line 1] **The Court:** Yes, he's excused. Next witness, please.

[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.

February 25-26, 2010
Columbia, South Carolina

Dr. Marie Assa'ad Faltas

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 636, line 1] The Court: Yes, he's excused. Next witness, please

[2] Dr. Faltas: Your Honor, may I take the stand, please?

[3] The Court: Yes, you may

[4] Dr. Faltas: And for religious reasons I affirm. I do not swear

[6] The Court: All right

[7] Dr. Marie Assa'ad-Faltas, after affirming to tell the truth, testified as follows:

[9-18] Dr. Faltas: Good afternoon or good evening. I am Marie Assa'ad-Faltas. I was born in Egypt in 1953. I went to school in Egypt. First I learned French and Arabic in elementary school, and then I transferred to an American school that was in Cairo, Egypt, where I learned English, and during that period I also learned German in Goethe institute and I also speak Arabic, so I speak four languages. And upon graduation from high school, thank God my score was very high, so I entered medical school. Egypt now has a Muslim majority, but I'm part of the Coptic Christian minority.

[10] Ms. Weiss: Objection, Your Honor.

[12] The Court: The objection is overruled.

[21 - page 638, line 22] Dr. Faltas: [21 - page 637, line 6] The Coptic Orthodox Church is the oldest continuing church in the world. The Gospel -- the four Gospels -- Matthew, Mark, Luke, John -- historically the Gospel of St. Mark was the one written first around, and St. Mark preached his Gospel in Egypt and he was martyred in Egypt, and his martyrdom formed the foundation of the Coptic Orthodox Church. And the Pope in Rome is the successor to St. Peter. The Pope of Alexandria, Egypt, is the successor to St. Mark, and that is older than the church in Rome and also a continuous unbroken line. [6-14] And my father was an engineer. My mother is a clothes designer and seamstress. I am the oldest of three daughters to them. My two other sisters. One is a year and a half younger than I am, and the other is 16 years younger than I am, so she's my baby sister. And both of my two sisters are physicians in Ohio, and they are also married to physicians in Ohio and very recently -- thank God -- we graduated the next generation of physicians. One of my nieces graduated from medical school last year. [15-25] I came to this country in 1979 on an expedited set of the Fulbright Scholarships. After the signing of the Peace Treaty between Egypt and Israel, President Carter requested an expedited subset of the Fulbright Scholarships that were handled by the Fulbright Commission but called the Peace Fellowships. And I applied in about June or July 1979, and I was selected. It was very competitive, and I first came to this country in August 1979. That was in what they call -- on what they call a J-1 Visa meaning an Exchange Visitor Visa and that was -- I had by that time -- I'm sorry. I forgot to tell you something. [page 638, lines 1-10] I graduated from medical school with honors in 1977. In my later years of medical school I became interested in environmental issues. I got admitted to medical school because I proved that I was superbly qualified to be an engineer. The admission exam to medical school was very heavy on math, mathematics and physics, chemistry, which are engineering subjects, but for some reason at my time the score on those is what determines whether someone gets to medical school. So I graduated from medical school in Cairo, Egypt, with honors in 1977, July 1977. [11-17] I did one year of rotating internship and one year of being the community physician. So that takes us -- the one year of rotating internship takes us to '78, and the community physician takes us to '79, and that's when I was selected for the Fulbright Scholarship. I came to this country to do a Master's of Public Health Degree, and I went to Chapel Hill, North Carolina, on that scholarship. [18-22] While I was in Chapel Hill, I had operation for my thyroid gland which was enlarged and (Long pause) Your Honor, may I say that I'm sorry -- the lady juror in the second row just made a gesture. I do not know at whom or to whom, but it seems that she's annoyed with my testimony.

[23] The Court: Pardon me?

[24-25] Dr. Faltas: It seems that she is annoyed with my testimony.

[page 639, line 1] The Court: Proceed with your testimony.

[9-4] Dr. Faltas: So I had this surgery in February 1980, and after the surgery or during the surgery my laryngeal nerves and my parathyroid glands were --

[5-8] Court Reporter: I'm sorry, Doctor. I apologize. Even though you're talking into the microphone, you're speaking softly. It's late and I'm tired. You're going to have to speak more loudly.

[9 - page 640, line 4] Dr. Faltas: [9-16] My laryngeal nerves and my parathyroid glands were damaged in the surgery. So I had laryngeal nerve paralysis for more than two months, and I had to have a tracheostomy tube. And since then I've also had low calcium and low thyroid hormone, so I have to take replacement thyroid hormone. I -- thank God part of my larynx recovered, but that's why I cannot project my voice, and after the surgery I began developing asthma and other things. [17 - page 640, line 2] So I finished -- because of the delay from the surgery, I finished my M.P.H., the Master's of Public Health Degree, in Chapel Hill in December 1982. The degree is in epidemiology and vital statistics and then -- can you hear me? In January 1983 I took the equivalency examination. At that time it was called the E C F M G, the Educational Com-

mission For Foreign Medical Graduates, which is like a test that - huge test - that is given to foreign medical graduates to make sure that they know the same amount of medicine as graduates of the United States medical schools, and thank God I passed it in 1983 [9-4] After that, there was an additional examination called the VQ E which I also ---

[10] Court Reporter: I'm sorry The what?

[10-8] Dr. Faltas: The VQ E and there is -- there was at that time also an additional exam called the FLEX, the Federal Licensing Examination, FLEX

[10-10] Court Reporter: You're going to have to sit back a little bit and just project your voice

[10-15 - page 641, line 6] Dr. Faltas: [11-24] The FLEX -- the FLEX, the Federal Licensing Examination, and I passed all of those and I was licensed to -- and still am licensed to practice medicine and surgery in Virginia I was licensed in 1988 and continued to be licensed since then And while I was -- after I was discharged from the hospital in Chapel Hill and the funding for my scholarship because I had been delayed by the hospitalization, my mother came to this country to be with me and her talents as a clothes designer and seamstress -- were noticed by an establishment And there is a provision in U S Immigration Law that if certain foreigners have skills that are needed in this country, they can apply if an employer can prove that their skills are needed and that they -- they cannot find enough Americans to fill those jobs [15 - page 641, line 6] So they did that process for my mother, and she became an immigrant and my father and my baby sister at the time because she was a minor at that time And so my parents and my baby sister immigrated to the United States in 1984, and they became citizens in 1990 and they have been citizens since then My father died in 2002 I love my father very much and always---

[17] Ms. Weiss: Objection

[18] The Court: Objection sustained

[10-11] Dr. Faltas: So after I worked some time in Virginia, I also worked some time in North Carolina and I was offered a teaching position, a non-tenure track

[12] Court Reporter: I'm sorry A what?

[13] The Court: Non tenure track

[14] Court Reporter: Nine tenure?

[15] The Court: Non tenure track

[16-25] Dr. Faltas: At the University of South Carolina School of Medicine and I accepted it in January 1992 In about April or so, 1993, there were issues about an article I had written, the Kinsey report, that claimed that ten percent of Americans are born gay It's a statistical fallacy meaning it's false My opinion was that the correct statistics would show that only about a fraction of one percent, if that, are born gay, and my opinion was and still continues to be that homosexuality is a choice and a behavior, not something that one is born with, and I had written that opinion---

[16-26 - page 643, line 1] Ms. Weiss: Objection, Your Honor

[17] The Court: The objection is sustained

[18-11] Dr. Faltas: So in any event, I had at that time applied for a green card, and for some reason the I N S kept on losing my applications, and for reasons related to the article that I had written, some people wanted me deported back then And I appealed that, and it was almost a 15-year litigation between the I N S and me, and in 2005 I got my green card which I should have gotten since 1993 So that -- that has been a -- an extreme unfairness And between the time 1993 and 2005 while I was appealing what I N S ---

[12] Ms. Weiss: Objection, Your Honor

[13] The Court: Objection is sustained

[14-20] Dr. Faltas: So between 1993 and 2005 I could not work because I had no employment authorization, but I continued to study engineering on my own and to study other things on my own but also continued to keep up with medicine in attending seminars and continuing medical education and things like that. And my appealing what I.N.S. was doing to me was almost like---

[12] Ms. Weiss: Objection, Your Honor

[22] The Court: Objection is sustained

[13 - page 643, line 4] Dr. Faltas: [13 - page 643, line 1] So in 2008 I saw this apartment, this sign for rent at 304 Byron Road, and I had seen it before when it had different owners and I think at that time the rent was maybe 345 or \$395, but I was not interested in moving in it [13-4] And then in 2008 I needed to move to that place not because I had done anything bad anywhere else but because the landlady of the house I was renting---

[15] Ms. Weiss: Objection, Your Honor

[16] The Court: The basis for the objection?

[17-8] Ms. Weiss: Relevance of her prior residence with the harassment going on at 304 Byron Road

[19-12] Dr. Faltas: Your Honor, may I say there is no harassment except inflicted on me? The second thing is that Larry Mason pretended that I was evicted before for harassment.

[18] The Court: The objection is overruled

[14 - page 644, line 1] Dr. Faltas: [14 - page 644, line 1] Thank you The landlady from whom I was renting a house actually down the road on 436 Byron Road needed or said she needed to move into the house herself So I rented there in 2008 They never asked me if I were a citizen or not, but in 2008 I had had my green card for three years, so definitely I was a documented person and I -- I was basically miserable in that apartment, and I thought that since I have always been interested in environmental issues and that it's always been my dream since I came to this country -- in fact, in my application for the Fulbright Scholarship I had written that I wanted to come here to study solar energy except back then no one was doing anything on solar energy and still very -- there is very little [13-14] I needed to invent it myself and to build my own house, and it turned out that I had found right next to this 304 building there is -- Byron Road and Veterans Road go like this They diverge from a point and then So on the other side of Veterans Road, there is a store for

a wildlife exterminator, and his land is like a flagpole where -- as if the flag is on Veterans Road and the pole goes all the way to Byron Road And that pole part was not being used and it was overgrown and it had -- it wasn't clean It had vegetation on it And so I started to inquire This seems to be a useless piece of land or a piece of land that's not being used So maybe I can -- it can be affordable and I can develop it and buy it [15-18] So I asked to whom it belonged and because I knew that few -- many yards down there were new condominiums that had been built Could I draw? Could I draw on this? Could I draw on this?

[19] **The Court:** Thank you

[20-21] **Dr. Faltas:** Thank you May I borrow a pen from the State, please?

[22-23] **The Court:** Ladies and gentlemen, I'll have you go to the jury room for a few minutes

[24-25]

(Whereupon, the jury was excused from the courtroom at 7:58 p.m.)

[page 645, line 1] **The Court:** We'll take a few minutes' break

[2]

(Whereupon, a short break was taken.)

[3-5] **The Court:** Ms. Weiss, concerning that witness, I want to be sure that that guy is here tomorrow What's his name again?

[6] **Ms. Weiss:** Corey Curry

[7-8] **The Court:** And do you have someone who can serve him a subpoena tonight to make sure he shows?

[9-10] **Ms. Weiss:** Your Honor, my paralegal talked to him and he said he'd be here in the morning

[11-12] **The Court:** Okay You don't have -- you don't doubt that? You think he'll be here?

[13-15] **Ms. Weiss:** I have no reason to I mean, he was served with a State -- do you want him served with a different subpoena?

[16-18] **The Court:** No, I just want to be sure he's here If he's been given a subpoena, that should be -- if that's enough

[19] **Ms. Weiss:** He was given one from me

[20] **The Court:** Okay Well, that's good enough

[21] **Ms. Weiss:** I mean, he's under subpoena

[22-23] **The Court:** Okay And he said he'll be here first thing in the morning?

[24 - page 645, line 1] **Ms. Weiss:** He said that he'd be here at 9:30 in the morning Yeah, Cynthia -- she spoke to him again after Your Honor had asked---

[2] **The Court:** Okay

[3-5] **Ms. Weiss:** ---because I spoke to him once and he said he'd be here, and then you asked me to call him again, and she called him again and he said he'd be here

[6] **The Court:** All right Very good

[7-8] **Dr. Faltas:** And, Your Honor, I had forgotten to also mention that I need Chief Carter.

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

[10-12] **Ms. Weiss:** Your Honor, we were just trying to get a couple of drinks I think we should have -- here they are Sorry

[13-14] **The Court:** Okay If we could get someone to bring the jury in

[15-16]

(Whereupon, the jury was brought into open court at 8:10 p.m.)

[17-18] **The Court:** All right The jury is back You may continue Thank you

[19] **Dr. Faltas:** I made a mistake, so ignore this part

[20-21] **Court Reporter:** I'm sorry You made a mistake but what?

[22 - page 647, line 2] **Dr. Faltas:** So ignore this part. So if this is the VA hospital, this would be Byron Road and this would be Veterans Road and then the triangle a bit at the beginning, and then this is the South Carolina Department of Transportation irrigation ditch which they made and widened after they built up---

[2] **Court Reporter:** I'm sorry They made them widen what?

[3 - page 648, line 22] **Dr. Faltas:** [4-17] They made and widened after they built or extended I-77 So this used to be a much narrower ditch and now it's relatively wide And so this gentleman, Mr. Dave Winn, has a wildlife exterminating store right here, perhaps bats and -- that get into attics, and his property, as I said, is like a flagpole So he works in this store, and this part which is across the ditch -- because he can't get through the ditch, only through Byron Road -- he didn't care about it So it's -- he had left it like he wasn't mowing it, and it was very overgrown and wild So I inquired into it and I asked if I could buy that portion, and we agreed that if I can get the required permit -- because it is zoned commercial, too -- if I can get a special exception to put a residence on it, then I will buy it [18-24] I made him the offer contingent on that, and he accepted the offer And then I asked how do I go about getting a permit to get a residential place here, and they said I have to go through many steps and one of them is to get a whole lot of pictures of the neighborhood to show that what I plan to build is not dissonant, is in harmony with the rest of the place [25 - page 648 line 7] So that was -- from November 2008 until January 2009 I was gathering this information and filling the application and also finalizing the plans because -- because of the irrigation ditch, this whole area is in a floodplain. So I also had to figure out a way which I also invented and which I got a patent -- no, I didn't quite get the patent, but I filed an application for a patent and I had the -- which the priority date and of -- the patent itself takes a few years. [28-30] So I -- I did that, and I appeared before the Board of Zoning and Appeals of the City of Columbia on 10 February 2009 to get my special exception, and they -- thank God -- approved it that day and I was very happy, but I needed to wait until I get the letter signed by the whole board So I got it around the 1st of March 2009, and then on the 3rd of March 2009 -- so this property I was able to buy for \$4,000, but I paid the closing costs and the surveying and all of that And it also -- I also had to get permission for it to be subdivided from this because it was all one property I needed to also get permission for it to be subdivided, and I also needed to have an egress assigned to it before I can get an actual permit It has now become 324 Byron Road [31-32] So -- so on March 3rd, 2009, we did the closing, and that was a Tuesday and---

[33] **Court Reporter:** I'm sorry What?

[34 - page 649, line 2] **Dr. Faltas:** [34 - page 649, line 4], That was a Tuesday and on -- So on March 4th, 2009, I went to Labor Ready and asked them if there's somebody who can come and help me clean this part I think on Friday, 6 March 2009, we

registered I went downstairs to the Register of Conveyances to register there to get it recorded, get the deed recorded [15-1] So when the -- when someone from Labor Ready came and they started working on it and they left, they said it wasn't the work that can be done by one person It needed somebody with a backhoe So the next week, the week of---

[16] Ms. Weiss: Objection, Your Honor

[110] The Court: Objection is sustained

[11-12] Dr. Faltas: I'm sorry, Your Honor. What is it that I shouldn't be saying?

[113] The Court: I cannot give you advice, ma'am

[14-16] Dr. Faltas: On -- I was looking for pricing break to build---

[116] Ms. Weiss: Objection, Your Honor

[17] The Court: What's the relevance of this, ma'am?

[118-20] Dr. Faltas: The relevance is that it gets us to 12 March 2009 when Dinah Steele and Larry Mason discovered that I bought that land.

[21-22] The Court: All right All right I overrule the objection

[123] Dr. Faltas: Pardon? Overruled?

[124] The Court: Yes, ma'am

[125 - page 650, line 3] Dr. Faltas: Thank you So while I -- I got somebody who has a backhoe and they were working on the land there to clear it, and Mitch Jones who was here, he saw it and asked me what---

[14] Ms. Weiss: Objection

[116] The Court: Objection is sustained Hearsay

[16-17] Dr. Faltas: So Dinah Steele showed up and asked me what---

[116] Ms. Weiss: Objection

[117] The Court: Objection is overruled

[110-12] Dr. Faltas: Thank you So Dinah Steele showed up and asked me, "What's going on?" I said, "I bought this land" She said, "You bought this land? I will---

[118] Ms. Weiss: Objection, Your Honor

[114] The Court: Objection is overruled

[115 - page 651, line 2] Dr. Faltas: [115-24] "I will protest and you'll never build on it" And later -- in fact, I went upstairs because I was down there with the men who were doing the work with the backhoe So she started yelling at me and frightening me so much I went upstairs, and as soon as I went upstairs I got that call on the caller I.D. from Larry Mason, and he told me, "I'll get you evicted tonight, and I saw your things out Why don't you go back where you came from?" And I said, "I want to build a solar house, and President Obama is interested in solar energy" [125 - page 651 line 2] He said, "Obama is a big piece of shit like you," and I was so terrified I called the police that day, and they came and told Ms Steele not to bother the men who were working---

[118] Court Reporter, I'm sorry Told Ms Steele not to?

[14-18] Dr. Faltas: [14-17] Not to bother the men who were working on my land to clear it because one of them came and said he can't work because his backhoe got broken I thought he might have been intimidated by her [18-18] So on 13 March 2009, that was a Friday, and one of the things I said when Larry Mason called me -- I said, "What did I do to you? Why -- why -- I mean, why are you upset that I bought land next door? It will only increase the value of your property, and I'm not going to put a rental building in it, so it will not be in competition with you" He said, "Oh, I was going to get that land myself and you interfered with my business" [118-18] So I called Dave Winn - and that's also on the caller I.D. - and he told me that. I said, "Is it true that Larry Mason wanted to get that land from you?" He said---

[119] Ms. Weiss: Objection, Your Honor

[120] The Court: Objection is overruled

[121 - page 653, line 2] Dr. Faltas: [121 - page 652 line 3] Thank you So he said, "No, he never gave me a deposit, never anything, and the land is yours." That Friday I was told that Larry Mason and Dinah Steele went to the city to look at the special exception, and then on Saturday, 14 March 2009, I had been out to recycle some things at Staples and came back and found the truck parked here next to the condominiums, and there are new condominiums there. [14-2] And while the men were cleaning this area, we found an old rusted sign, and I said, "Could you please lift it?" And it's very, very heavy. It took all three men, and they did lift it and put it on this side, this -- yeah, this side of the property, and I bought new letters for it that reads, "324 Byron Road," so this sign here. [110-18] So on Saturday, March 14 -- March 2009, when I came back I found Larry Mason and Dinah Steele's truck parked in front of the condominiums there, and as soon as he saw me, he came over and said, "Hey, Marie. Give me that sign back or I'll have you arrested." I said, "Why will you have me arrested?" He said, "You stole it." I said, "I didn't steal anything. That was on my land, and it says that everything on the land is mine. Besides, it's an old and rusty sign that had been dumped there." [119 - page 653, line 2] So I was very terrified by it and called the police. He said, "I'll have you arrested." I said, "I didn't do anything wrong, and to prove it I'll call the police. When the police come, you can tell them. You can make the claim that I stole it, and they'll investigate it." So they were not helpful when they came and I was very frightened, and he told me that they were there getting petitions from the other neighbors so that -- to revoke the special exception that I got to build. And I kept on asking Dinah what---

[118] Court Reporter, I'm sorry To?

[118-11] Dr. Faltas: To revoke the special exception that I was given on that date. And I kept on saying, "Guys, why is it that you don't want me to build on that land?" And he kept on giving me reasons that didn't make sense. And then in April -- and he said they have to -- they will -- because from -- from that date, March 1st, anyone can

appeal the fact that this special exception was granted to me. So they said, "We will appeal it and we will get it reversed so you cannot build on this land."

[112] Court Reporter: I'm sorry. We will get it what?

[113 - page 654, line 6] Dr. Faltas: [113-20] "Reversed so you cannot build on this land. And we were here collecting petitions from the people in the condominiums and from the neighbors, and we have 50 petitions against you so you won't build." And when he called me again on March 14th, 2009, he said that he had gone to the city development and seen my plans, and so I know that's what they were doing on Friday. [21 - page 654 line 6] So I was, you know, terrified by that, and I had discovered that they were renting my apartment -- they have two buildings. Every building has four apartments, two downstairs and two upstairs, and so there are eight apartments. And I had discovered that they were renting the other apartments to the other tenants much cheaper than they are renting them to me. And I had talked to them about that because the apartment next to mine had become vacant in January 2009, and I had told them, "Because you're renting to me higher and have rented to me higher, how about we make a new deal? I get the two upstairs apartments as a package for \$700--"

[7] Ms. Weiss: Objection

[8] The Court: Objection is overruled

[18 - page 655, lines 13] Dr. Faltas: [18-16] Because I wanted this -- this is closer to the land that I bought, so I wanted the apartment from which to be looking at it in order to supervise it. I wasn't planning to get a contractor or anything but to do it myself with just manual labor but my supervising everything. So I offered them that, and that apartment stayed vacant from the end of January until -- until May 2009. [16-25] So I was telling them since you have the vacant -- a vacant apartment, why don't you make a deal for me? But that was before they had discovered on Thursday, 12 March 2009, that I had bought that land. So they kept on not wanting to tell me why they didn't want me to build, and they kept on saying that they hired a lawyer to make my special exception -- to reverse my special exception. And they even gave me the name of that lawyer, and I called him and tried to, you know, ask him, "Why is it that they don't want me to build?" [page 655, lines 1-2] Tell me how I could accommodate them." And he wouldn't tell me, and after that he said he wasn't going to represent them. [3-4] So I was afraid that before that they were still going to file something to -- to get my special exception revoked. [5-10] So I filed the civil lawsuit against them for mainly two reasons. One was that they were charging me more rent than the others based on my national origin, and the other is that they were interfering with my building plans. I would have asked in the lawsuit that the Court stop them from interfering with my business plans. [11-13] So in April 2009 I discovered that the reason they didn't want me to build is that the sewer lines from their buildings -- this is what is called a clean-out.

[14] Court Reporter: I'm sorry. A what?

[16-16] Dr. Faltas: A clean-out. It's like a ten-inch round thing that you bury deep and--

[17] Court Reporter: Dr. Faltas?

[18] Dr. Faltas: I'm sorry.

[19-21] Court Reporter: If you could sit on the witness stand maybe and angle that way so your back is not completely to me. It's very difficult.

[19-20] Dr. Faltas: A clean-out is a -- a clean-out is where the sewer lines get angled. Every place that you turn on the sewer lines, it has to be an angle -- an angle and a cleanout. So the clean-out from those--

[page 656, line 1] Ms. Weiss: Objection

[2] Dr. Faltas: --are here and here.

[3] The Court: The objection is overruled

[14-16] Dr. Faltas: Thank you. And these are called the service lines, and I didn't know all of that until I got into this -- into the building. And then they connect -- they connect here to two other clean-outs, and then from there they connect to the main sewer. So this part doesn't belong to the city nor this part. Only this part belongs -- belongs to the city, and from it it goes to the drainage. And the reason I found that out is that I had also to submit plans of how the building I'm planning to build -- how it will have sewer drainage, and that's in the process. I found out that those are here and that in Columbia the -- in Columbia the sewage is not metered separately.

[15] Court Reporter: I'm sorry. The sewage is not what?

[25 - page 657, line 3] Dr. Faltas: [17-24] Metered separately. It is -- the water usage is metered, and the sewer is a multiplier of the water usage. So in the process of getting approval from the city for how I will put sewer lines, we discovered that this is how the sewer lines from the two buildings that Dinah Steele has are and they are across my land and that's illegal, and they have never paid a tap fee and they were not paying the sewer fee. [25 - page 657, line 3] So I asked the city -- I told them, "Well, if this is not appropriate for it to be on my land, can you ask them to move them?" And the city wrote them a letter. May I step down, Your Honor, and get the letter from that package?

[14] The Court: Yes

[15-6] Dr. Faltas: Thank you. Again, it's the package of exhibits that was presented to the court in with Judge Lee--

[17-8] The Court: Let's stand for a moment. (Pause) All right

[19-10] Dr. Faltas: Your Honor, may I put them back like this so it wouldn't--

[11] The Court: Yes, ma'am

[12-13] Dr. Faltas: In their place. And then we can get a copy of them later if Your Honor--

[14] The Court: Yes, ma'am

[16-17] Dr. Faltas: --agrees to admit them. So because this is the originals, they'll not be marked until they are copied?

[18] The Court: Yes, ma'am

[19-20] Dr. Faltas: Thank you. So these are the letters that the City of Columbia wrote to Ms. Steele and to me.

[21] Ms. Weiss: Objection

[22] Dr. Faltas: Oh, I'm sorry

[23] The Court: Show them to Ms. Weiss

[24] Dr. Faltas: Sorry?

[25] The Court: There's an objection

[page 658, line 1] Dr. Faltas: Oh, show them to her did you say?

[2-3] The Court: Are you familiar with what they are, Ms. Weiss?

[4] Ms. Weiss: No, Your Honor

[5] Dr. Faltas: May I show them?

[6] The Court: Yes

[7]

(Dr. Faltas shows documents to Ms. Weiss.)

[8] The Court: What's the basis for the objection?

[9] Ms. Weiss: Relevance

[10-11] The Court: The objection is sustained. It's a collateral issue

[12] Dr. Faltas: I'm sorry?

[13-15] The Court: It's a collateral issue. The objection is sustained, not relevant to this case. It will be marked for identification purposes at a later time. You may proceed.

[16 - page 660, line 6] Dr. Faltas: [16-24] Thank you. So the city wrote to her that she can either negotiate an easement with me or the city will put -- will put new clean-outs in her own property -- on her own property about here and here so her sewer lines can go like so, but the city will put the new clean-outs at its own expense to connect with the main like this, but she would have to hire a plumber at her own expense. So this part will be at Ms. Steele's expense, and this part will be at the city's expense. [25 - page 659, line 11] And she refused to do that, and instead she continued to say that instead they will have me deported and have me arrested and all of that. And since that day, Saturday, 14 March 2009, when he had falsely accused me of having stolen the sign, I had to document everything because he pretended that the sign was behind that building and I had moved it, and I had explained to everybody it's impossible for me to have done that. And it so happened that from the time when I was taking pictures of the neighborhood to present them to the Board of Zoning and Appeals I had a picture that showed part of the sign here, so that could prove -- was helpful to prove my innocence that I had not stolen his sign. [12-18] So since then it was important for me to document things as much as possible. So then this is the parking lot that -- it has room for about 15 cars. They aren't marked. There's no like assigned -- and the parking lot is very broken. So -- and then there is this island which is really on the right-of-way, and it has -- the mailboxes for all the buildings are here on -- on the side of the 300 Byron Road. [19-20] So to get to my mailbox I need to be close to this 300 Byron Road. I'm sorry. The scale isn't -- the scale isn't exact. [21 - page 660, line 5] So starting in April 2009 in -- sometime late in February 2009 or in the middle of February 2009 Larry Mason and Dinah Steele were out here working and it was a Saturday, and I said hello to them. And they were dressed well, and I said, "You all look sharp." They said, "We're going to the boat show." I said, "Why did you come here before the boat show?" They said, "We're changing the security door on this building because Teresa Ingram has given her code to the boyfriend, and she doesn't want him to come back. So we need to change it." So they changed it. [2-3] And after that, sometime between here and here, I was at my window and I heard her yelling really and castigating the tenant who lives in the apartment --

[4] Court Reporter: I'm sorry. You heard her?

[25 - page 662, line 11] Dr. Faltas: [10-20] Yelling and castigating. And I felt very, very sorry for the tenant there to have been yelled at and abused like that, and I didn't know what to do. On another day Ms. Ingram -- I was -- because my apartment is very small and it don't get much sun, I like to sit in my car and get sun. And Ms. Ingram was there and she -- she was washing her car at home at her -- she came towards me, and I told her, "That lady whom you were so abusing verbally across the street, do you want someone to talk to you like this? That was very unkind." And she said, "Well, she was asking about things that aren't my business." [31 - page 661, line 6] I said, "I'm not judging you. I'm just saying that that was very unkind and try to apologize to her." And I told her, "When I say something unkind to somebody, I would go back and apologize to them." And she said, "You would?" And I said, "Yes." She said, "Then you must be a good person, but in life one has to take care of oneself," and I said, "You don't take care of yourself by yelling and abusing somebody else. Why don't you do me a favor? When you're angry with somebody, before saying angry words to them say the Lord's prayer and let's say the Lord's prayer together," and she said, "Okay." And I was impressed with that. [7-11] And then sometime late in March 2009 I was sitting in my car, and I saw somebody pull there and keep on knocking on the door, on her door, for about maybe 15 minutes, and he was standing there and I hadn't seen him before. And it wasn't -- it wasn't this man here. It was a different man. [13-16] The man who came up said he's Rodney Ingram. It was a different man. I had not seen him before, so I didn't know if that was the boyfriend that she did not want to come back and I didn't know if he was coming back to hurt her or to hurt anybody. [17-24] So I said, "Why are you waiting so long?" I honked and he came to my car and he said, "I'm her cousin," and he even showed me his driver's license. And I said, "Okay," but -- and he said he has been calling her and there is no answer on her cell phone and her home phone had been turned off. I said, "Well, you know, maybe she doesn't want you to come in, and she has previously filed a police report on her boyfriend. So maybe she doesn't want to get any visitors." [35 - page 662, line 6] And so -- but he had taken his dog to get -- to relieve itself on my land, and I said, "Okay. You did it this time, but this part is my land and I don't want dogs relieving themselves there." I never ever told him that I owned this, and that would have been ridiculous. If he's her cousin, he knows who her landlady is. So I just told him that I

didn't want his dog relieving itself and... [7-8] *So after that I got a letter from them claiming that I present myself as the landlady there, and I didn't do that.* [9-11] *And then they filed an eviction proceeding against me and a that was -- that was initially going to be tried in July 2009 July 2009 Could I turn the page?*

[12] Court Reporter: I'm sorry I cannot go any further

[13] Dr. Faltas: Does Your Honor want us to stop?

[14-15] The Court: We'll have the jury go to the jury room for a few minutes

[16-17]

(Whereupon, the jury was excused from open court at 8 49 p.m.)

[18] The Court: We'll be at ease for a few minutes

[19] Dr. Faltas: Sorry?

[20] The Court: We'll be at ease for a few minutes

[21]

(Whereupon, a short break was taken.)

[22] The Court: Bring the jury back

[23-24]

(Whereupon, the jury was brought into open court at 8 52 p.m.)

[25 - page 663, line 3] The Court: Ladies and gentlemen, we're going to quit now. I need you back at 10 tomorrow morning. Thank you very much for your endurance and patience and all. I need you back at 10 tomorrow morning. Have a good evening

[4-5] (Whereupon, the jury was excused from open court for the day at 8 52 p.m.)

[6-7] The Court: And we'll be in recess 'til 9 30 tomorrow morning, 'til 9 30

[8-9] Ms. Weiss: Your Honor? Your Honor, do you want me to ask Chief Carter to be here at 9 30 or

[10] The Court: No. As long as he's on standby, we're fine

[11] Ms. Weiss: Okay

[12-13] The Court: Did you want to interrupt your testimony, Dr. Faltas?

[14-16] Dr. Faltas: Since I have come this far, I do not know how long the State would cross-examine me, but since I've gone this far, I might as well break it

[17-19] The Court: She'll continue then and we'll have others to come, perhaps to be here by 10 30 or so. Anyone who is five minutes away, they don't have to sit

[20-21] Ms. Weiss: I guess your office is dealing with Mr. Delaney and?

[22] The Court: We've called him to be here at 9 30

[23] Ms. Weiss: And Mr. Cooper as well? So I'm not going...

[24-25] Law Clerk: They've both been notified to be here at 9 30

[page 664, lines 1-2] Ms. Weiss: Okay. Then I'm not going to worry about anybody

[3] The Court: We'll be in recess 'til 9 30

[4] Ms. Weiss: Thank you, Your Honor

[5] Dr. Faltas: I'm sorry. Did you say to be here at 9?

[6] The Court: 9 30

[7-10]

(Defendant's exhibits 18 through 23 were marked for identification.)

Whereupon, the trial concluded for the day at 8:55 p.m. and resumed the following day, February 26, 2010 as follows.)

[11-13] The Court: All right. Good morning. I'll deal with motion number -- a motion to quash number one. Who is number one?

[14-15] Mr. Boineau: Your Honor, that may be Mr. Delaney. I'm Trippett Boineau. I'm here for Mr. Delaney.

[16] The Court: All right

[17 - page 666, line 22] Mr. Boineau: [17-20] Thank you, Your Honor. This being our motion due to a subpoena that was served upon Mr. Delaney regarding the production of documents, Your Honor, it's my understanding that the subpoena was served on Mr. Delaney [21-25] It's dated -- the subpoena itself is dated Wednesday, February 24th, or, excuse me, he was supposed to appear Wednesday, February 24th, 2010. It's my understanding he was there at some point -- he was here, and at some point the motion was continued [page 666, lines 1-2] Your Honor, the subpoena itself requests that Mr. Delaney produce the following documents: Any and all documents his office received from the defendant in this case who is the plaintiff in case number 2009-CP-40-02219; the original of any and all documents he or his office submitted in that case, whether it's a pleading, motion or in response to discovery as well as all documents he and his law firm sent concerning Dr. Faltas to any person and/or entity whatsoever [10-17] Your Honor, the basis for the motion to quash is the subpoena itself requesting the production of documents asked for documents sent by Mr. Delaney, his paralegals, others concerning the civil action and, Your Honor, those documents, of course, will be protected by the attorney/client privilege as well as the attorney work product doctrine. Many of those documents contain confidential communications between attorney and client and, therefore, they'd be protected [18-19] We'd ask that the Court rule that those are not to be produced by Mr. Delaney [20-24] Your Honor, also we would state that with regards to any pleadings, motions, or anything of that matter that was filed with the court, all of those documents are, of course, public record. They're on file here, and they were also provided to Dr. Faltas [25 - page 666, line 6] Your Honor, lastly, with respect to the discovery that was sent out, of course the rules require us to keep the original discovery for purposes of motions and, Your Honor, my understanding is in the civil case there's been two previous motions to compel already. So asking for the originals of those, Your Honor, we'd ask that you quash the subpoena with respect to those documents [7-16] Your Honor, lastly, any documents that were sent originals by Mr. Delaney, he would have sent the originals and, therefore, he doesn't have any of the originals that he sent. He would have copies of those originals. Any documents that weren't attorney/client privilege would have been provided to Dr. Faltas pursuant to the rules. In other words, there's no communica-

tions that took place that Dr. Faltas was not provided except those which are attorney/client privilege or those that she was not required to be copied on. [17-22] Your Honor, based upon that I would ask the Court to please quash the subpoena and, of course, if the Court orders the documents be produced, we'd seek some sort of a protective order and ask the Court to look at them in camera first to make sure that we're not producing anything that's attorney/client privilege or work product.

[28-28] **The Court:** All right. Let me hear motion number two. I'm going to hear all the motions. Then you'll respond to all of them.

[page 667, lines 1-2] **Mr. Cooper:** Your Honor, I'm Bob Cooper from the Office of the City Attorney for the City of Columbia.

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

[4--page 668, line 7] **Mr. Cooper:** [4-9] I received a subpoena at 1:30 the day before yesterday asking for all of the correspondence, notes, and other similar documents to or from our office concerning the defendant in this case. I have moved to quash that subpoena on several grounds, some that overlap with the ones that were pointed out by Mr. Boineau. [10-17] The first and primary ground for my motion is that I'm not the custodian of those records. It's my understanding that on Wednesday Dr. Faltas attempted to have another attorney in our office served, and he did at one time have custody of some of the records that she seeks. He is no longer with our office. Those files were not transferred to me. I'm not the general custodian of the records of the Office of the City Attorney. [18-22] I have handled one matter involving Dr. Faltas that I can recall of -- or recall. I'm sorry. In 2000 -- it began in 2004 and ended in 2005. It was a civil matter; it is resolved. Those records could not possibly be relevant to this action and they're archived. [23--page 668, line 7] I would also assert that the requirements of the subpoena are unduly burdensome and unlikely to yield relevant material, and they would be covered in many cases by work product or attorney/client privilege. I'd ask you to quash the subpoena in its entirety, but if that is not what Your Honor thinks would be the appropriate thing to do, then to have the appropriate people bring the documents to Your Honor to have an in camera review, and only those documents that are both relevant and not privileged be turned over to Dr. Faltas.

[9-11] **The Court:** All right. Motion to quash number three. Something related to the city judge or, Ms. Weiss, you had mentioned something about Judge Turner or someone.

[12-21] **Ms. Weiss:** No, Your Honor. I had objected to Judge Turner being called in this case because she is the sitting judge. The only understanding I could have would be that she's a sitting judge in her official capacity and that it would be inappropriate to call her. She's had nothing to do with this case, and she testified to that in the hearing that we had. I guess it was yesterday morning or -- yesterday morning. And then Dr. Faltas said, "Never mind. If she doesn't want to be here, she doesn't need to be." So I just -- I didn't think that was going -- anything going to be heard.

[22-23] **The Court:** All right. And, Dr. Faltas, any response to those three things?

[24] **Dr. Faltas:** Good morning, Your Honor.

[25--page 669, line 1] **The Court:** First let me ask you. Is the -- the other guy, is he here? What's his name? Curry?

[26] **Dr. Faltas:** It seems that he is, Your Honor.

[27] **The Court:** Okay. Go ahead.

[4-5] **Dr. Faltas:** Thank you, Your Honor. Your Honor, good morning.

[6] **The Court:** Good morning.

[7-20] **Dr. Faltas:** [7-20] And first of all, both subpoenas weren't just *duces tecum*. They were for the person to come and testify, and this is an important -- the crucial issue in my defense is that all of this is a conspiracy to frame me in retaliation, and we have the testimony from Investigator Blanton that she received documents from Andrew Delaney who is the lawyer for the defendants in the civil case. And incidentally, Your Honor -- and I know you're not -- and I'm not asking for legal advice, but there needs to be -- and the Fourth Circuit U.S. Court of Appeals in the case of somebody versus Leake (phonetic) and Boday (phonetic) from South Carolina and then the U.S. Supreme Court in *Canes versus Herner*, I think, said that courts have to give some liberality to pro se persons, and I'm not playing dumb. [21-24] I'm not saying I should be held to a different standard. I'm not saying all that. I'm saying just there needs to be some -- just the level of leniency and assistance that is required in published cases to pro se persons. For example, yesterday --

[page 670, line 1] **The Court:** Ma'am, we're addressing the issue of --

[2] **Dr. Faltas:** Okay. All right.

[3] **The Court:** --the motions to quash the subpoenas.

[4] **Dr. Faltas:** Yes. Yes, Your Honor.

[5] **The Court:** Do you have any response to those --

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

[7] **The Court:** --three motions?

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

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

[25--page 673, line 10] **Dr. Faltas:** [10-12] The third one is moot. I agree that I said we're not calling Executive Judge Turner again. So that third one is moot. The first two are not moot at all. [13-22] Blanton, Amanda Blanton, testified that she received documents from J. Andrew Delaney. We need him under oath with the documents he sent her. Especially if he had faxed them to her, he would have the originals and, yes, it's not pitting witnesses, but it is finding out because credibility is a clear issue here when there is nothing concrete, no corpus delicti, so to speak. It's just somebody saying she looked at me or she flipped me the finger or she called

me the B. Word, and the bigger issue is the conspiracy to frame me. [23 - page 671, line 8] **Mr. Cooper in person, in person, had -- has an interest in this because he is afraid that I might have taped him which I didn't. He was once talking to somebody about the Wal-Mart case, and he said and I heard him with my own ears saying that they had dummied up the picture. So he knew that fabricated evidence was used in a case and he did nothing about it, and instead he has this horrible vendetta against me, which even though he claims to be a Christian and even though the first time I ever met him he said that he will be praying for me or something like that, he -- I think it has become clear to me that those people do not mind if I die.** [19-17] In fact, that may have been the purpose of all of this, to -- in fact, my false accuser from the witness stand said if I could avenge myself on you without getting into trouble I would do it. This is one what they are doing. **So the testimony of Mr. Cooper is essential. I don't know why they didn't transfer the records from Gary Johnson to him because Chief Carter said that Bob Cooper is the lawyer whom they consulted. He said that to me. I don't recall if I asked him when he testified in the absence of the jury.** [18-21] And then even in Amanda Blanton's sworn testimony in the preliminary hearing when I asked her about the subpoena, she said she initially called Bob Cooper and he referred her to Gary Johnson. So Bob Cooper has responsibility for that. [22-24] Apparently Gary Johnson was like assisting him or something when Gary Johnson was with the City Attorney's Office. So it's Bob Cooper's responsibility. [25 - page 672, line 11] And then with both of them, with both of them -- of course, we're not -- I will not be asking for attorney/client privilege documents but -- **and it will be very limited because I am aware of that, but there is a crime tort and fraud exception to the attorney/client privilege.** And so it's not anything that someone says to a client cannot be discovered. If they were assisting the client in a crime tort or fraud, the privilege was away, and I think that happened here, especially, for example, that you saw Mason initially deny that this Alden Wheeler guy is one of his employees, and then when confronted with the list, he said, "Yes, that name is on the list." [12-24] **Now, that document from Alden Wheeler -- or Alden Wheeler has been listed as a witness in the civil case by Andrew Delaney. So I'm trying because the -- for the jury, it is a matter of who is telling truth and who is fabricating things and what incentive they have to fabricate things. So the testimony should not be quashed. The subpoenas for testimony should not be quashed. Lawyers can be subpoenaed just like everybody else. There is no reason for those lawyers to hide behind whatever and not tell the truth, especially when my life is at stake. And I don't say my life hyperbolically. I say it because it has become clear to me now that it's conspiracy at the highest level, and they don't really believe I was harassing anyone.** [25 - page 673, line 8] They were trying to get me any possible way they can including -- and this is very crucial. **You heard testimony from Larry Mason that he says my mother does not exist, and you heard Amanda Blanton who is supposed to be a police officer protecting people. She called the Social Security office trying to get my mother's Social Security. Now, what did my mother do?** [7-10] **It's a big, big conspiracy, and I'm hoping the Court will protect me.** Certainly I will not ask for anything that's genuinely attorney/client privilege, but anything that's fraud, tort, or crime cannot be hidden behind.

[11] **The Court:** All right

[12] **Dr. Faltas:** Thank you, Your Honor

[13-22] **The Court:** Thank you. All right. The motion of Mr. Cooper to quash the indictment served on him is granted. The motion of Attorney Delaney to quash the subpoena given to him is denied. I find that the matters sought from Mr. Cooper are not -- those matters are not relevant to these proceedings but involve extraneous and collateral matters that, **based on the testimony of Investigator Blanton, the matters sought and/or testimony from Mr. Delaney would be proper under the facts of this case, and I deny the motion to quash that subpoena.**

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

[24 - page 674, line 2] **Mr. Boineau:** Can I just briefly -- the motion is just for the production -- I mean, the subpoena is just for the production of documents, if you'll look at the subpoena, Your Honor

[5] **The Court:** Well, I haven't seen the subpoena, but I know she expressed an interest in subpoenaing him to be a witness in the case, so --

[6-10] **Mr. Boineau:** And, Your Honor, if he gets that subpoena, I know this one, Your Honor, just states for him to -- it's checked. You are commanded to appear or, excuse me, you are commanded to bring with you the following documents, and the first one "you are commanded to appear" is not checked

[11] **The Court:** All right

[12-13] **Mr. Boineau:** I can hand up a copy, Your Honor, if the Court would like

[14-25] **The Court:** [14-21] Well, to the extent that Dr. Faltas has raised the question of the obligation of the Court to not give advice but to provide some minimal assistance, I have informed her to tell me who she wanted to subpoena. We'd have them subpoenaed. The documents were not prepared by her. She prepared some handwritten document reflecting who she wanted to subpoena and -- and included in that was Mr. Delaney. [22-25] The clerk then prepared the -- and her stand-by counsel prepared them. Mr. Delaney is subpoenaed personally and -- and through the subpoena duces tecum. So if you'll let him know he needs to come

[page 675, line 1-2] Mr. Boineau Yes, sir, Your Honor Is there a particular time?

[3-5] The Court Well, just later this morning, I guess. I'm not sure Dr Faltas is testifying, and we have another witness testifying, other people around somewhere I guess when he's free, maybe 11 00

[7-8] Mr. Boineau Your Honor, at that time I'll just have him bring the file with him if that's fine

[9] The Court Yes, sir, I think that will be fine

[10] Mr. Boineau: Thank you, Your Honor

[11-12] The Court: All right Thank you We're at 10 'til 10 The jury is coming at 10 We're ahead of schedule

[13-15] Dr. Faltas: Yes, Your Honor. So may I -- may I say two things? The sequestration, I hope it applies, but I am afraid that Mr. Curry will go away if we send him out, so---

[16] The Court: You want him to hold that seat over there?

[17] Dr. Faltas: Pardon?

[18-19] The Court: Do you want him to hold that spot that he has?

[20] Dr. Faltas: Yes

[21] The Court: To stay there?

[22] Dr. Faltas: Yes, Your Honor---

[23] The Court: Okay

[24] Dr. Faltas: ---if it's -- if it's

[25] The Court: Mr. Curry?

[page 676, line 1] Mr. Curry: Yes, sir

[2] The Court: What is your name?

[3] Mr. Curry: Sir?

[4] The Court: What is your name again?

[5] Mr. Curry: Corey Curry

[6-7] The Court: Corey Curry All right. Mr. Curry, yeah, we'll need you to stay right there if you would.

[8-10] Dr. Faltas: I'm sorry Or another idea may be if he can stay up in the Sheriff's office or something so we know he doesn't -- doesn't leave

[11] The Court: He's not going any place

[12] Dr. Faltas: Okay Okay All right Thank you

[13-14] The Court: He can stay there He can stand outside Just be here when she wants to ask you some questions

[15-20] Dr. Faltas: Your Honor, additionally today I brought the small bag and I was wondering if I -- before the jury comes if I may show them the camera that I used, show them my green card, my medical license without putting them in evidence, just showing them to the jury and showing them also some documents from yesterday's file.

[21-22] The Court: Well, you've made a number of requests, and I have to hear from Ms. Weiss on

[23-24] Dr. Faltas: And also I needed to show them the patent documents that I have and---

[25 - page 677, line 1] The Court: All right Any objection to that, Ms. Weiss?

[2-7] Ms. Weiss: Your Honor, if she's going to be showing things to the jury for them to consider as far as evidence, then I would submit that she ought to be entering them into evidence. She has already admitted photos of all of these items into evidence, and anything else I would think would be irrelevant

[8-11] The Court: All right. We'll have to just take the matters up. Certainly an original of a green card and an original of various documents that you would need to retain would not have to be put into evidence.

[12-14] Dr. Faltas: Thank you, Your Honor And because the patent documents are also intellectual property, it may be shown to them and not kept as a---

[15] The Court: Well---

[16] Dr. Faltas: As an exhibit

[17-20] The Court: Well, you can't show -- you can't publish anything that doesn't go to the jury As far as passing them around and, you know, if you just hold something in your hand is one thing

[21] Dr. Faltas: Okay Okay

[22-23] The Court: If you present them to the jury to review, then that's something else

[24] Dr. Faltas: All right So---

[25 - page 678, line 3] The Court: The fact that I might show -- look at my watch and say, "Tell the jury, according to my watch, that it's 5 'til 10," doesn't mean that my watch will go into evidence

[4-6] Dr. Faltas: That's great So, I mean, could I -- so I don't risk anything, could I just show them that the camera goes like this, that it has a very big---

[7-9] The Court: Well, you can -- I'm not micromanaging the trial to that extent You can do whatever you want to, and then Ms. Weiss will---

[10] Dr. Faltas: Okay

[11-12] The Court: --have her opportunity to state her position regarding whatever it is you have done

[13] Dr. Faltas: Thank you

[14] Ms. Weiss: Your Honor---

[15-16] Dr. Faltas: One other matter very, very quickly I'm sorry I don't know whom the Court is recognizing

[17] The Court: All right Ms. Weiss?

[18 - page 679, line 3] Ms. Weiss: Thank you, Your Honor. It's come to my attention that Judge Davis is here from the Lykesland Magisterial District, and I don't know if he was -- I believe he's here under subpoena from Dr. Faltas. I have not spoken to him. But just to save time later, I'm going to object to the relevance or object to his being called as a witness, being that the only -- my understanding is the only part he's played in this is as serving as a judge, a sitting judge, trial judge, in the restraining order hearing, and I think that that would be asking him to testify in his official duties, in his official capacity as a judge.

[4-5] **The Court:** All right All right Judge Davis, you're here pursuant to a subpoena that you got?

[6] **Judge Davis:** That's correct, sir.

[7] **The Court:** All right Do you want to testify?

[8] **Judge Davis:** No No, sir

[9] **The Court:** Okay All right Dr Faltas?

[10 - page 680, line 7] **Dr. Faltas:** [10-12] Your Honor, that also relates to the -- I had mentioned that there is a transcript in the file, in the case file, and Your Honor said that you will look and see if it has anything to do with Ingram. Actually it has many pages to do with Ingram, and so I had also given a copy of that transcript to His Honor and he reviewed it. So he -- other than that -- and he also had administrative duties receiving -- receiving the application So, of course, I'll not be asking him why he ruled on anything or anything like that [10 - page 680, line 7] And in addition, Your Honor -- and I don't know the basis and I'm not arguing with the Court, but it seems that Your Honor made a general ruling that anything that has to do with Ingram is admissible. So the Honorable Judge Lee's order has a part not only about Ingram but about the land-lords encouraging the tenants to taunt me in the same way So I hope at least that part can be -- can be read into evidence And so Judge Davis is here mainly to authenticate that part of the transcript that is in the file and that has Ingram's testimony in it which I had technical difficulty getting the part on the tape, but I move that that transcript or that part of her in the transcript be admitted into evidence.

[11-12] **The Court:** Well, court transcripts are self-authentications or self-authenticated, so there's no need to have a witness authenticate a court transcript once the transcript is prepared in the --

[12] **Dr. Faltas:** Except that this was --

[13] **The Court:** -- regular manner

[14] **Dr. Faltas:** Sorry

[15 - page 681, line 2] **The Court:** There's no dispute, that I'm aware of, as to the authenticity of the transcript. That does not necessarily mean the entire contents or any portion of the content is admissible as evidence. The case that was submitted in the -- by the State in the suppression hearing regarding the sitting judge being called as a witness did not apply, in my opinion, to a magistrate being -- an issuing magistrate being required to testify in a search warrant hearing, but it does apply to a sitting judge being required to testify in a trial such as this. I am, therefore, granting the motion to exclude him as a witness. Any matters relating to that hearing that might otherwise be admissible can be admitted without him being a witness

[13-15] **Dr. Faltas:** I needed to bring to Your Honor's attention that that transcript was unusual in that I handwrote it I myself prepared that transcript by hand from the tapes, and the judge reviewed it against the tapes So that's why it's not a regular transcript and that's why the judge is here to --

[16-18] **The Court:** Well, if it's something you wrote, it may not be self-authenticating, if it's not done by a court reporter or submitted by the court. But I am not going to require him to authenticate a transcript that you wrote or otherwise sit as a witness in this case

[14-16] **Dr. Faltas:** He's already reviewed it and authenticated it.

[18] **The Court:** Okay

[17] **Dr. Faltas:** So if he can tell that to the court --

[18-19] **The Court:** It doesn't matter. I'm not -- he doesn't have to be a witness. That's my ruling.

[20] **Dr. Faltas:** Thank you, Your Honor

[21] **The Court:** All right Anything else?

[22] **Ms. Weiss:** Not from the State, Your Honor

[23] **Dr. Faltas:** Your Honor?

[24] **The Court:** Yes

[25 - page 682, line 2] **Dr. Faltas:** Thank you, Your Honor. And I know Your Honor still has that under advisement and I genuinely apologize, but what has happened is that the -- I understood Your Honor's ruling on Cooper's forged checks convictions is that -- that's Richard Cooper now, not Bob Cooper -- is that any crime evidencing dishonesty doesn't have the ten-year limitation. That's what I understood to be the case for Mitch Jones's shoplifting conviction. I'm saying that's how I understood it, and I hope the Court trusts me. I did not hear Ms. Weiss object. I hope the Court trusts me.

[10-14] **The Court:** [10-12] If the offense involves dishonesty, the amount or the penalty does not apply. The ten-year limit applies to any criminal offenses unless I've ruled otherwise. [13-14] As it relates to this particular one, I don't recall the ruling. Can you help me, Ms. Weiss, on that?

[15] **Ms. Weiss:** Sorry She's talking about Richard Cooper?

[16] **The Court:** Cooper who was -- will be testifying

[17] **Ms. Weiss:** He will be?

[18] **The Court:** Or what's his name? Curry Cooper?

[19] **Ms. Weiss:** No, Corey --

[20] **The Court:** Corey Cooper?

[21] **Ms. Weiss:** -- Curry

[22] **The Court:** Is that who you're talking about, ma'am?

[23-24] **Dr. Faltas:** No. Your Honor, I'm talking about my having inadvertently asked Mitch Jones about his shoplifting.

[25 - page 683, line 2] **The Court:** I thought -- well, that's -- yeah, you're trying to -- you're still worrying about the contempt I have under advisement.

[3] **Dr. Faltas:** Yes

[4-5] **The Court:** Okay I thought you were talking about some future witness

[6-12] **Dr. Faltas:** No, no, and I was explaining that when we were talking about the various witnesses' conviction there is -- there was a potential witness by the name of Richard Cooper, and he had an older forged check conviction. But I understood Your Honor to have ruled that any crime involving dishonesty doesn't have the ten-year limit, and I extrapolated that that applied to the shoplifting.

[13] **The Court:** I understand.

[14-16] **Dr. Faltas:** And also, as I said, I didn't hear Ms. Weiss -- I even checked with Mr. Sawyer, and he said he heard her but I didn't.

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

[18] **Dr. Faltas:** Thank you, Your Honor.

[19] **Ms. Weiss:** However, Your Honor, if I may?

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

[21-24] **Ms. Weiss:** In relationship to Corey Curry, just in case there is any misunderstanding by the defense, the only conviction that we have discussed that may be gotten into for any reason is the burglary third from the year 2000.

[25 - page 684, line 1] **The Court:** All right. Which I have ruled is impeachable -- is an impeachable offense.

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

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

[4-6] **Dr. Faltas:** I think -- well, I don't know if the record can be read back. I think that the marijuana possessions are within ten years. Two marijuana possessions recently.

[7] **The Court:** It's not impeachable.

[8] **Dr. Faltas:** Well, am I--

[9-10] **The Court:** Unless otherwise made relevant through something--

[11] **Dr. Faltas:** Okay. All right.

[12] **The Court:** Something else.

[13] **Dr. Faltas:** All right. Thank you.

[14-15] **The Court:** Not based on itself. In and of itself it's not.

[16-18] **Ms. Weiss:** But, Your Honor, I just want it to be clear. It cannot be brought up by the defendant in order to somehow in her mind make it relevant.

[19-23] **Dr. Faltas:** [19-20] Well, no. I mean, I can -- I can -- I can -- Your Honor, I need to have a full -- a full defense. [21-23] If the man is a drug dealer and comes around and threatens people and I'm not allowed to take his picture and if I take his picture, I'm a criminal? I mean...

[24-25] **The Court:** Well, at the time that you took his picture were you aware of that fact?

[page 685, line 1] **Dr. Faltas:** I was aware of many other facts.

[2-3] **The Court:** No. No. Were you aware that he had a marijuana conviction?

[4-5] **Dr. Faltas:** Well, no, no, but may I just say something, Your Honor?

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

[7-11] **Dr. Faltas:** Okay. Even from this distance, looking at him from his eyes, the redness in his eyes, I think he's under the influence of something now. So, I mean, this is not stereotype. This is not anything. There are things physicians can tell from a distance.

[12-17] **The Court:** All right. All right. Well, if you didn't have that information at the time you took his pictures, then it's not admissible. It's not going to be admitted because the courts have ruled that -- rule that drug offenses such as possession of marijuana is not probative for truth and veracity.

[18] **Dr. Faltas:** Okay. Thank you.

[19] **The Court:** It's not generally. Yes, ma'am?

[20-22] **Ms. Weiss:** Your Honor, she can -- I would ask that Your Honor rule that she cannot make statements, such as the one she just made, while Mr. Curry is on the stand.

[23-24] **The Court:** Well, I'm not going to prescreen the testimony.

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

[page 686, lines 1-2] **The Court:** All right. All right. We'll be at ease for a few minutes waiting on maybe one more juror.

[3] (Whereupon, a short break was taken.)

[4] **The Court:** I think we're ready for the jury.

[5] **Ms. Weiss:** The State's ready, Your Honor.

[6-7] **The Court:** All right. Come on in, Dr. Faltas, you're still on the stand.

[8] **Dr. Faltas:** Thank you, Your Honor.

[9] **The Court:** Still under oath.

[10] **Dr. Faltas:** Yes, Your Honor.

[11] **Bailiff:** They need a moment, Your Honor.

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

[13-14] **Dr. Faltas:** Would the State consent to my circling the clean-out on the pictures?

[15] **The Court:** Pardon?

[16-17] **Dr. Faltas:** Would the State consent to my circling the clean-out on the pictures?

[18] **The Court:** I don't know

[19] **Ms. Weiss:** No, Your Honor

[20] **Dr. Faltas:** May I show Your Honor?

[21] **The Court:** Exhibits cannot be altered

[22-23] **Dr. Faltas:** Yes, but may I use -- find another of them because

[24] **The Court:** Yes, you can do that

[25] **Dr. Faltas:** Thank you, Your Honor

[page 687, lines 1-2]

(Whereupon, the jury was brought into open court at 10:23 a.m.)

[3-4] **The Court:** Ladies and gentlemen, Dr Faltas is still testifying. You may continue

[5-13] **Dr. Faltas:** Thank you, Your Honor. Good morning, friends. While we were talking about the sewer clean-out, I wanted to show you what the clean-out from building 300 is on those two pictures. Here and here. And also the reason I was taking those pictures from the outside have nothing to do with Ingram's car or house or anything. It has to do with -- you see it -- I mean, they're trying to make the case that the rerouting of the sewer service lines is feasible. So if you would please look those---

[14-15] **Court Reporter:** I'm sorry. Can you speak up, please, Dr Faltas?

[16 - page 688, line 1] **Dr. Faltas:** [16-22] I said if you could please look at those and also from the street because the sewer lines... I also wanted to show you the little camera that I use, and it has three levels of telephoto. So while I'm here, I can get a very close look or a very close picture of someone without being in their face or anything, and I wasn't trying to be in anyone's face. [23 - page 688, line 1] In addition, it has the date stamp, and you can see that it's correct, that when they took it from me the date stamp was correct. May I just pass it for the jurors to see, Your Honor?

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

[25] **The Court:** Objection is sustained

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

[27] **The Court:** Unless it's admitted into evidence

[28-29] **Dr. Faltas:** All right. Thank you, Your Honor. I also wanted to show you my green card and my medical license

[30] **Ms. Weiss:** Your Honor?

[31] **The Court:** Yes

[10-12] **Ms. Weiss:** I object to the showing of it. The State takes -- well, we submit that the defendant has a green card and she has a medical license.

[13-14] **The Court:** All right. The State stipulates that you have those two things

[15-17] **Dr. Faltas:** Thank you, Your Honor, and I thank the State for stipulating that. I also wanted to show you from a distance the building plans that I drew---

[18-20] **Ms. Weiss:** Your Honor, I object to the showing of the building plans. The State stipulates that there are building plans that Dr. Faltas has created and submitted for a patent.

[21-23] **The Court:** You can accept the State's stipulation or you can offer them into evidence.

[23-24] **Dr. Faltas:** I accept the State's stipulation. Could I just show them from a distance like this?

[25] **The Court:** What says the State?

[page 689, lines 1-3] **Ms. Weiss:** Your Honor, I object. I object to the relevance. The State is stipulating there are plans and they've been submitted for a patent.

[4-6] **Dr. Faltas:** May I respond that the intricacy of them is relevant to the fact that I barely had time and I could not possibly have been spending time watching Ingram or anyone?

[7] **The Court:** The objection is overruled, and you may---

[8] **Dr. Faltas:** Thank you, Your Honor

[9] **The Court:** ...show them from a distance

[10] **Dr. Faltas:** Thank you, Your Honor, and may I

[11] **The Court:** From the witness chair

[12-13] **Dr. Faltas:** Yeah. May I also out of pride show them to Your Honor from the witness chair as well?

[14]

(Dr. Faltas shows the plans.)

[15-23] **Dr. Faltas:** And they are all to scale and they are very meticulous because this is a narrow area and it has to be planned in such a way as to have stability without it being (Dr. Faltas displays another document.) And part of the invention of this is that this being in a floodplain area, whenever water rises, it gets caught. So this is my -- a downside view of the foundation, and instead of it being a square foundation---

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

[25] **The Court:** The basis for the objection?

[26 to page 690, line 6] **Ms. Weiss:** The ruling prior was that she could show them from the witness stand. They have not been admitted into evidence. She's now using them, showing them to the jury and trying to explain them. If she wishes to enter them into evidence, the State is not going to object. However, the State would ask it be one way or the other

[27] **The Court:** All right. The objection is sustained

[7 to page 691, line 3] **Dr. Faltas:** [7-12] All right. Certainly. So I'll just show them without explaining. **(Dr. Faltas displays two more documents.)** On the State's exhibit 117 this is a Super 8 millimeter camera that I got when I was in Japan in 1976, and they don't even make film for it, but for some reason the State took it, and I had kept it for sentimental reasons. [13-20] And this is a picture of my mother that I've got -- had on the opposite side of the bed. And this is that side stand. One of -- I'm only interested in prevention in medicine, and there is the -- a joke that I had seen, a cartoon, where the nurse is talking a patient, "This doctor specializes in preventive medicine. So if you're already sick, he's not interested." I'm almost like that. I'm only interested in the prevention. [21 - 691, line 3] And a lot of back injuries happen from people moving heavy things around, and I looked at things like furniture and I find that they are heavier than they need to be. So one of the things I set out to do while in the years -- the many, many years from 1994 until 2005 when I did not have employment authorization but needed to stay in the country and appeal the I.N.S.'s wrongful delay of my green card was working on inventions on my own. [4-8] And, for example, this bed stand is so light that even I can lift it with one hand, but you can see it supports a television, a recorder, many books, the telephone, and the -- one of the secrets of doing that is having what is called a bow-and-arc design. If you have the--

[9] **Ms. Weiss:** Objection

[10] **Dr. Faltas:** Sorry

[11] **The Court:** And the basis for the objection?

[12] **Ms. Weiss:** Relevance to the case

[13] **The Court:** The objection is sustained

[14 - page 692, line 2] **Dr. Faltas:** [14-20] All right. Now, here Investigator Blanton claimed that I'm crazy and she proved it when she found that there were telephones in my refrigerator. I had -- when I rented in the beginning, I had told them that I don't use the refrigerator at all for three reasons. First of all, when we say the Lord's prayer, give us today our daily bread, and I'm committed to that. I don't store food. [21 - page 692, line 6] Second, because of my low thyroid gland, I have low metabolism and I need to control my diet. So some people go and have stomach stapling. I think one needs to have will power, and part of the way I control my diet is not keeping food at home at all so I don't have any temptation to eat more than my low metabolism -- because of my low thyroid would require. So I told them when they rented to me they can even take the refrigerator out. They said, "No, you can keep it." I said, "I'll keep it unplugged then." Since there is very little space, I used it for storage. [6-7] I used to live in bigger places and I had telephones connected, and I don't believe in just throwing things away. [8-9] So I was using the refrigerator as storage, and I think we want our police officers to be smart enough to know that--

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

[11] **The Court:** The objection is sustained

[12-17] **Dr. Faltas:** There are no books in it or anything. Even though -- once again, these are bookstands that are very stable. They're very light, which I designed myself and made with my own hands using the mechanical advantage. Obviously, even though they are stable and mechanical and sound, when you get them--

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

[19] **The Court:** Objection is sustained

[20 - page 693, line 2] **Dr. Faltas:** These are other shelves that I had built, designed and built. When ten people come in at once and walk into this apartment, things fall off them. And then yesterday Ingram was saying that she can see my scrolls through the window. These are the scrolls, and the reason I have scrolls is to build the miniature model of the solar house I wanted to build. I have this piece of foam that I got when--

[24] **Court Reporter:** I'm sorry. You're going to have to repeat.

[25-14] **Dr. Faltas:** [25-9] Piece of foam that I got from the packaging of something, and just to represent the columns, I just put scrolls into it. Exhibit 115 is the big bag that I started carrying around which is heavy because I was afraid that Mason and Steele would come into my apartment in my absence. [10-14] So I had things that I didn't want them to see in the bag, and it was real -- a real difficulty for me to keep carrying it up and down, but one of the things that you can see in the picture is the top of this little orange book which I had since high school--

[15] **Ms. Weiss:** Objection

[16] **Dr. Faltas:** It's in the picture. It's in the picture.

[17] **The Court:** The objection is overruled

[18-19] **Dr. Faltas:** Thank you. It's five-figure logarithmic and other tables.

[20] **Court Reporter:** I'm sorry. Repeat that.

[21 - page 693, line 6] **Dr. Faltas:** [21-26] And it has sines, cosines, square roots, cube roots, inverses of numbers, all things that a mathematician needs in designing things. So I -- and that, among other things -- the idea that someone can come into my private residence and get into all of this. [page 694, lines 1-10] State's 105, this here in the corner is also a moving file cabinet that I designed myself and built myself, and as you can see, they are ransacking it. This is also part of one other thing, and one of the inventions about it is how it hangs. It doesn't have four corners. It just hangs in two places, but it stays still. And they have chosen not to show you the rest of the pictures from this, and this is a very bad copy and very itty-bitty, but this is the only thing they gave you, and it shows how invasive of my house everything was. [11-13] And on this one you can see that the tapes that they took had handwriting on them and they knew what tapes they were. They were re-

cordings of original court proceedings [14-15] Some of them were music of Chopin, Rachmaninoff and Mendelssohn and Tchaikovsky [16-21] Now, about the State's exhibit 1, 2, and 3, I never received this March 1st letter, and this is something they did after the fact. This is the March 12th letter when they found out that I bought the land. And then they started -- well, after -- on March 14th they found out that they could not arrest me on the false charges of having stolen the sign [22 - page 695, line 2] **They started to invent the harassment charges because they were, you know, easy to make. If someone says, okay, she said the B. Word to me or she flipped me a finger or this and that. And what was specifically frightening to me is on the October 6th letter where they said for me not to park my car in front of my own apartment. [3-6] And then on Defendant's Exhibit 12, this is not at all what she claims happened. What happened is that I was pulling -- I like to park face out and I wasn't turning, and she had been parked there in front of building 300 which... [7-11] This basically is Garners Ferry Road. So anyone getting out of 300 Byron Road, unless they are going down Byron Road -- which most people don't need to. The way most people would go out Garners Ferry Road and to the rest would be going this way, and she was -- she was parked here. [12-21] So even if she had backed in, she could have maneuvered like this and then turned around and gone back. But I was pulling in and backing in and instead -- this is the front of her car. Instead of her going that way, she came this way and tried to broadside me. So I stopped my car and took out my little camera. So she backed and high-tailed it out the other exit because I could prove that she was trying to broadside me and that the other exit was fully open to her, and this is part of the lies that they have been telling about me that I was blocking them. [22 - page 696, line 6] And I think yesterday or the day before you read my letter to Ingram, and the prosecution ran very quickly and tore the page off because I pointed out and she from this witness stand admitted that she came and took 20 or 45 minutes. Because she had thrown rocks at me, I was afraid to get out of my car and -- but even -- even then, out of politeness, because one doesn't know -- the thieves who were crucified along with Jesus Christ on his right and his left were at the beginning taunting him, both of them, but then one of them --**

⁽⁷⁾ **Ms. Weiss:** Objection, Your Honor

⁽⁸⁾ **The Court:** Objection is sustained. Improper testimony

[17 - page 697, line 2] **Dr. Faltas:** [15-16] All right. So I said to myself: She and Charlene, which is another neighbor -- for the record, Ingram is black. Charlene Crouch is white. Mitch Jones who was here is white. Larry Mason and Dinah Steele are white. And before they started conspiring against me, I never saw any of the white neighbors talk to Ingram, and even Jones yesterday said that. So they weren't friends together before that, and they started conspiring against me. [17 - page 697, line 2] When I moved in, I introduced myself to whomever I saw in the parking lot, and actually it was -- the man who was sitting here and who was saying, "You ain't even a real doctor. I work with crazy people," all of that, he was the one I thought was the tenant, and when I introduced to him, he said he's the tenant. He lives here. His name is Ricky Ingram. And I said, "Do you live alone?" He said, "No, I live with my sister." And I said, "What's your sister's name?" He said, "Nikki." I said, "Oh, Ricky and Nikki. That rhymes." And I don't think I saw Ingram, Teresa Ingram -- many more times whenever I saw her I would wave to her [18-2] After I got the letter of March 12th that's trying to evict me when they found out that I bought the land, sometime afterwards, before the incident or maybe -- maybe after it, I was crying when I got it and I showed it to her, and I said, "Have I been harassing you?" She said, "No, ma'am. You've always been very nice because you always wave to me." [9-11] And I asked her is her rent less than \$400. She said, "Yes, ma'am." I said, "I hope if they take me to court to try to evict me I hope I can count on you to tell the truth." [12-17] That is all I said to her, and I thought she would. It was only later when I found out that they falsified the document about my having sent somebody away and threatened to call the police and all that I realized she had decided to sell her soul to them, so I wouldn't speak to her. The only -- so I wouldn't even -- we didn't speak. [18 - page 698, line 2] One time this man in the back of the courtroom, Corey Curry -- I didn't know his name then -- he would -- he would come to see her and drive across my land, and there are four stakes that show the property limit -- that show the property limit. So I'm always afraid that someone would knock the stakes with the pink ribbons on them. So one time he was driving like this, and I said, "Could you please ask your guests not to drive on my land?" And she said, "Okay," and then she looked and said, "No, he wasn't on your land. He was on the right-of-way." [19-2] So this man, Corey Curry, whose name I did not know at the time, about April or so I saw a big -- he was driving a big Aaron's Furniture truck and used to come very often and park along the mailboxes here. And I one time from a distance asked Ingram, "Are you moving in or getting new -- moving out or getting new furniture?" She said, "Getting new furniture." [10-12] And after that I used to see him very often come in the Aaron's Rent-A-Truck and -- I'm sorry -- Aaron's Furniture truck and park there, and I didn't know what the story was [13-19] And after that people from Aaron's would come and knock on her building door and they would sometimes -- if I would be in the parking lot, they would say, "Can you help us get in building 300? Because she has our furniture and she has not paid for it, and we want either our furniture back or our money back." And I would tell them that I don't have the code to that place. [20 - page 699, line 5] But that continued like from June to as late as the end of October where the Aaron's furniture people would come and try to get into her building, and sometimes her car would be there.

And at one time I told them, "Just call the police so this can end," because they would park and block. And then after -- Defendant's Exhibit 9, he would stand under my balcony, as you see, in his new truck which he began coming in after he no longer was with Aaron's Furniture, and he would just park in the middle of the parking lot day and night. I mean, not whole day and whole night but different times of the day and night. [6-18] And I have recently gotten a 1994 Camry which was handed down initially. It was bought new by one of my sisters in Ohio, and it made the rounds of the family members in Ohio and finally they handed it down to me and brought it to South Carolina, so this is what I drive now. But before this, I still have a 1987 Toyota pickup truck which has 242,000 miles on it and I'm trying to push it to a quarter of a million miles because I maintained it very well, but now that I drive the Camry, I need to every now and then run the pickup truck so the battery on it doesn't die. So what I would do is every now and then circle around this to run the battery and not to be way on the highway where if the battery dies I would need to be -- to be towed back. [19-24] So that day I was running my truck to avoid the battery dying, and he was in the middle and I said, "Could you please excuse me?" She said, "No," and she put -- she tried to put her foot in the way of my truck, and she said, "This bitch is getting beaten today if she runs over my foot." I said, "Ma'am, I'm not going to run over your foot. I will back." [25 - page 700, line 3] And I kept trying to back, and she would try to then put her foot behind the rear wheel of the truck. And I said, "Well, if you're going to keep doing this, I'll have to take a photograph of you." [4-7] She -- then Corey Curry said, "I'll snatch your camera from you," and that was in September 2004. In June and July 2004 I had -- I'm sorry. Your Honor, may I interrupt for a second and approach?

[8] **The Court:** Okay

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

[10-11] **The Court:** Let's stand for a moment, ladies and gentlemen

[12]

(Whereupon, a bench conference was held.)

[13] **The Court:** All right, ma'am. You may proceed

[14] **Dr. Faltas:** Thank you, Your Honor

[15] **Ms. Weiss:** Your Honor?

[16]

(Whereupon, a bench conference was held.)

[17-21] **Dr. Faltas:** So I began to be afraid of him, and I wanted to know who he is because when I kept trying to call the police and tell them he had threatened to snatch my camera from me, they say, "Well, you need to know who he is before we can do something."

[22] **Court Reporter:** I'm sorry. You need to do what?

[23 - page 701, line 6] **Dr. Faltas:** [23 - page 701, line 6] To know who he is before we can do anything. And so that day he came, and you can see he's parked like this blocking two other people. And I tried to write down his license tag number so I could at least tell the police so they can find out who he is. So he started grabbing his crotch and telling me, "I'll make you suck this and take pictures of you sucking it." And so I took a picture of him, and after that he stood apparently in an aroused state. [7-11] And then after that he was flipping the finger at me while she was standing leaning on his truck and calling the police, falsely pretending that I threw rocks at her. She had taken rocks and thrown them at my car, and she's standing here perfectly healthy and happy. [12-15] I'm trying to call the police. I had after that -- because I heard her talk to them and I had absolutely no interest in the child who was there, the child and that woman who testified that -- it just happened. Here is the rest. [16-22] In this set of pictures I was trying to back in, and this man who was here yesterday wanted to pull out and he had a clear exit here, but instead, that's what they decided to do, thinking they would irritate me or something. They would try to go this way. If I'm trying to back in, they would stop and honk at me. If I'm parked already or either in my house, they would yell obscenities at me and flip me the finger. [23 - page 702, line 4] That time I stopped my car. I said, "I'm not backing. You have the other exit." So he got out of his car, even though he sat here and pretended he needed to go to work. He got out of his car, and you can see I'm on this side. His -- I'm on this side and he's, "I am Deputy Ingram. I am Officer -- Deputy Ingram. My officers will come and beat your ass and put you in jail tonight." [5-7] Now, what Ingram would do is flip me the finger and convert it to a bye-bye gesture by the time I focused camera, and this woman whom she said is Wendy Ceo was the one with ---

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

[9] **The Court:** Basis for the objection?

[10-18] **Ms. Weiss:** She's going into evidence of a witness that has not been -- I mean, going into testimony that is not in her personal knowledge and going into what she perceives to be a record that doesn't exist

[14] **The Court:** All right

[15-20] **Dr. Faltas:** Your Honor, yesterday -- not yesterday, maybe the day before, when Ingram was testifying, she testified that Wendy Ceo is the one in this picture, these pictures, and I think when we were discussing it, Your Honor said if she was one of the co-defendants or Ingram I may speak about it.

[21] The Court: The objection is sustained

[22-23] Dr. Faltas: Okay Thank you, Your Honor, but in any event I may

[24] The Court: You may proceed

[25 - page 703, line 7] Dr. Faltas: Yeah Thank you So she was also -- she started taking my pictures and abusing me. And that day in Ingram's balcony when she was talking to Mitch Jones about me and saying that I'm not a real doctor and they will deport me and all of that, Wendy Ceo was -- was out -- was with her and she would come out to the balcony and literally moon me, and by the time I get my camera to take a picture, she would go in and they were having great fun in doing that. [2-21] Now, in this set of pictures -- and this is a coat hanger, the wire coat hanger that she has in her hands. I had never seen that car there before, and I had come home through this exit and found them doing that, and because Mason, Larry Mason, and Dinah Steele had written me several letters which you have seen that said that they will tow my car if I park it in my own parking lot -- and when I called the police, Sergeant Sanders who was here testifying for the State would say, "Well, I don't see a tow truck there." I would tell him, "They have a truck with a trailer. They can hook my car to it." And so when I came home and found them doing this with a coat hanger, I was afraid that my car would be next, that they would use the coat hanger to open my car, put it in neutral and hook it to that truck and... [22 - page 704, line 1] Now, again, these are taken from my window, and this is the Toyota pickup truck that I drive every -- or used to when before -- and you can see this wide exit that's closer to the building that Ingram lives in, and that was always open to them except that they decided in order to harass me---

[2] Ms. Weiss: Objection

[3] The Court: The objection is sustained

[4] Dr. Faltas: To make the detour--

[5] Ms. Weiss: Objection

[6] The Court: The objection is sustained

[7 - page 705, line 2] Dr. Faltas: [7-13] All right Those pictures show those cars. Instead of going this way, they would go this way They would go this way and honk and annoy me. And this is the building Teresa Ingram lives in, and this is the one I live in. And one day when she was -- I was out circling with the pickup truck She came and started out and started insulting me, and he pulled her back. [14-22] And the reason I took those pictures is that I believe this is Larry Mason's car and he came and took Ingram with him or had him (sic) follow -- follow him. Once again, she would stand in the parking lot (unintelligible words spoken), and you can see the exit is completely open for her; but she would call the police within my hearing to make false charges against me. And these pictures have not -- I took these pictures just to document the conditions of the buildings because there were many other issues. [23 - page 705, line 2] And then she would have people come and work in the parking lot, and these are two more times where the blue truck of Corey Curry and not -- this is taken from the street, and he would just park in the middle of the parking lot And here he's flipping me the finger again.

[8] (Dr. Faltas shows a picture to Ms. Weiss)

[14-5] Dr. Faltas: May I mark -- may this be marked, Your Honor?

[15] The Court: What is it?

[17-8] Dr. Faltas: It's a picture of my -- between my two cars in front of my building

[9] The Court: You can testify to it if you would like

[10-11] Dr. Faltas: Thank you, Your Honor And then mark it and then show it to the jury?

[12-13] The Court: You can mark that as an exhibit You're offering that into evidence

[14] Dr. Faltas: Yes, Your Honor

[15] The Court: Any objection?

[16] Ms. Weiss: No, Your Honor

[17] The Court: It's admitted without objection

[18] (Defendant's exhibit 24 was received in evidence.)

[19-20] Dr. Faltas: This is a picture of me between my two cars Same thing, Your Honor?

[21-23] The Court: All right Ladies and gentlemen, I'm going to give you a chance to go to the jury room so that whatever you want to -- for the jury to see you can mark and--

[24] Dr. Faltas: All right

[25] The Court: --it will save some time

[page 706, line 1] Dr. Faltas: Thank you, Your Honor

[2] The Court: We'll be in recess for a few moments

[3-4]

(Whereupon, the jury was excused from open court at 11 19 a.m.)

[5-9] The Court: If you'll look through there and find everything that you want the jury to see, they can be marked and we'll agree on them or disagree on them and you can see them But this prancing back and forth, taking 30 seconds or a minute per picture, we're not going to do that

[10] Dr. Faltas: All right

[11] The Court: All right

[12] Dr. Faltas: Yes, Your Honor

[13] The Court: We'll be in recess

[14-15] Dr. Faltas: May the Court take judicial notice that this is my property which the State has taken away?

[16] The Court: Yes

[17] Dr. Faltas: Away from me. Thank you.

[18]

(Whereupon, a short break was taken.)

[19] The Court: All right. Thank you.

[20-22] Dr. Faltas: In fairness to me, Your Honor, Ms. Weiss is still deciding whether to call a friend or make a decision on whether she objects or not.

[page 707, lines 1-3] Ms. Weiss: [33-26] Your Honor, these are irrelevant. I've gone through the photos that she's gone through already. I mean, really, I'm not sure what her point is with all of these. [page 707, lines 1-3] We're going to be here until next week if we go through each and every one of these photos, and they're not relevant to this case. I don't know how you want to handle this. [49] These involve the Masons. They're photos of the Masons, Larry Mason. I mean, there's no dispute he and his wife own and run these buildings. He's around these buildings. She has cars, she has land. There are two buildings. She has legs. She stands in front of her building and smiles. I just don't understand the relevance to this, Your Honor.

[10-11] Dr. Faltas: Your Honor, the relevance -- oh, I'm sorry. Am I recognized yet?

[12] The Court: Yes, ma'am.

[13-23] Dr. Faltas: [13-17] Thank you. The relevance are two things. She had witnesses portray me as a crazy person. The second thing is that her main case is that I block people in to take photographs. Many of these photographs show that they have a clear exit. [18-23] The other thing is they show their harassment of me which is, for example, Mason coming and stealing signs from my door and all of that. So -- and I'm going through them as a group. They had been arranged in a very nice way before and, of course, when the State took all of this from me I had no way of--

[24 - page 708, line 2] The Court: How much longer do you plan to talk to the jury or would you like to -- last night you said two hours and that was before -- and you talked for an hour and a half last night.

[25] Dr. Faltas: Oh, my God, it's 11:30.

[26] The Court: Right.

[27-28] Dr. Faltas: Your Honor, I'll try to finish, if it pleases the Court, by 12:30.

[29-31] The Court: Well, you just have a stack of a hundred or so pictures you want the jury to see?

[32-38] Dr. Faltas: I don't think they are quite a hundred, but they'll be grouped together. I'm trying to find also the best picture that has the sign and the clean-outs on the side of my property. And I thought I located it yesterday, but then I had to turn -- to turn the -- and the ones that she said Dr. Faltas smiles and has legs, this has nothing to do with my having legs or arms. It has to do, Your Honor, with the fact, if it pleases the court, that they refuse to fix my screen door, and I was having mosquitos come in and bite me all over my arms and legs, and these are pictures documenting them. So it goes to the --

[39] The Court: Let me see the various stacks of pictures.

[40-42] Ms. Weiss: Your Honor, this is the stack that's been prepared.

[43] Court Reporter: Not marked yet though.

[44] Ms. Weiss: No. He's just reviewing the stacks.

[45] The Clerk: Don't get those mixed up, please.

[page 709, line 1] Dr. Faltas: Okay. Could I do it?

[25-26] The Clerk: No. These need to stay right here. These go back in this.

[47] Dr. Faltas: No, these are photos of me.

[27-28] The Clerk: All right. I don't want them to get mixed up with all these over here.

[49] Dr. Faltas: This is the one I was looking for.

[50-51] The Court: All right. I've seen this stack. What's the next stack?

[10-11] Dr. Faltas: That's it. This is the other stack. This came from the -- from the -- came from the civil case file.

[12] Court Reporter: I'm sorry. From the?

[13] Dr. Faltas: Came from the civil case file.

[14-15] The Court: Let's leave the civil case file and come to your paper -- your pictures, other than the one with your legs or whatever you're trying to show the jury.

[17] Dr. Faltas: Yes.

[18] The Court: Other than that one picture, where is that?

[19-20] Ms. Weiss: The pictures of the bug bites I think were also in that stack.

[21] Dr. Faltas: It's my.

[22-23] The Court: Well, at least three pictures. What other stack do you want them to see?

[24 - page 710, line 2] Dr. Faltas: And on this picture, Your Honor, there was this one that has the sign on my land, and then this is Larry Mason taking signs from my door. This is all. This is all. It's all... It's all...

[3] Ms. Weiss: This is--

[4] Dr. Faltas: Yes, ma'am.

[5-6] Ms. Weiss: That is one picture that I will not object to.

[7] Dr. Faltas: But this one doesn't show the clean-out,

[8-9] **The Court:** What other pictures do you have, ma'am, that you want the jury to see?

[10] **Dr. Faltas:** Nothing. Nothing.

[11-12] **The Court:** You want them to see this stack, this picture, and these pictures

[13] **Dr. Faltas:** Yes, Your Honor, but that's all

[14] **The Court:** All right. They're admitted over objection.

[15] **Dr. Faltas:** Thank you, Your Honor. Great Thank you

[16] **The Court:** All right Bring the jury in

[17-18] **Court Reporter:** How would you like for me to mark those exhibits?

[19] **The Court:** Stack one, stack two, stack three

[20-21] **Court Reporter:** She had told me she wanted them marked individually

[22] **Dr. Faltas:** The Court's pleasure.

[23] **The Court:** One, two, three. Three different exhibits.

[24] **Dr. Faltas:** Thank you, Your Honor.

[25 - page 711, line 2]

(Defendant's Exhibits 25 through 27 were received in evidence)

The jury was brought into open court at 11:38 a.m.)

[3-22] **Dr. Faltas:** [3-11] This first picture shows the sign that I have on my land that says 324 Byron Road, and these two are the clean-outs that are on my land and this is the main sewer that -- that goes there. This is -- because they didn't fix the screen door, it was loose and I was also in the summer getting mosquito bites on my arms and legs So I -- and this is Larry Mason. I had signs on my door saying, "Do not enter in my absence," and he would regularly come and take them from my door, and the police would not help. [12-17] And this is another view of my land, and this is the sign that he falsely accused me, tried to falsely accuse me of stealing. And this is the stake, the wooden stake with the pink ribbon, that marks the property on it, and that's why I had once asked Ingram to not have her company drive over it. [18-22] So these are other views of my land and how quickly it gets overgrown, but it was a total wilderness before I got it. And these are the signs on my land that I can put or I had put them up, and Larry Mason would come and take them down

[23-25] **Court Reporter:** Your Honor, we need to be able to keep the exhibits separate I won't know which group went with which group if we don't

[page 712, lines 1-2] **The Court:** Pass all of those black-and-white photos back

[3-4] **Court Reporter:** They have already been mixed in with the others

[5] **(Dr. Faltas hands the photographs to the Court.)**

[6-7] **Dr. Faltas:** These are what the jury has seen, and these have not been seen

[8] **The Court:** Pardon me?

[9-10] **Dr. Faltas:** The jury has seen or was seeing those and has not seen these yet

[11-12] **The Court:** All right Proceed to something else Proceed to something else You can come back to this

[13] **Dr. Faltas:** Oh, okay The color ones as well?

[14] **The Court:** I said black and whites.

[15 - page 713, line 6] **Dr. Faltas:** [15-20] So after -- in March after -- in March he tried to have me falsely arrested and I tried -- I filed the lawsuit so that they don't harass me and they don't -- and asking that they leave my -- the sewer lines from my land, and I found out that I won't get a hearing quickly in this court which is a higher court than the magistrate's court. [21-25] So I filed for a restraining order against Larry Mason and Dinah Steele I think on 27 March 2009, and on 14 April 2009 there was a hearing in the magistrate's court, and the investigator from the City of Columbia said that he investigated and determined that I had not stolen that sign. [page 713, lines 1-6] So on 17 April 2009 when they we found out that they cannot get me for falsely stealing, they sent me another letter which is in the pack claiming that I'm falsely harassing them And then as you -- from April to September the State didn't present any evidence of anything or---

[6] **Ms. Weiss:** Objection

[7] **Dr. Faltas:** I'm sorry

[8] **The Court:** The objection is sustained

[9-10] **Dr. Faltas:** Sorry. So in June 2009 my mother was in Cincinnati.

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

[12] **The Court:** Objection is sustained

[13-23] **Dr. Faltas:** [13-17] The -- they brought an eviction action against me which is what they did on -- stopped it on March 12th, and it was supposed to be in July 2009, but it was continued to 29 September 2009 That's when the week before they started doing all kinds of things to me. [18-23] The man, Mitch Jones, who was here after I had worked out with him that if he wants to smoke he can -- he can go to the other side where it doesn't rise to my balcony And yesterday he -- I'm trying to beware, Madam Court Reporter, so the jury and everybody can hear me. So why don't I do this? He said, "Well, if you're so bothered by the smoke---

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

[25] **The Court:** She's referring to who?

[page 714, line 1] **Ms. Weiss:** She is -- hearsay from Mitch Jones

[2] **Dr. Faltas:** I'm repeating his testimony, Your Honor.

[15] The Court: The objection is overruled

[23 - page 715, line 6] Dr. Faltas: [14-10] Thank you. He said, "Well, if the smoke bothers you, why do you come out and speak to me when I'm smoking?" Well, the answer is very easy. My apartment is like this. There is the balcony here and just the window on the other side. So when the smoke from him downstairs in the backyard -- and, of course, smoke rises; it doesn't stay. So when he smokes, most of the smoke doesn't stay around him. [11-18] It rises to my apartment, and because I don't use air conditioning and I don't use heating, when it's summer I just leave the screen open, the windows open, and there are two ceiling fans. So this is what I do. So the smoke gets into the apartment and gets accumulated. But when I'm talking to him outside, it's totally diffused in a big area, and all I would say -- I would say, "Please go somewhere else to smoke. You don't need to be doing this." [19-22] And even when he and I tried to work it out where he would sit further; then Larry Mason and Dinah Steele would come back and say, "No, no. Come under her balcony and smoke." And I have heard them and I've seen them do this. [23 - page 715, line 6] And then also before that trial which was from 29 September until 1 October 2009, Larry Mason would come and take the signs from my door that say do not -- "Do not enter in my absence." Six times he did that, six times, and he would -- and he admitted when he was on the stand he would send me notes saying, "We're going to come and inspect your apartment and take photographs of it," and all kind of harassment. [6-11] So they had this eviction trial, and before I got to present my side of the case, the judge ruled for them. But on 2 October 2009 I filed an appeal which makes them not be able to evict me, not be able to put me out on the street and put my things out in the parking lot as he continued to threaten. [12-15] That day, after I came back from finding all those things and I was very tired -- and Teresa Ingram was in the trial three days, and remember I asked her father if he was ever --

[16] Ms. Weiss: Objection, Your Honor

[17] The Court: Basis for the objection?

[18] Ms. Weiss: Relevance to the trial

[19] The Court: Objection is overruled

[24 - page 721, line 22] Dr. Faltas: [20-23] Thank you. At the beginning of that 29 September trial, Dinah Mason who was here, she said she wanted Ingram to testify and leave quickly because her father was in the Intensive Care Unit in Richland Memorial Hospital. [24 - page 716, line 4] I asked him yesterday if he was ever in the Intensive Care. He said, "No." And I could see that they were telling her to the Court because she stayed all three days. If she had her father really in the hospital, she would have given her testimony and left, but she didn't do that and this is how you see they tell lies. [6-14] So that day I was so tired from having had to file that appeal and having to make sure that everything is stayed and all of that and I came back, and this is my car and I'm -- this is the driver's side, and suddenly Teresa Ingram and Charlene Crouch who was waiting here, they come here and stand, and I didn't know what to do. I didn't know -- if I should drive away, then they will get in my way and maybe put their foot in front of my tires and so I -- as she said, I did roll the window down but not completely down because I was afraid. [16 - page 717, line 1] I'm sorry. Let me go back here. She stayed on 29 September, and on 30 September she also stayed. And that day the court ended early, and as I pulled in and tried to get my mail from the mailbox, she came and threw rocks at my car and said, "You won't get your mail, bitch." So I drove to the police substation, and Sergeant Sanders who was here yesterday testified that I wouldn't tell him that -- because I was terrified. She's standing there having thrown rocks at me. I couldn't get out of my car because the rocks might hit me personally, and I wanted him to follow me so I can at least get my mail and get out of my car and get out of my home. [3-10] So on October 2nd she came and stood here and started talking to me, and I cracked the window and started listening to her, and she kept on saying, "Well, give me some money. Give me a pill," all kinds of things, that she said that she was so impressed with my legal presentation that she wanted to go back to college and study law. And because I am so Christian, I am committed to loving my enemy and to giving everyone a chance who wants to go back on what they did wrong that they should be forgiven. [11-18] So I was talking to her and then she was -- we even started joking about the prostitute thing. She said, "Wasn't I dressed nicely in court?" I said, "No, you were dressed exactly as a prostitute would dress," and she laughed. And then she said -- she was telling me that she's taking psycholeptic drug, and she's saying, "What makes you think I'm a prostitute? I'm broke." And I told her, "Oh, most prostitutes are broke because most prostitutes are on drugs." [19 - page 718, line 6] And then later in the conversation she said, "Since you're a doctor, give me a pill. I'm taking psycholeptic drugs, but they aren't enough." So we laughed again, and I told her also, "Now you're a prostitute on drugs," and it was initial -- I mean, it ended up being a normal conversation, but I didn't know what to make of it, whether she really wanted to be my friend or she was -- now that they have seen that they could not get me evicted just like that, that there are court procedures and there are appeal procedures, whether she was their agent in trying to get me to leave anyway because remember when she was here she was saying, "Why don't you leave and go somewhere else?" They did tell me that. [6-15] So the next day I said, "Well, the Bible says, 'Cast your bread upon the water.'" I will offer her an olive branch, but I needed to say that she cannot come and ask me to give her pills or to give her money because she's a witness, and it's totally inappropriate to do that. So I wrote her that letter, but I was still afraid of her. So the only -- the only way I could -- I could get out is when our

other neighbor, Mr. Johnson, pulled in and I said, "Mr. Johnson, please stay around so I can open my car and -- and run to my door." (16-23) And then her harassment of me continued, and on 21 October 2009 she -- that was the day when this Corey Curry grabbed his crotch at me. And when she saw that, she came out and threw more rocks at me. In fact, she grabbed them and came close to me and winked and said, "You know, the car can be eaten up very quickly with those," and then she stood and called the police and told them that I had thrown rocks at her. (24 - page 719, line 10) So I had to stay and wait for the police and document that she's -- and she had picked other rocks and she was like -- almost like wanting a test of wits between me and her if she can throw the rocks without my being able to photograph her in the act. And I -- of course, she's quicker than the camera because I had to put the camera down, fearing that she will throw rocks at the camera and break it. And when she started throwing rocks, of course I couldn't quickly photograph her in the act, but as you can see in one of the pictures, her fingers are like this. After she had thrown them, that's how her fingers are separated, and you saw that in the picture because that's what I could document. (11-20) And then on -- then that -- that day that I saw the pictures of her following the red Corvette which belongs to Mason, they had gone and filed a restraining order against me, and that was on heard on 10 November 2009. During that hearing I showed her the very pictures that the State showed her, and she recognized them here in front of this jury as pictures of her family and friends and whatnot. Every time I asked her, "Do you know those people?" She would say no, and she was under oath then. So she has absolutely, absolutely no conscience about lying under oath. (31 - page 720, line 6) And so that day the magistrate -- and that's also on appeal -- he said that I cannot photograph them, but I can park my car in front of my apartment. And I said, "Fine. Whatever you tell me to do I will do. So long as they cannot keep threatening to tow my cars from in front of my apartment, I'm okay." And he said, "Yes, you can. Since you pay rent there, you can park your cars in front of your apartment." And I said, "I could also drive to the mailboxes?" He said, "Yes." So that -- that was a court order and that was against what Larry Mason and Dinah Steele were trying to limit me to. (7-15) And between November 11th and the day on December 2nd I got arrested, it was such an eerie calm. No one spoke to anyone. No one did anything to anyone except that Mitch Jones continued to smoke and, of course, because we were told not to speak to each other, I couldn't come out and tell him to stop smoking. And I even told my mother and told the lawyer who is in the opposite side who, God willing, will come and testify before you later -- I told him, "I don't know whether by now they have seen that they've done the most they can do to me or they are cooking something -- something massive." It turned out that they had been cooking something massive. (19 - page 721, line 2) Between 2 October and 21 October several things happened. Number one, I got a letter from the Department of Motor Vehicles telling me that they will cancel my driver's license. And it turned out that that was because Larry Mason and Dinah Steele had written to Senator Lindsey Graham that I am an illegal alien, and Senator Lindsey Graham had written them that he was forwarding the letter to the Department of Motor Vehicles and when he gets the response, he will tell them. (3-5) And I got the letter and I was very upset by it, but I did what I needed to do. I faxed them a copy of my green card, and they were very nice. They faxed me back, they meaning the Department of Motor Vehicles. They said finally -- determined that your green card is authentic, that you're documented, and we will not cancel your driver's license. (9-17) And then I got a letter addressed to my mother from the Social Security Administration saying that she needs to come at a certain date or otherwise they will discontinue her Social Security checks. So I went to the Social Security office and told them, "Why are you doing this?" They said, "Well, it came from above." The person who wrote the letter and who said that my mother is supposed to go see her, I went and met her. I asked for her and met her before the date of the appointment, and I said, "This is totally inappropriate." (18-19) How do you threaten to cut off the Social Security retirement check---

(20) Ms. Weiss: Objection, Your Honor.

(21) The Court: The objection is sustained.

(22 - page 722, line 4) Dr. Faltas: So I showed that I have power of attorney for my mother and proved that my mother was not dead, and my mother's Social Security retirement checks were not discontinued. And I was very suspicious that it's Larry Mason and Dinah Steele who had done that, and Amanda Blanton, Investigator Blanton, admitted that she is the one who had called the Social Security Administration, and I asked her, "How did you even get my mother's Social Security?"

(5) Ms. Weiss: Objection, Your Honor.

(6) The Court: The objection is sustained.

(7-8) Dr. Faltas: I'm referring not to something outside but to the testimony that---

(9) The Court: It's not relevant.

(10-14) Dr. Faltas: Okay. So -- so basically then finally on 1 December 2009 we had that hearing before the Honorable Judge Lee who is another judge, a colleague of His Honor, but that was the civil case. Your Honor, may I read the part of the order that relates to Ingram?

(15) The Court: No.

(16-17) Dr. Faltas: May I at this point offer the order into evidence?

[18-19] **The Court:** For identification purposes only, a copy of it

[20] **Dr. Faltas:** Sorry?

[21-22] **The Court:** A copy will be marked for identification purposes only

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

[24-25] **The Court:** You can proceed, and that will be taken care of.

[page 723, line 1 to page 724, line 10] **Dr. Faltas:** [1-8] All right. Thank you. And then -- and that hearing lasted from 11 in the morning until 7 in the evening, and Larry Mason was there and his lawyer who testified here was there and a lawyer from the City of Columbia was also there. And at the end of the hearing, because it was after we were leaving and it was dark and I saw them talk together -- Larry Mason, his lawyer, and the lawyer from the City of Columbia. [9-20] And the next day, on 2 December 2009, I woke up early and went to the breast cancer conference that they have every Wednesday in Richland Memorial Hospital from 7:00 'til 8:00 in the morning and went back home and was reviewing medical things, and my mother had called me and wanted to ask me about something. And to get light I opened the window and pulled the blinds, and I saw maybe three or four police cars and Larry Mason standing there and even a crime scene car or maybe a canine car, and I was -- I didn't know what was going on, and then I heard heavy footsteps on the door and someone knocked and said, "Open the door or well open it," and they came in and said, "Marie Faltas, you're under arrest." [21] They didn't show me a warrant. They didn't do anything [22 - page 724, line 6] And they put my hands behind my back and put handcuffs in them inside the apartment and people kept coming in and I kept on telling them I didn't do anything, and they said, "We're taking you to prison now." And I wanted to take my green card with me because, having seen Larry Mason there, I understood that because he has been trying to deport me since he found out that mother and I had bought that land that that's what they were going to do. They were going to take me to prison and destroy my green card. [6-10] So I asked them to let me take it with me. They wouldn't, but they said, "We'll photograph it next to you," and you've seen it on those many things. And then I was taken to prison, and they came and said many false things about me in the bond hearing.

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

[12] **The Court:** The objection is sustained

[13] **Dr. Faltas:** Ingram was there and she said many false---

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

[15] **The Court:** Objection is sustained

[16] **Dr. Faltas:** And Ms. Weiss---

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

[18] **Dr. Faltas:** ---who is here---

[19] **The Court:** Objection is sustained

[20] **Dr. Faltas:** A mental health examination of---

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

[22] **The Court:** Objection is sustained

[23] **Dr. Faltas:** I was made to stay in jail---

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

[25] **The Court:** Overruled

[page 725, lines 1-10] **Dr. Faltas:** [1-7] Thank you. I was made to stay in jail for two nights and three days until a mental health evaluation of me is done, and I had --it could have been much, much longer than that. It could have been up to ten days or two weeks, and thank God whenever -- whenever I am in extreme trouble, God always sends a guardian angel to look out for me, and in that case the guardian angel was the physician in the jail. [8-10] He examined me, and I have high blood pressure. And he looked at the fundi of my eyes and found out that I have papilledema when the high blood pressure---

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

[12] **The Court:** The objection is overruled

[13 - page 726, line 8] **Dr. Faltas:** [13-19] Thank you. When the blood pressure rises very high, it can cause the effect, putting it simply, that the serum from the capillaries exudes, and so the retina becomes like swollen and the optic disc becomes swollen and fuzzy. And when you look at the fundus of the eye in the ophthalmoscope, you can see that the blood vessels are dull and blunted. [20 - page 726, line 1] So that physician was very concerned about me and, of course, the anxiety of it -- the anxiety of it, of my being in prison not knowing what will happen to me and when and why am I there. And so he wrote a report and he asked that the mental health examination be done quickly, and it was preliminary in the prison and, of course, you have

heard them try -- trying to portray me as a crazy person. [3-5] I had one mental health evaluation in the prison by a prison psychologist, and then I was told to go to the mental health clinic of Richland Memorial Hospital on Monday. So I was released on Friday, 2 December 2009, and I was told to go on Monday, 7 December 2009. That day, Friday night, I spent in the emergency room because from 2 December to 4 December---

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

[10] *The Court:* The objection is sustained

[11-12] *Dr. Faltas:* So I had more examinations and it was found that---

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

[14] *The Court:* Objection is sustained

[15-16] *Dr. Faltas:* I'm sorry, Your Honor. What is the part that I shouldn't be saying?

[17] *The Court:* Next -- continue

[18-21] *Dr. Faltas:* Thank you. So on Monday, December 7, 2009, I went and did as told, and there were two more examinations, one by a psychologist and one by an M.D. psychiatrist and they all found that I---

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

[23] *The Court:* Objection is sustained

[24 - page 737, line 4] *Dr. Faltas:* So after that I began to find more and more evidence that that was done to make me lose the civil lawsuit because I found out what they took from my apartment which is the proof that I have against them in the civil lawsuit. At this point, Your Honor, has -- may I show them very quickly the other pictures?

[3] *The Court:* Yes, ma'am

[6] *Dr. Faltas:* Thank you

[7-8] *The Court:* All these from exhibit 25, just give them an alphabet behind them

[9-11] *Dr. Faltas:* Thank you, Your Honor. I think some of you may have seen these pictures and some may not. So if some already have, then---

[12-13] *The Court:* Ladies and gentlemen, all exhibits will be in the jury room when you deliberate.

[14-17] *Dr. Faltas:* This one shows this man who was here yesterday, Mitch Jones. He -- when I once asked him to stop smoking, he would -- he would douse me with a water hose and---

[18] *Ms. Weiss:* Objection

[19] *The Court:* The objection is sustained

[20 - page 738, line 1] *Dr. Faltas:* And then these pictures -- these are examples of the reasons one takes pictures. This is on the other side of my land, and the neighbor there has a tree that has rotten branches and they keep on falling and they could have -- that huge branch could have fallen on someone's head and could hurt someone. So I have to document that it's there, and when I called the city to come---

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

[3] *The Court:* Objection is sustained

[4-5] *Dr. Faltas:* This is the one single time I photographed Mitch Jones who was here, and there was a reason for it

[6] *Court Reporter:* I'm sorry. And what?

[7-8] *Dr. Faltas:* There was a reason for it. The reason is that they were falsely accusing me---

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

[10] *The Court:* Objection is overruled

[11 - page 739, line 1-2] *Dr. Faltas:* [11-19] Thank you. They were falsely accusing me of opening their mailboxes, and that day -- you'll see this is inside of the security door, and that's the hallway. And that day the post lady had a certified letter for me and she also had a package for him. So I said since she doesn't have the code to the door I said I'll let her in and she can leave it in front of his door, to be nice to him, so he doesn't have to go to the post office to get it and doesn't have to miss it. [20-25] And then after I did that, because my instinct is to do the nice thing, he -- I said, "Gee whiz. If they are falsely accusing me of opening their mailboxes, maybe they will falsely accuse me of having stolen that package that was left." So I had to take his picture coming in and picking his package, and then these pictures show him blocking me. [page 729, lines 1-2] I'm not blocking anyone. And these other pictures also show the different exits [3-5] And these sets of pictures show Larry Mason coming to my door and taking -- these were the signs that were on the door, and he would come and take them from my door and leave. [6] I would call the police, and the police would not help me. [7-11] And this is Mitch Jones. He would sit under my balcony and smoke, and then sometimes he would have a mirror and a torch and a flashlight and use the mirror and the flashlight to shine it up against my balcony. And this is the garden hose with which he doused me. [12-17] These are more benches that I had built myself. They are very light and very stable, but the apartment itself has the floor tilting. So it doesn't -- they don't stay still because I didn't get time to stabilize them based on the apartment. And you see these other trucks. They are the ones blocking me. I am not the one blocking them. [18 - page 739, line 3] That day when Larry Mason and Dr. nah Steele came with the truck and a trailer -- and that was after they had given me the letter saying that they will take my cars from my own home. I was afraid that they would unhook that trailer and instead hook my car to it and tow it, and I called the police and they wouldn't help me. And you saw Sergeant Sanders was here. This

is the garden hose with which he doused me, and then this is a view showing they pretended that they can't fix the violations of which I complained to the fire department, but, in fact -- in fact, they were perfectly able, **and this is the garden hose with which he doused me.** [4-7] This is my computer which they took from me when they did the search warrant, and once again the computer stand is something I invented and designed myself and made with my two hands, and it's very mobile, very light, and very stable. [8] And then I can pull the computer---

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

[10] **The Court:** Objection is sustained

[11 - page 731, line 7] **Dr. Faltas:** [11-17] Very well **And I think this was one photograph of me that goes along with the ones that show my arms and legs with mosquito bites on them.** And this is once again my sign that you can see very, very heavy I could not possibly have moved it myself And this is the other stake for the property line, and these are the two clean-outs that are on my land. [18-23] And these were taken to document in the summer why I got my land mowed and kept maintained. The other neighbor who has some vacant land wasn't mowing his grass, and it -- and it got so full and... This is again Larry Mason after he had come to my apartment and taken my signs and walking away with them [24 - page 731, line 6] And this is part of Larry Mason's car, and as you can see, this is the exit that's close to the 300 building and this is the exit that's close to the 304 building. And if you put these two pictures together, you can see that there is absolutely no reason for anyone to park there, to come through here and pretend that they were blocked. They could just as easily have backed like this and go this way. [6-7] And, Your Honor, I will be glad to answer any questions Ms. Weiss has for me

[8] **The Court:** Any cross-examination?

[9-10] **Ms. Weiss:** No cross-examination for this witness, Your Honor

[11] **The Court:** You may step down

[12] **Dr. Faltas:** Thank you, Your Honor

[13-14] **The Court:** Call your next witness. Your next witness, please. *****

[11 to page 777, lines 13-14] **Dr. Faltas:** Your Honor, I would want to recall myself for a couple of things, but can we try to play this first?

[15] **The Court:** Play what?

[16] **Dr. Faltas:** The CD's

[17-18] **The Court:** You're presenting your defense You may proceed

[19-20] **Dr. Faltas:** Thank you I mean, I don't want to -- may I?

[20] **Ms. Weiss:** No

[22-24] **Dr. Faltas:** No? Okay. All right. She said she -- I can't play them. So then may I -- may I recall myself for -- for two more points?

[25] **The Court:** For two more points?

[page 778, line 1] **Dr. Faltas:** Uh-huh

[2] **The Court:** What says the State?

[3-4] **Ms. Weiss:** I object The defendant has had full examination She did direct examination

[5] **The Court:** All right Sir?

[6] **Mr. Briggs:** I was trying to make a point.

[7-9] **The Court:** Sir, order in court You've testified There was no cross-examination of you, and you want to testify some more concerning what point?

[10-22] **Dr. Faltas:** Your Honor, concerning Mr. Jones' testimony where he claimed that I steal things that -- concerning Mr. Jones' testimony where he claimed that I steal things and said that was on the internet that I had previously had a conviction with fabricated evidence that was eventually overturned when I proved that the evidence was fabricated, and the other thing is that one of the reasons Mr. Jones is -- says that he wishes for me to be deported is that I have complained of his having doused me with a garden hose and I have -- I was -- just received the letter saying that I need to go and testify against him on March 11th. So these are what I wanted to testify is proof of the incentives of the people to be telling untruths about me.

[23-25] **The Court:** All right. You have just explained that Do you need to explain it more? You've just said it Is that sufficient?

[page 779, lines 1-3] **Dr. Faltas:** [1-2] Yes, Your Honor, and I want to say that I consider myself still under affirmation with what I said. [3] So, I mean, I hope it can be taken as testimony.

[4] **The Court:** All right. That can be taken as testimony

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

[8-11] (This concludes the testimonial phase of the trial. Defendant's exhibits 24 and 28 through 32 were received in evidence and Defendant's exhibit 33 was marked for identification only after the close of testimony as well as Court's exhibits 6 and 7 were marked for identification only after the close of testimony.)

***** 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

The State of South Carolina
County of Richland
2010-GS-40-11980 and 2010-GS-40-11987
Court of General Sessions
The State of South Carolina : PARTIAL TRANSCRIPT OF RECORD
vs. :
February 26, 2010
Dr. Marie Assa'ad Faltas :
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 731, lines 13-14] The Court: Call your next witness. Your next witness, please.

[15] Dr. Faltas: Yes. Yes, Your Honor. I call Corey Curry.

[16-17] The Court: Mr. Curry, if you would come forward. Let's stand for just a moment before we start on this witness

[18-19] Corey Curry, after being duly sworn, testified as follows:

[20-21] The Clerk: Have a seat in the witness stand, please. Give the court reporter your name

[22] Court Reporter: And spell your name as well.

[23] The Witness: C-o-r-r-e-y.

[24] Court Reporter: C-o-r-r-e-y?

[25] The Witness: Yes. C-u-r-r-y.

[page 732, lines 1-2]

Direct Examination By Dr. Faltas:

[3] Q. Can you give us your age and education, please?

[4] A. Say what?

[5] Q. Can you give us your age and education, please?

[6] A. Graduated.

[7] Q. What?

[8] A. Graduated.

[9] Q. Graduated from what?

[10] A. High school.

[11] Q. And what's your age?

[12] A. Twenty-nine.

[13] Q. And when did you graduate from high school?

[14] A. 1999.

[15] Q. And which high school was that?

[16] A. Lower Richland High School.

[17] Q. And what have you done since then?

[18] A. As far as in what?

[19] Q. What have you done since then?

[20] A. Done what? As far as in what? Done what?

[21] Q. Did you study something else? Did you work?

[22] A. Oh, I have a job now.

[23] Q. What do you do?

[24] A. Fix computers. Computer technology.

[25] Q. Really?

[page 733, line 1] A. Yes.

[2] Q. Did you have a burglary conviction?

[3] A. Yes.

[4] Q. Did you work for Aaron's Furniture?

[5] A. No.

[6] Q. Did you threaten to snatch my camera from me?

[7] A. No.

[8-9] Q. Did you grab your crotch and say that you will make me suck this?

[10] A. No.

[11-13] Ms. Weiss: Your Honor, I object. That was a compound question, and I don't know -- if she can break it up, perhaps we could clarify it and she wouldn't need to get a picture.

[14-15] By Dr. Faltas: Q. How do you know Teresa Ingram?

[16] A. She's my friend.

[17] Q. How did you meet her?

[18] A. I don't know. I can't recall.

[19-20] Q. Did you ever sell music and music videos and movie videos?

[21] A. No. I don't know what you're talking about.

[22] Q. How did you meet Teresa Ingram?

[23] A. I don't recall.

[24] Q. Do you know when you met her?

[25] A. I don't recall.

[page 734, lines 1-2] Q. Okay. Why do you -- do you come often to or did you in 2009 often go to the 300 and 304 Byron Road addresses?

[3] A. Say what?

[4-5] Q. Did you in 2009 often go to the 300 and 304 Byron Road addresses?

[6] A. I don't know where that's at.

[7] Q. You don't know where 300 Byron Road is?

[8] A. No. I don't remember addresses.

[9] Q. And yet you're a computer technologist?

[10] Ms. Weiss: Objection, Your Honor.

[11] The Court: Objection is sustained. It's argumentative

[12-13] By Dr. Faltas: Q. Do you drive a blue truck?

[14] A. Yes, I do.

[15] Q. And do you also do mechanic's work?

[16] A. Yes.

[17-18] Q. Did you ever do mechanic's work for free for Teresa Ingram?

[19] A. I don't recall. I don't recall repairing anything.

[20] Q. Did you ever have sexual relations with Teresa Ingram?

[21] A. No.

[22] Ms. Weiss: Objection, Your Honor.

[23] The Court: He's answered the question.

[24] The Witness: No.

[25 to page 735, line 1] By Dr. Faltas: Q. All right. Do you ever recalling having seen me?

[2] A. Yes, I've seen you before.

[3] Q. How?

[4] A. Taking pictures.

[5-6] Q. And the first time you ever saw me I was taking pictures?

[7] A. Yes, you was.

[8] Q. Uh-huh. So when was that?

[9] A. I don't recall.

[10-11] Q. Did you ever tell me that you would snatch my camera from me?

[12] A. No, I haven't.

[13-14] Dr. Faltas: I'm sorry, Your Honor. Did I ask about his burglary conviction?

[15] The Court: Yes.

[16] Dr. Faltas: And what was his answer?

[17] The Court: Yes.

[18] Dr. Faltas: Okay

[19-20] By Dr. Faltas: Q. Are you presently under the effect of any drugs?

[21] A. No, I'm not.

[22] Ms. Weiss: Objection, Your Honor.

[23] The Court: Objection is sustained

[24-25] By Dr. Faltas: Q. Did I ever do anything bad to you?

[page 736, line 1] A. Yes.

[2] Q. What?

[3] A. Take pictures.

[4] Q. Okay. Why were you afraid of your pictures being taken?

[5-6] A. That's privacy. You don't have to take nobody's picture unless they give you the permission to take it.

[7] Q. Is that right?

[8] A. Yes.

[9] Q. Have you ever shopped at Wal-Mart?

[10] A. Yes.

[11] Q. Have you ever shopped at Target?

[12] A. Yes.

[13] Q. Don't they have a video there?

[14-15] A. Yes, but they don't take your picture unless permission is given.

[16] Q. Really?

[17] Ms. Weiss: Objection, Your Honor.

[18] The Court: Objection is sustained

[19-21] By Dr. Faltas: Q. Did you ever give Wal -- Did you ever give Wal-Mart or Target permission to take your picture?

[22] A. No.

[23] Q. And have you ever seen video monitors?

[24] Ms. Weiss: Objection, Your Honor.

[25] The Court: Sustained

[page 737, lines 1-2] Dr. Faltas: That's all I have of this witness, Your Honor.

[3] The Court: All right Thank you From the State?

[4-5] Ms. Weiss: No cross for this witness, Your Honor May Mr. Curry be excused?

[6-7] The Court: Thank you, sir You're excused Thanks for coming Your next witness.

[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. [¶] 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-40-11987

The State of South Carolina : PARTIAL TRANSCRIPT OF RECORD
vs. :

February 26, 2010
Columbia, South Carolina

Dr. Marie Assa'ad Faltas :
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 737, lines 4-5] Ms. Weiss: No cross for this witness, Your Honor. May Mr. Curry be excused?

[6-7] The Court: Thank you, sir. You're excused. Thanks for coming. Your next witness.

[8] Dr. Faltas: Your Honor, I call Andrew Delaney.

[9-11] The Court: Andrew Delaney. We have to call him to come. We told him we would give him half an hour notice or so, didn't we?
Oh, there he is.

[12] Ms. Weiss: He just happens to be here.

[13] The Court: There he is. Mr. Delaney.

[14] Mr. Delaney: Yes, sir, Your Honor.

[15-16] The Court: Please come forward. You have been called as a witness.

[17-18] J. Andrew Delaney, after being duly sworn, testified as follows:

[19-20] The Clerk: Have a seat in the witness stand, please, and give the court reporter your name.

[21] The Witness: John Andrew Delaney.

[22-23] Direct Examination By Dr. Faltas:

[24-25] Q. Can you give us your age, occupation, and education, please?

[page 738, lines 1-2] A. I'm 36. I'm an attorney with McAngus, Goudelock and Courie here in town.

[3] Q. What?

[4] A. I'm an attorney with McAngus, Goudelock, and Courie.

[5] Q. I thought you said something after that.

[6-7] A. Just that I'm an attorney with McAngus, Goudelock, and Courie here in town.

[8] Q. And your education?

[9-10] A. I graduated from the University of South Carolina and the University of South Carolina Law School.

[11] Q. And when was the -- do you ever recall having met me?

[12] A. Yes, I do recall.

[13] Q. When was the first time you met me?

[14-17] A. Shortly after you filed suit against Larry Mason and Dinah Steele and Steele Enterprises and other defendants. That would have been sometime in maybe March or April of this past year.

[18-19] Q. And do you recall that you made an appointment for me to come and speak to you?

[20-21] A. I don't recall if I made an appointment with you or if you made an appointment with me.

[22] Q. But did I come to your office and speak to you?

[23] A. You have come many times to my office to speak to me.

[24-25] Q. The first time that we met, had I come to your office, according to that appointment?

[page 739, lines 1-2] A. I suppose so. I don't recall exactly. That's been close to ten or eleven months ago.

[3] Q. And did you request my permission to record the meeting?

[4] A. I did.

[5] Q. And did I give you such permission?

[6] A. You did.

[7-9] Q. And during that meeting did I tell you, among other things, that your clients are trying to spray my apartment and that I have asthma and if they--

[10] Ms. Weiss: Objection, Your Honor.

[11] The Court: Sustained.

[12-14] By Dr. Faltas: Q. Do you recall our discussing my asthma during that meeting?

[15-17] A. During that meeting specifically I do not. I do recall you discussing asthma during the many times that you have come to my office.

[18-19] Q. And during those discussions did I several times tell you that, please, I need your clients--

[20] Ms. Weiss: Objection, Your Honor.

[21] The Court: I need to hear the full question.

[22 to page 740, line 1] Dr. Faltas: Thank you, Your Honor. That I need your clients to make the neighbor stop smoking to where the smoke rises to my apartment and it aggravates my asthma and, number two, they cannot come in my apartment without my permission and spray it because that would aggravate my asthma?

[2] The Court: The objection is sustained.

[3] Dr. Faltas: Because it's compound? Should I break it?

[4-5] The Court: Because it's not relevant to the case that you're on trial for.

[6] Dr. Faltas: I'm sorry. Thank you.

[7-10] By Dr. Faltas: Q. And did there come a time when I told you that your clients are defaming me and telling the other tenants to harass me?

[11] A. Can you repeat that?

[12-13] Q. Did there come a time when I told you that your clients are defaming me and telling the other tenants to harass me?

[14-17] A. You have told me many times that you allege that my clients have defamed you. In fact, you've brought a cause of -- a complaint against them included amongst about 22 allegations, and one of those is defamation.

[18-19] Q. And do you recall your having asked me whether I have heard them say such things?

[20-21] A. I think probably so. We sent you discovery requests, asking you to identify those statements.

[22] Q. And do you recall my having told you--

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

[24] The Court: The objection is sustained. Hearsay.

[25 to page 741, line 1] By Dr. Faltas: Q. Have you become aware that I have tapes of your clients saying such things to me in the presence of others?

[3-4] A. I know that you have a lot of tapes. I'm not sure what any of those tapes contain.

[5] Q. Okay. Did you wish to have those tapes?

[6] A. What tapes are you referring to?

[7] Q. The tapes that you know I have a lot of.

[8-9] A. I mean, it depends on what's on those tapes. I mean, I don't just want tapes that you have.

[10-11] Q. Okay. Did there also come a time when I told you that my mother--

[12] Ms. Weiss: Objection, Your Honor.

[13] The Court: The objection is sustained.

[14-16] By Dr. Faltas: Q. Did there come a time when you knew there was a criminal investigation against me?

[17-18] A. I found out, yes, that there was a criminal investigation against you.

[19] Q. When?

[20-24] A. I believe that I found out there was a criminal investigation against you -- I believe it would have been shortly after you were arrested which I think was on December the -- whatever a Wednesday -- like December 2nd or December 3rd.

[25] Q. That was the first time you found out---

[page 742, line 1] A. Are you referring to the investigation or an arrest?

[2-3] Q. I think my question was clear. I asked about an investigation.

[4-5] A. Well, if you could define what you mean by investigation.

[6-7] Q. You're a lawyer and you don't know what investigation means?

[8] Ms. Weiss: Objection, Your Honor.

[9] The Court: Objection is sustained.

[10-13] By Dr. Faltas: Q. No, I cannot define investigation for you because I'm not testifying. You tell the jury when was the first time you knew there was an investigation against me.

[14-18] A. I couldn't tell you. It would have been sometime prior to you being arrested. It would have been maybe -- maybe September, October, November of '09. I can't -- not with any specificity I can't tell you. I mean, I'm involved in a civil matter that you have, not a criminal matter.

[19] Q. And you had no contact with the criminal investigation?

[20 to page 743, line 6] A. I recall in sometime, like I said, September or October November -- I don't have a specific date that I can recall. I believe that Investigator Blanton called my office. She left me a voice mail and identified herself as a City of Columbia police officer. Because of that and my respect for the police, I called her back, and she inquired that she was asking about you. And I said, "I don't want to talk to you anything about that," because I didn't want to put myself in jeopardy of being accused of being involved in the criminal investigation and said, "I'm happy to help you with any information that you need if you subpoena me or get an order from the court."

[7] Q. Did she do either of those things?

[8-17] A. That was the extent of our conversation. I take that back. She asked me could she ask me one question, and I said, "Well, ask the question and I'll tell you if I can answer it." She asked did I receive pictures from you, and I believe that was pictures sometime that week. I think she may have called on Wednesday or Thursday, and it would have been pictures that you brought to my office I believe on a Monday or Tuesday that week. Again, I do not recall the specific time. And I said, yes, I received pictures from you. That was it. That's all that I recall.

[18-20] **Q. You did not later fax her the letter where I requested a continuance of the restraining order hearing of November 10, 2009?**

[21-23] **A.** Well, I'm not sure what you're referring to. If you could show me the document, I can at least have some idea what you're referring to and asking me about.

[24] **Q. Was that the only contact you ever had with her?**

[25 to page 744, line 6] **A.** That is the only contact I recall ever having with Investigator Faltas (sic) until earlier this week when I was subpoenaed to be here and I met Investigator -- I said -- Blanton for the first time right there behind the solicitor's chair and I met -- because the door was locked, I met the solicitor at that door for the first time. That's the first time I recall ever speaking to her.

[7] **Q. Did you go to law school with Solicitor Weiss?**

[8] **A.** Not that I recall.

[9] **Q. Didn't you graduate the same year as she did?**

[10-11] **A.** I'm not sure when the solicitor graduated. I graduated law school in 2004.

[12] **Q. 2004?**

[13] **A.** I believe it was May the 7th of 2004

[14] **Q. Not 2001?**

[15-19] **A.** No, ma'am. 2001 is when I began going to law school because I distinctly remember I began my law school career at Cumberland School of Law, and I remember that because of the September 11th events of my first year and missing class that year. So, no, not September 2001.

[20-21] **Q. Okay. So when you saw Investigator Blanton outside, did you talk about this case?**

[22-24] **A.** I didn't see Investigator Blanton inside. I saw her right there behind the -- where the solicitor is sitting, and we exchanged pleasantries and that was it.

[25] **Q. How did you know she was Investigator Blanton?**

[page 745, lines 1-2] **A.** Because we shook hands and I said, "I'm Andy Delaney," and she says, "I'm Investigator Blanton."

[3] **Q. And that was the first time you ever met her**

[4-5] **A.** That's the first -- that is the first time I ever recall meeting Investigator Blanton.

[6-7] **Q. So you could have met her before, and you're saying you just don't recall other...**

[8-12] **A.** You know, I'm 36 years old. I've met a lot of people over my 36 years. I can't say with 100 percent certainty I haven't met Investigator Blanton in my 36 years of life, but that is the first time that I ever recall meeting Investigator Blanton.

[13] **Q. So how did you send her the pictures?**

[14-15] **A.** I don't recall sending Investigator Blanton any pictures.

[16-19] **Q. And do you -- do you recall my having challenged you when I saw in the file that the State provided to me a fax with your law firm's letterhead on it and you said, "No, I never sent that fax to Investigator Blanton"?**

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

[21] **The Court:** Objection is sustained

[22 to page 746, line 2] **Dr. Faltas:** Well, I'll find the document, if it pleases the Court, but I hadn't brought the rest of the -- sorry. I'm sorry. **Do you recall several times I told you that we need to resolve this matter and I need for them to either remove their sewer lines from my land or negotiate an easement with me?**

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

[4-5] **The Court:** Sustained. We're not here concerning the sewer matter

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

[7-8] **By Dr. Faltas: Q. Is it to your clients' advantage that I get arrested?**

[9] **A.** Is it to my clients' advantage that you get arrested?

[10] **Q. Yes.**

[11] **A.** In what respect?

[12-16] **Q. For example, can you -- I'm sorry. I shouldn't testify. Is it to your clients' advantage -- and I'll come at this another way, Your Honor. Do you recall you and I and Larry Mason and others were at a hearing before the Honorable Judge Lee on December 1st, 2009?**

[17-19] **A.** If it was -- it was either December 1st or December 2nd. Yes, I recall being at a hearing with a number of folks involving judge -- and Judge Lee.

[20] **Q. Yes. And that hearing lasted a long time?**

[21] **A. It lasted about nine hours.**

[22] **Q. And I offered to produce tapes in that hearing?**

[23] **A.** I can't recall that.

[24-25] **Q. Do you recall your client, Larry Mason, testifying in that hearing?**

[page 747, line 1] **Ms. Weiss:** Objection, Your Honor

[2] **The Court:** The objection is sustained

[3] **Dr. Faltas:** Sorry

[4-9] **By Dr. Faltas: Q. After I was arrested, didn't you, in fact, tell me something to the effect that now that I have been arrested and have criminal charges against me I should lower my settlement demands from your clients?**

[9-11] **A.** Absolutely not. What I said to you -- you wanted to address the criminal case in the context of the civil case which I said was absolutely impermissible.

[12-13] **Q.** *Uh-huh. And yet it was permissible for you to assist in the criminal investigation.*

[14] **A.** I have nothing to do with the criminal investigation.

[15] **Q.** *Who did you think Investigator Blanton was?*

[16-17] **A.** I think she's an officer with the police. I didn't assist---

[18] **Q.** *And what does the police do?*

[19] **A.** I'm sorry?

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

[21] **Dr. Faltas:** *What does the police do?*

[22] **The Court:** The objection is sustained.

[23] **Dr. Faltas:** *Did Larry Mason, your client, tell you that there is a criminal investigation?*

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

[page 748, line 1] **The Court:** Sustained.

[2-3] **Dr. Faltas:** *So you knew as early as September 2009 that there is a criminal investigation.*

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

[5] **The Court:** Sustained. He's talked about that already.

[6-8] **Dr. Faltas:** *Did there come a time in the civil case that you produced information about the rent rates for the different apartments?*

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

[10] **The Court:** Sustained. It's a collateral matter.

[11] **Dr. Faltas:** May we approach about---

[12] **The Court:** No, ma'am.

[13] **Dr. Faltas:** *Okay. Did you change your answer---*

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

[15] **The Court:** I haven't heard the question.

[16-17] **Dr. Faltas:** *Did you change your answer to my discovery request about the rental rates?*

[18] **Ms. Weiss:** Objection.

[19] **The Court:** Sustained. It's irrelevant.

[20-21] **By Dr. Faltas: Q.** *Is Teresa Ingram listed as a witness in the civil case?*

[22] **A.** I believe she is, yes.

[23] **Q.** And that's a witness for your clients.

[24-25] **A.** Well, she would be a witness that is a witness to the events of the lawsuit that you filed.

[page 749, line 1] **Q.** *Yeah. So she is listed as a witness for your clients.*

[2-7] **A.** You don't necessarily list witnesses in that way as to who is a witness for who. The actual witnesses are anybody who has any information regarding the case. In fact, you are listed as a witness to the responses as are some of the co-defendants who presumably wouldn't have anything to do with your allegations against my clients.

[8-9] **Q.** *The pictures that you sent Investigator Blanton, did you think they proved the crime?*

[10] **A.** I've already answered---

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

[12-13] **The Court:** Objection is sustained. It doesn't matter what he thinks about that.

[14-16] **By Dr. Faltas: Q.** *Did you send them to her with the intent of helping her prove that I committed a crime?*

[17-23] **A.** I've already responded that I do not recall sending Investigator Blanton any photos. You came to me, brought me photos. They were anywhere -- you've brought me numerous things, probably 50 to 75 photos. As I do with my clients, I turned them over and gave them, because they're part of their case, to Larry and Dinah. That is the only people I recall giving the photos to.

[24] **Q.** *And why would I be bringing you pictures?*

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

[page 750, line 1] **The Court:** Sustained.

[2-3] **Dr. Faltas:** *Isn't it true that you asked me for those pictures in discovery in the civil lawsuit?*

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

[5] **The Court:** Sustained.

[6-7] **Dr. Faltas:** *Were those pictures part of my evidence against your clients in the civil lawsuit?*

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

[9] **The Court:** Sustained.

[10-11] **Dr. Faltas:** *Have you ever told anyone that I'm mentally ill?*

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

[13] **The Court:** Sustained.

[14-15] **Dr. Faltas:** *Have you ever discussed what should happen in this case, the criminal case, with anyone?*

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

[17] **The Court:** Sustained. It doesn't matter.

[18] **Dr. Faltas:** Pardon?

[19] **The Court:** It does not matter whether he has or hasn't.

[20] **Dr. Faltas:** Your Honor, the conspiracy, the motive.

[21] **The Court:** The objection is sustained.

[22-23] **Dr. Faltas:** Well, I have -- did you bring the originals that we asked for?

[24-25] **The Witness:** Your Honor, is this something we want to take up now or..

[page 754, line 1] **The Court:** Ask him a specific question.

[2-3] **Dr. Faltas:** Okay. Were parts of your clients' tax records ---

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

[5] **Dr. Faltas:** I haven't finished.

[6] **The Court:** Let me hear the question.

[7-8] **Dr. Faltas:** Thank you. Were parts of your clients' tax returns produced in discovery in the civil case?

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

[10] **The Court:** Sustained.

[11-12] **Dr. Faltas:** Were copies of rent receipts from building 300 and 304 produced by your clients in discovery?

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

[14] **The Court:** Sustained.

[15-16] **Dr. Faltas:** Do you recall my having made an issue that the receipts produced and the tax returns do not match up---

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

[18] **Dr. Faltas:** ---that there are discrepancies?

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

[20] **The Court:** Sustained.

[21-22] **Dr. Faltas:** Well, I don't think I can ask him more questions.

[23] **The Court:** All right. Any questions by the State?

[24] **Ms. Weiss:** No, Your Honor.

[25] **The Court:** Thank you, sir. You may step down.

[colloquy 752, line 1] **Ms. Weiss:** May Mr. Delaney be excused?

[2] **The Court:** Yes, you are excused.

[3] **The Witness:** Thank you, Your Honor.

[4] **The Court:** Next witness.

[5] **Dr. Faltas:** Your Honor, may I call Mr. Orin Briggs?

[6] **The Court:** Mr. Orin Briggs. All right. Come forward.

[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. [¶] 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-40-11987

The State of South Carolina : PARTIAL TRANSCRIPT OF RECORD

vs. :

Dr. Marie Assa'ad-Faltas :

February 26, 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 752, line 4] **The Court:** Next witness

[5] **Dr. Faltas:** Your Honor, may I call Mr. Orin Briggs?

[6] **The Court:** Mr. Orin Briggs. All right. Come forward.

[7-8] **Orin G. Briggs, after being duly sworn, testified as follows:**

[9-10] **The Clerk:** Have a seat in the witness stand, please, and give the court reporter your name.

[11-13] **Dr. Faltas:** Your Honor, while Mr. Briggs testifies is it possible for Chief Carter and the other stand-by witness to be called?

[14] **The Court:** We'll have them here after lunch.

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

[16-17] **Ms. Weiss:** I'm sorry. Who is the other stand-by witness?

[18] **The Court:** Chief Carter and who?

[19-20] **Dr. Faltas:** To tell Your Honor the honest truth, I think there is another witness, but I can't remember...

[21-22] **The Court:** I don't know. I don't know who you're referring to.

[23] **Dr. Faltas:** Then Chief Carter.

[24-25] **The Court:** All right. Chief Carter? He'll be here after lunch.

[page 753, lines 1-3] **Dr. Faltas:** And, Your Honor, he was -- he was subpoenaed to produce the videos of my arrests, and I think he should bring them with him.

[4] **The Court:** All right. You have a witness on the stand.

[5] **Dr. Faltas:** Thank you, Your Honor.

[6-7]

Direct Examination By Dr. Faltas:

[8-9] **Q.** Good afternoon, Mr. Briggs. Can you give us your age, occupation, and education, please?

[10-14] **A.** Well, first my full name is Orin G. Briggs. I'm an attorney. I've been practicing law in South Carolina for 42 years, graduated from the University Law School -- South Carolina Law School in 1967 and have a Master's degree in law from the George Washington University in Washington, D.C.

[15] **Q.** Mr. Briggs, when did you first meet me?

[16-18] **A.** I'd have to look at the file, but it's been at least 15 years, Dr. Faltas, when I first started helping you with the immigration matter that we're familiar with.

[19-20] **Q.** And did that immigration matter take about 15 years or so to be resolved?

[21-22] **A.** Well, actually, as I recall, your status was adjusted five years ago. So it took eight or nine years.

[23] **Q.** Twelve -- twelve years.

[24] **A.** Yeah.

[25 to page 754, line 2] **Q.** And ultimately was it found that what INS had done to me should not stand, that if they were trying to deport me that that should not happen?

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

[4] **The Court:** Objection is sustained.

[5-6] **Dr. Faltas:** All right. Mr. Briggs, have you met my mother?

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

[8] **The Court:** Sustained.

[9-11] **By Dr. Faltas: Q.** Have you been inside my apartment or a house that I rent many times?

[12-13] **A.** At least two -- three apartments and the one house you lived in in the same area where your apartment is now.

[14-15] **Q.** Have you inside my house seen shelves and things that I built myself?

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

[17] **The Court:** That's overruled.

[18-22] **The Witness:** Yes, Dr. Faltas, including the shelf thing that you have your computer on, and I'm aware that your father was a well-known engineer in Egypt and that you probably inherited some of his genes as far as having that ability.

[23-25] **By Dr. Faltas: Q.** Were you always impressed with the things I invent and make myself?

[page 755, lines 1-3] **A.** Actually I was because my background is in math and science, and I'm always impressed with folks who have let's say that intellectual ability to invent things.

[4-5] Q. And did there come a time early last year when you became aware that I was trying to buy land and build on it?

[6-11] A. Yes. I would just answer that question by saying that during the last 15 years I guess I have represented you in at least seven or eight different matters and for awhile, and so I've always stayed in touch with you and so I was aware of that, but I -- I was not aware of all these things that was going on at the apartment.

[12-13] Q. And had you seen the plans that I drew myself and were you aware that I applied for a patent for them?

[14-15] A. I was aware of that and I was aware that you got a plat drawn by an engineering firm also.

[16] Q. A surveying firm you mean.

[17] A. Okay. Surveying firm.

[18-19] Q. I'm sorry. And so you were aware that I was very busy with that?

[20] Ms. Weiss: Objection, Your Honor.

[21] The Court: The objection is sustained.

[22-23] Dr. Faltas: Sorry. Have you also seen the plans for the buildings and were impressed with them?

[24] Ms. Weiss: Objection, Your Honor.

[25] The Court: Objection is sustained.

[page 756, lines 1-3] Dr. Faltas: Sorry. Okay. Did you -- were you also aware of a matter where I was falsely accused of shoplifting and then I proved that the evidence--

[4] Ms. Weiss: Objection, Your Honor.

[5] Dr. Faltas: --against me was fabricated?

[6] The Court: The objection is sustained.

[7-9] By Dr. Faltas: Q. Did you try to go to my apartment the day I was arrested?

[10-13] A. I don't remember whether I went that day, but I did go with you and the police the first time you went back to the apartment and I think the second time you went back to the apartment.

[14-15] Q. And the first time, did we find that things were strewn all over the floor?

[16] Ms. Weiss: Objection, Your Honor.

[17-18] Dr. Faltas: He saw it. He saw it. He saw them himself, Your Honor.

[19] The Court: What's the objection?

[20-22] Ms. Weiss: She is asking a question involving herself. "Did we find .. Did we .." She needs to ask the witness a question. I ask that she ask the witness a question.

[23-24] By Dr. Faltas: Q. Did you see the apartment at that time?

[25 to page 757, line 3] A. I did see the apartment and it did have the appearance of having been rifled somewhat, not everything out of place, but I would say 15 or 20 percent displacement from the search.

[4-5] Q. And after that did you come with me as I tried to get some of my property back from the City of Columbia?

[6] Ms. Weiss: Objection.

[7] The Court: The objection is sustained.

[8-10] By Dr. Faltas: Q. Did you see that my computer was missing from my apartment?

[11-13] A. Yes, that was obvious, and actually we got a list from the police department of some 20 items that they had taken under a general search warrant.

[14] Dr. Faltas: Thank you. That's all I have, Your Honor.

[15] The Court: Any questions by the State?

[16] Ms. Weiss: No, Your Honor.

[17] The Court: Thank you, sir. You may step down.

[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. 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
The State of South Carolina : PARTIAL TRANSCRIPT OF RECORD
vs. :
Dr. Marie Assa'ad Faltas :
February 26, 2010
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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 757, line 17] ~~The Court~~ Thank you, sir You may step down.

[18-19] ~~Dr. Faltas~~: Your Honor, may I call the victims' advocate? I don't know her name, but she has ...

[20] ~~The Court~~ Who do you want to call?

[21-22] ~~Dr. Faltas~~: This lady. I don't know her name, but I think she's the victim advocate.

[23] ~~The Court~~ Okay. Ms. Weiss?

[24 to page 758, line 4] ~~Ms. Weiss~~: Your Honor, I object. This is -- the victims' advocate from my office did not become involved in this case until well after Dr. Faltas was arrested, has no knowledge of any relevant information to the actual case itself. I think it would be highly improper for her to be called.

[5-7] ~~Dr. Faltas~~: Your Honor, I want to ask if the victims' advocate gave the victims money in support of their case and, therefore, prove that Ms. Ingram had a financial incentive.

[8] ~~The Court~~ All right. You may call the witness.

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

[10-11]

Frances Reynolds, after being duly sworn, testified as follows:

[12-13] ~~The Court~~ Please be seated and state your full name, spelling your last name.

[14] ~~The Witness~~: Frances Reynolds. R-e-y-n-o-l-d-s.

[15-16]

Direct Examination By Dr. Faltas:

[17] ~~Q~~. And what is your age, occupation, and education?

[18-19] ~~A~~. I'm 50 years old. I'm a high school graduate with a Bachelor's degree from Columbia College

[20] ~~Q~~. And your occupation?

[21] ~~A~~. Victims' advocate.

[22] ~~Q~~. How long have you been a victims' advocate?

[23] ~~A~~. Eleven years.

[24] ~~Q~~. And always for the Richland County Solicitor's Office?

[25] ~~A~~. Yes, ma'am.

[page 759, line 1] ~~Q~~. When did you first meet Ms. Ingram?

[2] ~~A~~. Probably the first of December.

[3] ~~Q~~. On the 1st of December?

[4] ~~A~~. The month of December.

[5] ~~Q~~. The day I was arrested?

[6] ~~A~~. I don't know what day you were arrested.

[7-8] ~~Q~~. Okay. So how many times did you go to court with Ms. Ingram?

[9] ~~A~~. I believe it's been, the best that I can recall, twice.

[10-11] ~~Q~~. And what do you do? Like do you give the victims money sometimes?

[12] ~~A~~. No, ma'am.

[13] ~~Q~~. Do you buy them clothes to wear?

[14] ~~A~~. No, ma'am.

[15] ~~Q~~. What do you do for the alleged victims?

[16-17] ~~A~~. I keep them informed of their court dates, any hearings that they need to be informed of.

[18] ~~Q~~. And why do you stay in court?

[19] ~~A~~. Because that's my job

[20] ~~Q~~. Like why? I mean, what do you do for her in court?

[21] ~~A~~. I'm her advocate. I support her

[22] **Q.** What did she tell you that she needs support for?

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

[24] **The Court:** The objection is sustained.

[25] **Dr. Faltas:** That's all I have of this witness.

[page 760, line 1] **The Court:** Anything by the State?

[2-3] **Ms. Weiss:** No, Your Honor. May this witness be excused?

[4] **The Court:** Yes Thank you

[5-6] **Dr. Faltas:** Your Honor, I think a juror had his hand up

[7-8] **The Court:** All right. We're going to break for lunch now for 50 minutes for lunch, 50 minutes You can go first.

[9-10] (Whereupon, the jury was excused from open court to go to lunch at 1:02 p.m.)

[11] **The Court:** All right Who is left as witnesses?

[12] **Dr. Faltas:** Just Chief Carter, Your Honor.

[13-14] **The Court:** Okay. Just Chief Carter. We'll need him here at 1:50.

[15] **Ms. Weiss:** 1:50.

[16-17] **The Court:** Yeah. She said she -- the subpoena says for him to bring a photo of search?

[18] **Dr. Faltas:** The video of the search.

[19] **The Court:** Video of the search?

[20] **Dr. Faltas:** Of the arrest and the search.

[21] **The Court:** Of her arrest.

[22] **Dr. Faltas:** And the search

[23] **The Court:** And the search.

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

[25] **The Court:** How long is that?

[page 761, line 1] **Dr. Faltas:** I have no idea. I wasn't there.

[2] **The Court:** All right. 1:50

[3-6] **Ms. Weiss:** Your Honor, the disk exists. It's just not playable. That's the problem. I can get it to her. I mean, I can make a copy for her now. I just -- there's no way of playing it.

[7] **The Court:** No way to play it?

[8-11] **Dr. Faltas:** Well, Your Honor, I don't want to be critical, but this seems incredible. I mean, anything that's taken with an instrument can be played. I mean, if a tape record can---

[12-13] **The Court:** All right. What's wrong with it? Why can't it be played?

[14-16] **Ms. Weiss:** I don't know. I mean, I couldn't play it. I couldn't play it. I can't view. It has something to do with software.

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

[18] **Ms. Weiss:** It's on some special software so...

[19] **The Court:** All right

[20-22] **Dr. Faltas:** Well, maybe the city has the special software. I'm sure they make -- they make those videos for a reason and---

[23-24] **The Court:** All right. Well, you can ask the chief about all of that---

[25] **Dr. Faltas:** Thank you, Your Honor.

[page 762, line 1] **The Court:** ---when he gets here.

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

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

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

[5] **The Court:** Very good.

[6] (Whereupon, a lunch break was taken. Dr. Faltas was not present in the courtroom when the proceedings resumed.)

[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. I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

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The State of South Carolina
County of Richland

Court of General Sessions
2010-GS-40-11980 and 2010-GS-40-11987

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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 760, lines 5-6] *Dr. Faltas: Your Honor, I think a juror had his hand up.*

[7-8] *The Court:* All right. We're going to break for lunch now for 50 minutes for lunch, 50 minutes. You can go first.
[9-10] (Whereupon, the jury was excused from open court to go to lunch at 1:02 p.m.)

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[25] *Dr. Faltas:* Thank you, Your Honor.

[page 762, line 1] *The Court:* ---when he gets here.

[2] *Dr. Faltas:* Okay.

[3] *The Court:* All right.

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

[5] *The Court:* Very good.

[6-7] (Whereupon, a lunch break was taken. Dr. Faltas was not present in the courtroom when the proceedings resumed.)

[8-9] *The Court:* All right. We're on the record now. Ms. Weiss?

[10 to page 763, line 4] *Ms. Weiss:* [10-16] Thank you, Your Honor Regarding the C.D.'s that were discussed just before the break that I stated that Chief Carter would not have in his possession, that the investigator did, I have a couple of different arguments. As it turned out, I went back to my office and one of the paralegals in our office was able to play them on a TV that had a D.V.D. player. They are playable. [17-23] However, Your Honor, I would argue: Turn them over. She can have them. They were not playable on my computer, as I stated, and I was told that was a software glitch, so I didn't look into it. But they are playable. However, I would argue they are not discoverable because they were not made for the purpose of this case. They were not made for the purpose of the investigation. [24 to page 763, line 4] All relevant photos were turned over to the defendant. The search warrant was fully disclosed to the defendant. Everything was disclosed to the defendant that was testified to.

These are made for internal work-product purposes only. And so, Your Honor, I would argue that they are not admissible in the case itself.

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

[6-8] **Ms. Weiss:** It would be merely cumulative, and they are eleven hours worth of video. **Your Honor, at this time I request a bench warrant for Dr. Marie Assa'ad-Faltas.**

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

[10-11] **Mr. Sawyer:** Let me try, Your Honor, if I may and give her a phone call right quick.

[12] **The Court:** Do you think she's absconded?

[13-14] **Mr. Sawyer:** She's very intense on this case, Your Honor, since it is...

[15-16] **The Court:** Okay. Well, I'll take that into consideration. We'll see what's what.

[17] **(Dr. Faltas enters the courtroom.)**

[18] **Dr. Faltas:** Oh, I am sorry

[19] **The Court:** All right. Are you ready for the jury?

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

The Court: All right. Bring the jury.

[page 763, line 1] **(Whereupon, the jury was brought into open court at 2:13 p.m.)**

[24] **The Court:** Your next witness, please.

[25] **Dr. Faltas:** May I call Chief Carter?

[page 764, line 1] **The Court:** Chief Carter?

[2-3] **Tandy Carter, after being duly sworn, testified as follows:**

[4-5] **The Clerk:** Have a seat in the witness box, please, and give the court reporter your name.

[6-7] **The Witness:** My name is Tandy Carter. Spelling of the first name is T-a-n-d-y.

[8-9] **Direct Examination By Dr. Faltas:**

[10-11] **Q.** Sir, could you please give us your age, education, and occupation?

[12-13] **A.** I am 55 years of age. I have a Master's degree, and I'm a police officer.

[14] **Q.** And what is your current position?

[15-16] **A.** I am the chief of Columbia P.D. or Columbia Police Department

[17-18] **Q.** Thank you. **And in that capacity, do you try to encourage community involvement?**

[19] **A. Yes.**

[20-22] **Q.** Okay. And would it be a deterrent to community involvement if one were suspecting something and one reported it to the police and instead got arrested?

[23-24] **A.** I'm not sure that I understand your question. One more time?

[page 765, line 1] **Q.** Okay. **Does prostitution occur in Columbia, in your experience?**

[2] **A.** It does.

[3-4] **Q.** And if, for example, someone that -- does drug dealing occur in Columbia?

[5] **A.** Yes.

[6] **Q.** Does burglary occur in Columbia?

[7] **A.** Yes, it does.

[8-10] **Q.** Okay. **So if one were suspecting someone of being a drug dealer or a prostitute or a burglar or something, do you encourage them to report that to the police?**

[11] **A.** Yes, we do.

[12-14] **Q.** And if instead of the police helping them the police comes and arrests them for having reported that, would that encourage community involvement?

[15] **A.** No.

[16-18] **Q.** Okay. And have there been incidents where your very department let out or did not prosecute a solicitation case because---

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

[20] **The Court:** I have to hear the question.

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

[22 to page 766, line 1] By Dr. Faltas: **Q.** Was there a recent case where the Columbia police department apprehended someone for solicitation of prostitution but let him go because his secretary is the wife of the arresting officer?

[2] **A.** I have no knowledge of that.

[3] **Q.** Really?

[4] **Ms. Weiss:** Objection.

[5] **The Court:** Sustained

[6-8] By Dr. Faltas: **Q.** And has the Columbia Police Department been criticized recently for police brutality?

[9] **A.** It has.

[10-13] **Q.** And has the Columbia -- are you -- as you sit here as the chief of police, are you aware of some state law about the police authority to arrest or prohibition against the arresting?

[14] **A.** I'm not sure that I understand that question.

[15-17] **Q.** For example, if someone were walking in the street or sitting in their home doing nothing wrong, do you give your police force discretion to just go arrest them?

[18-20] **A.** We have to have a reason to arrest somebody. That means that they have to have committed a crime or a violation of some sort.

[21-22] **Q.** And isn't there a difference between felonies and misdemeanors or do you know?

[23] **A.** Yes.

[24 page 767, line 1] **Q.** Okay. And did you train your force that they cannot arrest for a misdemeanor except if it is committed in the officer's presence?

[2-3] **A.** I don't particularly train them. South Carolina trains them, and we do in-service training.

[4-6] **Q.** Did you in this very case outside the presence of the jury testify that you just give your police officers discretion to arrest?

[7-8] **A.** Officers always have discretion no matter what jurisdiction they're in.

[9] **Q.** Really?

[10] **A.** Uh-huh.

[11-12] **Q.** So they have discretion to just arrest someone walking down the street if they have done nothing wrong?

[13-14] **A.** Officers have the discretion to arrest anybody if they have done something wrong.

[15-17] **Q.** Did you ever read the law in South Carolina that officers have no right to arrest for misdemeanors unless it is committed in the officer's presence?

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

[19] **The Court:** Basis for the objection?

[20-22] **Ms. Weiss:** That would be an incorrect reading of the law, and that's the defendant's opinion testifying as to her opinion on the law.

[23] **The Court:** All right. The objection is sustained.

[24] **Dr. Faltas:** All right. Thank you, Your Honor.

[25] **The Court:** Proceed

[page 768, lines 1-3] **By Dr. Faltas: Q.** What is the difference between a felony and a misdemeanor?

[4-6] **A.** One carries -- a felony will put you in jail for a year or more in some cases in South Carolina. Misdemeanors are a much minor, minor case.

[7] **Q.** And that's not exactly correct but ---

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

[9] **Dr. Faltas:** But in any event ...

[10] **The Court:** Objection is sustained.

[11-13] **By Dr. Faltas: Q.** Do the police officers in Columbia, do they have liberty to arrest for misdemeanors not committed in their presence?

[14-17] **A.** They have the discretion to arrest or -- arrest somebody, custodial arrest, or also do courtesy arrests or field book them. Which arrest are you talking about? Field booking?

[18-20] **Q.** Do they have discretion to put somebody's arms behind them and put them in handcuffs for an alleged misdemeanor that the police officer did not witness?

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

[22] **The Court:** The objection is overruled.

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

[24-25] **By Dr. Faltas: Q.** Please answer.

[page 769, lines 1-4] **A.** You know, police officers can put you in handcuffs a lot of times, perhaps that your behavior is such that it's threatening to the officer. For the officer's safety, they can put you in handcuffs.

[5-6] **Q.** But my question wasn't -- was for something not observed by the police officer.

[7-8] **A.** Generally speaking, not. If it's not in the presence of the officer, then certainly.

[9-11] **Q.** Okay. And then did you sometime in November 2009 attend a meeting where you all discussed that you were going to arrest me for misdemeanor harassment?

[12-13] **A.** I did attend a meeting. I'm not exactly sure of the month that it was in.

[14-15] **Q.** And it was discussed that you were going to arrest me for misdemeanor harassment.

[16-17] **A.** They had an arrest warrant, and I attended the meeting, number one, because we had a meeting prior.

[18] **Q.** We had what?

[19 to page 770, line 2] **A.** You and I had a meeting. You had came forth, and it was not a scheduled meeting. It was a very impromptu meeting. I was coming out the door, and you said, "I wanted to talk to you," and I'm not sure that I could refuse not to talk to you, so I did. **But I did attend a meeting because I had heard that they were going to arrest you, and I attended the meeting for two reasons. One is I wanted to find out whether or not it meets the element of the crime and, secondly, had they coordinated that action through the solicitor's office?**

[3-4] **Q.** Objection, Your Honor. Objection. Objection.

[5-6] **The Court:** The objection is overruled. You may answer. You may continue.

[7-10] **By Dr. Faltas: Q.** All right. And when I first had an impromptu meeting with you, did I complain to you that things were being done to me and your department wasn't protecting me in any way?

[11 to page 771, line 12] **A.** [11-20] Well, let me tell you that both of our meetings were very impromptu. They were not scheduled. I just happened to be coming out the door, and you said, "You're Chief," and you wanted to talk to me. Now, you said a lot of things and I can't recollect the specifics of what you said, but when I left after talking to you, I know you were very unhappy with police service and that's why I was concerned. Any citizen that comes to the police department to talk to the police chief and they're unhappy with police service, it has my undivided attention and that's why I talked to you. [21 to page 771, line 8] Now, I didn't talk to you specifically because I always tell every citizen if they have a complaint that they have to make about a police officer there is a process. There is an internal affairs process. I have to give the officers their due process. I have to give you your due process, and your due process is when you sit down and you make a statement that gives us some reason to investigate. And I think -- whatever I said, I said over and over again that I can't talk specifically about what an officer had done. If you've got a complaint about an officer, I don't want to listen to it because I cannot be the judge, jury, and the executioner because the only thing that -- the only time something can happen to an officer is when I initiate it. [9-12] So, generally speaking, I try not to listen to individual complaints. All I know by your disposition was that you were angry and that you were upset with whatever happened to you.

[13] **Q.** And that was the first time or the second time?

[14] **A.** It was the first time.

[15-16] **Q.** And wasn't I asking that they be more responsive when I'm calling for protection?

[17-23] **A.** You know, you were all over the map then. **You were angry the first time we met because you were unhappy with police services.** So I sat with you and I will tell you -- you said so many things; I can't recollect specifically what you said. **The only thing I knew is when it was all over with is that you were unhappy with the Columbia Police Department and your experience.**

[24] **Q.** And so in retaliation you had me arrested.

[25 to page 772, line 7] **A.** You know, I want to be honest with you. You're not even a blip on my radar screen. The only reason I'm here is because I was subpoenaed to be here. I was concerned about you because you're a citizen only, because you are a citizen of this city, and I think that a police chief should be considered -- be concerned about all citizens. I wanted to make sure that you were treated fairly and constitutionally and also compassionately.

[8-11] **Q.** And even though I'm not even a blip on your radar screen, you had a meeting knowing that I was planning to be arrested and you were just trying to, excuse the term, cover your behind about it, didn't you?

[12-23] **A.** No. What I was concerned about -- you and I had a conversation that I knew that you were unhappy with. When I heard your name, I wanted to know the specifics of that, that you were unhappy with the cops. What I want to know is the elements of the proof there to have an arrest warrant and, secondly, have we coordinated that action with our legal counterparts, whether it's solicitors or the city prosecutor? And that's about the extent of it. And when I say a blip on my radar screen, I don't mean to be ugly. I just want you to know we had a conversation, and I have no personal vendetta against you or anybody else. I want to make sure that you're treated constitutionally by law.

[24-25] **Q.** Okay. So you were never told that the law forbids arrests for misdemeanors and the constitution---

[page 773, line 1] **Ms. Weiss:** Objection, Your Honor.

[2-3] **Dr. Faltas:** He said constitution and by laws, so I'm challenging him on what he said

[4] **The Court:** Objection is sustained.

[5-7] **By Dr. Faltas: Q.** And you are aware that I was arrested not once but twice, aren't you?

[8-9] **A.** I am aware that you've been arrested, but I'm not sure how many times.

[10] **Q.** And you aware that the second time I was ---

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

[12] **The Court:** Objection is sustained.

[13-14] **Dr. Faltas:** Are you aware that the second time I was arrested--

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

[16] **The Court:** Objection is sustained.

[17-19] **By Dr. Faltas: Q.** Did you see a complaint from me about handcuffs having caused bruises on my wrists?

[20] **A.** Yes.

[21-22] **Q.** Okay. And were you involved in the processing of that complaint?

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

[24] **The Court:** Sustained.

[25 to page 774, line 1] **Dr. Faltas:** Did you tell me that all you had to do was write unfounded on it?

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

[3] **The Court:** The objection is sustained.

[4-6] **By Dr. Faltas: Q.** Did you bring the videos of my arrest and the search of my apartment and car?

[7] **A.** Did I bring the what? The individuals?

[8] **Q.** The video of my arrest and the search of my apartment.

[9-12] **A.** You know, what happened after the search warrant I have no idea and I have not looked at any piece of video or information that pertains to that arrest, so I'm the wrong person to ask that question.

[13-15] **Q.** During that meeting when you claim you wanted to have -- to know that you had proof, did you ask anyone in the meeting if they have personally seen me do anything wrong?

[16-18] **A.** You know, what I asked is what's the element of the crime and what's the definition, and that was about the extent of it.

[19] **Q.** Whom did you ask?

[20] **A.** I think Officer Blanton.

[21-22] **Q.** Did Officer Blanton tell you that she never personally---

[23] **Ms. Weiss:** Objection.

[24] **Dr. Faltas:** ---saw me do anything wrong?

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

[page 775, line 1] **The Court:** Objection sustained.

[2-3] **Dr. Faltas:** Well, Your Honor, if he can -- at this time can we try to play the video or the C.D.?

[4-5] **The Court:** You're asking the witness questions. Proceed.

[6-8] **By Dr. Faltas: Q.** Did you give the tapes of my arrest and the search to anyone?

[9-10] **A.** I'm absolutely clueless about whatever you're talking about tapes. I have no idea what it is.

[11] **Q.** C.D.'s. I'm sorry.

[12-13] **A.** C.D.'s. I'm absolutely clueless. I have not seen anything.

[14-16] **Q.** Did you receive a subpoena that requested you to bring all videos and C.D.'s and tapes of my arrest and the search of my apartment?

[17] **A.** I did.

[18] **Q.** Did you bring them?

[19-21] **A.** My department brought all the stuff. You subpoenaed everybody in here and all the information. I didn't have to bring anything.

[22] **Q.** So where are they from your department?

[23] **A.** I don't know.

[24] **Q.** Well, are these it on my table there?

[25] **A.** I don't know what that is.

[page 776, line 1] **The Court: Solicitor?**

[2-3] **Ms. Weiss:** Objection. The question has been asked and answered.

[4] **The Court:** He said he doesn't know what it is.

[5-6] **Dr. Faltas:** Well, Your Honor, may we try to play them and see if he recognizes them?

[7-8] **The Court:** You can -- you can proceed. You have a witness on the stand.

[9] **Dr. Faltas:** May I ask -- may I use this, please?

[10-11] **Ms. Weiss:** You can use it, but that's not going to play anything.

[12] **Dr. Faltas:** You try?

[13-14] **Ms. Weiss:** Your Honor, can she finish with this witness?

[15-16] **Dr. Faltas:** That's the -- that's part of the examination of this witness, the display of this.

[17-20] **The Witness:** Well, I can attest to you that I have not seen a C.D. of any kind as it pertains specifically to you. So whatever you show today will be the first time I've ever seen anything.

[21-22] **By Dr. Faltas:** *Q. Well, you might recognize me, the police--*

[23 to page 777, line 3] **A.** Well, I can't recollect that happening because I never saw it. You know, I just swore and took an oath to tell the truth, and I want to tell you that I have not seen a videotape of you being arrested, not prior to this. I have not seen anything as it pertains specifically to you on a tape, a video, a C.D. or whatever.

[4-5] **Q.** Did you ask what happened after -- what happened after I was arrested?

[6] **A.** I did not.

[7] **Dr. Faltas:** All right. That's all I have.

[8] **The Court:** Any questions by the State?

[9] **Ms. Weiss:** No, Your Honor.

[10] **The Court:** Thank you. You may step down.

[11] **Ms. Weiss:** May the chief be excused?

[12] **The Court:** Yes. Next witness, please.

[13-14] **Dr. Faltas:** Your Honor, I would want to recall myself for a couple of things, but can we try to play this first?

[15] **The Court:** Play what?

[16] **Dr. Faltas:** The C.D.'s.

[17-18] **The Court:** You're presenting your defense. You may proceed.

[19-20] **Dr. Faltas:** Thank you. I mean, I don't want to -- may I?

[21] **Ms. Weiss:** No.

[22-24] **Dr. Faltas:** No? Okay. All right. She said she -- I can't play them. So then may I -- may I recall myself for -- for two more points?

[25] **The Court:** For two more points?

[page 778, line 1] **Dr. Faltas:** Uh-huh.

[2] **The Court:** What says the State?

[3-4] **Ms. Weiss:** I object. The defendant has had full examination. She did direct examination.

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

[6] **Mr. Briggs:** I was trying to make a point.

[7-9] **The Court:** Sir, order in court. You've testified. There was no cross-examination of you, and you want to testify some more concerning what point?

[10-22] **Dr. Faltas:** Your Honor, concerning Mr. Jones' testimony where he claimed that I steal things that -- concerning Mr. Jones' testimony where he claimed that I steal things and said that was on the internet that I had previously had a conviction with fabricated evidence that was eventually overturned when I proved that the evidence was fabricated, and the other thing is that one of the reasons Mr. Jones is -- says that he wishes for me to be deported is that I have complained of his having doused me with a garden hose and I have -- I was -- just received the letter saying that I need to go and testify against him on March 11th. So these are what I wanted to testify is proof of the incentives of the people to be telling untruths about me.

[23-25] **The Court:** All right. You have just explained that. Do you need to explain it more? You've just said it. Is that sufficient?

[page 779, lines 1-3] **Dr. Faltas:** [1-2] Yes, Your Honor, and I want to say that I consider myself still under affirmation with what I said, [3] So, I mean, I hope it can be taken as testimony.

[4] **The Court:** All right. That can be taken as testimony.

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

[6-11] (This concludes the testimonial phase of the trial. Defendant's exhibits 24 and 28 through 32 were received in evidence and Defendant's exhibit 33 was marked for identification only after the close of testimony as well as Court's exhibits 6 and 7 were marked for identification only after the close of testimony.)

[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. [1] 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		Court of General Sessions
County of Richland		2010-GS-40-11980 and 2010-GS-40-11987
The State of South Carolina	:	PARTIAL TRANSCRIPT OF RECORD
vs.	:	February 25-26, 2010
Dr. Marie Assa'ad Faltas	:	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, <i>pro se</i> defendant.	
Also present:	Mark Sawyer, Esquire	Daphne D. Helms, Circuit Court Reporter

[Page 2, line 1] Ms. Weiss: Your Honor, at this time the State rests

[2-4] The Court: All right. Ladies and gentlemen, the State has rested. I'll send you to the jury room for a short moment as we prepare for the defense.

[5-6] ----- (Whereupon, the jury was excused from open court at 4:49 p.m.)

[7-9] Dr. Faltas: If it pleases the Court, at this time I would like to make a motion for a directed verdict, and may I briefly give the basis for that, Your Honor?

[10] The Court: Okay

[11 to page 9, line 5] Dr. Faltas: [11-21] You have seen the testimony. The statute, even if it were constitutional and I still insist it is very unconstitutional, specifies the private life, the private life, and also specifies without legitimate basis. You have heard they have come and ransacked my apartment and taken everything from it that is a picture or a tape and the computer and everything, and you heard Investigator Blanton admit that not one picture was found to have been in the inside of anyone's residence except mine. You have seen the pictures that they have presented. They are all out in public view. [22 to page 3, line 1] You have seen that, contrary to the initial false claims that I follow people all over town taking their pictures, there was no such thing. All the pictures were in the parking lot and to document what may have been at least on the face suspicious activities. [2-8] You have seen the pictures or I hope you have seen the pictures - you've heard testimony - of this Corey Curry person flipping fingers at me and grabbing his crotch at me. You have heard from two law enforcement officers that they encouraged community involvement and reporting of what may be suspicious activity. You have heard that this Corey person has drug convictions, in addition to other convictions. [9-13] Even if I believed, and I still do, that Teresa Ingram is a prostitute, the definition of prostitution is obtaining money or something of value in return for sexual favors. If I had slandered her, she could have sued me in a civil matter. We cannot make speech a crime. [14 to page 4, line 2] They claimed that the pictures were somehow troubling to them, but you have seen that the pictures were from a distance. You have also seen that I never blocked anybody, that they were just choosing to use the wrong exit to intimidate me. There is no proof, no recording, no anything of my ever having called her the B. word. There is proof in the form of the tape which may not have been audible - and it was the State's burden to enhance it - of her calling me that, but, in fact, she sat there and said that she wishes to get rid of me and if she could avenge herself on me without getting in trouble she would and that she was hoping I'd get deported and all kinds of things and that she does not even want me to build on my land and, if I do, she will leave her apartment. [3-14] I don't think you have seen anything that warrants any of this, any of what's being done to me. You have seen that the only photographs were a set - and that's without my even testifying - where she was falsely accusing me, and they correlate with the time where she called the police department and pretended that I had thrown rocks at her. So it was important for me to document that she was standing not in pain, not bent over, not anything. In fact, she was throwing rocks at me, and on one of them you see her fingers spread. So it's as if -- if somebody snatches a lady's purse and she takes a picture of him with her cell phone, he's not the criminal; she is. [15-23] And then you also heard testimony from Ingram that she continued to work before and after and that she was on medication before she ever knew I existed and that she had anxiety attacks before she ever knew I existed, years before she ever knew I existed. You had -- you have also heard testimony that she had -- and the Court may take judicial notice of its own records that she sued persons for vehicular injury and alleged that they caused her mental anguish on a period that overlaps what she's alleging against me. [24 to page 5, line 5] You have heard from her brother, her father, and the mother of a child that they continue to visit her on a

daily basis. So nothing has changed; nothing was affected in her life. She had chosen, Your Honor, to be a witness against me in the eviction trial, and she voluntarily stayed there for three days. She has chosen to file for a restraining order against me and to stay there for three days. [6-13] You saw her here. She chose to bring those charges against me, and she admitted she doesn't want me to build on my land and that is -- she is an agent. She did not admit that, but the conclusion presses itself that she is an agent for the landlady. She tried to deny that she knows anything about the sewer lines, but it is impossible for her to have sat through the other hearing and not have known anything about the sewer lines. [14-25] There is absolutely -- in fact, Your Honor, she sat there and made false accusations against me. She accused me of being crazy. She accused me of not being a real doctor. She accused me of being a lesbian, and this is what they have been doing all the time, standing under my window and shouting those things to me. And when I take pictures out of my window, it's to document that, and when I try to make recordings, it's to document that as evidence in the civil case. There is nothing that says that I cannot take pictures of people in public view. There is nothing that says that I cannot take pictures of people yelling at me across the balcony. [page 6, lines 1-12] What's important is that there is in evidence a letter dated October 3rd, 2009, from me to her in response to her coming to my car on October 2nd, 2009, and she admitted -- she said that since I'm a doctor, she asked me to examine her and she asked me to give her a prescription. So it is not possible for the contact to have been unwanted by her if she came to my car and she admitted to then talk to me. And, in fact, I was terrified of it. I couldn't even get out of my car until another neighbor pulled in and I was able to ask him to please stand by until I could get into -- out of my car and into my house. [12-20] Your Honor has seen the behavior of the alleged victim and her brother. It is totally such a double standard. Your Honor, I think the State, even interpreting everything in favor to them, they have not shown any intrusion into her private life, and I had a reasonable basis for asking. She had -- in fact, the State admitted that some exhibits were forged. He denied having signed one, and this is the one where they claim that I had told him to leave. There was a reasonable basis. [21 to page 7, line 4] She admitted that she had the boyfriend who threatened to kill her. She admitted that she called the police and she chose to speak to the police in the parking lot. She admitted that I inquired about it. She admitted that she later asked the landlord to change the security code on the building, and so I knew about it. So when there was a strange male trying to get to her apartment, it was reasonable for me to ask who he was and if he was that ex-boyfriend of hers returning. [15-16] And after that you have seen the things that were made as threats to me. The pictures were of Corey Curry and of Teresa and her friend taking photographs of me. So when they are taking photographs of me, why am I the criminal if I take photographs of them photographing me and not they? I think when somebody takes pictures in public, that's part of the -- first of all, it's in plain view. The media does it, and there are U.S. Supreme Court cases that say the freedom of the press is not limited to newspapers. It is -- it extends to pamphlets, and in the media age it's cell phone, internet, individual journalists, and it's also the part of gathering evidence for my civil lawsuit. [17 to page 8, line 1] Your Honor, what is very important and it was very shocking to me and I knew it was going on, but she admitted it - Investigator Blanton - that she brought communication from the lawyer for the landlady in the civil lawsuit that I filed against her. Now, that is totally unethical to participate in criminal -- criminal charges and the bringing of criminal charges to gain advantage in a civil litigation, and this is precisely what happened and this is precisely what the alleged victim told you she wants to happen. She wants me not to build on my land and she was demeaning of me. [2-10] I want to build a solar house on it, and she says you want to build a circus on it. She -- Your Honor, the State hasn't even -- even given every reasonable intent to the State's evidence. There is absolutely -- they admitted that I never went into her apartment, never made any telephone calls to her, never anything. And the one time that they see a picture of Corey Curry's house, they have no evidence that I followed him and he's not an alleged victim. [11-17] I finally got his address and went and document to see if the police department had given me his correct address. Corey Curry is not the victim and she -- we don't even know what his relationship to her is. So that cannot be -- the statute says the targeted person. It doesn't say some acquaintance of the targeted person, and it also requires two acts. [18 to page 9, line 2] There was never any testimony of two acts of my following Teresa Ingram. There was, even if it were true, only testimony of one act and not credible at that.

There was also testimony that she was verbally abusing another neighbor and that I heard it through my window which means she stands in the parking lot and is loud and disruptive to me, and my response to that was to ask her to pray and to go to apologize to the other neighbor. This is clearly the exercise of my religious freedom, and it cannot be made a crime. [3-5] In addition, I would like Your Honor to find the statute unconstitutional on its face -- on its face and at least as applied to me here. And I thank you, Your Honor.

[6 to page 10, line 19] **The Court:** [6-11] Your motion for a directed verdict is denied. I find that taking the evidence in the light most favorable to the State, the defendant can be found guilty as charged based on the evidence presented. As to the statute, I deny the motion to dismiss based on the alleged unconstitutionality of the statute. [12-18] According to the case of *Neuman, N-E-U-M-A-N*, *Vincent Neuman, State v. Vincent Neuman*, a recent opinion by Justice Beatty, outlined the limited scope of review that the Court has in cases involving a challenge to a statute, the constitutional challenge to a statute, because all statutes are presumed constitutional and, if possible, will be construed to render them valid. [19-25] It further states in citing other cases that a legislative act will not be declared unconstitutional unless its repugnance to the constitution is clear and beyond a reasonable doubt. And a statute is not unconstitutionally vague if a person of ordinary intelligence seeking to obey the law will know and is sufficiently warned of the conduct that the statute makes criminal. [page 10, lines 1-19] The harassment statute in particular was reviewed by the Court, and now Justice Hearn in the case of *State v. Prince, State versus Ricky Prince*, in which the Court stated that statutes must receive practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of the lawmakers and that the harassment statute which was amended in 1995 was amended in such a manner to cure defects that existed in the statutes of many other states or some other states that were vague in terms and were not definite enough as to put -- as to satisfy the due process requirement which might -- may well have been the case with the originally-adopted stalking statute of 1992. That statute was amended in 1995 to revise the language in certain parts including adding the phrase that "of activity that serves no legitimate purpose" and to include language involving the targeted person, conduct causing emotional or mental distress and -- well, actually the statute was amended effective 1995. The amendment was not in 1995 but 2005 which cured the -- any defect in the law as considered by the legislature.

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

[21 to page 11, line 19] **The Court:** [21 to page 11, line 5] Subsequent to -- no, ma'am, please sit down. Okay. Subsequent to the -- to the matter -- to the statute being amended in 2005 and which, in fact, is subsequent to the decision in *Prince*, not prior to the decision in *Prince*, because the decision in *Prince* was 1999. The statute was amended in 2005. But this state has a strong public interest in the rights of privacy of individuals, and that right of privacy is not a right that is limited to one's household but a right of an individual to be left alone from unwarranted intrusion into their personal lives. [6-13] In addition, the function of the harassment statute is to -- an effort by the legislature to prevent bodily harm and prevent matters from escalating by putting measures in place to stop the conduct before it escalates to someone getting physically injured or possibly killed. In this case I find that the evidence as presented by the State, if believed by the jury, would constitute harassment by this defendant of the victim. [24-19] I further find that the statute is constitutionally sound in that it adequately puts a reasonable person on notice that the conduct that they are engaged in is unwanted and prohibited. Ignorance of the law is no excuse, and I deny the motion to dismiss based on constitutional grounds. Ready for the defense.

[20] Dr. Faltas: Your Honor--

[21] **The Court:** Who will your first witness be? * * * *

[page 11, lines 9-12] (Court reporter's note: The reminder [sic] of the trial testimony was heard, which is contained in another transcript. The following colloquy is the remainder of the trial at the close of all the testimony presented.)

[22] **The Court:** All right. That can be taken as testimony

[23] Dr. Faltas: Thank you

[24] **The Court:** Anything further?

[16-218] Dr. Faltas: There were some rulings that Your Honor reserved on some exhibits, and I was wondering if we could discuss that before I rest?

[18-211] **The Court:** All right. All right. Ladies and gentlemen, I'll have you go to the jury room while we discuss some matters, and we'll have you come back soon, I hope

[22-213] (Whereupon, the jury was excused from open court at 2:35 p.m.)

[23] **The Court:** Go ahead, ma'am.

[25 - page 14, line 4] Dr. Faltas: Thank you. Your Honor, the issue of at least that portion of the Honorable Judge Lee's order

that deals with Ingram and the issue of at least that portion of the transcript before the magistrate's court that has Ingram's testimony.

[5:31] **The Court:** All right. We'll make -- of course, all court records are already a matter of record. We'll make a copy of Judge Lee's order a part of the record for identification purposes only.

[9:10] **Dr. Faltas:** Well, I was asking whether the portion that deals with Ingram can be read into the record for the jury.

[10:1] **The Court:** No.

[12:14] **Dr. Faltas:** Okay. Then the part of the transcript in the other matter where Ingram testified, may I ask that that be made an exhibit for the jury?

[15:1] **The Court:** What does it say?

[16:1] **Dr. Faltas:** Pardon?

[17:1] **The Court:** What does it say?

[18:12] **Dr. Faltas:** It says a lot of things that contradict what she said here. For example, it says that the people in the pictures are not her family or friends and she doesn't even know them and she doesn't even know the child who is in the picture and many, many other things that are in direct contradiction of what she said.

[24:1] **The Court:** All right. What says the State?

[25: - page 15, line 5] **Ms. Weiss:** [26: - page 15, line 1] This is improper procedure. The best evidence in this case is what was presented from the witness stand. That should be the evidence that goes to the jury. Any handwritten transcripts written by Dr. Faltas of some of the tapes that were from the magistrate hearing are -- would not be appropriate to put into evidence at this time.

[16:10] **Dr. Faltas:** That's why, Your Honor, I had asked or I had subpoenaed the magistrate to be here because he compared the transcript to the tapes and found it authentic. That's why I needed him to authenticate it and Your Honor ruled that it was authentic.

[17:1] **Court Reporter:** I'm sorry Repeat that

[18:1] **Dr. Faltas:** Your Honor ruled that it was authentic.

[13: - page 16, line 1] **The Court:** [23:22] Under Rule 613 entitled Prior Statements of Witnesses, Subsection B. states that extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is advised of the substance of the statement, time and place it was allegedly made and the person to whom it was made and is given an opportunity to explain or deny the statement. If a witness does not admit that he/she has made the prior inconsistent statement, extrinsic evidence of such statement is admissible. However, if the witness admits to making a prior statement, extrinsic evidence that the prior statement was made is inadmissible. [24: - page 16, line 1] Pursuant to Rule 613, that statement that you're seeking to offer the transcript is inadmissible, and that's the order of the Court.

[21:1] **Dr. Faltas:** Of course, preserving my position...

[22:1] **The Court:** Yes, ma'am.

[24:1] **Dr. Faltas:** Thank you. And at this point, Your Honor, I rest and I move for a directed verdict in my favor.

[25:1] **The Court:** All right. I'll deny the motion based on the same reasons I stated at the time that the State rested. Regarding closing arguments, jury charge, are there any requested jury charges?

[26:1] **Dr. Faltas:** Does the State go first?

[27:1] **The Court:** Yes, if they'd like to

[Transcript A page 81] 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 partial transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 25th and 26th of February, 2010. [1] I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 15, 2012 _____ [S/] Daphne D. Helms, court reporter

The State of South Carolina
County of Richland
The State of South Carolina :
vs. :
Dr. Marie Assa'ad Faltas :

Court of General Sessions
2010-GS-40-11987, 2010-GS-40-11987
February 26, 2010
Columbia, South Carolina

PARTIAL TRANSCRIPT OF RECORD

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
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[19-21] The Court: All right. All right. Ladies and gentlemen, I'll have you go to the jury room while we discuss some matters, and we'll have you come back soon, I hope.

[22-23] (Whereupon, the jury was excused from open court at 2:35 p.m.)

[24] The Court: Go ahead, ma'am.

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[2] Dr. Faltas: Of course, preserving my position.

[3] The Court: Yes, ma'am.

[4-5] **Dr. Faltas:** Thank you. And at this point, Your Honor, I rest and I move for a directed verdict in my favor.

[6-7] **The Court:** All right I'll deny the motion based on the same reasons I stated at the time that the State rested. Regarding closing arguments, jury charge, are there any requested jury charges?

[10] **Dr. Faltas:** Does the State go first?

[11] **The Court:** Yes, if they'd like to

[12-14] **Ms. Weiss:** Your Honor, I would just ask for the -- I don't think there are any others other than the basic jury charges.

[15-16] **The Court:** All right. Any requested charges, jury charges?

[17-20] **Dr. Faltas:** Yes, Your Honor. I request that because Ms. Weiss had -- had put part of the statute but has not put the part that says the conduct protected by the constitution is exempt, I specifically request that Your Honor charge them as to that.

[22-23] **The Court:** All right. The Court will charge them the law as outlined in the statute

[24] **Dr. Faltas:** Thank you, Your Honor

[25] **The Court:** All right Ms. Weiss?

[page 17, lines 1-4] **Ms. Weiss:** Thank you, Your Honor. As to closing, we had discussed several days ago there would be a time limit on closing. I was just wondering what that time limit is going to be.

[3] **The Court:** Well

[6] **Dr. Faltas:** I do not recall us having discussed ---

[7-9] **The Court:** Well, the Court will impose time limits on closing, and it will either be 30 minutes or 45 minutes. Which do you prefer, Ms. Weiss?

[10] **Ms. Weiss:** Thirty minutes is sufficient, Your Honor

[11] **The Court:** Which do you prefer?

[12] **Dr. Faltas:** Forty-five, Your Honor

[13] **The Court:** Forty-five. I

[14] **Dr. Faltas:** You thought so

[15] **The Court:** Yeah, I thought so

[16] **Dr. Faltas:** She can have 30, and I can have 45

[17-18] **The Court:** All right. Well, I think 45 minutes is reasonable

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

[20-22] **The Court:** All right. And that will be the limit. Okay. Well, we'll take about eight minutes and then proceed to closing

[23-24] **Ms. Weiss:** Your Honor, may I have a couple more minutes?

[25] **The Court:** Ten minutes

[page 18, lines 1-2] **Ms. Weiss:** Ten minutes. That would be great. Thank you, Your Honor

[3-4] **The Court:** We'll take ten minutes and then proceed to closing

[5] (Whereupon, a short break was taken.)

[6] **Dr. Faltas:** Your Honor?

[7] **The Court:** Yes

[8] **Bailiff:** Order, please

[9] **Dr. Faltas:** Your Honor?

[10] **The Court:** Yes

[11-16] **Dr. Faltas:** In the jury charge, if it pleases the Court, I request a charge about the civil rights law, Section 42 U.S.C. 1981, that gives one the right to acquire and give evidence because specifically my taking of photographs was in the exercise of my civil rights, and I'd like Your Honor to charge them the section from the U.S. code.

[17] **The Court:** All right. What says the State?

[18-19] **Ms. Weiss:** I object. This is not a case on a -- this is not a 1981 federal court hearing

[20-23] **Dr. Faltas:** Actually, Your Honor, because the statute has the exemption for conduct protected by the constitutions and laws of the United States and of South Carolina, this specifically has to be charged.

[24] **Ms. Weiss:** Your Honor, if I may?

[25] **The Court:** Yes

[page 19, lines 1-3] **Ms. Weiss:** I believe the statute says the section does not apply to words or conduct protected by the constitution of this state or the United States

[4-6] **Dr. Faltas:** And, Your Honor, the constitution of the United States has equal protection and due process clauses which are enforced by 42 U.S.C. 1981.

[7] **The Court:** I will charge that request

[8] **Dr. Faltas:** Thank you, Your Honor

[9-15] **The Court:** Yes. I will -- I will charge the statute. I will not charge the 42 U.S. whatever you said. I'm going to charge the statute that this law does not apply to words or conduct protected by the constitution of this state or the United States. I'm not going to read any other statute other than the statute -- the harassment statute, and I'll give the jury the instruction as to that

[16-17] **Dr. Faltas:** What about -- I hope Your Honor leaves the stalking part.

[18] The Court: Pardon me?

[19] Dr. Faltas: You will not charge the stalking part?

[20] The Court: No, you're not charged with stalking

[21-22] Dr. Faltas: Yes, Your Honor, but -- well, may I preserve this for appellate review that I requested?

[23] The Court: Yes

[24] Dr. Faltas: Thank you

[25] The Court: All right. Okay. We're at seven minutes.

[page 20, line 1] Ms. Weiss: Thank you, Your Honor

[2]

(Whereupon, a short break was taken.)

[3-6] Dr. Faltas: May it please the Court? I wish that -- I pray the Court to charge the jury on the First Amendment, the Fourth Amendment, the Fifth Amendment, the Eighth Amendment, and the Fourteenth Amendment.

[7] The Court: All right

[8-9] Dr. Faltas: I wish the Court to read those amendments to the U.S. Constitution to the jury.

[10-11] The Court: All right. This motion is denied. If you'll bring the jury, please

[12] Ms. Weiss: Your Honor?

[13] The Court: Yes

[14-15] Ms. Weiss: Just prior to the jury coming out, the State intends to waive the closing on the law and ---

[16] The Court: Opening the law?

[17-18] Ms. Weiss: The opening on the law and just do the closing on the facts and the law at one time.

[19-20] The Court: All right. The State will waive opening on the law and you'll go first.

[21] Dr. Faltas: So I go first?

[22] The Court: Yes

[23] Dr. Faltas: Thank you. So is the jury coming?

[24] The Court: Yes

[25 - page 21, line 1]

(Whereupon, the jury was brought into open court at 3:06 p.m.)

[2-3] The Court: Of course, you have to rest in the presence of the jury

[4] Dr. Faltas: I'm sorry, Your Honor? I didn't hear you.

[5-6] The Court: I'll recognize you in a minute. Do you rest now, Dr. Faltas?

[7] Dr. Faltas: Yes, Your Honor

[8-11] The Court: All right. Ladies and gentlemen, you've heard all of the evidence. It's now time for closing arguments. The State's waiving opening on the law, Ms. Weiss?

[12] Ms. Weiss: Yes, Your Honor

[13] The Court: All right. And Dr. Faltas

[14-18] Dr. Faltas: Thank you, Your Honor. Good afternoon, friends, and thank you very much for having listened so carefully and so patiently. And even if as you listen more carefully and more patiently now, I would like you to remember several things, if you please.

[19-21] Court Reporter: Dr. Faltas, I apologize for interrupting you. Maybe if we could move that microphone so that I can hear you more clearly?

[22-23] Dr. Faltas: Your Honor, I hope this doesn't count against my time. Thank you

[24]

(Pause in proceedings.)

[25 - page 39, line 9] Dr. Faltas: [25 - page 22, line 6] Good afternoon again, and thank you very much for your attention. So what I would like you to remember, if you please, is, first of all, the State has to prove all the elements beyond a reasonable doubt. Beyond a reasonable doubt. **And what is a reasonable doubt?** It's something that makes you hesitate to act. If you have to think about it, if it's not -- if -- if you think that maybe some -- you have doubt that someone against me wasn't fully truthful, that's a reasonable doubt. [9-17] If you think, for example -- for example -- and let me give you an example. If the date on the milk carton is not clear and you go to the refrigerator and pick it up and then you see, oh, this is out of date and you need to take a second look, this is hesitate to act. You wouldn't immediately swallow it. You wouldn't immediately consume it. This is a reasonable person hesitating to act, and this is a reasonable doubt. *But I believe that my innocence doesn't depend only on a reasonable doubt.* [18-24] My innocence, I believe, has been shown to you by many things. First of all, the statute requires that they prove to you that I **targeted a certain person, that I maintained a presence near her for the purpose, for the purpose of causing her extreme mental distress** and that she, *in fact*, suffered *extreme* mental distress and that *every reasonable person* in her position would have suffered *extreme* mental distress. [25 - page 23, line 2] In addition, as His Honor will give you the law, this doesn't apply at

all to conduct protected by the Constitution of the United States and the Constitution of South Carolina. [13-14] And, of course, I will not recite the entire Constitution of the United States to you, even though I'd love to because I love the Constitution, but the Constitution has a Bill of Rights and it also has other amendments. And the first amendment gives at least five rights. Freedom of speech, freedom of the press, freedom of religion, freedom to peaceable assemble, and freedom to petition the government for redress of grievances. [11-16] For Heaven's sake, if every time -- which I never called her the B. word and I'll talk about credibility later -- but for Heaven's sake, if every time somebody called somebody else the B. word, if they were to be taken to prison, God help us. Freedom of speech means expressing one's opinion, means talking even if the speech is unpleasant to others. [17-25] If the First Amendment only protected speech that is popular, then we shouldn't have the First Amendment at all; it wouldn't be needed. So even if what you say is unpopular, even if it annoys others, even if others don't like it, it doesn't matter. The Constitution of the United States protects you, and the law under which they charged me and arrested me says that there is an exception for that. You cannot punish me for any conduct protected by the Constitution of the United States. (page 24, lines 1-4) The second part of the First Amendment is the freedom of religion, and she claims that she was harassed by my having asked her to pray with me and by my having told her that if she loved God she should go and apologize to that woman. [5-11] That's my freedom of religion. My freedom of religion also says that if you salute only those who salute you, what have you done? Don't the Pharisees do the same? So even if someone doesn't want to be greeted by me even though I had no unwanted contact with her, it still would have been within my right to wave or to say hello because this is freedom of religion. [12-16] Then freedom of the press. The press isn't just newspaper and big media or anything like that. It's someone on the internet posting a video. It's someone making a pamphlet. It's anything of that sort. Taking pictures is protected by the First Amendment. [17-21] Remember, I asked Investigator Blanton -- and they have turned my apartment and my car upside-down and I asked her ***Did you find one picture, one single picture, where I had taken inside somebody's home in their private life?*** And she said no. ***I have not invaded anyone's private life.*** (22 - page 25, line 6) While we're all out on the street, we can be photographed. We can photograph the street. When we go to a store that's a public place, they have video. People who have a community watch or surveillance on their businesses or their homes, what do the surveillance camera -- what does the surveillance camera do? It takes pictures, pictures, pictures, pictures one after the other. Anyone who walks through there gets their picture taken. Why is that not a crime? Because they are in public. And I have not gone into the private home of anyone.

[7 - page 26, line 2] [17-21] *Then the freedom to assemble which means the freedom of association and the freedom of movement.* One can drive anywhere one wants. One can go anywhere one wants, and one should not be arrested by the police and handcuffed and then told: Come to court and explain why you did that. The Constitution protects us from that. [13-21] *And then the freedom to peaceably petition the government for the redress of grievances. The government, as you know, has three branches: The legislative, the executive, and the judiciary. The judiciary is the court system. And I peaceably petitioned the court system for redress of grievances. I had a problem with their charging me more rent than they should. I had a problem with their putting -- keeping their sewer lines on my land, so I filed a lawsuit in peace.* (22 - page 26, line 2) There is a law that says everyone has equal rights to gather evidence and to give evidence. The pictures I was taking in public is evidence for my lawsuit, and, therefore, you cannot count it against me because the law exactly says that conduct that is protected by the Constitution cannot be punished under this law.

[13-16] [13-6] *Then, there is the Fourth Amendment to the United States Constitution.* It says, among other things, there shall be no unreasonable arrests -- sorry *There shall be no arrest except upon warrant and probable cause and no search or seizure except upon probable cause and particularizing the place to be searched and the items to be seized.* [13-14] They have gone in wholesale and taken everything from my apartment that is a

picture, a tape, a computer, a video, a camera, everything. *Did they present any single piece of evidence where I had taped somebody without their permission or photographed somebody in their home or taken child pornography or anything that's prohibited by any law?* **No.** ^[15-16] **What they wanted was to take from me the evidence I was using in the civil lawsuit.**

^[17 - page 27, line 3] And then the Fifth Amendment, it also protects many rights, and some of them that apply here is the right to due process of law. And the Fourteenth Amendment, among other things, it requires equal protection and it protects the right to property. The equal protection part. I was constantly and I've shown you where this man, Larry Mason, would come to my apartment and take my signs from my door where they were keeping their sewer lines on my land and not wanting to move them. **They even tried to take my mother's property, her social security retirement checks.** All I did was document that, as I am allowed and protected by the Constitution to do.

^[4-16] ^[4-11] Recently in California there was a gang rape of a teenager, and people were shocked that there were maybe 30 people around who watched and did nothing. And they said that is the herd mentality. When someone starts beating on someone else, all the others want to take place. They are afraid to stand up, but here they were clearly conspiring against me. Something that should be a misdemeanor, if at all, went all the way up to the police. ^[12-16] And why? Why? Because they tried everything and they couldn't prove or make anything because I hadn't done anything wrong. **So they chose something nebulous and amorphous.** Someone comes in and says, oh, she called me the B. word, and then I get arrested.

^[17-22] Now, it requires for me to have targeted her. **How is it possible for me to have targeted her if I moved in without even knowing that she's there?** And then it requires me to have done that in order to cause her extreme emotional distress. **Well, why would I do that? I need to be very stupid to have done that.**

^[23 - page 28, line 4] She claims that everything was fine, and then I asked her to testify in court and she said no, and so I started harassing her. But then I asked her: Did I come afterwards and tell you, okay, I've harassed you for a little while? Now you have to come and testify for me in court? And she said no. So what use would it have been for me to harass her? It would have been no use at all.

^[5 - page 29, line 10] ^[5-12] And then she claims she and her family and all of them were upset or something. Let's talk about her and her family and that other woman that came. That other woman claims that her child was frightened. Well, you could see I was 30 feet away, and then the testimony that came from Ingram and from that other woman with the child that Ingram had anxiety attacks starting three years ago -- that was before she ever knew of me. ^[13-16] If that woman really cared about her child, she wouldn't leave her with someone with anxiety attacks. What if she had an anxiety attack with her and the baby alone? **It doesn't make sense.** ^[17 - page 29, line 2] And then we had her supposed brother claiming that I kept on telling him, "You're pimping, you're a pimp." Does that make sense that I would go and tell a hulk like that, "You're pimping"? And then look at his behavior. He's supposed to be a health care provider; and what did he say? He said, "I work with crazy people." He doesn't have compassion not only for his -- for me. He has no compassion for his own patients or the patients that he works with. And then he kept on attacking me: You're crazy, lady; you're not even a real doctor. The State stipulated that I have a medical license, and you can tell. ^[13-21] Then her father came. First of all, he admitted that he was never hospitalized. She had gone in another court and claimed that he was in the intensive care unit, and then I asked him: Have you continued to visit your daughter, the same frequency? He said yes. So nothing changed. ^[18-19] Her brothers and that woman with the baby said that she sees her frequently and nothing changed. The brother says that he sees her almost every day. How was she affected? ^[11-14] I'll tell you how she was affected. She was affected by the fact that Corey Curry, who has at least a burglary con -- a burglary conviction may have not wanted me to take his picture. They were afraid for their wrongdoing. ^[15-19] It's not that I targeted her. It's that I was trying to protect myself. Remember, she said that he sells music and movie videos. I asked him; he said no. He pretended to be a computer technician, but you could see that that's not credible.

[20 - page 31, line 2] [20 - page 30, line 2] And then we talked about her behavior. She went to a store and found someone's credit card, used it to buy things, signed that other person's name on it, went out of the store, put what she had bought along with two other people - one of them is a person in the pictures - and came back and tried to buy more merchandise on that credit card that didn't belong to them and that's when they were caught, two felony convictions evidencing dishonesty. [13-17] And then when the State told her, oh, you are just out of high school and she said yes. No, it's not. She was 22. Had she stayed in college, she would have been a college graduate at 22, and it doesn't matter. People should know right from wrong at a very early age. She doesn't know right from wrong. She doesn't know that it is wrong to bear false witness or she doesn't care. [10-17] She pretended that the baby was upset because I was snapping pictures, and I pointed out that the -- that a baby at that age doesn't even know what a camera is or what snapping pictures is and then she said, oh, it was the flash going in the baby's face that upset the baby. But there was no flash. It wasn't night. It wasn't even evening. It was high noon, daylight, and then she pretended not to know that it's all about the sewer lines. [18-23] She said she doesn't know anything about the sewer lines because she's from Sumter, *and then when I confronted her about having filed a lawsuit here against somebody else and the lawsuit in Sumter, she said, no, I've never been in Sumter in five years. And then even though she says she did not want me to talk to her, she admits that she came and talked to me for 45 minutes. And when was that? That was October 2nd, 2009.* [page 31, line 1-3] *So she comes to me. She speaks to me, and she wants you to believe that she didn't want any contact with me. No, no, no. She wanted contact with me,* the contact -- the kind of contact that would force me to move so I can abandon my land so the landlady can give her what she promised to give her

[6-25] [16-19] And let's talk about the landlady and the landlord, Dinah Mason [sic] and Larry Steele [sic]. For one thing, they claim to be married, and I asked Dinah Steele. Do you file your income tax as single? She said yes. I said. Do you have a marriage license? And, of course, she by that time understood and she invented, yes, she has someone from Vegas because she knew I had researched and they have no South Carolina marriage license and no marriage in South Carolina. [14-19] She didn't know that the other man came and pretended that she was his wife. *What else is important is that they had presented a letter pretending that it was signed by Teresa Ingram's brother, and that was the landlady and the landlord who have created that letter, and he came under oath and said, "That's not my signature."* [20-25] *Also, they had another letter from a man pretending that he tried to rent the apartment and I ran him off pretending that I am the landlady. Well, guess what? And Larry Mason admitted it: That man was an employee of Larry Mason. They thought I wouldn't find that out. So the way they operate is they tell lies in the hope of people not finding out.*

[page 32, line 1-18] [page 32, line 1-7] So if Larry Mason could get his employee to sign a statement claiming that he tried to rent and that I told him, no, there were no apartments because I'm the landlady, even though that doesn't make any sense, *there is nothing preventing him from having engaged Teresa Ingram to tell lies about me.* And the solicitor asked her. What do you want to happen? And she said. I want her to be away, to go away. [18-12] Why do they want me to go away? It's not because of anything I have done, because I haven't done any of what they say except take pictures in public which is my right to document what was being done to me or to document other things, including the plans for the rerouting. [13-18] *She wants me to leave so they can use my land. That's from the beginning and from -- and to the end. She - you saw her contempt of me. You saw how much she hates me. You saw that she thinks of me as an enemy. She accused me of being a lesbian. She accused me of being crazy. She told you that I have books in my refrigerator.*

[19 - page 33, line 13] [19 - page 33, line 3] And then there was the supposed investigator who either has no common sense or has no conscience. For example, she tried to convince you that I'm crazy because she saw telephones in my refrigerator, and then I asked her: Wasn't the refrigerator unplugged? She said, oh, I didn't look back to see if it's plugged or not. *Well, doesn't she have enough common sense to know if there is no cold air coming from it that it's unplugged and turned off?* This, ladies and gentlemen, is a frame-up, *and you think people don't get framed? They get framed all the time.* [14-13] Recently in North Carolina, even though the prosecutor knew from the D.N.A. that lacrosse players had not

raped that strip dancer, they still continued to prosecute them. The late singer Michael Jackson, he was being charitable to a little sick boy and they thought they can get more money from him, so they pretended he sexually abused him. In many cases people have been framed for murder, for rape, for many things, and we knew why they wanted to frame me and we know that they have been trying to frame me for one thing or another

[14 - page 34, line 6] [14-18] First on March 14th they tried to frame me for stealing a sign. It didn't work. **Then Larry Mason sitting here said he thinks my mother doesn't exist, and you correlate that to their going to the Social Security Administration and pretending that my mother, God forbid, is dead.** [19-24] And then they accuse me of being an illegal alien, and the landlady sat there and said: Oh, under the law we're supposed to check. We cannot rent to undocumented people. We had to Google her. Well, she had rented to me in September 2008, and I had given her my driver's license which is on the lease [25 - page 34, line 6]. She was more than happy to take more money from me than the others, more money than the others from me, but then when she saw that I bought the land and I will sooner or later discover that her sewer lines are illegally on it, she started that war against me. **And the State stipulated that I have a green card and am a well-documented legal resident of the United States.** [7-11] **So how many more lies must be proven for you to have reasonable doubt? You have seen them tell so many lies about me, so many lies about me. What is it in all of what Ingram said, even if it were true, that would be a crime? Nothing. Nothing.**

[12-17] **The reason I took pictures of that man, who is a very dishonest man and very frightening man, is that when I asked the police department to protect me they said: We don't know who he is. You need to provide us with indication of who he is. And that upset her much, not because I did anything wrong but because she and he were doing many things wrong.**

[18 - page 35, line 7] [18 - page 35, line 1] And then we had the chief of police also contradicting himself saying, oh, you're not even a blip on my radar screen but then admitting that it usually doesn't happen and before arresting me they had a meeting and they talked to the solicitor. **It's all a frame-up job. And then you heard the lawyer for the landlord, for the landlady, and for Larry Mason.** He said, no, I never gave the pictures to Investigator Blanton, but Investigator Blanton testified that she got pictures from him. [2-7] **And why would he even be contacting her? It is because they were trying to frame me to prevent me from winning the civil lawsuit against them. They had me arrested. They required me to undergo mental examination. They pretended that I'm crazy. All of them were demeaning me. Who is harassing whom?**

[8 - page 36, line 15] [8-14] If anyone who did something different who thought differently and creatively were to be branded crazy and arrested, we won't have any of the inventions that we have. We won't have the airplane. We won't have the telephone. We won't have cell phones. We won't have computers. We won't have anything. Anyone who invents something or who thinks creatively thinks differently from other people. [15-18] You have seen how busy I was. Even on a picture of a building with missing sidings, she claims that I took it - I took the picture - for her and that she is the center of the of the universe and that she is the center of my universe. [19-22] Well, you have seen how busy I am and how concerned I am with other things. You have seen that I didn't even speak to her, except just greet her, since I moved in until I asked her once whether she had -- what her rent was which is my right [23-25] It's my right because I have a right to equal housing, and I asked her once and she gave the correct answer initially, but then they pressured her to change it. [page 36, lines 1-9] And then the law requires that it be for no legitimate purpose. You have heard evidence that she had an ex-boyfriend who had threatened to kill her, and she admitted that she had asked the landlady to change the code on the door, and because the landlady was not here during that testimony, she didn't know that Ingram admitted it. The landlady denied it. She said, no, she didn't know anything about Ingram's ex-boyfriend and the reason they changed the lock on the door and she invented something else. [10-15] They keep on inventing things, but she admitted that when the police came for her to report to them that the ex-boyfriend who was threatening to kill her, I saw and I asked what is going on. It is normal neighborhood watch. You need to keep watch around you. **This is what they want us to do. Be aware of your environment.**

[16 - page 37, line 1] [16-22] And then I was later told that the door was being changed because that boyfriend had threatened her, and I had never been introduced to that boyfriend. I didn't know what he looks like. I didn't know anything. **So when one time, one time, I saw somebody I hadn't seen around before and seeing him try to get to her building, after a little while I asked him who is he and what was he doing here. That is normal. That is legitimate. That is the right of all of us.** [24 - page 37, line 1] ***For Heaven's sake, if you find a stranger prowling around your house and if you ask them who they are, you're a criminal? Then God protect us all.***

[2-10] ***Let me read to you what the statute says.*** Harassment in the first degree means a pattern of intentional, substantial, and unreasonable -- unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose, and I will read to you the rest of it. I should have intended to get into her private life. I didn't. I never -- she admitted I never even went into her apartment, never even called her by phone, never told her to come out to dinner with me or anything. Just polite greeting.

[11 - page 38, line 7] [11-15] **Substantial:** It wasn't substantial. Greeting somebody or asking them once what their rent was is not a substantial intrusion. **And unreasonable:** ***What is unreasonable about asking a stranger, not her, a stranger what he was doing here?*** [16 - page 38, line 2] **Into the private life.** It wasn't her private life. She was out in the parking lot, and that parking lot is called the common area. It belongs to all of us. That serves no legitimate purpose and causes the person and would cause a reasonable person in his position: *She's not a reasonable person. It is not reasonable what she has been doing. It is not reasonable for her to pretend that I blocked her in and she couldn't go to work because she wanted to go around about the exit. This is not reasonable. Reasonable people -- if there are two exits, one closer to the house and one farther from their house, and someone is using one exit, reasonable people use the other exits.* [8-7] It was about trying to frame me. And is she reasonable? She told us she has anxiety attacks. She told us she went to three colleges and never graduated. She told us she's on different kinds of medication. She started attacking me from the witness stand: You aren't a real doctor.

[8 - page 39, line 8] [8-13] ***This wasn't a reasonable person. This wasn't a truthful person. And remember she admitted she came to me and she wanted prescriptions from me, and she admitted she wanted money from me. It's very clear.*** When I first asked her what her rent was and she knew there was a lawsuit, she knew I wasn't the kind of person who would give her money for her testimony, but she knew the landlord and the landlady would give her money or would give her special treatment. [16-22] For example, for example, the landlady said that my lease has a clause that I cannot get somebody overnight unless there is written permission from the landlady. And I asked her: Does Ingram's lease say the same thing? She said yes. I said: Had you ever given her written permission to have people overnight? She said I had -- she had by phone called me and I said okay. [28 - page 39, line 8] ***Well, she was doing her special favors.*** She was letting her have men come and live with -- the ex-boyfriend, *that Richard Cooper, who didn't testify because he had fraudulent check convictions, that Wendy Ceo who didn't testify because she was part of the theft ring of Ingram, that Corey Curry that I insisted he come so you can see him and you can see what an untruthful person he is, letting her do a babysitting operation without license in an apartment that's supposed to be used for residents only, letting her get her car fixed in the parking lot. All those special favors the landlady gave to Ingram to get her to testify against me.* [9] If you would excuse me for a second, please.

[10] **The Court:** You have five more minutes.

[11-22] **Dr. Faltas:** [11-13] Thank you, Your Honor. **And then they put all those big bags in front of you as if there is something bad in them.** In fact, all that is in them is in my favor. [14-16] They took their best shot at me. They took everything from me, and all they could show you were those things that have a very reasonable explanation. [17-22] Investigator Blanton testified that she didn't talk to me. She didn't ask me why I was taking pictures. Sergeant Taurus who -- Taurus Sanders who went and took the fruit baskets, he didn't want to protect me. He was contemptuous of me. He said, no, the civil rights is only for African-Americans. I am offended that you even want to protect your civil rights. That's not fair.

[24 - page 40, line 3] The statute says that serves no legitimate purpose and causes the person -- and would cause a reasonable person in his position to suffer mental or emotional distress. **And then what's most important?** It says that this doesn't apply -- this section, meaning the law, does not apply to words or conduct protected by the Constitution of this state or the United States and some other things

[10 - page 41, line 4] [16-12] I hope you all think I am not guilty, but if any of you thinks I am, I hope the others -- I hope at least one would stand up for me because I am like that girl in California who is being gang raped. I am by myself. **And you saw the power of the State descending on me.** It may be easy for them to do it to a foreigner, but if you allow them to do it, then others may be next. [13-13] **I did not tell you a single untruth. The solicitor knows that. She didn't even cross-examine me because she knows everything I told you from the witness stand is true.** [10-14-18] But I examined -- I cross-examined the other people. I even brought witnesses as hostile witnesses, meaning even though I called them, their interests are adverse to me. [19-22] And you saw how they are contemptuous of me. You saw how they were unfair to me. You saw how they think of me as an enemy. You don't do that. I'm a human being. I'm a human being. I didn't do anything wrong. **I did not cause you to come here and be inconvenienced for all these days.** [24 - page 41, line 1] It is they who brought the charges against me. It is they who did all that to me. **They kept me out of my apartment for three months now, for three months.** [2-4] This is awful. Don't let it continue. **Please find me not guilty because this is what the law and your conscience would require.** Please find me not guilty

Thank you

[5-7] **The Court:** All right. Ladies and gentlemen, I'll have you step to the jury room for a few minutes. Please do not discuss the case.
[8-9] (Whereupon, the jury was excused from open court at 3:56 p.m.)

[10-11] **The Court:** All right. We'll be at ease for about three or four minutes.

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

[13] (Whereupon, a short break was taken.)

[14-17] **Dr. Faltas:** Your Honor, if I may, when I was trying to write 2 October 2009, the date she came and spoke to me on here, Ms. Weiss ran and took it down. Now she's putting it up again. I object to that.

[18-19] **The Court:** All right. The objection is noted. If you'll bring the jury, please.

[20-21] (Whereupon, the jury was brought into open court at 4:07 p.m.)

[page 81] 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 partial transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 25th and 26th of February, 2010. [11] I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 15, 2012

[s/] Daphne D. Helms, court reporter

The State of South Carolina
County of Richland

Court of General Sessions
2010-GS-40-11980, 2010-GS-40-11987

The State of South Carolina :

PARTIAL TRANSCRIPT OF RECORD

vs. :

February 26, 2010

Dr. Marie Assa'ad Faltas :

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 41, lines 10-11] **The Court:** All right. We'll be at ease for about three or four minutes.

[12] **Ms. Weiss:** Thank you, Your Honor. [13] (Whereupon, a short break was taken.)

[14-17] **Dr. Faltas:** Your Honor, if I may, when I was trying to write 2 October 2009, the date she came and spoke to me on here, Ms. Weiss ran and took it down. Now she's putting it up again. I object to that.

[18-19] **The Court:** All right. The objection is noted. If you'll bring the jury, please.

[page 41, lines 20-21] (Whereupon, the jury was brought into open court at 4:07 p.m.)

[22] **The Court:** Ms. Weiss.

[23-24] **Ms. Weiss:** Thank you, Your Honor. May it please the Court? [25] **The Court:** Yes.

[page 42, lines 1-5] **Ms. Weiss:** Teresa Ingram is one of them. Ladies and gentlemen, that's why we're here today because in Dr. Marie Faltas's mind Teresa Ingram is one of them and because of that she has been the target and the victim of unending, undying, unreasonable harassment.

[6] **Dr. Faltas:** Objection, Your Honor.

[7] **The Court:** Overruled.

Ms. Weiss: [8-14] Good afternoon, ladies and gentlemen. First I want to start off by thanking you for your attention and your time this week. You've all been very attentive, and I appreciate that. The State appreciates that, and the defense appreciates that. We also appreciate your willingness to stay late and work long hours so we could get this case finished this week. [15-25] The only case we're here about this week is the case of the State versus Dr. Marie Assa'ad Faltas, a case that asserts in an indictment that Marie Assa'ad Faltas did in Richland County on or between February 2009 and November 2009 in a pattern of two or more acts intentionally, substantially, and unreasonably intrude into the private life of the victim, Teresa Ingram, causing her to suffer mental distress, to wit, repeatedly following and/or surveilling and/or making unwanted contact and/or other activity serving no legitimate purpose. Now, I submit to you, ladies and gentlemen, Marie Assa'ad Faltas is guilty of that. [1] [page 43, lines 1-7] It's my duty on behalf of the State to prove Dr. Faltas guilty beyond a reasonable doubt. A reasonable doubt – proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. [1] [8-13] If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find her guilty. If, on the other hand, you think there's a real possibility that she is not guilty, you must give her the benefit of the doubt and find her not guilty. [1] [14-23] It's our burden to prove to you that Marie Assa'ad Faltas is guilty of harassment in the first degree, Section 16-3-1700(a). She must be guilty of a pattern which is two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. It must be the intentional, substantial, and unreasonable intrusion into the private life, not private residence, private life, of a targeted person which serves no legitimate person (sic) and causes the person and would cause a reasonable person in her position to suffer mental distress or emotional distress. [1] [24] Ignorance of the law is no defense. [1] [25 – page 44, line 10] This particular law provides several ways in which a person may, activity a person may engage in that could constitute harassment.

Specifically, it provides that harassment in the first degree may include but is not limited to: Following the targeted person as she moves from location to location, *visual* or physical contact that is initiated, maintained, or repeated after the person has been provided oral or written notice that the contact is unwanted or after the victim has filed an incident report with a law enforcement agency or surveillance of or the maintenance of a presence near the targeted person's residence. [11] [11-20] Ladies and gentlemen, these incidents occurred at 300 Byron Road. Dr. Faltas lives at 304 Byron Road, two separate and distinct quadruplexes. You have heard in Dr. Faltas's testimony that there is a circular drive in front of those two quadruplexes. There are parking spaces all along in front of the two apartment buildings or the two quadruplex buildings. You can enter in this side and park here. You can enter in and park here. You can enter and drive through and exit right on around. Two exits. Lots of parking spaces. But there are two separate buildings. [11] [21 - page 45, line 1] Dr. Faltas lives in one; Teresa Ingram lives in the other building. During the testimony I listed out different dates that specifically involved or were specifically able to be pointed out that involved unwanted contact, surveillance, blocking, photographs, everything listed in the statute between Dr. Faltas and Teresa Ingram. [11] [2-13] But something that is very important to point out besides each of these dates and each of these contacts: Every one of these occurred in front of 300 Byron Road, not 304 Byron Road, not the residence that Marie Assa'ad Faltas lives in, but the residence that Teresa Ingram tries to live in peacefully, privately, and had lived in long before Dr. Faltas ever moved in. These dates begin in September, run through October and November. I'm not going to go through every one of them. You remember them, you've heard the testimony. And they're also memorialized for the most part in each of those photographs that you've looked at several times. [11] [14-19] Teresa Ingram goes out on her balcony on a nice day, talking to a neighbor, a friend of the neighbor down below, and has photographs taken of her, recordings made of her, and accusations made against her. She is on the phone in the parking lot. Dr. Faltas comes out and begins taking pictures and harassing her in the parking lot. [11] [20 - page 46, line 1] Incident reports were made on September 24th, morning and evening. Police were called. On October 3rd Dr. Faltas says while she's parked in front of the 300 building after an incident -- after incident reports were filed and complaints were made, it was made clear that contact wasn't wanted. She was still parking there. Teresa Ingram tried a different tactic. Maybe if I just talk to her she'll just go away. [11] [27] Dr. Faltas doesn't deny most of these contacts, but she says the conversation was: Give me money, give me pills, and I'm impressed with your legal abilities. And then I laughed and said: Now you are a prostitute on drugs. That was just a normal conversation. That's how it was described by Dr. Faltas, a normal conversation. [11] [8-15] Teresa told you: I went up and tried to talk to her, trying to think if I talked to her, maybe had a conversation, maybe it would stop, but it didn't stop. It kept going. It kept escalating. It got worse, until the point where rocks were thrown, the police were called, and all of Teresa's family members got involved. Her friends, family members, all got involved, in the harassment of Dr. Faltas into Teresa's private life. [11] [16-18] Dr. Faltas doesn't deny these incidents. She tries to legitimize these incidents. Ladies and gentlemen, I submit to you---

[19-20] Dr. Faltas. Objection, Your Honor. I denied the rock throwing.

[21-22] The Court: The objection is overruled. Closing argument. You may proceed.

Ms. Weiss: [23 - page 47, line 4] She does not -- she tries to legitimize these incidents. Teresa Ingram calls the police. You heard the 9-1-1 call - it's in evidence - and says this woman is out here. She won't leave us alone. She threw rocks at me. I'm holding the rocks. She's taking pictures. You hear Tiffany in the background saying: Please, please stop taking pictures of my child. Stop. [11] [5-11] So what does Dr. Faltas get up and say? She starts pointing out: Oh, oh, no, she threw rocks at me. Then she threw rocks at me on October 21st, September 30th, and there was another time, too, she threw rocks. There's no phone calls to law enforcement about that. She drove over to the police station on September 30th, a totally separate date from this, and said there was something about some rocks. [11] [12-16] She doesn't call the police. She waits

until she comes in here and tells you: Oh, no, she says I threw rocks at her once; she threw rocks at me at least three times. There are like times and times that she threw rocks at me. She's trying to legitimize and excuse her behavior. [¶] [17-18] She called her behavior normal, legitimate, and the rights of all of us. These are not the rights of all of us. [¶] [19 - page 48, line 1] The rights of all of us are the rights to privacy, the right to our private lives, the rights to our friends and families and to live peacefully. That's all Teresa Ingram was trying to do. Her father even said: I wanted to put my middle finger up at her, and my daughter said, no, let it go. **For nine months Teresa Ingram said: Just let it go.** And it got worse and it got worse until we're here today, ladies and gentlemen. [¶] [42] You've heard a lot of testimony over the last few days, and as far as Marie Faltas is concerned, just about everybody involved with 300 or 304 Byron Road is one of them, but that's not why we're here today. **Perhaps Larry Mason and Dinah Steele-Mason were upset back in March 2009 when they found out that Marie Faltas bought the land.** It's 36 feet across. It's a small sliver of land. There's not much Larry Mason and Dinah Steele-Mason could do with that land. [¶] [10-18] **Perhaps they were upset because they had already started sending letters to Dr. Faltas saying please leave these people alone, and then they found out not only would she not leave them alone; she had bought a piece of land. So no matter whether or not she was evicted from that apartment, she owned the land next to them and was going to set up shop right there. Maybe that's why the Masons were upset.** Maybe it was on behalf of all of the tenants of 300 and 304 Byron Road. [¶] [19 - page 49, line 2] The reason we're here today is because Dr. Faltas is accused of targeting and harassing Teresa Ingram. And, ladies and gentlemen, I submit to you that when you go back in that jury room and you review this evidence and you go over the testimony that you have heard over the last few days, you will not only know beyond a reasonable doubt but you will know without any doubt that Dr. Marie Assa'ad Faltas is guilty of harassment in the first degree. Thank you.

[2-4] **The Court:** Dr. Faltas, have a seat. Now, Mr. Foreman and members of the jury, you've heard the testimony and evidence and arguments of the State and the defendant. I will now explain to you the law that applies to this case.

[page 51] 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 partial transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 25th and 26th of February, 2010. [¶] I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 15, 2012 [s/] Daphne D. Helms, court reporter

The State of South Carolina		Court of General Sessions
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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: [page 49, lines 2-5] Dr. Faltas, have a seat. Now, Mr. Foreman and members of the jury, you've heard the testimony and evidence and arguments of the State and the defendant. I will now explain to you the law that applies to this case. [¶ 6-12] Now, under the Constitution and laws of South Carolina, you are the finders of the facts in this case. I do not have the right to pass upon the facts or even express any opinion that I might have as to them because this is a matter solely for you, the jury, to determine, and as jurors, then it is your duty to determine the effect, the value, the truth, and the weight of the evidence presented during this trial. [¶ 13-21] You're also the judges, the sole judges, of the credibility, that is, the believability of the witnesses who have testified and of the evidence that has been presented in this case. And upon passing upon this credibility, you may take into consideration many things such as the witnesses' demeanor or manner of testifying, whether the witness had reason to be biased or prejudiced, whether a witness's testimony was contradicted on the one hand or supported and corroborated on the other hand. [¶ 22 - page 50, line 4] You may believe a small portion of a witness's testimony and disregard the larger or vice versa. You may believe one witness against many or many against one. All these things you will consider, bearing in mind that you should give the defendant the benefit of any reasonable doubt. [¶ 23-10] It becomes your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth. Now, a person who has a past criminal record is competent to testify during a trial. A past record does not affect the ability of that witness to testify. The past record may be considered by you, if at all, in determining the witness's believability. Remember, you are the sole judges of the facts in this case and of the believability of any and all witnesses. [¶ 11-17] Now, as the trial judge it is my responsibility to preside over the trial of this case, and I also have the duty to rule upon or pass upon the admissibility of the evidence offered during this trial. You are to consider only the testimony which has been presented from this witness stand together with any exhibits which have been made a part of the record in this case. [¶ 18-25] I have the additional duty to charge you the law applicable to this case, and as the presiding judge I'm the sole judge of the law of this case. It is your duty as jurors to accept and apply the law exactly as I now state it to you and then reach your verdict. And finally I charge you in this regard that you should not be concerned about what you think the law ought to be but what I charge you that the law is. [¶ (page 51, lines 1-4)] Now, the fact that the defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case nor does it create any presumption or inference of guilt. [¶ 5-8] This indictment is simply the formal written instrument which contains the charge made against the defendant. The indictment is the formal document by which this case is brought into court. [¶ 9-19] The defendant has pled not guilty to this indictment, and that plea puts the burden on the State to prove the defendant guilty. A person charged with committing a criminal offense in South Carolina is never required to prove himself or herself innocent. And I charge you that it is an important rule of the law that the defendant in a criminal trial, no matter what the seriousness of the charge may be, will always be presumed to be innocent of the charge for which the indictment is issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt. [¶ 20 - page 52, line 3] This presumption of innocence does not end when you begin your deliberations, but it accompanies the defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt. The presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant which remains with the defendant until it has been stripped from the defendant by evidence satisfying you of the defendant's guilt beyond a reasonable doubt. [¶ 4-8] The presumption of innocence is not a mere legal theory. It's not just a legal phrase. It is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the defendant's guilt beyond a reasonable doubt. [¶ 9-10] The State must prove the defendant guilty beyond a reasonable doubt. So what is a reasonable doubt in the law? [¶ 11-18] A reasonable doubt is a doubt which makes an honest, sincere, conscientious juror in search of the truth to hesitate to act. Proof beyond a reasonable doubt must, therefore, be proof of such a convincing character that a reasonable person would not hesitate to act and to rely upon it in the most important of his or her own affairs. Proof beyond a reasonable doubt can also be described -- described as proof that leaves you firmly convinced of the defendant's guilt. [¶ 19-21] Now, there are very few things that we know of in this world with

absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. ¶ [22 - page 53, line 2] If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty, then you must find her guilty. If, on the other hand, you think that there's a real possibility that she is not guilty, then you must give her the benefit of the doubt and find her not guilty. ¶ [3-10] In order to establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt, and criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. ¶ [11-17] There is no way to prove intent to a mathematical certainty. There's no way medical science can dissect a person's brain and determine what the person had in mind. So the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination of whether or not the element requiring intent was present. ¶ [18-25] It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact, taking into consideration the acts of the parties and all of the facts and circumstances of the case. Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the defendant intended to do based on the circumstances shown to have existed. ¶ [page 54, lines 1-11] The defendant is charged with harassment, first degree. The State must prove beyond a reasonable doubt that the defendant engaged in a pattern of intentional, substantial, and unreasonable intrusion into the private life of the victim that served no legitimate purpose and that caused the victim and would cause a reasonable person in the victim's position to suffer mental distress. Intentional means willful, intending the result which actually occurs, not accidentally or involuntary. An intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent. ¶ [12-22] The State may prove harassment by showing that the defendant engaged in a pattern of following the victim as the victim moved from location to location, initiating, maintaining, or repeating visual, physical, or verbal contact after the defendant was notified that the contact was unwanted, surveilling or maintaining a presence near the victim's residence, place of work, school or other place regularly occupied by the victim. These are only examples of harassment. ¶ [20-22] **You may find that other conduct of the defendant which caused the defendant -- which caused the victim mental distress would be harassment.** ¶ [23-24] Pattern means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. ¶ [25 - page 55, line 9] Now, this law is not to be construed to prohibit freedom of speech, press, religion, association, or other words or conduct that is protected by the Constitution of this state or of the United States, and it does not apply to law enforcement officers or to process servers performing official duties or a licensed private investigator performing contractual services. ¶ [7-14] Now, you have been selected by both the State and the defendant to be fair and impartial jurors. It is your duty then in your joint deliberations to determine the truth in this case, giving the defendant the benefit of every reasonable doubt on each and every issue, and then from the facts which you determine to be true, take and apply the law which I have just given you and, thus, arrive at a verdict which speaks the truth of this case. ¶ [15-22] I have told you the standard that you have to apply to the charge of harassment first degree. I will give you a copy of these instructions in written form, and during your deliberations you may refer to the instructions to guide your decision-making. You must consider the instructions as a whole and not follow some and ignore others. Please return the instructions to the Court at the time your verdict is rendered. ¶ [23] You've heard the evidence and now you've heard the law. ¶ [24 - page 56, line 3] Whatever your verdict as to the charge, Mr. Foreman, you will indicate by writing guilty or not guilty on the indictment on the place where the word verdict is written. You'll write the verdict guilty or not guilty. Sign and date the verdict form. ¶ [4-5] There's no significance in the order in which I state these possible verdicts. Simply one must be stated first. ¶ [6-12] You'll then sign and date the indictment. Remember that although the foreperson is the only juror who signs this verdict, it is not his alone. The verdict has to be unanimous, a unanimous verdict as to the charge. Now, Mr. Foreman, you're not authorized to write nor sign that verdict until all of you have agreed as to what the verdict should be. ¶ [13-14] Now, ladies and gentlemen, we've selected 14 of you, the first 12 jurors plus two alternates, giving us 14. ¶ [15-21] Oftentimes jurors don't make the distance. For one reason or the other, all 14 of you have made the distance. But from the first 12, if there is any reason why you cannot continue and participate in deliberations, please let me know at this time by raising your right hand. All right. All the first 12 jurors seem to be in good shape, sound, and able to participate in the deliberations. ¶ [22 - page 57, line 2] So, ladies and gentlemen, then all of you except for the last two jurors selected, I'm going to send you to your jury room, but do not begin to discuss the case until you have received a copy of this jury charge, the indictment, and the exhibits. Once you receive these things, that will be your signal to begin your deliberations. ¶ [3-6] Once you begin your deliberations, you will deliberate until you have reached a verdict at which time you'll knock on the door, advise the bailiff, and we will bring you out to receive your verdict. So please go to the jury room.

[7-8]

(Whereupon, the jury was excused from open court at 4:41 p.m. The alternates remained in the courtroom.)

[9-10] **The Court:** Are there any additions or exceptions to the charge?

[11] **Dr. Faltas:** May I, Your Honor?

[12] **The Court:** First from the State.

[13] **Ms. Weiss:** No, Your Honor

[14] **The Court:** All right. Then the defense

[15-19] **Dr. Faltas:** Your Honor, you said other examples of acts that caused the victim mental distress. It should have been intended to cause the victim mental distress *because this gives the impression that I can be found guilty if other acts by accident caused her mental distress.*

[20] **The Court:** What would you like for me to do?

[21-23] **Dr. Faltas:** To say other examples of acts that were intended to cause the victim mental distress and it should always be the alleged victim throughout the---

[24 - page 58, line 2] **The Court:** Once the jury has found this that -- if the jury finds that you engaged in an intentional, substantial, and unreasonable intrusion into the victim's private life, she will be a victim, not an alleged victim, at that point.

[3] **Dr. Faltas:** Yeah, but she's still an alleged victim---

[4] **The Court:** Yes, ma'am, I understand---

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

[6-7] **The Court:** ---your objection and your contention. Anything further?

[8-9] **Dr. Faltas:** Yes, but the point is *other examples that were intended to cause, not that just caused.*

[10-11] **The Court:** All right. All right. The objection is noted. Anything further?

[12-14] **Dr. Faltas:** The other -- the other point is I would like Your Honor to charge the law of *The State versus Perkins*

[15] **The Court:** Which is what?

[16] **Dr. Faltas:** That words alone can never be a crime.

[17] **The Court:** All right. I will not charge that. Anything further?

[18-21] **Dr. Faltas:** Yes I'm reserving my objection, and I also would like Your Honor to charge them the First Amendment and the Fourteenth Amendment.

[22 - page 59, line 1] **The Court:** All right. Very good. Thank you. The objections are noted. If you all will review the exhibits and the jury can begin deliberations. If the two of you will stay as you are for the time being, I'll speak to you in just a second.

[2-3] (The alternates were excused from the trial off the record. The jury began deliberating at 4:50 p.m.)

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[page 81] 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 partial transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 25th and 26th of February, 2010

I do further certify that I am neither of kin, counsel, nor interest to any party hereto

August 15, 2012
[s/] Daphne D Helms, court reporter

The State of South Carolina		Court of General Sessions
County of Richland		2010-GS-40-11987
The State of South Carolina	:	PARTIAL TRANSCRIPT OF RECORD
vs.	:	
Dr. Marie Assa'ad Faltas	:	February 26, 2010
BEFORE:	The Honorable Clifton Newman, Judge, and jury.	Columbia, South Carolina
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 59, lines 2-3] (The alternates were excused from the trial off the record) The jury began deliberating at 4:50 p.m.)

[4 - 9] **The Court:** There's a note from the jury that says the following: One, is there a lesser charge? Two, are there any photographs, police incident reports in evidence prior to March 12th, 2009? Three, do we have access to a written transcript of witness testimony? And can there be a short mental health break during dinner? What says the State?

[10 - 18] **Ms. Weiss:** Your Honor, I guess I'll leave it in the discretion of Your Honor. As far as the -- I mean, obviously the charges are the charges. I guess they can rehear testimony would be the general answer to that. Mental health break during the dinner, I think that's up to Your Honor I have no objection to it if they need that And that -- I don't know if there is any ability to give them, you know, a charge -- I mean, information on admissibility of evidence as far as reports and others but...

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

[20] **Ms. Weiss:** It's really in the discretion of Your Honor.

[21] **The Court:** All right. Dr. Faltas?

[22 - 24] **Dr. Faltas:** Thank you, Your Honor. First I want to thank Your Honor for deciding not to hold me in contempt of court and I just---

[25] **The Court:** All right

[page 60, line 1] **Dr. Faltas:** ---needed to put that on the record.

[2 - 4] **The Court:** Well, as a matter of record, I'm not holding her in contempt for asking the question that she asked of that witness.

[5 - 7] **Dr. Faltas:** Thank you. Of course, there is the lesser charge of harassment in the second degree. That's a matter of clear law, and that's a lesser included offense

[8] **The Court:** All right I'm listening

[10 - 15] **Dr. Faltas:** Thank you. And then this is the entire point There is absolutely no police or anything before March 12th, 2009. This was clearly given. The State had the burden of proof. It introduced nothing before then, and that is an important summary of the evidence. The mental health break, I have no idea if that's appropriate or not, but there was a third question, I think

[16 - 17] **The Court:** Do we have access to a written transcript of witness testimony?

[18 - 20] **Dr. Faltas:** Your Honor, I -- at this point I think it's important to again introduce the transcript from the magistrate's hearing.

[21 - 24] **The Court:** Of witnesses' testimony, witnesses who have testified in this trial. Is there a written transcript of their testimony? And the answer is, no, there's no written transcript of the witnesses' testimony

[25 - page 61, line 2] **Dr. Faltas:** If it pleases the Court, they should be offered to have some testimony read back to them. They asked for it

[3] **The Court:** Certainly.

[4 - 5] **Dr. Faltas:** Your Honor, I pray the Court for that, please.

[6 - 7] **The Court:** All right Okay. If you will bring the jury

[8 - 10] **Dr. Faltas:** But what's important is to tell them that the State cannot supplement anything now and there were no incident reports before March 12th. Thank you.

[11 - 12] (Whereupon, the jury was brought into open court at 7:44 p.m.)

[13 - 22] **The Court:** All right. Thank you very much Mr Foreman, members of the jury, I received a note containing the questions here. I'll start with the very last one: Can there be a short mental health break during dinner? The manner in which you engage in deliberation is solely within the discretion of the jury as to when you deliberate and when you do not deliberate, but you must remain together during the entire deliberation process, and there cannot be any deliberation at any time that a juror -- that all jurors are not present together for the deliberations. **Back to the top, the question: Is there a lesser charge? You must decide the verdict of guilty or not guilty based on the indictment presented to the jury for that decision. As to the second of: Are there any photographs, police incident reports, in evidence prior to March 12th, 2009?**

Of course, your role during the process of the trial during the course of this week is and was to listen to the testimony and receive the evidence and once you receive the evidence, excuse me, make a decision based on the evidence. It would not be appropriate for the Court to comment on what is in evidence because you now have all the evidence, and I cannot explain the evidence that you have nor explain the evidence that you have heard, but you have all of the evidence and have received all of the evidence including testimony. Concerning do you have -- the third question: Do we have access to a written transcript of witness testimony? As you can see, the court reporter's job is to take down the testimony through her transmission machine. What kind of machine is that?

[118] **Court Reporter:** It's a stenotype machine

[119 - page 63, line 11] **The Court:** A stenotype machine. Now, that stenotype machine does not spit out instant transcripts. It transcribes it and at some later time she can type up a transcript, but there are no instant transcripts that can be generated. Of course, if the jury requests to hear the testimony of any particular witness, the panel would be brought back into the courtroom and that testimony would be located and can be played back for you to hear, but there are -- there are no transcripts available to submit to the jury room. And then back again to the last question concerning a mental health break during dinner, I don't know if that -- whether dinner is still during dinner or whether you're through eating now or what, but you can take whatever breaks you'd like. That's within the prerogative of the jury, but you must stay together as a panel. And with those responses and the short break that you've had in the courtroom, ask that you return to the jury room and resume deliberations.

[12] **Foreman:** Thank you, Judge

[13] **The Court:** Thank you

[14 - 15] (Whereupon, the jury was excused from open court and continued deliberating at 7:50 p.m.)

[16 - 17] **The Court:** Any additions or exceptions to the charge from the State?

[18] **Ms. Weiss:** No, Your Honor

[19] **The Court:** From the defense?

[20 - 22] **Dr. Faltas:** Your Honor, I think that second -- *harassment second is a lesser included offense and should be charged.*

[23 - 25] **The Court:** It is. It may be I don't know if it is or it isn't, but it wasn't requested prior to the case being submitted to the jury.

[page 64, lines 1 - 2] **Dr. Faltas:** But I'm asking. It could be given in an answer to the jury question.

[3 - 9] **The Court:** You take exception to the Court not giving an additional charge in the middle of the deliberations. That will be noted, but any requests to charge is what must be made prior to the judge instructing the jury, and the Court inquired as to whether or not there were any requested charges. Your requested charge entailed the first, second, fourth, eighth and various amendments to the Constitution---

[10 - 11] **Dr. Faltas:** Not the second, Your Honor, I don't believe.

[12 - 13] **The Court:** Not the right to bear arms. Is that the second?

[14] **Dr. Faltas:** Yes. I am totally against it.

[15] **The Court:** I'm sorry.

[16] **Dr. Faltas:** I'm an absolute pacifist.

[17 - 18] **The Court:** I'm sorry. I didn't mean to say second. I believe I was going to say fourth.

[19] **Dr. Faltas:** I apologize---

[20 - 24] **The Court:** The second -- first, fourth, and various other amendments, but it did not include a request to charge on a lesser -- on any lesser included offense, and it would be inappropriate for the Court to charge a lesser -- any other offenses without the unanimous consent of both sides.

[25 - page 64, line 1] **Dr. Faltas:** Well, could we ask if Ms. Weiss would be agreeable for that charge to the lesser offense?

[2] **Ms. Weiss:** No, Your Honor.

[3 - 6] **Dr. Faltas:** Well, I'm sorry. In fact, after the jury went out, I told Mr. Sawyer. Oh, I should have asked for the second degree. Of course, I believe I'm not guilty of anything and even second would be unconstitutional but

[7 - 8] **The Court:** All right. Okay. Well, the jury is back out deliberating.

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

[10] **Ms. Weiss:** Your Honor---

[11] **The Court:** It's all or nothing.

[12] **Ms. Weiss:** I do have a question

[13] **The Court:** Yes

[14 - 16] **Ms. Weiss:** I know there are some smokers on the panel. If they wanted to go smoke, are they allowed to stop deliberating to go smoke or is that

[17] **Dr. Faltas:** I think they're -- oh, sorry

[18 - 20] **The Court:** Generally I think they make that request to the bailiffs and then I -- have you had requests for smoke breaks?

[21 - 22] **The Clerk:** Not yet, Your Honor, but if they do I usually---

[23] **Bailiff:** We have---

[24 - 25] **The Clerk:** Usually I tell everybody they have to stop deliberating until that juror comes back.

[page 66, lines 1 - 5] **The Court:** Right. If there's a request for a smoke break by any juror, considering the length of time that they've been deliberating, we'll accommodate them and have the panel stop deliberating while that juror is having a smoke break, the same as if someone has to make a phone call

[6] **Dr. Faltas:** Your Honor, I---

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

[8 - 13] **Dr. Faltas:** I apologize, but how does Ms. Weiss know all those things and I don't? I mean, how does she know that a juror wants a smoking break? How she even knew that they had a question before -- before anyone else knew it? How -- I need to -- and I'm not attacking anyone. I just, you know, am legitimately curious.

[14 - 18] **The Court:** I don't know. I don't know how she knew that there was a smoke break or that the juror -- or that the jury had a question other than once the question comes out, generally the bailiffs locate the parties to come into the courtroom because the jury has a question.

[19] **Dr. Faltas:** They didn't locate me.

[20 - 21] **The Court:** Well, you were here when I came in, so I'm not sure how you got here.

[22 - 25] **Dr. Faltas:** No, I mean -- no, I was always in the courtroom, but she knew about it before I did and now she knows about the smoking break request by the juror. I mean --

[page 67, line 11] **The Court:** I don't know how she knows.

[2 - 3] **Dr. Faltas:** Well, may I ask the Court to inquire of her, please?

[4 - 5] **The Court:** How did you know that -- do you know that they have smokers on the jury?

[6 - 22] **Ms. Weiss:** [6-17] Your Honor, during *voir dire* there was a specific question requested by the defense whether anybody was a smoker and they stood up and said they were smokers, and then the defendant asked could they specifically be struck. So they were specifically sort of pointed out, and then the defendant chose to seat some of them. And I just made note when she sat them after commenting that she was allergic to them. And so I knew that a couple of them had been sat, and when they asked for a mental health break, it concerned me that perhaps maybe one of the smokers wanted to smoke, and I just wanted -- that's why I inquired of the Court. [18-22] I didn't know until I looked at the bailiff who then acknowledged to the clerk that actually there was one. I don't believe the clerk even knew until he told her, but it was more just a concern after being in the courthouse for over ten years and dealing with juries.

[23 - 24] **Dr. Faltas:** And the question about how she knew that they had a question?

[25] **The Court:** How did you know the jury had a question?

[page 68, lines 1 - 8] **Ms. Weiss:** Because I was cleaning up my stuff and carrying it up to my office and they stopped me -- I believe it might have been Ms. Helms even in the back hall -- because I think they realized I was headed to my office and said, "By the way, there's a question. We're waiting on the judge -- to call the judge." So I took all my stuff to my office and came back down to hear the question, came back in here and told them there's a question.

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

[10 - 12] **Dr. Faltas:** Well, I'm satisfied and I hope Ms. Weiss herself is not a smoker for the sake of her children, and I hope Your Honor is not a smoker.

[13 - 14] **The Court:** No, I'm not. Fortunately never -- never have had that interest.

[15 - 19] **Dr. Faltas:** That's great. Please work on Judge Manning. I've been -- I've been trying to get His Honor to stop smoking the same way President Obama stopped smoking or the First Lady made it a condition for them to run that he stop smoking.

[20] **Ms. Weiss:** Your Honor, are we at ease at this point?

[21 - 22] **The Court:** Yes, we are. And the note will be given to the court reporter.

[23 - 24] (Court's Exhibit 6 was marked for identification only. **Pause in proceedings as the jury continued to deliberate.**)

[25 -- page 69, line 2] **The Court:** The jury note says, "We are deadlocked with no hope of reaching a unanimous decision." What says the State?

[3] **Ms. Weiss:** I'd ask for an *Allen* charge, Your Honor.

[4] **The Court:** All right. What says the defense?

[5 - 11] **Dr. Faltas:** Please declare a mistrial, Your Honor. They said there is no hope. And the lateness of the hour and all that, it would make it impossible for me to get further in deliberations. If it were possible to send them home for the night and for them to come home -- to come back tomorrow, that would have been another situation, but, please, Your Honor, declare a mistrial.

[12 - 13] **The Court:** All right. They can go home and come back Monday.

[14 - 15] **Dr. Faltas:** But Your Honor will not be here Monday and --

[16] **The Court:** Pardon me?

[17] **Dr. Faltas:** Your Honor will not be here Monday.

[18 - 19] **The Court:** Well, I'll be here if the jury needs to come back for -- to continue deliberations.

[20 - 23] **Dr. Faltas:** I think they've deliberated for five hours, and I think they should be taken at their word that there is no hope for a consensus. So I think at this point my rights to a unanimous verdict would require a mistrial, Your Honor.

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

[25] **Dr. Faltas:** Thank you, Your Honor.

[page 70, line 11] **The Court:** From the State? Anything further?

[2 - 7] **Ms. Weiss:** Your Honor, I just would ask for an *Allen* charge. I think that this is the first time the jury has come back with this, and I believe they're entitled to that. We've come this far. We've been in here this long. I'd ask for you to at least give them an *Allen* charge and see if they can possibly come up with a verdict.

[8] **The Court:** Yes, ma'am?

[9 - 15] **Dr. Faltas:** Your Honor, I think the only fair thing to me is a mistrial. It would not have been a waste of the Court's time because I don't think there should be another trial. There shouldn't have been the first trial to begin with, and I think the risk of -- for sending them back would be some undue pressure by some jurors over others, and my rights require a mistrial.

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

[17] **Dr. Faltas:** Thank you, Your Honor.

[18 - page 71, line 2] **The Court:** [18 - page 71, line 4] The rule regarding this matter is that generally if the jury returns without a verdict or are indicating that they cannot make a unanimous decision, the judge may declare a mistrial or may urge the jury to continue its deliberations. When the jury or if a jury twice indicates that it's deadlocked, the -- the judge may diplomatically discuss whether further deliberations should or would be beneficial, but the jury would have to consent impliedly or expressly to continue deliberations after it has twice indicated it's deadlocked. The trial judge cannot send a jury out a third time without its consent unless the jury asks the Court for some further explanation of the law. [15-9] So in this instance the -- considering the length of the trial, the amount of testimony and all, I think it would be appropriate to give the jury an *Allen* charge to see if they can reach a unanimous verdict, and that's what I'm going to do.

[10 - 12] **Dr. Faltas:** Your Honor, may I ask that the *Allen* charge be limited in time, meaning do not require them to try to deliberate indefinitely but for a reasonable time?

[13] **The Court:** Yeah, that's part of the *Allen* charge.

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

[15 - 19] **The Court:** All right. Now, of course, it is -- the hour is late. So if the -- if you all want me to have the jury come back on Monday morning, that is a consideration. If you want me to give them the *Allen* charge and have them continue tonight, then I can do that as well.

[20 - 23] **Dr. Faltas:** Your Honor, I think several jurors indicated that they cannot come next week, so I think that maybe a very limited time on the *Allen* charge that may end it tonight and...

[24 - page 72, line 3] **The Court:** A juror submitted a note -- one juror submitted a note earlier today. Oh, this is from a juror. It said, "If this trial continues past today, I will only be available until 4:30 p.m. each day." That's just a note from one juror.

[4 - 5] **Dr. Faltas:** I think the physician had said he cannot cancel patients next week or something like that.

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

[7 - 9] **Dr. Faltas:** But may I just say that there is no -- as Your Honor read the rule, there is no requirement to give the *Allen* charge. It's an option.

[10] **The Court:** It says the judge may.

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

[12 - 14] **The Court:** And it's in the judge's discretion, and in the exercise of my discretion, based on the factors that I've indicated, I'm going to give them the *Allen* charge.

[15] **Dr. Faltas:** All right. Thank you, Your Honor.

[10] **The Court:** All right. Let's bring them in.

[17 - 18]

(Whereupon, the jury was brought into open court at 9:46 p.m.)

[19 - page 72, line 13] **The Court:** Ladies and gentlemen, Mr. Foreman, you have sent out a note stating, "We are deadlocked with no hope of reaching a unanimous decision." And certainly, as I instructed you earlier, the verdict of the jury must be unanimous. Now, when a matter is in dispute, any matter for that matter, it isn't always easy to -- for even two people to agree. So when 12 people must agree, it obviously becomes even more difficult. In most cases, absolute certainty cannot be reached or even expected. However, you have a duty to make every effort to reach a unanimous verdict. In doing this, you should -- and I'm sure you have -- but you should consult with one another, expressing your own views, and listen to the opinions of your fellow jurors. Tell each other how you feel and why you feel that way. Discuss your differences with open minds. Although the verdict of the jury must be unanimous, every one of you has the right to your own opinion. The verdict you agree to must be your own verdict, the result of your own convictions, and you should not give up your firmly held beliefs merely to be in agreement with your fellow jurors. The majority should consider the minority's opinion. The minority should consider the majority's opinion and position. You should carefully consider and respect the opinions of each other and reevaluate your opinions and your position for reasonableness, correctness, and impartiality. You must lay aside all outside matters and reexamine the questions before you based on the law and the evidence in this case. If you do not agree on a verdict in this case, I must declare a mistrial. In that case, it does not mean that anybody wins. It just means that at some future time I, or another judge, will try this case with some other jury sitting where you now sit. The same participants will come and the same questions will basically be asked and get the same answers -- basically get the same answers and we'll have to go through this whole process again. You were selected in the same manner and from the same source as any future jury will be selected from, and there is no reason for me to suppose that 12 more intelligent, impartial, conscientious, or competent jurors than you can be found or selected or that more clearer -- more or clearer evidence will be produced by one side or the other. I, therefore, ask that you return to your deliberations with the hope that you can arrive at a verdict within a reasonable time. Please return to the jury room.

[14 - 15]

(Whereupon, the jury was excused from open court to continue deliberating at 9:52 p.m.)

[16 - 17] **The Court:** Any exceptions to the charge from the State or the defense?

[18] **Ms. Weiss:** No, Your Honor.

[19-21] **Dr. Faltas:** Your Honor, I don't think they were charged that if they still cannot agree they may so report to the Court.

[22 - 24] **The Court:** I said within a reasonable time, and they must determine what a reasonable time is. I cannot give a time period on the deliberations of the jury.

[25 - page 75, line 3] **Dr. Faltas:** But I was saying that I don't think they were told that they still have the option of being deadlocked.

[3 - 5] **The Court:** I can't give the jury a time limit. I give them a reasonable time, and that's for the jury's determination what a reasonable time is

[6] **Dr. Faltas:** I understand

[7 - 10] **The Court:** I understand I understand your exceptions of what you want me to tell them, the words you would like for me to use, and what you would tell them if you were in my position

[11] **Dr. Faltas:** And I'm not the judge. There is---

[12 - 23] **The Court:** I have given them the *Allen* charge which is the approved charge using the approved wording, for the most part stating it to them verbatim from the *Allen* charge script that I was looking at as I was talking to them. And the Court will never tell the jury that you have a half an hour to make a decision or the case is going to mistrial or an hour or any specific time limit. We have 12 intelligent, impartial, conscientious, and competent jurors back there who have heard what I've told them, and if they're unable to reach a verdict within a reasonable time, they will be the very first to let me know, and I'm confident about that.

[24 - page 76, line 11] **Dr. Faltas:** I'm sorry, Your Honor. Just to put it on the record, I don't think they were told that they have the option of coming back without a verdict

[2 - 8] **The Court:** Right. You're exactly right. They were not told that they have an option of not deciding because they have a duty to decide, and if they can't decide, then I must declare a mistrial. That's what I told them, and that's what the law is. I understand your position, and it's well stated in the record as she transcribes any and everything that is stated in court

[9] **Dr. Faltas:** Thank you, Your Honor

[10 - 11] **The Court:** You're welcome. And with that, we'll be at ease waiting on the jury

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

[page 76, lines 13 - 15] (Pause in proceedings while the jury continues to deliberate. Court's Exhibit 7 was marked for identification only.)

[16 - 17] **The Court:** The note says, "This jury cannot come to a unanimous verdict." What says the State?

[18 - 21] **Ms. Weiss:** Your Honor, I think -- I mean, you can talk to the jury, but I believe at this point the instructions are pretty clear. We can't send them back, so we have to do what we have to do.

[22 - 23] **The Court:** All right. All right. What says the defense?

[24 - 25] **Dr. Faltas:** Yes, Your Honor, I am agreeable to a mistrial, and I thank Your Honor for doing that.

[page 77, line 11] **The Court:** All right. If you'll bring the jury

[2 - 3]

(Whereupon, the jury returned to open court at 11:15 p.m.)

[4 - 6] **The Court:** All right. Mr. Foreman, your note says, "This jury cannot come to a unanimous verdict." Is that correct?

[7] **Foreman:** Yes, sir.

[8] **Juror:** Yes, sir.

[9 to page 78, line 13] **The Court:** All right. Well, thank you very much. When a jury cannot reach a unanimous verdict and after you've indicated so twice, then the Court must declare a mistrial. The Court cannot require you to attempt any further deliberations. So I will declare a mistrial in this case, and the case will go back to the docket of the county and they will try it again, if that's the election of the solicitor, at another time. I certainly thank you all for your efforts. I know you've made a diligent effort to try to come to a unanimous decision here. Of course, when you appear for jury duty, you don't know what collection of people will be summoned for jury duty. You don't know what collection of people will end up on a jury. We bring in people from all over with various views on issues, and in many instances people who focus on the evidence and in many instances people who focus on other things -- and for whatever reason it seems to be difficult in many instances for juries to reach a unanimous decision. In most instances, juries are able to reach a unanimous decision, but that is the system that we operate under in both criminal and civil court. It must be a unanimous verdict, and where there is no unanimous verdict, then it must be a mistrial and the case must be tried again. So I want to certainly thank you for your efforts, all of you, and that's it. Next week I'll move on to other places and other trials, and you all are free to go back to where you came from. Thank you all very much. I think the clerk has slips for you, and there are people who will give you escorts if you need them.

[14 - 15]

(Whereupon, the jury was excused from the trial at 11:18 p.m.)

[16] **The Court:** Any other matters before the Court?

[17 - 25] **Ms. Weiss:** Your Honor, at this time I would assume the bond goes back into effect since there's been no verdict? And I would just ask Your Honor to admonish the defendant -- it has come to the State's attention that at least two times or at least once while out on bond she ignored the orders of the Court and still went back to the apartment, and I would ask Your Honor to admonish the defendant that the conditions of the bond are in place, remain in place, and that she must abide by them.

[page 79, lines 1 - 14] **Dr. Faltas:** Your Honor, I'm sorry. I've had enough of this lack of due process. The bond was set without due process, and now without any due process the solicitor is testifying that I broke the conditions of the bond. That is inaccurate. At one time somebody was messing with the sign on my land, and I called the police and they came to help fix the sign. And the reason the sign is important is that those people filed a claim and delivery on it, and if the sign gets damaged, I will be in contempt of another court. Besides, I have clear, clear permission to go to my land and to build on my land. So I know what the bond says, and unless and until the Court of Appeals or some other court modifies it, I know what it says.

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

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

[17 - 21] **The Court:** *Well, the bond is what the bond is. The same bond will remain in effect. I will not address the issue of bond modification. I have devoted a full week and more to this case, and it is where it was when I started with it Monday morning, and with that we will adjourn---*

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

[23] **The Court:** ---sine die.

[24 - 25] **Dr. Faltas:** Thank you, Your Honor. Have a great weekend

[page 80, line 1] **The Court:** You, too

[2 - 3] **Dr. Faltas:** It's been a pleasure meeting Your Honor and advocating before you

[4] **The Court:** Very good Thank you.

[5]

(Whereupon, the proceedings were concluded.)

[page 81] 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 partial transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 25th and 26th of February, 2010

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 15, 2012

[s/] Daphne D. Helms, court reporter

In *State of South Carolina v Marie Assa'ad-Faltas, MD, MPH*, indictments 2010-GS-40-11980 and 2010-GS-40-11987State of South Carolina
County of RichlandCourt of General Sessions
2010-GS-40-11980 and 2010-GS-40-11987

The State of South Carolina : PARTIAL TRANSCRIPT OF RECORD

-VS-

February 22 - 26, 2010

Dr Marie Assa'ad-Faltas :

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

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